**OGUN STATE ENVIRONMENTAL PROTECTION AGENCY**

**(MANAGEMENT AND HANDLING OF USED OIL AND OTHER HYDROCARBON BASED WASTE) REGULATION, 2018**

In exercise of the powers conferred on me by Section 34 of the Ogun State Environmental Protection Agency Law, No. 2 of 2003 and all other powers enabling me in that behalf I, Tpl. Kuti Olufunmilayo, the General Manager, Ogun State Environmental Protection Agency do hereby make the following Regulations:

**1. General Application**

1. Subject to the provisions of this Regulation, the Ogun State Environmental Protection Agency (referred to in this Regulation as “the Agency”) shall regulate the collection, transportation, processing and final disposal of waste oil and oily waste generated in the State.
2. No oil generated in any form shall be discharged into public drains, rivers, lakes, sea, land or injected underground.
3. Any facility or generator shall in case of accidental spillage/discharge of oil do the cleaning exercise without the notice of the Agency.
4. The Agency shall register all used oil handlers.
5. All public or private institutions that generate used oil in the State shall register with the Agency.

**2. Used Oil Collection System**

1. There shall be approved Collection Centres of used oil across the State.
2. Every public or private institution that generates used oil or oily waste shall install into its system appropriate collection containers in such manner as may be designed, recommended and approved by the Agency.
3. Every person or facility that generates used oil shall ensure proper collection by accredited Agent while also ensuring the oil collected are delivered to approved collection centres.
4. Every person or facility that generates used oil shall ensure that no fresh collection is given to any accredited Agent without proof of previous delivery from the collection center.
5. Used oil is classified as hazardous waste and may also be special waste (Section 24) and places a requirement that movement of the waste shall be accompanied by duty of care document, a copy of which shall be retained by everyone involved in the transfer, including the Agency.
6. Any private or public institution that generates used oil shall declare every oil generating devices/equipment.
7. Any private or public institution that generates used oil shall declare the volume of lubricant consumes on monthly basis.
8. Any private or public institution that generates used oil in the State shall maintain records of used oil generated by that institution.

**3. Transportation**

1. Vehicles to be employed for transportation of used oil shall be specifically registered for such purpose as defined by the Agency.
2. All vehicles used in the collection of used oil shall comply with all extant State Transportation Laws for commercial vehicles.
3. All collectors’ equipment/vessels, sites and personnel shall be hygienic and neat in their appearance to a standard required of a professional collection service.
4. All collection vehicles shall carry a vehicle Spill Kit for cleaning up any minor spillage (see schedule 2 for recommended kit).
5. Any spillage of used oil during transit shall immediately be cleaned up by the driver and crew of the vehicle by means of the vehicle’s spill kit.
6. Where the spill exceeds the capacity of the vehicle spill kit, the driver shall wait at the site until a clean-up crew arrives and the clean-up exercise is carried out by them.
7. All suction pipes of vehicle transporting used oil shall be capped when not in use.
8. All suction pipes are to be stored in an enclosed leak-proof container complemented with a drain point to allow for absolute draining of oil, if necessary.
9. Used Oil must be suctioned from the carrier vehicle to the intended container without interruption; hence vehicles should adopt the ***no product-to-ground*** policy.
10. All used oil handlers shall undergo mandatory training annually, which shall be facilitated and documented by OGEPA.
11. All drivers shall have a valid and appropriate driver’s license.

