

## **Used Oil Regulations**

made under Section 84 of the  
Environment Act  
S.N.S. 1994-95, c. 1

O.I.C. 95-290 (April 11, 1995), N.S. Reg. 51/95  
as amended up to O.I.C. 2013-17 (January 22, 2013), N.S. Reg. 15/2013

### Citation

1 These regulations may be cited as the “Used Oil Regulations”.

### Definitions

2 In these regulations

- (a) “Act” means the Environment Act;
- (b) “Administrator” means a person appointed by the Minister, and includes an acting Administrator;
- (c) “contaminated used oil” means used oil that
  - (i) has a flash point less than 38oC, or
  - (ii) contains any of the substances listed in Column I of Schedule “A” in a concentration in excess of the limit stated in Column II of Schedule “A”;
- (d) “crankcase oil” means internal combustion engine crankcase oil;
- (e) “Department” means the Department of Environment;
- (f) “extension” means an increase in size, volume or production capacity of a facility such that the increase may cause an adverse effect if not properly mitigated;
- (g) “inspector” means an inspector appointed pursuant to Section 21 of the Act;
- (h) “Minister” means the Minister of Environment;
- (i) “modification” means an alteration to a facility whereby a new structure or equipment is added or an existing structure or equipment is eliminated and the alterations do not change the purpose or function of the facility;
- (j) “organic halogen compound” means an organic chemical compound in which one or more halogen elements are incorporated;
- (k) “point of display” means an area of a seller’s premises where containers of crankcase oil are displayed;
- (l) “point of sale” means an area of a seller’s premises where the transaction of purchasing crankcase oil takes place;
- (m) “polychlorinated biphenyls” or “PCBs” means chlorobiphenyls that have the molecular formula  $C_{12}H_{10-n}Cl_n$  in which “n” is greater than 2;

(n) “seller” means a person who sells or offers for sale crankcase oil to the public as a wholesaler, distributor or retailer at a bulk oil plant, service station, marine supply store, drug store, store or other business where crankcase oil is sold or offered for sale to the public;

(o) “used oil” means petroleum or synthetic lubrication oils, hydraulic fluids, metal working fluids and insulating fluids which have been used and are no longer suitable for their original purpose, but are suitable for other uses, including re-refining or other uses that are considered acceptable to the Minister;

(p) “used oil collector” means a person who holds a valid Used Oil Collector’s Approval;

(q) “Used Oil Collector’s Approval” means an approval issued pursuant to Section 6 of these regulations;

(r) “used oil furnace” means a furnace specifically designed for the combustion of used oil;

(s) “used oil return facility” means a place for the return of used crankcase oil in accordance with Section 12 of these regulations;  
Clause 2(s) amended: O.I.C. 96-927, N.S. Reg. 179/96.

(t) “used oil storage facility” means a facility that is owned, occupied, operated, leased or used by a used oil collector and is approved by the Department for the storage of used oil and includes all storage tanks, loading and unloading areas, used oil transport vehicle parking areas and all used oil or waste processing and treatment equipment.

[Note: the references to the Department in clauses (e) and (h) have been updated in accordance with Order in Council 2008-161 under the Public Service Act, R.S.N.S. 1989, c. 376, effective April 1, 2008.]

#### Administrator

3 The Minister may appoint an Administrator to administer these regulations.

#### Designation

4 For the purpose of the Act and these regulations, used oil is designated as dangerous goods.

#### Limitations on sale, transfer or use

5 (1) Except as provided in Sections 12 and 13, no person shall sell, offer for sale, transfer, use or otherwise dispose of used oil to any person who is not a used oil collector or to any facility that is not a used oil return facility unless

(a) that person has a representative sample of the used oil analyzed at a laboratory for the contaminants listed in Column I of Schedule “A”;

(b) that person obtains a certificate respecting the analysis from the laboratory; and

(c) the certificate confirms that the used oil is not contaminated used oil.

Subsection 5(1) amended: O.I.C. 96-927, N.S. Reg. 179/96.

(2) The certificate referred to in clause (1)(b) shall be kept by the person described in subsection (1) for a minimum period of 2 years from the date of the certificate.

(3) No person shall fail to produce or provide a copy of a certificate referred to in clause (1)(b) when requested by an inspector or an Administrator.

(4) A person described [to] in subsection (1) shall maintain a record of

(a) the volume of any used oil sold, transferred, used or disposed of;

(b) the date of sale, transfer or disposition;

(c) the person to whom the used oil was sold, transferred or disposed; and

(d) shall keep records referred to in clauses (a), (b) and (c) for a minimum period of 2 years from the date of the sale, transfer or disposition.

(5) For the purpose of these regulations, when mixtures of used oil containing immiscible substances are subject to an analysis referred to in subsection (1), the analysis shall be conducted on the used oil fraction.

#### Approvals

6 (1) No person shall

(b) carry on the business of used oil collection;

(c) hold themselves out as a used oil collector; or

(d) provide the services of a used oil collector,  
Clause 6(1)(a) repealed: O.I.C. 96-927, N.S. Reg. 179/96.

unless that person is issued an approval under these regulations.

(2) Subject to the Approvals Procedure Regulations\*, an Administrator may issue a Used Oil Collector's Approval to a person who applies to the Department.

[\*Effective January 22, 2013, the Approvals Procedure Regulations are replaced by the Approval and Notification Procedures Regulations, N.S. Reg. 17/2013 (O.I.C. 2013-18 dated January 22, 2013).]

(3) A Used Oil Collector's Approval entitles the holder to acquire or otherwise collect used oil and contaminated used oil whether or not it has been analyzed.

