

Used Oil Burner & Marketer

The burning and marketing of used oil is subject to state and federal environmental regulations. The purpose of this factsheet is to provide general regulatory guidance to burners and marketers of used oil. The factsheet should not be used as a replacement for the rules, but as a reference where specific rules may apply to the burner or marketers' activities.

Oregon has adopted the federal Environmental Protection Agency (EPA) used oil management rules in Title 40 of the Code of Federal Regulations (CFR), Part 279 and has additional state used oil management requirements in Oregon Administrative Rules (OAR) 340, Division 340. It is important to review both sets of the rules to understand all used oil management requirements. For specific guidance, you are encouraged to refer to the applicable regulation listed in brackets following each bold heading. For additional information sources, refer to the end of this factsheet.

Used Oil Burner Requirements [40 CFR 279, Subpart G]

Who Is Affected By The Used Oil Burning Requirements? [40 CFR 279.60]

- Persons burning used oil for energy recovery not meeting the specifications in Table 1 are subject to used oil burner regulations in most cases. See following section for exemptions.

Who Is Exempt From The Used Oil Burning Requirements?

Persons are exempt from the used oil burning regulations found in 40 CFR 279, Subpart G if they burn:

- Only used oil meeting the specifications listed
- Used oil (regardless if it meets used oil specifications) in a used oil space heater; or,
- Used oil by a processor/re-refiner for purposes of processing used oil, which is considered incidental to used oil processing

Used Oil Specifications [40 CFR 279.11]

- Used Oil Specification Levels 1:
- Constituent/Property Allowable Level (total concentration)
- Arsenic 5 ppm maximum²
- Cadmium 2 ppm maximum
- Chromium 10 ppm maximum
- Lead 100 ppm maximum
- Flash Point 100°F minimum

- Total Halogens 4,000 ppm maximum³
 - 1 The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see 40 CFR 279.10(b)).
 - 2 ppm means parts per million.
 - 3 Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste unless it can be proven that the used oil has not been mixed with hazardous waste.

Restrictions on Burning [40 CFR 279.61]

Used oil not meeting specifications can be burned in the following devices:

Used oil space heaters provided that:

The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;

- The heater is designed to have a maximum capacity of not more than 0.5 million BTUs per hour;
- The combustion gases from the heater are vented to the outside air; and
- The heater is operated according to the manufacturer's instructions

*Industrial furnaces identified in 40 CFR 260.10.

* Boilers, as defined in 40 CFR 260.10, that are identified as follows:

- Industrial boilers as defined in 260.10, located on the site of a facility engaged in a manufacturing process where substances are transformed into new products.
- Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale

*Burning of off-specification in these units may be subject to additional state or regional air quality regulations. Contact appropriate regional office listed at the end of this factsheet for information regarding air quality requirements.



State of Oregon
Department of
Environmental
Quality

Waste Prevention & Management

811 SW 6th Avenue
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Phone: (503) 229-5913
(800) 452-4011
Fax: (503) 229-6954
www.deq.state.or.us

Used Oil Containing PCBs [40 CFR 279.10(i)]

Used oil containing detectable levels (2ppm) of Polychlorinated Biphenyls (PCBs) is subject to regulations in 40 CFR 761.20(e). Used oil containing 2 ppm, but < 50 ppm must be burned in a qualified incinerator as defined in 40 CFR 761.3 and include PCB incinerators, off-specification used oil burning devices as defined in 40 CFR 279.61 and industrial boilers and furnaces defined in 40 CFR 260.10. Used oil burners and marketers of oil containing 2-49 ppm PCBs are subject to tracking and notice requirements in 40 CFR 279, Subparts G & H and 279.66 and 40 CFR 279.72(b). See 40 CFR 761.20(e) for details.

Notification of Used Oil Burning Activity [OAR 340-111-040]

Used oil burners subject to the used oil burner requirements must notify DEQ of their used oil activity using the "Used Oil Activity Notification Form" available from DEQ.

Rebuttable Presumption for Used Oil [40 CFR 279.63 & 40 CFR 279.10(b)(1)(ii)]

To ensure that used oil managed at a burner facility is not a hazardous waste, used oil burners subject to the used oil burner requirements must determine whether the used oil is above or below 1,000 parts per million (ppm) total halogens. Used oil containing more than 1,000 ppm total halogens is "presumed" to have been mixed with a listed halogenated hazardous waste.

- The used oil burner must make this determination by:
- Testing the oil; or,
- Applying knowledge of the halogen content of the used oil in light of the materials or process used to produce it; or,
- Using information provided by used oil marketer, or processor.

A used oil burner may "rebut" the presumption that the used oil has been mixed with hazardous waste by using analysis or process knowledge that hazardous waste has not been mixed with the used oil.

Records of analysis or information used to rebut the presumption must be maintained by the used oil burner for at least three years.

If the used oil contains greater than 1,000 ppm total halogens and the presumption that it has been mixed with hazardous waste cannot be rebutted, it must be managed as a hazardous waste.

Used Oil Storage [40 CFR 279.64]

- Used oil burners subject to the burner requirements must:
- Store used oil in tanks or containers that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking.
- Provide secondary containment for all above ground tanks and containers, sufficiently impervious to used oil to prevent any used oil released into the containment
- system from migrating out of the system to the soil, groundwater, or surface water.
- Clearly label or mark all container and aboveground tanks and fill pipes used to transfer used oil to underground tanks with the words "Used Oil".
- Respond to releases of used oil as required in OAR, Division 108. Response to releases of used oil include but are not limited to:
 - Implementing applicable contingency plan if required;
 - Contain the spill;
 - Report the release if above reportable quantity; and
 - cleanup the spill or release.

