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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 30 1990

Mr. William A. Anderson, II
Bracewell and Patterson
2000 K Street, Northwest
Washington, D.C. 20006-1809

Dear Mr. Anderson:

This is in response to your letter of November 5, 1990 concerning the applicability of the Agency's used oil definition to your client's open-gear lubricant, "Gearite." This lubricant is described as a petroleum-based, semi-solid material which becomes liquefied when heated, and is sprayed onto the bull gears of cement kilns for lubrications. The spent Gearite is collected in drip pans at the bottom of the enclosed gears and is eventually piped back into the original product drums, where it solidifies upon cooling. The Gearite is TC hazardous but can be reused as a fuel in cement kilns.

You contend that Gearite fits the definition of "oil" and not "grease" because it lacks the saponification agent necessary to classify it as a grease (as described in the Agency's Development Document for Effluent Limitation Guidelines). You also referred to the Agency's November 29, 1985 definition of used oil, which included spent "gear oils." Although EPA has not yet finalized the used oil definition proposed on November 29, 1985, the Agency agrees with your interpretation that spent Gearite should be classified as a used oil.

As you indicated, used oils that exhibit the characteristics of hazardous waste are either exempt when recycled or subject to special used oil standards under 40 CFR 266 Subpart E when burned for energy recovery in industrial furnaces and boilers per 40 CFR 261.6(a)(30)(iii) and (a)(2)(iii). State regulations for used oil, however, may be more stringent than the Federal standards and should be consulted.

RO 11570

Should you have any further questions on used oil, please feel free to contact Ms. Denise Wright of my staff at (202) 245-3519.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste