



Used Oil Fuel Marketers Guidance

Applicability: Requirements of 40 CFR 279 Subpart H, adopted by reference at 15A NCAC 13A .0118(h), apply to any person who conducts the following activities:

- Directs a shipment of off-specification used oil from their facility to a used oil burner; or
- First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11.

The requirements for Used Oil Marketers (40 CFR 279 Subpart H) do not apply to:

- Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner.
- Some processors/re-refiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Generators and transporters who direct shipments of off-specification used oil to processor/re-refiners who incidentally burn used oil are not marketers subject to this subpart.
- Persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil specifications of 279.11.

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.70(c)	Any person subject to the Used Oil Fuel Marketers requirements (40 CFR 279 Subpart H) must also comply with one of the following: <ul style="list-style-type: none">- 40 CFR 279 Subpart C – Standards for Used Oil Generators;- 40 CFR 279 Subpart E – Standards for Used Oil Transporters and Transfer Facilities;- 40 CFR 279 Subpart F – Standards for Used Oil Processors and Re-refiners; or- 40 CFR 279 Subpart G – Standards for Used Oil Burners who Burn Off-Specification Used Oil for Energy Recovery.			
279.71(a)	Used Oil Fuel Marketers may initiate a shipment of off-specification used oil only to a used oil burner who has an EPA ID number.			
279.71(b)	Used Oil Fuel Marketers may initiate a shipment of off-specification used oil only to a used oil burner who burns the used oil in in only the following devices (defined in 40 CFR 260.10): <ul style="list-style-type: none">- Industrial furnaces- Boilers<ul style="list-style-type: none">- Industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;- Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or- Used oil-fired space heaters that meet the provisions of 40 CFR 279.23			

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.72	On-specification Used Oil Fuel			
279.72(a)	Analysis of used oil fuel (showing on-specification) – A generator, transporter, processor/re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of 279.11 by performing analyses, obtaining analyses or other information documenting that the used oil fuel meets the specifications.			
279.72(b)	Record retention (for on-specification) – A generator, transporter, processor/re-refiner, or burner who first claims that used oil to be burned for energy recovery meets the specifications for used oil fuel under 279.11, must keep copies of analyses of the used oil (of other information used to make the determination) for three years.			
279.73	Notification - Must notify electronically using RCRAInfo as a Used Oil Fuel Marketer and obtain an EPA ID number.			
279.74	Tracking			
279.74(a)	Off-specification Used Oil Delivery - Used Oil Marketer who directs a shipment of off-specification used oil to a burner must keep a record of each used oil shipment of used oil sent to a used oil burner. Records for each shipment must include the following information:			
	The name, address, and EPA ID number of the transporter who delivers the used oil to the burner;			
	The name, address, and EPA ID number of the burner who will receive the used oil;			
	The quantity of used oil shipped; and			
	The date of the shipment.			
279.74(b)	On-specification Used Oil Delivery – A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under 279.11 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:			
	The name, address of the facility receiving the shipment;			
	The quantity of used oil fuel delivered;			
	The date of the shipment or delivery; and			
279.74(c)	A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specifications required under 279.72(a).			
	Record Retention: The Used Oil Marketer must maintain at least three years of the used oil delivery records described in 279.74(a) and (b).			
	Certification: Before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, the burner must provide to the marketer a one-time written and signed notice certifying that:			
279.75(a)	<ul style="list-style-type: none"> - The burner has notified EPA stating the location and general description of his used oil management activities; and - The burner will burn the used oil only in an industrial furnace or boiler identified in 279.61(a). 			
	Certification Retention: The certification described in 279.75(a) must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.			

Additional Management Requirements that may apply to Used oil processors/re-refiners:

- All applicable Spill Prevention, Control and Countermeasures (SPCC) (40 CFR 112)
- Underground Storage Tank (UST) 40 CFR 280 standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste

Specifics on any item marked "No" or "N/A": _____
