

9493.1985(06)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 85

Used Oil as Dust Suppressant

5. Can EP-toxic waste oil which has not been mixed with hazardous waste be used for dust suppression purposes?

Yes; §261.6(a)(3)(iii) currently exempts waste oil exhibiting a characteristic from regulation under parts 262-266, 124, and 270 when the used oil is being recycled. Therefore, waste oil which exhibits a characteristic and which has not been mixed with hazardous waste can be used as a dust suppressant.

This ban, mandated by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and codified in §266.23(b), prohibits used or waste oil which has been mixed with dioxins or other hazardous wastes from being used as a dust suppressant. Discussion in the preamble of the codification rule (50 FR 28718) indicate that this ban would also apply to unmixed hazardous waste. Therefore, in the future when EPA lists waste oil as a hazardous waste, road oiling and other dust suppression methods involving used oil would be prohibited.

Source: Matt Straus (202) 475-8551