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USED OIL INTRODUCED INTO REFINERY PROCESS UNDER HAZARDOUS  
WASTE DERIVED REFINERY FUEL PRODUCTS

FEB 11 1986

Mr. William F. O'Keefe  
Vice President  
American Petroleum Institute  
1220 L Street, Northwest  
Washington, D.C. 20005

Dear Mr. O'Keefe:

This is in response to your January 24, 1986, letter regarding applicability of our November 29, 1985, "burning and blending" regulations to petroleum refinery fuel products derived from recycled used oil.

As Bob Holloway explained to you on January 28, the exemption we provided for hazardous waste-derived refinery fuel products -- based on data you provided us -- also exempts refinery products when both hazardous waste and used oil are introduced into the process. Had we been aware that crude oil petroleum refineries typically recycle used oil as well as their hazardous wastes, we would have explicitly addressed the issue in the preamble.

When oil-bearing hazardous wastes and used oil are introduced into the crude oil refining process, the fuel products are exempt from the November 29 rule. This is because mixtures of used oil and hazardous waste are subject to regulation as hazardous waste, and hazardous waste-derived refinery fuel products are exempt from the rule.

Although we understand that virtually all refineries reintroduce their process-generated, oil-bearing hazardous waste into the refining process, if a refinery were to recycle used oil but not its hazardous waste, the November 29 rule would not explicitly exempt the refinery fuel products from regulation as used oil fuel. As you note, however, EPA did not intend for used oil-derived refinery products to be subject to regulation as used oil fuel. If in fact there are refineries that recycle used oil but not hazardous waste, please let me know so that we can take

whatever action is necessary to ensure that their products are not subject to regulation.

I hope this addresses your concerns.

Sincerely,

Original Document signed

Marcia Williams  
Director  
Office of Solid Waste

bcc: Lehman  
Dellinger  
Holloway  
Walker  
Silverman