

PPC 9483.1986(06)

USED OIL TANK CLASSIFICATION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OCT 31 1986

Mr. William P. Pierce
Branch Manager
Jones & Frank
701 Chester Street
Columbia, South Carolina 29202

Dear Mr. Pierce:

This letter is in response to your letter of September 29, 1986, in which you requested written confirmation on the classification of a used oil tank as new or existing.

As you stated in your letter, used oil is not currently listed or otherwise classified as a hazardous waste. Therefore, its storage is not covered under the revised hazardous waste tank system standards that were promulgated on July 14, 1986 (51 FR 25422). However, under the provisions of Section 3014 of the Resource Conservation and Recovery Act as amended by the Hazardous and Solid Waste Amendments of 1984, EPA is in the process of developing a regulatory strategy for used oil that will address the storage of used oil in tank systems. Standards for the storage of used oil will be developed as part of this later rulemaking effort. It is unlikely that the used oil storage standards would be issued in final form this year. Thus, if you installed a used oil tank in October of 1986, the tank would be considered an existing tank at the time the used oil management standards are issued.

Given that such standards for used oil have not yet been promulgated, if the tank is to be installed underground, you must install the tank in accordance with the minimum standards for underground tanks as mandated by the 1984 Hazardous and Solid Waste Amendments. These amendments to RCRA require that any underground tank installed after May 7, 1985, for the purpose of storing regulated substances (excluding hazardous waste), meet the requirements outlined in Section 9003(g) of RCRA. These requirements were codified in 40 CFR 280.2 on July 15, 1985 (50 FR 28702). If you should have any questions regarding these requirements, please call Steve Glomb at (202) 382-5866.

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Thank you for your interest in our rulemaking efforts. If you should have any further questions regarding hazardous waste tank issues, please contact Bill Kline at (202) 382-7917. If you need further information on the used oil rulemaking effort, please contact Bob April at the same number.

Sincerely,

Original Document signed
"J. Carra for"

John P. Lehman
Director
Waste Management Division