

Kerry Holliday



California
Air Resources Board
Compliance Division

Advisory

**Waste-Oil Furnace
Advertisements**

Number 47

July 17, 1989

Waste Oil Burner Advertisements in California

Mariposa County Air Pollution Control District has reported that several businesses in the District have received advertisements from a company selling furnaces and heaters designed to burn used crankcase oil. Health and Safety Code Sections 25250 through 25250.25 require that used oil be managed as a hazardous waste and not be burned as a fuel. Department of Health Services enforces these provisions; for more information, contact Leif Peterson, Toxic Substances Control Division, at (916) 322-1005.

The Solano County District Attorney's Office recently obtained a judgment against an Oregon company for advertising and selling waste oil heaters in California. We have referred the information we have received to the Solano County District Attorney for investigation and possible prosecution. If you know of any waste oil heaters being advertised or sold, please let us know. Because this is an ongoing investigation, please forward any information you may have involving used-oil heaters to the Air Resources Board, Compliance Division. We will see that the information is forwarded to the Solano County District Attorney's Office. If you have questions, please call Mr. Kerry Holliday at (916) 445-3100.

Attachments

James J. Morgester, Chief
Compliance Division
California Air Resources Board
Post Office Box 2815, Sacramento, CA 95812

CALIFORNIA USED OIL RECYCLING LAW

(Excerpt from California Hazardous Waste Control Law)

The following is a reprint of Article 13, of the California Hazardous Waste Control Act (Chapter 6.5, Division 20, Health and Safety Code), as enacted on January 1, 1989.

Article 13. Management of Used Oil

(Added by Stats. 1986, Ch. 871)

25250. (a) The Legislature finds that almost 100 million gallons of used oil is generated each year in the state; that this oil is a valuable petroleum resource which can be recycled; and that, in spite of this potential for recycling, significant quantities of used oil are wastefully disposed of or improperly used by means which pollute the water, land, and air, and endanger the public health, safety, and welfare.

(b) The Legislature also finds that readily available technologies exist to recycle used oil into useful products and that used oil should be collected and recycled, to the maximum extent possible, by means which are economically feasible and environmentally sound, in order to conserve irreplaceable petroleum resources, to protect the environment, and to protect public health, safety, and welfare.

(Added by Stats. 1986, Ch. 871.)

25250.1. As used in this article, the following terms have the following meanings:

(a) "Used oil" means any of the following:

(1) Any oil that has been refined from crude oil, and has been used, and, as a result of use, has been contaminated with physical or chemical impurities.

(2) Any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination with nonhazardous impurities such as dirt and water, is no longer useful to the original purchaser.

(3) Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine.

(4) Spent industrial oils, including compressor, turbine, and bearing oil, hydraulic oil, metal-working oil, refrigeration oil, and railroad drainings.

(5) Contaminated fuel oil with a flash point greater than 100°F.

"Used oil" does not include oil which has a flash point below 100°F or which has been intentionally mixed with hazardous waste, other than minimal amounts of vehicle fuel. "Used oil" also does not include oil which contains polychlorinated biphenyls (PCBs) at a concentration of 5 ppm or greater.

(b) "Board" means the California Waste Management Board.

(c) "Recycled oil" means any oil, produced from used oil, which has been prepared for reuse and which achieves minimum standards of purity, in liquid form, as established by the department. This subdivision does not apply to oil which is to be disposed. The following standards of purity are in effect unless the department, by regulation, establishes more stringent standards:

(1) Flash point: minimum standards set by the American Society for Testing and Materials for the recycled products.

(2) Lead: 100 ppm or less prior to January 1, 1988; 50 ppm or less on and after January 1, 1988.

(3) Arsenic: 5 ppm or less.

(4) Chromium: 10 ppm or less.

(5) Cadmium: 2 ppm or less.

(6) Total Halogens: 3,000 ppm or less.

(7) Polychlorinated byphenyls (PCBs): 5 ppm or less.

Compliance with these standards shall be determined in accordance with the procedures for identification and listing of hazardous waste adopted in regulations by the department.

(d) The standards set in subdivision (c) include the only concentrations allowed above the criteria adopted pursuant to Section 25141.

