



Used Oil Burners Who Burn Off-Specification Used Oil Guidance

Applicability: Requirements of 40 CFR 279 Subpart G, adopted by reference at 15A NCAC 13A .0118(g), apply to used oil burners who burn off-specification used oil for energy recovery.

A Used Oil Burner is a facility where used oil not meeting the specification requirements in 279.11 is burned for energy recovery in devices identified in 279.61(a) - an industrial furnace, boiler or hazardous waste incinerator.

This subpart does not apply to:

- Persons burning used oil that meets the used oil fuel specification of 279.11, provided the burner complies with the requirements of 279 Subpart H (Used Oil Marketers).
- Used oil burned by the generator in an on-site space heater under the provisions of 279.23.
- Used oil burned by a processor/re-refiner for the purposes of processing used oil, which is considered burning incidentally to used oil processing.

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.61	Restrictions on Burning – Off-specification used oil fuel may be burned for energy recovery 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 - Hazardous waste incinerator subject to regulation under 40 CFR 264/265 Subpart O. 			
279.61(b)(2)	Aggregation - Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.			
279.62	Notification - Must notify electronically in RCRAInfo as a Used Oil Burner and obtain an EPA ID number.			
279.63	Rebuttable Presumption for Used Oil			
279.63(a) and (b)	Facility must determine whether the total halogen content of used oil is above or below 1,000 ppm. This can be done by testing, knowledge of the halogen content of the used oil in light of the materials or processes used; or using information from the processor/refiner if the used oil was received from a processor/refiner.			

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		Yes	No	N/A
279.63(c)	<p>Rebuttable presumption may be used if halogens are over 1,000 ppm.</p> <ul style="list-style-type: none"> - The rebuttable presumption does not apply to metalworking fluids/ fluids containing chlorinated paraffins if the material is processed, through a tolling agreement, to reclaim metalworking fluids. - The rebuttable presumption does not apply to used oils contaminated with CFCs from refrigeration units where the used oil is destined for reclamation of the CFCs. 			
179.63(c)	Rebuttable Presumption Record Retention: Records of analyses conducted, or information used to comply with 279.63(a), (b) or (c) must be maintained by the burner for at least three years.			
279.64	Used Oil Management			
279.64(a)	Storage Units: Used oil may only be stored in containers, tanks and other unit subject to regulation under 40 CFR 264 and 265.			
279.64(b)	<p>Condition of Units: Containers and above ground tanks used to store and process used oil must be:</p> <ul style="list-style-type: none"> - In good condition (no severe rusting, apparent structural defects or deterioration) and - Must not be leaking. 			
279.64(c), (d), (e)	<p>Secondary Containment: Containers and aboveground tanks used to store or process used oil must be equipped with secondary containment which at a minimum consists of:</p> <ul style="list-style-type: none"> - Dikes, berms or retaining walls; and - A floor that covers the entire area within the dike, berm or retaining wall; or - An equivalent secondary containment system. <p>The entire containment system, including the walls and floor, must be sufficiently impervious to used oil to prevent any used oil released in the secondary containment system from migrating out of the system to the environment.</p>			
279.64(f)	<p>Labeling:</p> <ul style="list-style-type: none"> - Containers and aboveground tanks used to store or process used oil must be labeled or clearly marked with the words "Used Oil". - Fill pipes used to transfer used oil into underground storage tanks must be labeled or marked clearly with the words "Used Oil". 			
279.64(g)	<p>Response to Releases: The facility must respond to releases of used oil to the environment by doing the following:</p> <ul style="list-style-type: none"> - Stop the release of used oil, - Contain the released used oil, - Clean up and manage properly the released used oil and other materials, and - If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service. 			
279.65	Tracking – Acceptance			
279.65(a)	Used Oil Burners must keep a record of each used oil shipment accepted for burning. Records for each shipment must include the following information:			
	The name, address, and EPA ID number of the transporter who delivered the used oil to the burner;			
	The name, address, and EPA ID number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent to the burner;			
	The quantity of used oil accepted.			
	The date of acceptance.			

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		Yes	No	N/A
279.65(b)	Acceptance Records Retention: The facility must maintain at least three years of the Used oil acceptance records described in 279.65(a).			
279.66(a)	Certification: Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that: <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) 			
279.66(b)	Certification Retention: The certification described in 279.66(a) must be maintained for three years from the date the burner last receives shipment of off-specification used oil from the generator, transporter, or processor/re-refiner.			
279.67 reference to 279.10(e)	Management of Residues: Burners who generate residues from the storage or burning of used oil must manage the residues as specified in 40 CFR 279.10(e) – see below:			
	Materials that are reclaimed or used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are: <ul style="list-style-type: none"> - Not used oil and thus not subject to 40 CFR 279, and - Not solid wastes and are thus not subject to the hazardous waste regulations of 40 CFR parts 260 through 266, 268, 270, and 124 as provided in 40 CFR 261.3(c)(2)(i). 			
	Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to the regulations of 40 CFR 279.			
	Materials derived from used oil that are disposed of or used in a manner constituting disposal are: <ul style="list-style-type: none"> - Not used oil and thus not subject to 40 CFR 279, and Are solid wastes and thus are subject to the hazardous waste regulations of 40 CFR parts 260 through 266, 268, 270, and 124 of this chapter if the materials are listed or identified as hazardous wastes.			

Additional Management Requirements that may apply to Used Oil Burners:

- 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": _____
