

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

**MEMORANDUM**

**SUBJECT:** Regulation of Mixtures of Used Oil and Diesel Fuel

**FROM:** Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste

**TO:** Margo T. Oge, Director  
Office of Mobile Sources

As a follow up to our meeting on February 23, 1998, this memo is intended to clarify that mixtures of used oil and diesel fuel that are mixed by a generator of used oil for use in the generator's own vehicles are only excluded from regulation as used oil under the Used Oil Management Standards. All other applicable regulations related to management or burning of such mixtures as a fuel still apply.

The Used Oil Management Standards specifically exclude from the used oil regulations mixtures of used oil and diesel fuel on the conditions that (1) a used oil generator only mixes used oil that they generate on-site and (2) such mixtures are used as fuel in the generator's own vehicles (see 40 CFR 279.10(d)(2)). This provision excludes used oil/diesel fuel mixtures from only the Used Oil Management Standards. It does not preclude or supersede regulation under the Clean Air Act or any other applicable laws.

Mixtures of used oil and diesel fuel that are burned and any engines or vehicles that may burn them are still subject to any applicable regulations promulgated under the Clean Air Act. For example, if burning used oil/diesel fuel mixtures in diesel engines causes the emission of pollutants that are unsafe for human health or welfare, or causes the engines to exceed their already applicable emissions limits, then the exclusion of these mixtures from the Used Oil Management Standards does not preclude either the Office of Air and Radiation or the Office of Enforcement and Compliance Assurance from regulating these emissions or taking enforcement action, respectively.

I would again like to thank you for the opportunity to discuss used oil management and your evaluation of used oil/diesel fuel mixtures. I would be happy to

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issue a joint letter containing the message of this memorandum to any relevant stakeholders. For any additional information regarding used oil, your staff can contact Tom Rinehart of my staff at (703) 308-4309.