(e) Used oil which meets the standards set in subdivision (c), is not hazardous pursuant to the criteria adopted pursuant to Section 25141 for constituents other than those listed in subdivision (c), and is not mixed with any waste listed as a hazardous waste in Part 261 (commencing with Section 261.1) of Chapter 1 of Title 40 of the Code of Federal Regulations is not regulated by the department. Any person who generates used oil, and who claims that the oil is exempt from regulation pursuant to this subdivision, shall notify the department, in writing, of that claim and shall comply with the testing and recordkeeping requirements of Section 25250.19 prior to its reuse. In any action to enforce this article, the burden is on the generator and user of the used oil to prove that the oil met those standards and criteria.

(f) "Used oil recycling facility" means a facility which reprocesses or rerefines used oil.

(g) "Used oil storage facility" means a storage facility, as defined in subdivision (a) of Section 25123.3, which stores used oil.

(h) "Used oil transfer facility" means a transfer facility, as defined in subdivision (c) of Section 25123.3, that either stores used oil for periods greater than 144 hours or that transfers used oil from one container or another.

(Amended by Stats. 1988, Ch. 1631.)

25250.3. Any virgin oil product or partially refined product, which has not been previously used, which has become contaminated with nonhazardous impurities such as dirt or water, and which has been returned to bulk storage by the product's manufacturer, transporter, or wholesaler for gravity separation of contaminants, is exempt from this article. Any petroleum product which becomes contaminated with any other petro-

leum product during refining, transportation by pipeline, or storage and which remains usable as a refinery feed stock or as a refinery fuel is exempt from this article.

(Added by Stats. 1986, Ch. 871.)

25250.4. Used oil regulated by the department shall be managed as a hazardous waste in accordance with the requirements of this chapter until it has been recycled. Used oil which is not recycled shall be disposed of, or transported out of the state, as a hazardous waste in accordance with this chapter.

(Added by Stats. 1986, Ch. 871.)

25250.5. (a) Disposal of used oil by discharge to sewers, drainage systems, surface or groundwaters, watercourses, or marine waters; by incineration or burning as fuel; or by deposit on land, is prohibited, unless authorized under other provisions of law.

(b) The use of used oil as a dust suppressant or weed control agent is prohibited.

(Added by Stats. 1986, Ch. 871.)

25250.7. No person who generates, receives, stores, transfers, transports, treats, or recycles used oil shall intentionally contaminate used oil or knowingly accept used oil which has been contaminated with other hazardous waste, other than minimal amounts of vehicle fuel.

(Added by Stats. 1986, Ch. 871.)

25250.8. Used oil shall be manifested under either one of the following procedures:

(a) The procedures prescribed by Sections 25160 and 25161.

(b) The following modified manifesting procedure, which may be used only by a registered hazardous waste hauler and shall be used only with the consent of the generator:

(1) A separate manifest shall be completed by each vehicle driver, with respect to each transport vehicle operated by that driver for each date.

(2) The hauler shall complete both the generator's and the hauler's sections of the manifest using the hauler's name, Environmental Protection Agency identification number, terminal address, and phone number. The hauler's section shall be completed prior to commencing each day's used oil collections. The driver shall sign and date the generator's and hauler's sections of the manifest.

(3) The hauler shall attach to the front of the manifest legible receipts for each quantity of used oil that is received from a generator. The receipts shall be used to determine the total volume of used oil in the vehicle. After the used oil is delivered, the receipts shall be affixed to the hauler's copy of the manifest. The hauler shall leave a copy of the receipt with the generator of the used oil. The generator shall retain each receipt for at least three years.

(4) All copies of each receipt shall contain all of the following information:

(A) The name, address, and telephone number of the generator, and the signature of the generator or the generator's representative.

(B) The date of the shipment.

(C) The state manifest number.

(D) The volume of the used oil received and its proper shipping description, including the hazardous class and identification number, if applicable.

(E) The name and address of the permitted facility to which the used oil will be transported.

(F) The hauler's name, address, and Environmental Protection Agency identification number.

(G) The driver's signature.

