

Used Oil Burners – New Guidance for Rebuttable Presumption

THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste Program

*This guidance document contains information for businesses that burn off-specification used oil (used oil burners). It summarizes Ohio EPA's used oil burner management standards. These requirements are detailed in Ohio Administrative Code (OAC) rules **3745-279-60 through 3745-279-67**.*

What is Used Oil?

Used oil is any oil, synthetic or refined, that has been contaminated because of its use. Examples include:

- Motor oil
- Hydraulic fluid
- Electrical insulating oils
- Transmission fluid
- Compressor oils
- Materials containing or otherwise contaminated with used oil including absorbents used to abate used oil spills and leaks and equipment that contains used oil.



Where is Used Oil found?

Used oil can be contained in various items. These items would be regulated as used oil until such time that the materials containing, or otherwise contaminated with, used oil have been properly drained, or all oil has been removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material. Examples include:

- Oil Filters
- Shocks or struts
- Engines
- Absorbent materials
- Transmissions

Once the used oil is drained from these items, they are no longer regulated by the used oil rules.

Who is a Used Oil Burner?

A used oil burner is any person who burns used oil that:

- does not meet the specification standards found in OAC rule **3745-279-11**;
- burns the used oil for purposes of energy recovery; and
- burns the used oil in either a “boiler” or an “industrial furnace” as defined in OAC rule **3745-50-10**.

What Type of Unit Qualifies as a “Boiler” or an “Industrial Furnace?”

Generally, a “boiler” is an enclosed device that uses controlled flame combustion to recover and deliver energy in the form of steam, heated fluid, or heated gases. An “industrial furnace” is an enclosed device that is an integral part of a manufacturing process and uses thermal treatment to recover materials or energy. You can find more

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information on what qualifies as an industrial furnace in OAC [rule 3745-50-10\(I\)\(5\)](#). For a boiler, first read OAC rule [3745-50-10\(B\)\(2\)](#), then make sure your unit meets one of the identification criteria found in OAC rule [3745-279-61\(A\)\(2\)](#). For burning used oil, space heaters do not qualify as either a boiler or industrial furnace. If you have further questions regarding what qualifies as either a boiler or industrial furnace, please contact a member of DERR's [Hazardous Waste Compliance Assurance Section](#) at 614-644-2924.

What Must I Do if I am a Used Oil Burner?

As a used oil burner, you must do the following:

- Notify Ohio EPA, DERR, and obtain an [EPA identification number](#) by filling out a notification form ([9029](#)) or by submitting a letter to [Ohio EPA](#) with the appropriate information describing your activities. You can obtain a copy of the form and instructions on our [Web page](#) or by calling (614) 644-2924.
- Determine if the used oil contains less than one thousand parts per million (ppm) total halogens*, and retain the records of all analyses or information used to make these determinations for the last three years (OAC [rule 3745-279-44](#)). Acceptable analytical test protocols include [SW-846 Test Methods](#) 9075, 9076 and 9077. The latter of these methods is a field test method such as Chlor-D-Tect 1000®, Quanti-Chlor Kit® and Chlor-D-Tect 4000®.
- Manage all residues from burning or storing used oil in accordance with OAC rule [3745-279-10\(E\)](#).
- Retain records of all accepted shipments of used oil for at least three years. The records must include:
 - name, address and U.S. EPA ID number of the used oil transporter;
 - name, address and U.S. EPA ID number (if applicable) of the generator or processor/re-refiner from where the used oil was sent;
 - date of acceptance; and
 - the quantity of used oil received.

***Note: If the used oil contains >1,000 ppm total halogens, it is presumed to have been mixed with a hazardous waste. Unless you have a hazardous waste permit to burn hazardous waste, you cannot legally burn this used oil. However, you can rebut the presumption that the used oil has been mixed with hazardous waste. To find out more about rebutting the presumption, read the addendum at the end of this guidance.**

Prior to accepting any used oil, you must provide the supplying generator, transporter, or processor/rerefiner a one-time, written and signed notice certifying that:

- you have notified Ohio EPA of your used oil management activities; and
- you will only burn the used oil in a boiler or industrial furnace.

What Management Requirements Must I Follow if I am Storing Used Oil At My Facility Before Burning It?

If you are storing used oil at your facility you must:

- Store used oil only in tanks or containers that are in good condition and are not leaking.
- Equip used oil container storage areas with secondary containment that is sufficiently impervious to used oil (including the floor, dikes, berms and retaining walls) to prevent any used oil from migrating to the soil, ground water, or surface water.

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- Equip used oil aboveground storage tank(s) with secondary containment that is sufficiently impervious to used oil (including the floor, dikes/berms and retaining walls) to prevent any used oil from migrating to the soil, ground water, or surface water. (If you are operating a tank that was installed after October 20, 1998, the floor must cover the ground underneath the tank. If the tank was in operation prior to October 20, 1998, then the floor only has to come up to the point where the tank meets the ground.)
- Label all used oil storage tanks (including fill pipes to underground storage tanks) and containers with the words "Used Oil."

Note: Besides Ohio's *used oil rules*, you may be subject to regulation under other programs.

For example, if you store a large quantity of used oil on-site in containers or tanks, you may need to develop a spill prevention plan (called an *SPCC plan*). Call Ohio EPA's *Division of Environmental Response and Revitalization* at (614) 644-2924 for more information.

Upon detection of a release to the environment you must:

- Stop the release;
- Contain the released used oil;
- Clean up and manage the released used oil and other remediation materials; and
- Repair or replace any container or tank prior to returning them to use.

