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RCA/SUPERFUND HOTLINE MONTHLY SUMMARY

JANUARY 88

1. Definition of Used Oil

Number 2 fuel oil is used to clean air filters and then is burned for energy recovery. Is "used oil" subject to the regulations of 40 CFR 266, Subpart E? If the substance used for cleaning the air filters was gasoline, and then was burned for energy recovery, would it be considered "used oil"?

Currently, there is no more specific definition of "used oil" than that found in RCRA Section 1004 and in 40 CFR 266.40(b). When the "used oil" technical standards are proposed, a more specific definition of "used oil" will be included in that proposal. EPA's current position is oil that has been refined from crude oil, used as a lubricating hydraulic or heat transfer fluid, and has become contaminated through use, is a "used oil." Petroleum distillates which have been used only as cleaning agents, or only for their solvent properties, would not be regulated as "used oil" when burned for energy recovery or recycled in some other manner. It is important to note that "used oil does not need to be a solid waste per Section 261.2 in order to be regulated under RCRA Subtitle C, because the authority to regulate "used oil" is found in section 3014 of RCRA.

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