Spill Prevention, Control and Countermeasures Plan [40 CFR, Part 112]

Used oil burners storing larger amounts of used oil (> 660 gallons in any one above ground tank, > 1,320 gallons total in aboveground tanks or > 42,000 gallons of petroleum material in underground tanks) may be required to prepare and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan. See 40 CFR, Part 112 for requirements.

Tracking [40 CFR 279.65]

Used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. The records must be maintained for at least three years and must include for each shipment the following information:

- The name, address, and DEQ/EPA identification number of the transporter who delivered the used oil to the burner;
- The name, address, and DEQ/EPA identification number (if applicable) of the used oil generator, processor, or marketer from whom the used oil was received;
- The quantity of used oil accepted; and
- The date of acceptance of the used oil.

Notices [40 CFR 279.66]

Before a used oil burner accepts the first shipment of off-specification used oil, the burner must provide to the used oil generator, transporter, or processor a one-time written and signed notice certifying that the burner has notified DEQ stating the location and the general description of their used oil management activities as required in OAR 340-111-040 (see notification requirements above) and will burn off-specification used oil in an industrial boiler or furnace identified in 40 CFR 279.61(a).

A copy of the certification shall be maintained for at least three years from the date the burner last receives shipment of an off-specification used oil.

Management of Residues [40 CFR 279.67]

Used oil burners who generate residues from the storage or burning of used oil must manage the residues as specified in 40 CFR 279.10(e).

Standard for Used Oil Fuel Marketers [40 CFR 279, Subpart H]

What is a Used Oil Marketer? [279.70]

A used oil marketer is any person who (1) directs a shipment of off-specification used oil from their facility to a used oil burner or (2) first claims the used oil that is to be burned for energy recovery meets the used oil specifications set forth in 40 CFR 279.11

Used oil fuel marketers are **not**:

- Used oil generators and transporters who transport used oil received only from generators, unless they direct a shipment of off-specification used oil from their facility to a used oil burner; and,
- Persons who direct shipments of specification used oil and who are not the first person to claim the used oil fuel specification as discussed in the used oil specification table

Persons who direct shipment of specification used oil and who are not the first person who claim that it meets the used oil specifications must also comply with one of the following used oil management standards:

- Generators (40 CFR 279, Subpart C)
- Transporter and transfer facilities (40 CFR, Subpart E)
- Processors or re-refiners (40 CFR, Subpart F)
- Burners who burn off-specification for energy recovery (40 CFR, Subpart G)

Prohibitions [40 CFR 279.72]

A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who has a DEQ/EPA identification number and burns the used oil in an industrial furnace or boiler identified in 40 CFR 279.61(a).

Notification of Used Oil Marketing Activity [OAR 340-111-040]

Used oil marketers must notify DEQ of their used oil activity using the "Used Oil Activity Notification Form" available from DEQ.

Tracking [279.74]

Used oil marketers must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. The records must be maintained for at least three years and each record must include for each shipment the following information:

Off-specification Used Oil Shipments

- The name, address, and DEQ/EPA identification number of the transporter who delivered the used oil to the burner;
- The name, address, and DEQ/EPA identification number of the burner who received the used oil;
- The quantity of used oil shipped; and
- The date of shipment.

Specification Used Oil Shipments

- The name and address of the facility receiving the shipment;
- The quantity of used oil delivered;
- The date of the shipment; and
- A cross reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under 279.72(a).

Used Oil Containing PCBs [40 CFR 761.20(e)]

Used oil to be burned for energy recovery is presumed to contain quantifiable levels (2 ppm) of poly chlorinated biphenyls (PCBs) unless the marketer obtains analysis (testing) or other information that the used oil fuel does not contain quantifiable levels of PCBs. Other information used to demonstrate that the used oil fuel does not exceed quantifiable levels of PCBs may consist of either personal, special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the oil contains no detectable levels of PCBs.

Before shipping used oil with detectable levels of PCBs to burners, marketers must receive from the burner, a one time certification that the burner has complied with notification requirements and that they will burn used oil containing quantifiable levels of PCBs in qualified PCB incinerators as defined by 40 CFR 761.3. For additional information, refer to 40 CFR, Part 761.

Notices [40 CFR 279.75]

Before a used oil marketer directs the first shipment of off-specification used oil to a used oil burner, the marketer must obtain a one time written and signed notice from the burner certifying that:

- The burner has notified DEQ stating the location and general description of used oil management activities; and
- The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in 40 CFR 279.61(a).
- A copy of the certification shall be maintained for at least three years from the date the last shipment of off-specification used oil is shipped to the burner.

For more information

For more information on the requirements for used oil burners and marketers, please refer to the following:

Oregon Used Oil Regulations (includes OAR 340, Division 111 and 40 CFR, Part 279)

40 CFR, Part 280, EPA underground storage tank regulations

OAR 340, Division 108, Oregon hazardous waste and oil spill regulations

OAR 340, Division 150, Oregon underground tank management requirements

DEQ used oil generator factsheet

DEQ used transporter and transfer facility factsheet

40 CFR, Part 112 (Federal spill prevention, control and countermeasure plan (SPCC) requirements)

40 CFR, Part 761 (Federal PCB used oil requirements)

Documents are available from:

U.S. Government Bookstore (see following list)

1305 S.W. 1st Avenue

Portland, OR 97201

(503) 225-0563

Oregon Regulations (including 40 CFR, Part 279)

Code of Federal Regulations (CFR)

Appropriate DEQ Regional Office