(5) The hauler shall enter the total volume of used oil transported on the manifest at the change of each date, change of driver, change of transport vehicle, or upon the last delivery of used oil to the designated facility. The total volume shall be the cumulative amount of used oil collected from the generators listed on the individual receipts.

(6) The hauler shall submit the generator copy of the manifest to the department within 30 days of each shipment.

(7) The hauler shall retain a copy of the manifest and all receipts for each manifest for three years.

(8) The hauler shall submit all copies of the manifest to the designated facility. A representative of the designated facility which received the used oil shall sign and date the manifest, return two copies to the hauler, retain one copy, and send the original to the department within 30 days.

(9) All other manifesting requirements of Section 25160 and 25161 shall be complied with unless specifically exempted under this subdivision.

(Amended by Stats. 1988, Ch. 545.)

25250.10. Every registered hazardous waste hauler who transports used oil shall report to the department on or before March 1 of each year, the following information on a form provided by the department:

(a) The shipping descriptions of used oil transported during the preceding year.

(b) The volume of each type of used oil transported, identified by shipping description.

(c) The facilities to which the used oil was transported, identified by name, address, telephone number, and Environmental Protection Agency identification number.

(Amended by Stats. 1988, Ch. 545.)

25250.11. (a) Any person who receives used oil from consumers or other used oil generators, is exempt from hazardous waste facility permit requirements imposed pursuant to Article 9 (commencing with Section 25200) with respect to any location at which used oil is received if all of the following conditions are met:

(1) Each shipment of used oil received does not exceed 20 gallons, and the contents of any single container does not exceed five gallons.

(2) Other than lead-acid storage batteries and antifreeze, no other hazardous waste are received at the location.

(3) The used oil is transported by the generator of the used oil.

(b) Any person who transports used oil is exempt from the requirements of subdivision (a) and (e) of Section 25163 and from the requirements of Section 25160 concerning the possession of a manifest while transporting used oil if all of the following conditions are met:

(1) The contents of any single container do not exceed five gallons.

(2) Each shipment of used oil does not exceed 20 gallons.

(3) The person transporting the used oil had generated the oil.

(Amended by Stats. 1988, Ch. 545.)

25250.15. Any person operating a refuse removal vehicle or a curbside collection vehicle used to collect or transport used oil which has been generated as a household waste or as part of a curbside recycling program, as defined by the board, is exempt from the requirements of Section 25160 and subdivisions (a) and (e) of Section 25163 of this code and Chapter 2.5 (commencing with Section 2500) of Division 2, Division 14.1 (commencing with Section 32000), and subdivision (g) of Section 34500 of the Vehicle Code.

(Added by Stats. 1986, Ch. 871.)

25250.16. No person may recycle used oil without obtaining a permit from the department unless exempted by Section 25143.2 or 2500.5 or other provision of law.

(Amended by Stats. 1988, Ch. 545.)

25250.17. Unless the facility meets the requirements of Section 25250.11, each used oil recycling, storage, or transfer facility shall submit a report, on or before March 1 of each year, to the department, on a form provided by the department, containing all of the following information:

(a) The total volume of used oil possessed at the beginning and end of the preceding calendar year.

(b) The total volume of used oil received during the preceding calendar year.

(c) The total volume of used oil recycled during the preceding calendar year, itemized as follows:

(1) Prepared for reuse as a petroleum product.

(2) Consumed in the process of preparing for reuse, including wastes generated.

(3) Prepared for reuse other than as a petroleum product, specifying each type of other use.

(4) Not recycled but transported offsite.

(d) Any other information which the department may require.

(Amended by Stats. 1988, Ch. 545.)

25250.18. Any person who transports recycled oil shall maintain with each shipment of recycled oil the shipment's destination and a signed and dated form, provided by the department, from the recycling facility

certifying that the oil being transported has been tested and is in compliance with the standards specified in subdivision (c) of Section 25250.1.

(Amended by Stats. 1988, Ch. 545.)

25250.19. A used oil recycler shall ensure that all recycled oil transported from the recycling facility has been tested and certified as being in compliance with the standards specified by subdivision (c) of Section 25250.1. Records of tests performed and a copy of each form completed pursuant to Section 25250.18 shall be maintained for three years and are subject to audit and verification by the department or the board.

