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NOTIFICATION BY BURNERS OF USED OIL WHO FIRST CLAIM THAT USED OIL  
MEETS SPECIFICATIONS

20 JAN 87

Mr. Joseph P. Chu, Assistant Director  
Plant Environment  
Environmental Activities Staff  
General Motors Corporation  
General Motors Technical Center  
30400 Mound Road  
Warren, Michigan 48090-9015

Dear Mr. Chu:

This is in response to your letter of December 19, 1986, concerning the used oil notification requirements of 40 CFR Part 266, Subpart E. You are correct in pointing out that the regulations themselves do not require burners of specification used oil fuel to notify EPA. This is, however, the result of a drafting oversight. Question VI.7. on the notification form (EPA Form 8700-12) is mean to apply to all persons who first claim that their used oil fuel meets the specification, including generators who burn their own used oil on-site. See the preamble of the November 29, 1985, Federal Register (50 FR 49195), which states:

The following persons must notify either EPA or an authorized state to identify their waste-as-fuel activities ... (3) marketers (or burners) who first claim used oil fuel meets the specification and so is exempt from subsequent regulation. [Emphasis added.]

We recognize that the rules themselves should be clarified on this point. In the future, we will be issuing a correction notice in the Federal Register to clarify this and certain other ambiguities in the rules issued on November 29, 1985.

Finally, the last point you raised was that EPA Form 8700-12 is not appropriate for used oil because it is not necessarily a

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hazardous waste. EPA never limited the notification requirement to used oil that is hazardous waste, so the requirement does apply. If you wish, however, you may notify EPA on the enclosed form that we have recently developed for used oil handlers. (It makes no mention of "hazardous waste.") Either the enclosed form, EPA Form 8700-12, or a letter with all required information would be equally acceptable ways for you to notify.

Sincerely,

Original Document signed

Marcia E. Williams  
Director  
Office of Solid Waste

Enclosure