

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Tom Allen, Director  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
Department of Transportation

Dear Mr. Allen:

Please review the attached direct final rule and provide us with comments by October 17, 1996. The direct final rule concerns EPA's regulation of used oil. This proposal discusses two issues and four technical corrections. Specifically of interest to your Agency would be the issues concerning requirements related to railroad transportation of used oil.

As explained in the rulemaking, this issue was brought to the EPA's attention by the railroad industry. EPA met with the railroad industry after promulgating the final Used Oil Management Standards (57 Federal Register September 10, 1993). The Agency is reconsidering in this draft proposal, the feasibility of and need for requiring secondary containment systems around rail cars containing used oil that are held temporarily en-route to their final destination.

Existing regulations require that secondary containment be placed around rail cars that are held in one location for more than 24 hours en-route to their final destination. According to rail industry representatives, it is both technically and economically impossible to place secondary containment systems around all rail cars that are held for more than one day en-route to their final destination. Attached are copies of the correspondence between EPA and the railroad industry on the issue. Specifically, EPA is proposing to amend §279.45(d) to provide a ten day exemption from secondary containment requirements for temporary storage of used oil in rail cars en-route to their final destination. This change makes the requirements for used oil transportation by rail consistent under requirements applicable to rail transportation of hazardous waste.

If you have any questions on this issue, please contact Tracy Bone of my staff at (703) 308-8826.

Attachments

RO 14138

Sincerely,

David Bussard, Director  
Hazardous Waste Identification Division