(Amended by Stats. 1988, Ch. 545.)

25250.20. Any person whose permit or registration has been revoked may not apply for a new or renewed permit or registration for a period of one year after the revocation of the permit or registration.

(Added by Stats. 1986, Ch. 871.)

25250.21 Any person whose permit or registration has been revoked may not serve in the employ of a hazardous waste hauler or used oil recycler during the period of revocation of the permit or registration.

(Added by Stats. 1986, Ch. 871.)

25250.22. All rules and regulations of the department shall be adopted, amended, and repealed in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 1986, Ch. 871.)

25250.23. Any person who transports used oil shall register as a hazardous waste hauler and, unless specifically exempted or unless the used oil is not regulated by the department pursuant to subdivision (e) of Section 25250.1, shall comply with all provisions of this chapter.

(Added by Stats. 1986, Ch. 871.)

25250.24. (a) Except as provided in subdivision (b), any person who generates, receives, stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the used oil is not regulated by the department pursuant to subdivision (e) of Section 25250.1, shall comply with all provisions of this chapter.

(b) Used oil which is removed from a motor vehicle and which is subsequently recycled, by a recycler who is permitted pursuant to this article, shall not be included in the calculation of the amount of hazardous waste generated for purpose of the generator fee imposed pursuant to Section 25205.5.

(Amended by Stats. 1988, Ch. 1085.)

25250.25. (a) Any person who manufactures containers which are produced specifically for the noncommercial storage or transportation of used oil and which are sold in this state to consumers, shall not sell or transfer any of those containers in this state to any person, unless the container meets all of the following requirements:

(1) The used oil cannot leak or unintentionally be spilled from the container with normal handling.

(2) No part of the container that comes in contact with the used oil can absorb any of the used oil being collected and transported.

(3) The following statement shall be printed on a readily visible part of the container in at least 12-point typeface by the manufacturers of the container:

“Used oil is classified as a hazardous waste under California law. Used oil must be recycled properly. Placing used oil into household garbage or commercial dumpsters or pouring it into sewers or onto the ground is prohibited by law.”

(b) Any person who manufactures containers which are produced specifically for the noncommercial drainage of used oil and which are sold in this state to consumers, shall not sell or transfer any of those containers in this state to any person unless the container meets the requirements of paragraphs (2) or (3) of subdivision (a).

(Added by Stats. 1988, Ch. 776.)

LENAN

R C V E I

September 6, 1988

Good Morning!

Thank You for your inquiry. Since 1976, Lenan Corporation has been a pioneer in the research and development of waste oil heating technology.

Our Lanair Multi-Oil Fueled Heaters are designed to lower your heat bills and reduce your waste disposal liability by burning on-site the waste crankcase oil and automatic transmission fluid your business generates. Your decision to consider the purchase of a Lanair heater was a good one. Consider the following:

Ten Year Limited Warranty

Lenan has the reputation for manufacturing quality products. We back our reputation by offering the industry's first extended combustion chamber/heat exchanger warranty.

U. L. Listed Lanair Heaters

Lanair models CA200C and CD150 are listed by Underwriters Laboratory as Waste Oil Burning Appliances (U.L. file #MH14518).

Experience

Since 1976, Lenan has been involved in the research and development of waste oil heating technology. Also, Lanair is the #1 seller. More Lanair Multi-Oil Fueled Heaters are in use in the United States than any other competitor.

Support

Our distributor network and customer service department provide nationwide factory support.

Acceptability

All Lanair models are safety tested and meet NFPA #31 requirements for oil burning equipment. (SEC #1-10 and 1-11)

The EPA's final used oil fuel regulation (40 CFR #266 - Nov. 29, 1985) allows the burning of on-site generated used oil in heaters listed for that purpose.

To start saving money by burning the waste oil you generate call **today** at 1-800-356-9424; in Wisconsin 608-752-1601.

THOSE WHO COMPARE BUY LANAIR

Sincerely,



Morris Mantey
National Sales Manager
Lenan Corporation

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