



Fact Sheet, January 2010

Senate Bill 546 (Stats. 2009): An Overview

Introduction

The California Oil Recycling Enhancement (CORE) Act provides the requirements for responsible management of used oil in California. On January 1, 2010, new requirements for used oil management become effective in California. Senate Bill (SB) 546 (Lowenthal, Ch. 353, Stats. 2009) amends the Health and Safety Code and changes the Department of Toxic Substances (DTSC) requirements for used oil testing (and subsequent documentation) and out-of-state reporting requirements. This fact sheet is intended to provide an overview of these changes.

SB 546 Used Oil Testing Requirements

SB 546 (Lowenthal) requires that before a load of used oil is shipped to a transfer facility, recycling facility or to an out-of-state 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.)

The transporter is responsible for ensuring that the used oil meets the above criteria through testing before acceptance at the transfer facility, recycling facility, or shipment out of state. The testing and analysis must be conducted at a laboratory that is accredited by the Department of Public Health. For a list of accredited laboratories, please refer to: <http://www.cdph.ca.gov/certlic/labs/Pages/ELAP.aspx>

Used Oil Testing Exemptions

There are exemptions to these testing requirements under certain conditions:

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

Alternatives to Used Oil Testing and Documentation Requirements for Transporters

The used oil transporter is not required to perform testing if there is documentation that the used oil is:

- tested by the generator of the used oil prior to shipment;
- tested by an in-state DTSC-permitted transfer or recycling facility; or
- tested by an out-of-state facility that has registered or become certified with the Department of Resources Recycling and Recovery (CalRecycle) and that has a testing and reporting agreement with DTSC.

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.





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Please note that the transporter is specifically prohibited from requiring the generator or collection center to test used oil as a condition of hauling the used oil. In addition, the bill does not require a generator to test used oil for dielectric oil derived from highly refined mineral oil used in oil-filled electrical equipment.

DTSC 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.

SB 546 and Used Oil Generator Requirements

The generator is not required to perform the used oil testing and analysis outlined in SB 546; however, the law does allow the generator to provide testing results to the transporter for the purpose of complying with the testing requirements. While not required to perform the used oil testing specified by SB 546, the generator must continue to comply with all hazardous waste generator requirements.

Used Oil Testing Requirements for DTSC-Permitted Facilities

DTSC-permitted used oil facilities may be required to conduct used oil testing in their permits. Transporters can meet SB 546 testing requirements by providing documentation that the testing required by SB 546 will be performed by a DTSC-permitted transfer facility or recycling facility.

Testing and Reporting Agreements for Out-of-State Facilities

Out-of-state used oil recycling facilities may elect to provide a service to transporters by establishing a testing and reporting agreement with DTSC. The used oil testing must be equivalent to the current testing required for California's permitted used oil recycling facilities. The out-of-state used oil recycling facility must be a registered or certified used oil recycler with CalRecycle.

Please note: Even if the out-of-state used oil recycling facility does not participate in CalRecycle's used oil recycling incentive payment program (i.e., does not process California used oil from a certified collection center), in order to obtain a testing and reporting agreement with DTSC, the out-of-state facility must register with CalRecycle.

Key Elements of SB 546 (Lowenthal)

Public Resources Code, Sections 48600-48691

- Improves and streamlines the used oil grant program administered by CalRecycle.
- Increases the amount of the used oil fee paid by manufacturers from 16 cents per gallon to 26 cents per gallon through December 31, 2013, for new lubricating oil sold in California. On January 1, 2014, the fee will decrease to 24 cents per gallon.
 - The temporary additional fee of 2 cents per gallon will cover the cost of an independent life cycle analysis of the used oil management process.





DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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- Manufacturers will pay a reduced fee of 12 cents per gallon for lubricating oil sold in California that contains at least 70 percent rerefined base lubricant.
- Increases the incentive paid to Certified Collection Centers (CCCs) and curbside collection operators from 16 cents per gallon to 40 cents per gallon for do-it-yourself used oil collection.
- Maintains the current incentive payment of 16 cents per gallon to CCCs for used oil generated by the CCC or by the industrial generator.
- Establishes a rerefining incentive of 2 cents per gallon paid to certified rerefiners beginning January 1, 2013, for rerefined base lubricant produced from used oil that is generated and collected in California.
- Modifies CCC requirements:
 - Changes the recertification period from two years to four years;
 - Eliminates the requirement of a CCC to verbally offer the 40 cents per gallon recycling incentive to the public for its used oil; but maintains the requirement that a CCC must pay the incentive upon request of the individual.
 - Clarifies that CCCs must accept used oil during the hours the entity is open for business.
- Modifies certification and registration requirements:
 - Establishes certification requirements (to determine rerefining incentive eligibility) for rerefining facilities located both within and outside California.
 - The applicable requirements for certification are subject to review and/or inspection by DTSC.
 - Establishes registration and reporting requirements for out-of-state recycling facilities that receive California used oil under the CORE Act.
 - Utilization of “registered” facilities for out-of-state shipments ensures that a CCC, curbside collection program, or industrial generator remains eligible for recycling incentive payments.

Health and Safety Code, Sections 25250.29-25250.30

- New requirements for transporting and treating used oil outside California:
 - Testing of each truckload of used oil is required before it is shipped to a transfer facility, recycling facility, or other facility located outside California.
- Exempts from testing used oil that:
 - consists exclusively of used oil accepted by a used oil collection center from the public;
 - is from a collection center located in a small rural county.
- Requires every used oil transporter shipping used oil out of state to annually submit a report to DTSC with the following information:
 - the shipping descriptions of used oil transported;
 - the volume of each shipping description of used oil; and
 - information on the facilities receiving the used oil.





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Definitions

Used oil includes, but is not limited to, the following:

Used motor oils:

Vehicle crankcase oils
Engine lubricating oils
Transmission fluids
Gearbox and differential oils
Gear oils

Used industrial oils:

Hydraulic oils
Compressor oils
Turbine oils
Bearing oils
Vegetable oils used for lubrication

Other oils:

Transformer oils
Refrigeration oils
Metalworking oils
Railroad oils

For more information, see DTSC's Used Oil Management Web page at http://www.dtsc.ca.gov/HazardousWaste/Used_Oil.cfm

Contact your DTSC regional assistance officer at: (800) 728-6942

