

Managing Waste Fuel and Fuel/Water Mixtures

This fact sheet describes how businesses and municipalities can manage waste fuel and fuel/water mixtures under the Vermont Hazardous Waste Management Regulations (VHWMR). Although the focus is primarily on contaminated gasoline and gasoline/water mixtures, most of the information provided in this fact sheet applies to other liquid fuels (e.g., heating oil, diesel fuel, and kerosene).

How are waste fuels and fuel/water mixtures regulated under the VHWMR?

Under the VHWMR, waste fuel and fuel/water mixtures can be managed either as hazardous waste or, if certain conditions are met, as exempt material. Although waste fuel and fuel/water mixtures are subject to regulation as hazardous waste if they contain greater than 5% petroleum distillate material, or exhibit a hazardous waste characteristic (e.g., ignitability, toxicity), those materials may be managed according to the following two exemptions:

- VHWMR § 7-204(a)(1)(B) exempts wastes that are used or reused as an effective substitute for a commercial product without first being processed or reclaimed. An example is gasoline that is removed from a vehicle during maintenance and used as fuel in small engines.
- VHWMR § 7-204(l) exempts certain fuel products (for example, diesel, gasoline, fuel oil, or kerosene) from regulation as hazardous waste when they are burned for energy recovery or used to produce a fuel.

Since the first exemption is self-explanatory, the remainder of this fact sheet focuses on managing waste fuel and fuel/water mixtures under § 7-204(l), a provision that is often referred to as the “fuel-to-fuel” exemption.

What conditions should be met in order for a waste fuel or fuel/water mixtures to be considered an *exempt fuel product*?

Vermont considers waste fuel and fuel/water mixtures to be exempt fuel products when the material has a recoverable quantity of fuel, and the generator:

- ✓ Manages the material as a commodity and in an environmentally sound manner prior to use as fuel (refer to the storage and handling requirements listed below).
- ✓ Does not mix the material with non-fuel hazardous waste.
- ✓ Ships the material within 45 days of generation to a legitimate facility for use as fuel or to produce fuel. A legitimate facility possesses the state and/or federal permits necessary to allow the facility to accept, treat, and/or burn for energy recovery *exempt fuel products* received from off-site.
- ✓ Maintains a written record of material shipped off-site (i.e., the type and amount of material shipped, the dates of generation and shipment, and the name, address and phone number of the receiving facility).

Any waste fuel or fuel/water mixture that is not managed as an exempt fuel product must be evaluated (by the waste generator) to determine if it is hazardous waste (e.g., contains greater than 5% petroleum distillate, and/or exhibits the hazardous waste characteristics of ignitability or toxicity). Wastes determined to be hazardous must be handled according to the requirements of the VHWMR.

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For more information about making hazardous waste determinations, refer to the Conditionally Exempt Generator Handbook that is available online at:

http://www.anr.state.vt.us/dec/wastediv/rcra/pubs/ceg_hndbk.pdf

What are examples of fuel/water mixtures that can be managed as an exempt fuel product?

Examples include fuel storage tank bottom water; fuel/water mixtures collected from underground storage tank secondary containment systems, sumps, and spill buckets; and “bad gas” resulting from vehicle service work.

What are examples of wastes that cannot be managed as exempt fuel products?

Tank cleaning wastes, rinsewaters, water that contains hazardous constituents not found in the fuel product, tank bottom sludge, and bilge water *are not considered exempt fuel products*.

How should waste fuel or fuel/water mixtures be stored and handled?

- Handled and stored in a manner that minimizes the possibility of fire, explosion or a release or discharge to air, soil, groundwater, or surface water;
- Stored in containers and tanks on an impervious surface, under cover;
- Label containers and tanks clearly (e.g., "Gasoline for Recycling");
- Ensure that containers and tanks are in good condition;
- Keep containers and tanks closed and sealed except when adding or removing material;
- Keep freezable material in a heated space.

What are some additional best management practices?

- Keep spill and fire control equipment readily available;
- Inspect containers weekly for leaks;
- Store containers more than 50 feet from surface water and storm drains;
- If possible, secure storage areas against unauthorized entry.

How do I respond to a spill should one occur?

Refer to the “[Hazardous Material Spill Response](#)” fact sheet for more information about spill response and spill reporting.

Do I need to use a hazardous waste manifest when transporting exempt fuel products?

A hazardous waste manifest is not required for transportation of exempt fuel products. However, if a manifest is used, the exempt fuel waste must be characterized with the VT99 waste code in order for it to be recognized as an exempt waste.

For more information contact:

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