(4) Despite subsection (1), during an unauthorized release, an impending unauthorized release or an environmental emergency involving used oil, an inspector or an Administrator may authorize any person to collect, transport or store used oil for a period not to exceed 30 days.

(5) Prior to January 31 of each year, a used oil collector shall

(a) provide a written report to an Administrator which documents the quantity and distribution of used oil collected during the previous calendar year; and

(b) provide an estimate of the quantity of used oil in storage at the used oil storage facility on the last day of the previous calendar year.

#### Used oil storage facility

7 (1) Approval to operate a used oil storage facility shall not be issued until the used oil storage facility has been inspected and approved in writing by an inspector or an Administrator.

(2) No extension or modification shall be made to a used oil storage facility unless an amendment is obtained to the existing approval.

#### Approval renewal

8 (1) Unless otherwise agreed in writing by an Administrator, an approval or a renewal thereof shall expire on December 31 of the year of issuance.

(2) An Administrator may renew an approval issued under these regulations provided a used oil collector has complied with the Act, the regulations and the terms and conditions contained in the approval.

#### Contaminated used oil

9 (1) No person shall sell, offer for sale, transfer, use or otherwise dispose of contaminated used oil to a person other than a used oil collector.

(2) Except as provided in the Act, the regulations or the written approval of an Administrator, no person, including a used oil collector, shall use or dispose of contaminated used oil.

Subsection 9(2) amended: O.I.C. 2013-17, N.S. Reg. 15/2013.

(3) No person, including a used oil collector, shall possess contaminated used oil unless within 7 days of receipt of the certification of laboratory analysis that the oil is contaminated, that person completes a form prescribed by the Administrator and forwards it to an Administrator.

#### Dilution of contaminated used oil

10 Without the prior written approval of an Administrator no person shall dilute contaminated used oil that contains PCBs or organic halogen compounds in excess of the maximum allowable concentrations prescribed in Column II of Schedule "A".

#### Prohibition against adding substances

11 Without the prior written approval of an Administrator, no person shall

(a) add any substance to used oil or contaminated used oil for the purpose of disposal of that substance; or

(b) suggest, encourage or advise other persons to add any substance to used oil or contaminated used oil for the purpose of disposal of that substance.

#### Used oil return facility

12 (1) On and after April 1, 1996, every seller of crankcase oil shall

(a) provide a used oil return facility at the seller's premises; or

(b) contract with a person who operates a used oil return facility who agrees to accept used crankcase oil from the seller's customers.

(2) A used oil return facility described in clause (1)(b) shall be located within a 5 km radius of the premises of the seller.

(3) Notwithstanding subsection (2), an Administrator may waive in writing the 5 km radius requirement provided geographic or other circumstances warrant such action.

(4) A used oil return facility on the premises of the seller or on the premises contracted by the seller shall

(a) accept used crankcase oil from any person who wishes to return used crankcase oil;

(b) accept from any person on a daily basis used crankcase oil in a quantity of up to 10 l or a quantity equivalent to the largest container of crankcase oil sold by the seller, whichever quantity is greater;

(c) operate during the normal business hours of the premises where the used oil return facility is located.

Clause 12(4)(d) repealed: O.I.C. 2013-17, N.S. Reg. 15/2013.

(5) Every seller shall post at the entrance to the seller's premises, at the point of display or at the point of sale at least one sign that contains sufficient information to enable the customer to know the location of the used oil return facility that is available for the use of the customer.

(6) On and after April 1, 1996, no wholesaler or distributor of crankcase oil shall provide crankcase oil to a seller without first having determined that the seller has a used oil return facility or has contracted with a third party to provide a used oil return facility.

Subsection 12(6) amended: O.I.C. 96-927, N.S. Reg. 179/96.

#### Used oil as a fuel source

13 (1) Except as authorized by these regulations, no person shall burn used oil.

(2) Subject to subsection (3), used oil may be burned provided

(a) the used oil is not contaminated used oil and this is verified by a certificate respecting the analysis from a laboratory;

(b) an Administrator has been notified at least 30 days prior to the commencement of the burning;

(c) prior written approval is given by the Administrator; and

(d) prior to January 31st of each year, a person who burns used oil shall complete and submit a written report to the Administrator which includes information respecting the volume of used oil burned during the previous calendar year.

Subsection 13(2) replaced: O.I.C. 96-927, N.S. Reg. 179/96.

(3) Subsection (2) does not apply to a person who burns used crankcase oil in a used oil furnace provided

(a) the person notifies an Administrator; and

Clause 13(3)(a) amended: O.I.C. 2013-17, N.S. Reg. 15/2013.

(b) the used crankcase oil

(i) is used crankcase oil produced as the result of vehicle oil changes, and

(ii) does not originate from a used oil storage facility or a used oil return facility.

Subsection 13(3) replaced: O.I.C. 96-927, N.S. Reg. 179/96.

(4) If before October 1, 2012, a person registered their use of crankcase oil in a used oil furnace with an Administrator, the person is deemed to have notified an Administrator under clause (3)(a).

Subsection 13(4) repealed: O.I.C. 96-927, N.S. Reg. 179/96; added: O.I.C. 2013-17, N.S. Reg. 15/2013.

#### Land application of used oil/contaminated used oil

14 No person shall apply used oil or contaminated used oil to a public or private highway, road, lane, trail, bridge, parking area or any land for any purpose including dust suppression.

#### Effective date

15 These regulations shall come into effect on, from and after April 11, 1995.

#### Schedule "A" - Contaminated Used Oil Limits

Column I

Column II

Substance

Maximum Allowable Concentration

1.

polychlorinated biphenyls

5 mg per kg

2.

total organic halogens as chlorine

1000 mg per kg

3.

cadmium

2 mg per kg

4.

chromium

10 mg per kg

5.

lead

100 mg per kg