**4. Storage Facility**

Owners and operators of waste oil collection centres shall comply with the following requirements:

1. All containers for primary retention of used oil shall be made of plastic, steel or fiberglass;
2. All containers for secondary retention of used oil shall be made of steel or fiberglass;
3. All taps and valves of containers shall be tightly closed, capped or locked when not in use to prevent leakage.
4. All containers shall be within a bund wall with a perimeter that exceeds the consolidated volume of product stocked in that bund area;
5. The bund floor shall not be of ordinary soil, clay, sawdust or gravel but made of concrete or asphalt;
6. All containers shall be inspected for worthiness and integrity on a quarterly basis by OGEPA;
7. All containers shall install device(s) to determine the volume of content in each container per time;
8. All containers’ maintenance records shall be accessible, well documented and retained for at least (5) years;
9. All containers shall not be filled beyond ninety-five percent (95%) of its holding capacity;
10. Vehicles discharge area shall be within a bund wall, and the bund must exceed the volume of the largest compartment of any vehicle to be discharged;
11. Safe storage and disposal of used oil compliance certification shall be obtained annually by every private or public institution that generates, collects or stores used oil, subject to conducting an annual compliance audit by the Agency;
12. The maximum aggregate capacity for collection centres shall not exceed Eighty Thousand (80,000) litres;
13. All collection centres and warehouse facilities shall display in a noticeable place the Ogun State Environmental Protection Agency accreditation number;
14. All containers used for collection of used oil shall be appropriately labeled as recommended by the Agency.

**5. Processing**

1. Used oil processing facility shall comply with the Agency’s specification as stipulated under the Schedule to this Regulation.
2. Used oil processed for use as a fuel oil shall comply with the fuel specifications stipulated under the Schedule to this Regulation.
3. Processors of used oil in the State shall obtain a permit from the Agency.

**6. Recycling and Disposal**

 All operators of recycling and disposal of used oil in the State shall be accredited by the Agency in accordance with best available and environmentally sound technology.

**7. Offences and Penalties**

1. Every institution/establishment in Ogun State that handles used oil and fails to comply with the registration requirement as stipulated by this regulation shall be in violation of the regulation and shall face a fine as stipulated in the fixed order of the Agency.
2. Any person who willfully delays or obstruct the activities of a person or organization duly authorized by the Agency in the performance of its function under the law or fails to give any information which he is required to give, shall be guilty of an offence and liable on conviction to fine as stipulated in the fixed order of the Agency.
3. Where an offence has been committed against this Regulation by an institution/establishment, company or corporate body, the person in charge of such establishment, or in the case of a company or corporate body, every director, manager, secretary and other officer who knowingly being a party to such offence shall be guilty of the like of offence and liable to same punishment.
4. Any person who permits his/her land for such waste (as specified in Sections ……, of the Law) to be dumped commits an offence and shall on conviction be liable to-
5. a fine as stipulated in the fixed order;
6. in case of an establishment, company or a Corporate body, a fine as stipulated in the fixed order and in addition shall bear the cost of the clean-up of the dumped waste.
7. Any person who contravenes or fails to comply with any of the provisions of this Regulation for which no penalty has been provided is guilty of an offence and shall on conviction be liable to a fine as stipulated in the fixed order; in case of an individual, in case of an establishment, company or corporate body, it shall on conviction be liable to a fine as stipulated in the fixed order.
8. For any subsequent offence:
9. in the case of an individual, a fine as stipulated in the fixed order;
10. in the case of an institution /establishment, company or corporate body, a fine as stipulated in the fixed order.
11. In addition to any penalty which may be imposed under this Regulation, the Agency may order the temporary closure of such premises and apply the polluter-pays-principle.

**8. Fees**

All fees for the purpose of or incident on these Regulations shall be as approved from time to time by the Agency.

**9. DEFINITION OF TERMS**

In this Regulations, unless the context otherwise requires –

 **“Accreditation”** means approval to operate having met pre-requisite condition;

 **“Agency”** means the Ogun State Environmental Protection Agency;

 **“Collection Centre”** means site or facility that is accredited by the Agency to receive, aggregate and store used oil collected from the generators and primary collector. Used oil collection centres may also accept used oil from household do-it-yourselfers;

 **“no product-to-ground policy”** means zero tolerance for oil spills and leakages.

 **“Primary Collection Centre”** means centres that shall not store more than One Thousand (1000) litres;

 **“Processing”** means chemical or physical operations designed to produce more environmentally sustainable derivatives from used oil.

