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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

October 13, 1993

Dr. P.B. Joshipura
5901 College Drive
Suffolk, Virginia 23435

Dear Dr. P.B. Joshipura,

This letter responds to your request for clarification of Part 279 Section §279.10(b)(2)(iii) and its applicability to ignitable used oil.

As stated in Section §261.6(a)(4), of the September 10, 1992, Federal Register (57 FR 41566), used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 40 CFR Parts 260 through 268, but is regulated under 40 CFR part 279.

EPA does not consider the consolidation of different sources of used oil to be a mixture of used oil. EPA regulates the consolidated used oil as used oil under the Part 279 used oil management standards. As discussed in your letter, the used oil must meet the flashpoint level of 100 degrees fahrenheit as well as other properties and constituents in 279.11 if the used oil is burned as on-specification fuel for energy recovery.

However, as stated in Section §279.81(a), used oil that cannot be recycled and that is identified as a hazardous waste must be managed in accordance with the hazardous waste management requirements of 40 CFR Parts 260 through 266, 268, 270, and 124 when sent off-site for disposal or disposed of on-site.

If you have any further questions please contact Bryan Groce of my staff at (202) 260-9550.

Sincerely,
Mike Petruska, Chief
Regulatory Development Branch

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