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

January 10, 1994

Mr. William Patterson, President
Oils Unlimited, Inc.
P.O. Box 130
Mentone, Alabama 35984

Dear Mr. Patterson:

Thank you for your letter dated September 8, 1993, to Jeffery Denit regarding the Environmental Protection Agency's (EPA) Recycled Used Oil Management Standards (40 CFR Part 279). Specifically, you requested a regulatory determination on whether the used oil management standards allow the use of on-specification used oil fuel as a substitute for #2 fuel oil in the manufacture of ANFO blasting agents.

In its November 29, 1985, used oil rule, EPA discussed the matter of how virgin fuel oil compares to specification used oil fuel. In the preamble to that rule, the Agency stated that "[specification] used oil fuel poses no greater risk than virgin fuel oil and, once it enters the commercial fuel oil market, should not be regulated differently than virgin fuel oil." (50 FR 49189). In other words, EPA considers commercially available on-specification used oil fuel to be equivalent to virgin fuel oil for regulatory purposes. On this basis, we would consider the substitution of specification used oil fuel for #2 fuel oil in the production of ANFO to be allowed as a legitimate recycling activity under the Part 279 Recycled Used Oil Management Standards. It should be noted, however, that use of off-specification used oil as a virgin fuel oil substitute in ANFO would not be permitted under the used oil regulations.

If you have any further questions about the used oil management standards, you may call Eydie Pines of my staff at (202) 260-3509.

RO 11807

Sincerely,
Michael Shapiro, Director
Office of Solid Waste

bcc: Alan Farmer, Region IV; John Works, Region VII