 **“Safe Disposal”** means the disposal method with minimal adverse impact on the environment and human health.

 **“Secondary Collection Centre”** means warehouse or bulk storage centres with storage capacity above One Thousand (1000) litres

 **“Container”** means any device designed to contain an accumulation of used oil or other hydrocarbon based waste which is constructed primarily of non-earthen materials;

 **“Storage”** means any stationary device, designed to accommodate an accumulation of used oil which is constructed basically of non-earthen materials, which provides structural support;

 **“Used Oil”** means any oil that has been refined from crude oil or any synthetic hydrocarbon oil that has been used and as result of such use has become unsuitable for its original purpose due to the impurities or the loss of its original properties;

 **“Used Oil Processor”** means a facility that refines used oil

**“Used Oil Re-User”** means individual or facility that utilizes used oil as sourced from collection centres;

 **“Used Oil Transporter”** means the movement of collected used oil from one point to the other;

 **“Waste Oil”** means otherwise refer to as used oil, waste, spent, or oily waste;

 **“Waste Oil Generators”** means any individual or facility whose activities or process generate oil, with quality that is subject to this regulation.

 **“Hydrocarbon based waste”** means all waste containing petroleum products.

 **“Collectors”** means any individual, group or corporate entity that is accredited by the Agency to receive used oil or hydrocarbon based waste through purchase or gift from generators.

**10. CITATION.**

 These Regulations may be cited as the Ogun State Environmental Protection Agency (Management and Handling of Used Oil and Other hydrocarbon based Waste) Regulations, 2019.

………………………………………………………

…………………………………….

General Manager

Ogun State Environmental Protection Agency

**SCHEDULE 1**

**CLASSIFICATION OF USED OIL COLLECTION SYSTEM**

* small volume generators- Do-it-yourself
* industrial/commercial generators
* collectors and transporters
* public collection centers
* storage and processing

**DO IT YOURSELF**

* do-it-yourself” used oil collection
* Do-it-yourself or “DIY” oil is oil that comes from households, such as oil from oil changes on personal vehicles, power generating set etc.
* The effective collection and transport of used oil from the point of generation to end-use locations is essential if used oil is to be utilized or disposed of in an environmentally acceptable and safe way.

**REQUIREMENTS FOR DIY**

* Place a drip pan (branded OGEPA container in sizes 5L, 10L, and 20L) directly to collect the used oil and to prevent spills
* The lid must be tightly covered. **DO NOT MIX IT WITH ANY OTHER SUBSTANCE**
* If you are changing your oil filter, loosen the old filter (use a filter wrench if necessary), then spin it off and drain as much oil as possible into the container. Place the filter upside down in the provided funnel to drain into container for 24 hours. Wrap the filter in newspaper and take to collection center or give to your collectors along with your used oil
* DIYs must not store above 10 litres of used oil.
* Take the used oil to your nearest Used Oil collection center or call accredited collector to pick it up.

**INDUSTRIAL AND COMMERCIAL USED OIL GENERATORS**

* Industrial and Commercial Generators are defined as those parties who in the course of their operations generate or accumulate used oil.
* Industrial and commercial operators must collect, store or dispose of their used oil in a manner that is not detrimental to human health and the environment.
* Industrial and commercial generators may have complicated operations and must take care to segregate used oils generated from different processes to avoid contamination of the separate oil streams. This includes not contaminating segregated oil with any other oily fluid that may appear to be the same substance or with flammable liquids.
* Collection of used oil must be through drain pan and must be stored in branded containers.
* In all cases the site storage of used oil must not exceed 1000 litres.

