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

April 5, 1993

Mr. Barry M. Hartman
Kirkpatrick & Lockhart
1800 M Street, N.W. 20036

Dear Mr. Hartman,

Thank you for your letter of January 8, 1993 to Lisa Friedman requesting written clarification on a particular application of the used oil management standards under 40 CFR Part 279.

In your letter, you asked how the used oil management standards apply to used oil contaminated with HCFCs. EPA intends to apply the used oil management standards to used oil contaminated with CFCs and used oil contaminated with HCFCs in the same manner and to the same extent.

In order to qualify for exemption from the rebuttable presumption, used oils contaminated with HCFCs must be removed from refrigeration units and the HCFCs must be destined for reclamation. The HCFC contaminated used oil can not be mixed with used oil from sources other than refrigeration units.

I trust this will be responsive to your concerns. If you have any further questions, please contact Michaelle Wilson of my staff at (202) 260-4669.

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste

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Attachment

Kirkpatrick & Lockhart
9th Floor, South Lobby
1800 M Street, N.W.
Washington, D.C. 20036-5891

January 8, 1993

VIA FACSIMILE, ORIGINAL TO FOLLOW

The Honorable Lisa K. Friedman
Associate General Counsel
Environmental Protection Agency
401 H Street, N.W.
Washington, D.C. 20460

Re: Clarification of Used Oil Management Standard

Dear Ms. Friedman:

On Thursday, September 10, 1992 the Environmental Protection Agency (EPA) promulgated a final rule amending 40 CFR Part 260 et al., "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards; Final Rule." 57 Fed. Reg. 41566. Several provisions of the rule discuss its application to "used oil contaminated with chlorofluorocarbons (CFCs)". These include 40 CFR §§261.3(a)(2)(v)(B); 279.10(b)(ii)(B); 279.44(c)(2); 279.53(c)(2); and 279.63(c)(2).

During a series of conversations with your associate, Randy Hill, I asked if these management standards also apply to used oil contaminated with hydrochlorofluorocarbons (HCFCs) as opposed to CFCs, since, as you know, CFCs are being phased out and replaced with HCFCs. Mr. Hill indicated that the regulations apply to used oil contaminated with HCFCs in the same way they apply to used oil contaminated with CFCs. Mr. Hill's conclusion is logical, appropriate, and one with which we agree.

Since the regulation and preamble are ambiguous on this point, we respectfully request written clarification and confirmation that used oil contaminated with HCFCs is covered by these regulations in

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the same manner and to the same extent as used oil contaminated with CFCs, and that EPA will interpret the rule in that manner.

Thank you for your prompt attention to this request.

Sincerely,
Barry M. Hartman

cc: Randy Hill