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1. Used Oil Marketer

Corporation A owns both Corporation B and Corporation C. Corporation B generates an off-specification used oil. The State in which Corporation B generates the used oil does not allow burning of the oil. Therefore, Corporation B ships the used oil to a sister corporation, Corporation C. Corporation C burns the used-oil for energy recovery. Is Corporation B as specified in 40 CFR 266.43(a)?

A marketer as defined in Section 266.43(a) in "any person who markets used oil fuel ... marketers include generators who market used oil fuel directly to a burner...." Even though no funds are exchanged during the transaction, Corporation B is marketing the used oil fuel to Corporation C. There are no exclusions which state that used oil given to a sister corporation is excluded from regulation or that marketing requires an exchange of funds. Thus, Corporation B must comply with the regulations which pertain to marketers (Section 266.43). Corporation C is also a burner.