If I Determine that I am a Used Oil Burner, Should I Contact any other Divisions at Ohio EPA for other Regulations I May need to comply with for the burning of Used Oil?

Yes. You should contact a member of the Division of Air Pollution Control (DAPC). You may need to receive an air permit or modify an existing permit in order to burn used oil. You can contact a member of DAPC by visiting their [Web page](#).

Who Can I Contact if I Have Other Questions Regarding Burning Used Oil or Used Oil in General?

Please contact DERR's Hazardous Waste Compliance Assurance Section at 614-644-2924, if you have used oil management questions or wish to learn about ways that you can reduce the amount of waste you generate.

Is It Possible to Burn Off-Specification Used Oil and Not Be Subject to The Used Oil Burner Requirements?

Yes, you can burn off-specification used oil and not be subject to the used oil burner requirements if:

- you only burn the used oil generated at your business or used oil received from a household do-it-yourselfer (used oil generated from a household);
- you only burn in an on-site space heater;
- your space heater does not burn used oil at a rate exceeding 0.5 million Btu per hour; and
- all of the combustion gases from your space heater are vented to the outside.

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Even though you may not have to comply with used oil burner requirements, you are still required to comply with other used oil requirements such as used oil generator requirements, if applicable.

Is there any Used Oil that Would Not be Subject to the Used Oil Regulations?

Used oil that has been proven to meet the specifications found in OAC rule **3745-279-11** (commonly referred to as “on-specification used oil”) and is burned for energy recovery is not subject to used oil requirements. For example, used oil that meets the requirements of OAC rule **3745-279-11** may be burned in an oil-fired space heater regardless of the source of the generator. For used oil to be considered “on-specification,” its constituent levels must be at or below (except for flash point) the following levels:

- 5 ppm or less of arsenic
- 2 ppm or less of cadmium
- 10 ppm or less of chromium
- 100 ppm or less of lead
- 100° F minimum flash point
- 4,000 ppm or less of total halogens*
- less than 2 ppm PCBs

The person who makes the claim that the used oil meets these specifications must keep all records of the analysis and a record of all shipments of the used oil.

* Note that if the used oil contains greater than 1,000 ppm total halogens, you must successfully rebut the presumption that the used oil has been mixed with a hazardous waste before it can be marketed as an on-specification used oil not subject to used oil requirements.

Rebutting the Presumption Addendum to Used Oil Burner Fact Sheet -- Using the significant concentration approach found in OAC rule 3745-279-63(C)

What is the purpose of this Addendum?

The purpose of this addendum is to provide guidance to you (used oil burners) when attempting to rebut the presumption that the used oil you are burning has not been mixed with a listed hazardous waste by demonstrating that the used oil does not contain significant concentrations of halogenated hazardous constituents (HHCs).

I am a used oil burner and received used oil which had greater than 1000 ppm total halogens, what information is acceptable to successfully rebut the presumption of mixing hazardous waste with the used oil?

Under Ohio Administrative Code rule **3745-279-63(C)**, the used oil burner must be able to demonstrate that the used oil has not been mixed with a listed hazardous waste. Essentially, the burner has two methods by which

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they can make this demonstration– by providing process information which demonstrates that the used oil was contaminated by HHCs that would not be listed hazardous waste, or by demonstrating that the used oil does not contain significant concentrations of HHCs by providing representative analytical data.

What are significant concentrations of HHCs at my (a used oil burner) location?

Significant concentrations of HHCs in used oil would be greater than 100 ppm of any individual HHC found in the F001 and F002 listings per OAC rule [3745-51-31](#). If you (the used oil burner) can provide analytical results demonstrating that the used oil does not contain greater than 100 ppm of any individual HHC found in the F001 and F002 listings, then the presumption has been successfully rebutted. However, if there is information that suggests that other HHCs (e.g., chlorinated pesticides) are contained in the used oil, then you (the used oil burner) would be required to provide further information documenting that these HHCs are not from listed hazardous waste sources. You (used oil burners) will not be expected to have analytical results for these other HHCs, however.

Can this analytical information be provided by a used oil processor to me (the used oil burner)?

Yes. This analytical information can be provided to you (the used oil burner) from the used oil processor. This information must be representative of the used oil shipped and be accompanied with each load of used oil provided to you (the used oil burner).

Does that mean each load must be individually sampled?

Not necessarily. For example, if a used oil processor produces a batch of used oil fuel and takes a representative sample for analysis (uses SW-846 methods), any loads from that batch may use that analytical result.

What analytical standards must be used when analyzing the used oil for the HHCs?

A representative sample of the used oil that conforms to the analytical approaches in accordance with EPA publication, SW-846 [see OAC rule [3745-279-63\(C\)](#)] would be acceptable. For additional support to your unique sampling situation, please contact [DERR's](#) Hazardous Waste Compliance Assurance Section at 614-644-2924.

Must each of my used oil burner locations maintain a record of this information?

Not necessarily. We would allow a centralized location to maintain this information provided that the information is readily available for inspection upon request, organized by site, and references the loads associated with the specific analytical data.

Contact

For more information, contact the Hazardous Waste Compliance Assurance Section of the [Division of Environmental Response and Revitalization](#) at 614-644-2924 visit Ohio EPA's [Answer Place](#) with your specific question(s). You can also contact a DERR's Hazardous Waste Program inspector in your area at one of the [District Offices](#).