

9451.1991(03)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 16 1991

Mr. Michael H. Oberg
Chief Operating Officer
United Marketing International, Inc.
P.O. Box 989
Everett, WA 98206-0989

Dear Mr. Oberg:

Thank you for your letter dated February 19, 1991 concerning the Toxicity Characteristic (TC) rule and its relationship to used oil filter disposal as outlined in a October 30, 1990 memorandum to Mr. Robert Duprey in EPA's Region 8 office.

The TC rule was effective in all states on September 25, 1990, regardless of the state's RCRA authorization status. The TC will be implemented and enforced by EPA's Regional Offices until such time as states are authorized to implement and enforce the TC. Please note that the compliance date for generators of small quantities (from 100 to 1000 kg of total hazardous waste in a calendar month) of TC-hazardous wastes was March 29, 1991. Small quantity generators (SQGs) were required to begin managing their TC-hazardous waste in accordance with all applicable hazardous waste regulations on that date. Of particular concern to the Agency is the proper management (e.g., storage, treatment, transportation and disposal) of these wastes.

As a point of clarification, I would also note that under the TC rule, generators are not specifically required to test their waste. The regulations allow generators to use their knowledge of the waste and/or the process that generated it to determine if it is hazardous. They are, however, required to be correct in their determination.

The Agency intends to fully enforce this rule. The Agency's enforcement policy clearly is designed to identify and prosecute violators and to deny any economic benefit resulting from violations. Civil and criminal penalties are also available as enforcement tools.

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Finally, the Office of Solid waste appreciates the information you provided pertaining to recently completed studies of used oil filters conducted by the University of Northern Iowa. This study addresses the Agency's recommended best operating practice contained in the October 30, 1990 memorandum which suggested both draining and crushing of the oil filter to ensure maximum removal of the oil. Of course, as discussed earlier, each hazardous waste generator is ultimately responsible for making their own determination as to whether their waste is hazardous under the TC rule for any waste stream generated.

I hope this letter clarifies the nature of the Agency's implementation of the TC rule. If you have any additional questions, please feel free to contact Mr. Steve Cochran of my staff at (202) 382-4770 for general TC questions and Mr. Hugh Davis in the Office of Waste Programs Enforcement at (202) 475-9867, if you have TC enforcement questions.

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director
Office of Solid Waste