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

February 8, 1994

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

Dear Dr. P.B. Joshipura,

Thank you for your letter of August 24, 1993, requesting clarification of the Environmental Agency's (EPA) used oil regulations. Specifically, you asked 1) if a hazardous waste characteristic determination must be made for used oil being recycled and 2) if a specification analysis is required for used oil being burned in an industrial boiler.

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. Used oil that cannot be recycled and 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 (Section 279.81(a)).

In response to your second question, EPA does not require used oil to be analyzed to determine whether the used oil is on specification used oil if the used oil is burned for energy recovery in devices listed at Section §279.61. However, except for Section 279.23, used oil that is burned in devices other than those mentioned in Section 279.61 is required to meet the specifications in Section 279.11.

It is unclear in your letter whether or not you are selling used oil to a customer who burns used oil for energy recovery. If this is the case, please note that you must comply with all

applicable standards for a "Used Oil Fuel Marketer" (Section 279.70). If you have any further questions please contact Bryan Groce of my staff at (202) 260-9550.

Sincerely,
Mike Petruska, Chief, Regulatory Development Branch