

9454.1986(02)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 86

3. Specification Used Oil Fuel

The final rule for the burning and marketing of used oil fuel was published in the November 29, 1985 Federal Register (50 FR 49164). The preamble (example 3.A. on page 49199) explains that a marketer who blends off-specification used oil fuel to meet specifications must only keep records of the facility to which the specification fuel is first sent. What happens if the first facility to receive the specification fuel does not burn it, but markets it to someone else? Is that subsequent marketer regulated?

The marketer who first claims that the used fuel oil meets specification must keep records of the analysis (or other information) and records of each shipment including the name and address of the receiving facility, the shipment date, and the quantity shipped, according to 40 CFR 266.43 (b)(6). The marketer (as burner) who receives the specification used oil fuel shipment is not regulated by Part 266 Subpart E, per §266.43(a) (2). He is not required to notify EPA of his waste fuel as-fuel activities, analyze the oil, or keep records. If, however, the subsequent marketer mixes the specification used oil with off-specification used oil or with hazardous waste, he becomes subject to regulation as a marketer of used oil or hazardous waste fuel.

Source: Bob Holloway (202) 382-7936