



*Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.*

## ***SB 546: Used Oil Transporter Requirements***

**December 2009**

### ***Introduction***

On January 1, 2010, new transporter requirements for used oil testing become effective in California. Senate Bill (SB) 546 (Lowenthal) requires that the transporter test every load of used oil before it is shipped to a transfer facility, recycling facility, or facility located out-of-state. This fact sheet contains frequently asked questions about the used oil testing requirements and what the transporter needs to do to comply with the used oil testing requirements.

### ***What kind of used oil testing does the transporter have to do?***

Before a load of used oil is transported to a transfer facility, recycling facility, or to an out-of-state recycling facility, the used oil must be tested to demonstrate that it meets all of the following criteria:

- flashpoint above 100 degrees Fahrenheit,
- polychlorinated biphenyls (PCBs) less than 5 parts per million (ppm), and
- total halogen content of 1000 ppm or lower. (Note: If the halogen content is higher than 1000 ppm, the presumption of hazardous waste may be rebutted.)

### ***Where can the transporter test the used oil? Can the transporter do the testing in the field?***

The transporter cannot perform field testing to comply with SB 546. The transporter must have the used oil tested in a laboratory that is accredited by the State Department of Public Health. For a list of accredited laboratories, please refer to: <http://www.cdph.ca.gov/certlic/labs/Pages/ELAP.aspx>

### ***Are there any exemptions to the testing requirements?***

SB 546 used oil testing is not required if the load consists exclusively of:

- used oil from a publicly funded certified or uncertified collection center in a small rural county,
- used oil that is brought in by do-it-yourself individuals to collection centers, or

### ***Are there alternatives to testing for the transporter?***

Yes. The used oil transporter does not have to test the used oil if it can demonstrate\provide documentation that:

- testing is done by the generator,
- the used oil is tested by an in-state permitted transfer or recycling facility, or
- testing is done by a registered or certified out-of-state recycling facility with a testing and reporting agreement with DTSC.

### ***What is required for testing documentation?***

SB 546 doesn't specify what needs to be included in testing documentation, but some examples are:

- results of laboratory testing on the used oil from the generator,
- a copy of the testing requirements for used oil from the permits of the in-state permitted transfer, storage, or recycling facilities, and
- a copy of the testing requirements from out-of-state used oil recycling facilities that have a testing and reporting agreement with DTSC.





*Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.*

***What does the transporter do with the testing documentation?***

Although it is not required by law, the used oil transporter should keep the testing documentation with the manifest during transport in California in the event that DTSC inspects the transporter. It is also a good practice to keep business records that match the testing documentation with the corresponding manifest to show compliance with the law.

***Isn't the generator responsible for used oil testing?***

The generator is not required to perform the used oil testing specified by SB 546; however, the generator remains responsible for complying with all applicable hazardous waste requirements. The generator may choose to conduct analytical testing to determine the proper management of their used oil.

If the generator chooses to conduct testing for flashpoint, PCBs, and total halogens and provides documentation of the testing results to the transporter, the transporter is not required to perform the testing and analysis for that used oil.

***Can the transporter require the generator to do the testing?***

No. SB 546 specifically prohibits the transporter from requiring the generator or collection center to test used oil as a condition of hauling the oil.

***Can the transporter mix used oil that is exempt from testing with other used oil during a pickup run (milk run)? Or does the oil from different sources have to be kept separate?***

The transporter can mix the used oil it picks up from different sources, but it will have to test the resulting combined load of used oil unless documentation as described above can be provided for the used oil that is not exempt from testing (see "Are there any alternatives" question).

It may be a good idea as a business practice for the transporter to retain a sample from each generator in the event the mixed load is a "hot load." The transporter would then be able to test individual samples to determine where the problematic pickup came from for purposes of cost recovery.

***What if the transporter ships the used oil to an out-of-state used oil recycling facility? Is the used oil still subject to the SB 546 testing requirements?***

Yes, the used oil transporter must complete the testing of the used oil using an accredited lab before it is shipped out of state.

***What if the transporter ships the used oil to an out-of-state facility that will do the testing?***

If the transporter ships to an out-of-state recycling facility that will do the used oil testing, the transporter must obtain documentation from the out-of-state facility that it has a testing and reporting agreement with DTSC.

Without documentation that the out-of-state used oil recycling facility has a testing and reporting agreement with DTSC, the transporter is still responsible for testing the used oil.

***What if the transporter does not test and doesn't have the required documentation to show that the transporter does not have to test?***

If the requirements for managing used oil are not met, statutes and regulations allow a penalty of up to \$25,000 per violation per day. (Health & Saf. Code § 25189.2, and Cal. Code Regs., title 22, §§ 66270.60-69.)





*Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.*

***If the generator also participates in the used oil recycling incentive program, does that change the used oil testing requirements?***

No. The requirements for used oil transporters still apply.

***What are the record keeping and reporting requirements for transporters?***

By March 1 of every year, each transporter that ships used oil to any out-of-state facility must submit a report to DTSC with all of the following information for the previous calendar year:

- the total volume of used oil shipped out of the state;
- information pertaining to the out-of-state facility to which the used oil was shipped, including the facility name, facility address, and facility EPA ID number; and
- any other information that DTSC may require to verify satisfaction of the used oil management requirements.

Please note that this reporting requirement is in addition to mandated Uniform Hazardous Waste Manifesting requirements for used oil and the Transporter Quarterly Reports for used oil shipped under a consolidated manifest and the annual report required in Health and Safety Code section 25250.11 of all transporters of used oil regardless of destination.

***For more information, contact your DTSC regional assistance officer at: (800) 728-6942***

***For information on used oil, go to our webpage at: [http://dtsc-cm/HazardousWaste/Used\\_Oil.cfm](http://dtsc-cm/HazardousWaste/Used_Oil.cfm)***

