
The Regulation of Used Oil: *Used Oil Burners*

DHWM Guidance Document

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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](#). For more information or further explanation of these rules, contact Ohio EPA's Division of Hazardous Waste Management (DHWM) at (614) 644-2917, or visit our [Web site](#). You can also contact a DHWM inspector for your area in one of the [District Offices](#).

What is Used Oil?

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

- Motor oil
- Hydraulic fluid
- Electrical insulating oils
- Transmission fluid
- Compressor oils

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.



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

It is possible to burn off-specification used oil and not be subject to the used oil burner requirements if:

- you only burn in an on-site space heater,
- 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 households),
- your space heater does not burn used oil at a rate exceeding 0.5 million Btu per hour, and
- all the combustion gases from your space heater are vented to the outside.

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.

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 information on what qualifies as an industrial furnace in OAC rule [3745-50-10\(A\)](#). For a boiler, first read OAC rule [3745-50-10\(A\)](#), 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 DHWM's [Regulatory Service Unit](#).

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

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

- Notify Ohio EPA, [DHWM](#), 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. You can obtain a copy of the form and [instructions](#) on our Web page or by calling (614) 644-2917.
- Determine if the used oil contains more 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® 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, processor/re-refiner from where the used oil was sent;
 - date of acceptance; and
 - quantity of used oil received.

Note: Besides Ohio's used oil regulations, 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 Emergency and Remedial Response](#) at (614) 644-2924 for more information.

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Prior to accepting any used oil, you must provide the supplying generator transporter or processor/re-refiner 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.
- 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."

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 tanks 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?

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 DHWM's [Regulatory Services Unit](#) at 614-644-2917 if you have used oil management questions or wish to learn about ways that you can reduce the amount of waste you generate.