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Environmental Protection
Agency

Solid Waste and
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Office of Solid Waste

EPA

Environmental Fact Sheet

No Hazardous Waste Listing for Used Oil that Is Being Disposed

The Environmental Protection Agency (EPA) has determined that listing of used oil as hazardous waste is not necessary because the toxicity characteristic (TC) rule controls the disposal of hazardous waste. The Agency believes this approach is the most practical one for protecting human health and the environment while encouraging and promoting recycling of this valuable resource.

Background

In November 1985, EPA proposed to list all used oils as hazardous waste. Due to the potential stigma that might be attached to a hazardous waste, EPA issued a decision in 1986 not to list as hazardous used oil that is being recycled. The Agency thought that listing could discourage recycling, resulting in increased incidences of improper disposal of used oil.

The basis for the 1986 rule was legally challenged in 1988. The court ruled that EPA had to make a listing decision based on the statutory criteria which relate to whether a material is toxic. Subsequently, the Agency re-evaluated the basis for making a listing determination for used oil, and issued a Supplemental Proposal in September 1991 that presented three options for listing used oil, and proposed exempting used oil filters from hazardous waste regulation.

Action

The Agency has determined that it is unnecessary to list used oil being disposed of as hazardous waste. Further, EPA determined that crushed or drained used oil filters are not hazardous and need not be regulated when recycled or disposed.

Used Oil. EPA has been collecting and analyzing data on the composition of various types of used oils since 1988. The Agency believes it is also important to consider the effects of other regulations issued since that time. EPA has issued regulations on hazardous waste storage tanks and underground storage tanks. The 1973 Spill Prevention Control Countermeasure requirements are being revised per the Oil Pollution Act of 1990. The toxicity characteristic (TC) rule, issued in 1990, subjected many

more wastes to federal hazardous waste regulations, including used oil being disposed.

Relying on existing laws and regulations, the Agency has revised some of its conclusions. EPA recognizes the variability of constituent concentrations between different used oil streams, and believes it is not appropriate to list used oil as hazardous. The Agency also believes that used oil which becomes hazardous through use or adulteration can be controlled through the TC when it is destined for disposal. Therefore, this rule makes the determination that listing of used oil as hazardous waste is not necessary since the toxicity characteristic rule controls the disposal of hazardous solid waste.

The TC provides regulatory limits on lead, benzene, and other contaminants that may be present when used oil is produced. Under current regulations, a used oil handler must determine (through testing or knowledge) that the used oil does not exceed the regulatory limits for TC constituents. Used oil that fails the TC must be disposed according to hazardous waste regulations. Used oil that does not exceed the toxicity characteristic is not a hazardous waste.

Used Oil Filters. As proposed in September 1991, the Agency has determined that properly drained used oil filters do not exhibit the toxicity characteristic. Therefore, it is not necessary to list used oil filters as a hazardous waste. EPA continues to encourage recycling of used oil removed from filters, and recycling of the filters and their components

Contact

For additional information or to order a copy of the *Federal Register* notice, contact the RCRA Hotline, Monday-Friday, 8:30 a.m. to 7:30 p.m. EST. The national, toll-free number is (800) 424-9346; TDD (800) 553-7672 (hearing impaired); in Washington, D.C., the number is (703) 920-9810, TDD (703) 486-3323.

Copies of documents applicable to this rulemaking may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (OS-305), 401 M Street SW, Washington, D.C. 20460.