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## RCRA

### 1. Marketer Shipments of On-Specification Used Oil

*A transporter delivers used oil from multiple generators to a used oil processor. After processing the used oil, the processor tests the oil and determines that it is on-specification (40 CFR §279.11). Accordingly, the processor must meet the requirements in §§279.72, 279.33 and 279.74(b) (§279.11). Section 279.74(b) specifically contains requirements for maintaining records of each shipment of used oil sent to an on-specification used oil burner. However, the processor wants to sell the on-specification used oil to a re-refiner, who will process the oil along with other on-specification used oil and send the collective batches to a used oil burner. Since §279.74(b) only specifies requirements for sending on-specification oil to a used oil burner, can the processor send the on-specification used oil to a re-refiner?*

A used oil processor or re-refiner that determines used oil to be on-specification pursuant to the requirements in §279.11 is not limited to shipping the oil only to a used oil burner. The processor or re-refiner may also sell and send the used oil to another processor or re-refiner. Once the shipment of on-specification used oil reaches the next destination (e.g., processor, re-refiner, fuel distributor), the shipment of used oil is no longer subject to regulation under Part 279. The on-specification used oil can be handled at that point like any other virgin fuel oil, since EPA considers such oil to be equivalent to virgin fuel oil for regulatory purposes. This policy was clarified in the preamble to the November 29, 1985, final rule where EPA 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 49154, 49189).