

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

February 2004

**1. Secondary Containment for Used Oil Storage Units at Transfer Facilities**

*A transporter delivers used oil to a burner via a rail car and must stop at a transfer facility for three days while en route to the final destination. Would secondary containment be required for the rail car containing used oil while it is at the transfer facility?*

Any container or tank used to store used oil at a transfer facility for greater than 24 hours, including used oil contained in a rail car, must be equipped with secondary containment (40 CFR Section 279.45). The secondary containment system should include dikes, berms, or retaining walls and a floor at a minimum, although other equivalent secondary containment systems may be used (Sections 279.45(d)-(e)). Some examples of equivalent secondary containment systems are a tank with an external liner, a tank inside a vault, and a double-walled tank (56 FR 48000, 48045; September 23, 1991). An aboveground storage tank system consisting of a shop-fabricated double-walled tank operated with overfill prevention measures may also provide equivalent protection (57 FR 41566, 41591; September 10, 1992). Regardless of how secondary containment is achieved, the entire containment system must be sufficiently impervious to used oil to prevent any leakage of oil within the containment system from migrating out to soil, groundwater, or surface water prior to the cleanup of spills and releases.

The secondary containment requirements apply to all used oil transfer facilities (i.e., those facilities that temporarily store used oil for longer than 24 hours but not exceeding 35 days) regardless of their location and regardless of the size of any single tank or container at the facility or the total storage capacity of the facility (57 FR 41566, 41590; September 10, 1992). The secondary containment requirements do not apply to aboveground tanks or containers taken out of service at a transfer facility. However, any material left in these out-of-service units must be handled appropriately under all applicable regulations, including RCRA Subtitle C standards if the material meets the definition of hazardous waste. Storage of used oil in tanks or containers over 35 days at a transfer facility would subject the facility to the standards for used oil processors and re-refiners in Part 279, Subpart F (57 FR 41566, 41590-41591; September 10, 1992).