**TYPICAL SITES INCLUDE:**

* Automotive Vehicle repair workshops (Mechanic workshops or villages)
* Industrial Manufacturing Operations
* Other commercial operators, for example sites generating used gear oil and sites generating used hydraulic oil
* Truck parks, haulages, transporters and automotive service centre

**COLLECTORS**

Used oil Collectors must:

* Be accredited by OGEPA with identification Number
* Possess a log book designed by the Agency and must contain the following: volume collected, Address of generator, signature by all parties etc.
* Must undergo periodic training to upscale knowledge.
* All collected used oil must get to the collection center within the same day. On no reason should collected used oil stay overnight with the collector.
* Collectors must take the collected used oil to the nearest used oil collection site.
* Any spill encountered in the process of collection, transportation of the used oil must be cleaned immediately and incident reported in the log book on a daily basis.
* Oily waste generated in the clean-up exercise must be taken to collection center and stored in receptacles.
* Certificate of safe disposal (CSD) shall be issued by the Agency to collectors once the delivery of collected used oil/oily waste to the designated places is confirmed.

**COLLECTION CENTERS/WAREHOUSING**

The following standards must be adhered to for operating a collection centre:

* Storage limit for public collection site must not be more than 5000 litres while warehouse facilities can store above 5000 litres.
* All centres/warehouse must have signages with logo of the Agency.
* Safety Signs, which must depict and convey the hazardous properties of the substance, with clearly written precautions, must be properly displayed at the sites.
* Sites must be accessible. Containers should be sited with keen consideration for safe loading and offloading.
* The site flooring must be concretized for easy spill mop up and preventions of seepage into underground water.
* Used oil must be stored and properly contained within a bund area.
* Storage tanks for warehouse facilities must be of steel or fiber glass.
* Each storage container must be appropriately labeled e.g. used oil, sludge etc.
* Used oil must not be mixed with other hazardous waste.
* Used oil must not be stored in high risk locations such as a spring, well, or borehole which is less than a distance of 50 metres or less than 10 metres to a watercourse, channels through which spilled oil could enter open drains or pollute underground water, places where tank vent pipes outlet cannot be seen from the filling point.

**TRANSPORTATION**

A used oil transporter must deliver all used oil received:

1. A used oil processing/re-refining facility who has obtained an OGEPA identification number.
2. An off – specification used oil burner facility who has obtained a OGEPA identification number.
3. An on-specification used oil burner facility.

In the event of a discharge of used oil during transportation, transporter must take appropriate immediate action to protect human health and environment by notifing local authorities or dike the discharge.

If a discharge of used oil occurs during transportation and an official (Federal, State, or Local) acting within the official capacity of responsibly determining that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by transporters who do not have OGEPA identification number.

Any air, rail, highway or water transporter who has discharged used oil must:

1. Give notice to the appropriate authorities or response centre.
2. Report in writing to General Manager, OGEPA.

**STORAGE AND PROCESSING**

Used oil is received from collection centers, commercial and industrial sectors.

* Used oil bulk storage facilities where the used oil is processed, sites in which operations for processing occurs, refining and recycling must not be above 5000 litres storage capacity.
* Secondary containment systems are required when the quantity of used oil is equal to or greater than 5000 litres. It is also recommended that secondary containment systems are installed when the quantities are below 500 litres.
* Must have a spill kit.
* The bund floor must be impervious.
* All tank maintenance is to be recorded and the records kept for five years. The vehicle discharge area must be within a bund wall with a perimeter that exceed the volume of the largest compartment of any vehicle to be discharged.
* Water/liquid separated from the collected waste oil stream shall be treated to permissible level, determined by the Agency, before discharge into the environment.
* Discharge permit shall be obtained from the Agency for release of any form of liquid, obtained during storage and processing, into the environment.
* Oily waste separated from or collected alongside the used oil shall be treated as special waste with respect to disposal.

