

Ohio EPA
Division of Air Pollution Control

inter-office communication

to: (See distribution list)

from: Bob Hodanbosi, Chief, Division of Air Pollution
Control

subject: Revised Engineering Guide #50

date: May 7, 1999

Attached is a copy of revised Engineering Guide #50. The revision was necessary as a result of the adoption of new Used Oil Regulations (Ohio Administrative Code Chapter 3745-279), which became effective October 20, 1998. The recently promulgated rule states that the use of "used oil" as a dust suppressant is now prohibited. If you have any questions on this guide, please contact Lee Burkleca at DAPC, Central Office in Columbus.

Ohio EPA

Division of Air Pollution Control

Engineering Section

Engineering Guide #50

Question: What is the policy on the use of waste oils as a dust suppressant for unpaved roadways and parking areas in the State of Ohio?

Answer: The original Engineering Guide # 50, which was issued on February 11, 1986, stated that waste oils could be used as a fugitive dust suppressant for unpaved roads and parking lots pursuant to certain special terms and conditions in a permit to operate. The primary requirement was that no polychlorinated biphenyls (PCBs), listed hazardous wastes, or characteristic hazardous wastes be found in the waste oils.

As a result of the adoption of new Used Oil Regulations (Ohio Administrative Code (OAC) Chapter 3745-279), which became effective October 20, 1998, the use of “used oil” as a dust suppressant is now prohibited. Ohio EPA’s Division of Hazardous Waste Management (DHWM) has adopted these rules to be consistent with and equivalent to regulations (40 CFR, Part 279) adopted by the U.S. EPA pursuant to the Resource Conservation and Recovery Act (RCRA).

This prohibition is found in OAC rules 3745-279-12(B) and 3745-279-82 (copies attached). The definition of “used oil” in OAC rule 3745-279-01(A)(12) (copy attached) states:

“Used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of that use, is contaminated by physical or chemical impurities. “Used oil” includes only those substances identified as used oil by the U.S. EPA under the “Used Oil Recycling Act of 1980,” 94 stat. 2055, 42 U.S.C.A. 6901a, as amended.

The first sentence in the above definition is the same definition for used oil found in 40 CFR, Section 279.1. The second sentence in the above definition, which refers to “only those substances identified as used oil by the U.S. EPA,” is basically the equivalent to the first sentence of the above definition. The federal statute cited above does not identify or list specific substances as implied but simply states; “The term “used oil” means any oil which has been: (A) refined from crude oil, (B) used, and,

(C) as a result of such use, contaminated by physical or chemical impurities.” (Note that synthetic oil is not mentioned in the statute, but is mentioned in the federal regulation.)

As stated in both the federal and state definitions, used oil encompasses used synthetic oils, including those derived from coal, shale, or a polymer-based starting material. Synthetic oils are generally used for the same purposes as petroleum-based oils, are usually mixed and managed in the same manner, and present the same level of hazard. Examples of these oils include Mobil 1 and Castrol Syntec.

The definition of “used oil” in these rules is consistent with the definition in R.C. 3734.01(FF) which originated from the federal definition found in 40 CFR, Section 279.1.

Various cities, townships, and local governments have been using recycled oil or reprocessed commercially available products made from used oil for dust suppression. **However, OAC rule 3745-279-12(B) states that used oil is prohibited from use as a dust suppressant. This includes dust suppression products containing used oil or dust suppression products derived from used oil.** The rule’s intent is for a total ban on the use of used oil for dust suppression (i.e., once used oil, always used oil). The prohibition of used oil as a dust suppressant includes any commercial products intended for dust suppression that contain used oil as an ingredient.

Types of “Used Oils”

Ohio EPA expects that most used oils regulated under the standards will be:

- ◆ Used lubricants - motor oil (this includes gasoline and diesel engine crankcase oils and piston-engine oils for automobiles, trucks, boats, airplanes, locomotives, and heavy equipment), greases, metalworking lubricants and emulsions.
- ◆ Used heat transfer fluids - coolants, heating media, refrigeration oils and electrical insulation oils. Examples of processes in metalworking that use heat transfer fluids include cutting, grinding, machining, stamping and quenching.
- ◆ Used hydraulic fluids - transmission fluids, brake fluids and fluids used in any hydraulic equipment (e.g., dump trucks, fork lifts).

- ◆ Similar used oils - examples would be oils used for their buoyancy properties (e.g., to keep transmitting cables afloat on the water's surface) and laminating oils.

Note that brine from oil and gas production wells, which is used for road dust suppression, is not included in the definition of "used oil," and its use as a dust suppressant is regulated by State law (see Engineering Guide # 54).

February 11, 1986
May 7, 1999 (revised)

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