

TECHNICAL BULLETIN No. 93-3

SUBJECT: EPA FINAL RULE ON LISTING RECYCLED USED OIL AS A HAZARDOUS WASTE

SUMMARY: On September 10, 1992, the EPA promulgated their final decision on listing recycled used oil. EPA determined not to list recycled used oil as a hazardous waste. EPA issued management standards at the same time and feels that these standards adequately protect human health and the environment.

The Hazardous and Solid Waste Amendments of 1984 (HSWA) directed the Administrator of the Environmental Protection Agency (EPA) to promulgate regulations necessary to protect human health and the environment from hazards associated with waste oil. In response to HSWA, in November 1986, EPA decided not to list waste oil that is recycled as hazardous waste under the Resource Conservation and Recovery Act (RCRA). RCRA, in Title 40 Code of Federal Regulations (CFR), Part 261, contains lists identifying specific wastes as hazardous. It also identifies characteristics for non-listed hazardous wastes. The four characteristics are Ignitability, Corrosivity, Reactivity, and Toxicity Characteristic. Therefore, a material not listed as hazardous may still be hazardous by its characteristics.

EPA stated that it felt that listing waste oil as hazardous may produce a stigma which would discourage recycling. This decision was challenged, and, in 1988, the Court of Appeals for the District of Columbia ruled that EPA must determine whether to list any used oils based on the technical criteria for waste listing as per 40 CFR 261.

EPA's response to the court ruling was two separate Rules. On May 20, 1992 (57 FR21524), the EPA issued their "Final Listing Decision For Used Oils Destined For Disposal," and on September 10, 1992 (57 FR 41566), they issued their "Final Rule On Listing Decision For Recycled Used Oil."

In the May 20 Rule, EPA concluded that the **Technical Bulletin No. 93-3** existing regulations adequately regulated disposal of used oils that exhibit hazardous characteristics. The Rule had four separate actions:

1. Used oil destined for disposal would not be categorically listed as hazardous waste. Used oil could still be considered hazardous if a Toxicity Characteristic Leaching Procedure (TCLP) test revealed it had toxic characteristics.
2. A decision on used oil destined for recycling would be deferred (This decision was made in the September 10 rule).
3. Non-terne-plated used oil filters that have been hot-drained to remove used oil were exempted from the definition of hazardous waste. (Terne is an alloy of tin and lead).

EPA Final Rule On Listing Recycled Used Oil As A Hazardous Waste

4. The Agency deferred a final decision to list residuals from processing and rerefining of oil.

In the September 10, 1992 Rule, EPA decided:

1. Existing regulations, with the addition of management standards, would adequately address used oil which is to be recycled.
2. EPA established management standards for recycled used oil to provide safeguards against potential mishandling. An additional goal of the standards was to limit undue regulatory and financial burdens on the used oil recycling system.
3. Management standards were created for used oil generators, processors and rerefiners, transporters, collectors, burners, and for used oil marketers. The management standards address issues such as accumulation, storage, transportation, risk in managing used oil and general management.

FURTHER INFORMATION: For further information on EPA's final rule on recycled used oil, contact any of the following:

Broward County at (954) 519-1260.

Florida Department of Environmental Protection's Hazardous Waste Section in Tallahassee at (904) 488-0300.

The RCRA Hotline at (800) 424-9346.