 **SCHEDULE 2**

**PERSONAL PROTECTIVE EQUIPMENT**

* A person who handles used oil in a collection site must use protective clothing or protective equipment that is specifically constructed and designed for such operation to ensure that the person neither come into contact with the used oil nor is exposed to a concentration of the used oil that exceeds the standard limit that is required of the workplace exposure.
* Such personal protective equipment required for the handling of used oil includes the use of gloves and safety goggles and a nose mask. Additional personal protective equipment may be necessary for other reasons, (for example, the use of safety boots/shoes to minimize physical injuries and slip).
* Maintain a recordkeeping system.
* Keep track of the amount of oil received and transported from the site, the transporter's name, and possibly an inspection record for the tank or drum.
* Have the customer/Collectors sign a log sheet. Each customer should sign a log sheet that includes their name, address, and quantity of oil brought in. keeping a log will facilitate recordkeeping.
* Offer the empty container back to the customer. The customer should be encouraged to reuse the container.
* Check oil levels regularly. Normally a pickup should be scheduled when the tank or drum is 75% full.
* Collection sites must have spill kit.
* Training - The collection center owner, in conjunction with OGEPA, must ensure that all persons who will be assigned duties as operators of the depot receive adequate training.

**HOUSEKEEPING**

* Disposal of run-off or melt water which has accumulated in spill containment areas at the collection Centre must be examined before it can be discharged. Generally, discharge can occur if there is no visible layer of oil on the water. In some sensitive areas more specific discharge criteria may be applied and these will be included in the operating permit or licensed for the facility.

**SIGNAGE**

* Legible and weather Proof signages must be pasted at the entrance to the depot recognizing the area as a used oil collection facility. The signage must indicate the hours of operation, a contact number and a warning not to leave used oil products at the depot when an operator is not available to accept the delivery. Instructions on how and where to deposit materials at the depot may also be included on the signage.

**TYPICAL USED OIL COLLECTION DEPOT SIGNAGE**

USED OIL COLLECTION CENTRE/ DEPOT

Hours of Operation

Monday to Friday 8:00 a.m. -5:00 p.m.

ITEMS OTHER THAN USED OIL,

PLEASE DO NOT DEPOSIT USED OIL PRODUCTS UNLESS AN OPERATOR IS AVAILABLE AT THE DEPOT

THIS DEPOT IS OPERATED BY \_\_\_\_\_\_\_\_\_\_\_\_

PHONE NUMBER \_\_\_\_\_\_\_\_\_\_

***Discharge***

* The discharge point must be suitable for the collection truck to pump out the used oil. If permanently fitted, the pipe on the suction discharge should terminate as close to the bottom of the tank as practicable to enable the collection of as much sludge as possible. If sludge stays in the bottom of the tank it will become hard and reduce the workable volume of the tank. Sludge is not easily removed.

***Colour***

* The external surface of the finished tank may be any colour.

***Safe fill level***

* The tank is to be marked, or have an indicator, showing the safe fill level. (95% of the tank volume).

***Security***

* Unauthorized access to the tank is prohibited e.g. the tank is located in a lockable building:
* All openings for the tank must be able to be locked, and tanks are to be kept locked at all times, unless they are being loaded or unloaded.

**SPILL PREVENTION, RESPONSE AND CLEAN-UP PROCEDURES FOR TRANSPORTERS**

* **Spill and leaks:** Any spillage that occurs during handling of materials at the site must be contained and cleaned up promptly. Appropriate clean up materials must be available to the supervisor for this purpose.
* Absorb all of the oil using paper, vermiculite, sand, sawdust, cat litter, or other absorbent materials. You can dispose of the absorbent material in the trash as long as all free liquid has been absorbed. If soil has been affected, dig it up and place it in a container. Contact the Agency for major accidental spills.

**VEHICLE SPILL KIT: SUGGESTED CONTENTS LIST**

(This may be varied to suit local conditions if required).

**Contents Quantity**

Hydrocarbon absorbent pads 10 units

Bag of particulate (Oil Dry or similar) 1 unit

Absorbent socks 1 x 1.5 x1 x 3 m

Hydrocarbon pillows 2 units

PVC drain cover 1unit

Folding trenching tool 1unit

Pair PVC gauntlets 1 unit

A pot of Vetta Paste, Plug ‘N’ Dike, Pig Repair putty, or similar 1 unit

Polythene disposal bags 2 units