



DIRECTIVE NUMBER: 9490.00-2

TITLE: Used Oil Recycling Act of 1980 (P.L. 96-463)
(PIG-81-5)

APPROVAL DATE: 11-14-80

EFFECTIVE DATE: 11-14-80

ORIGINATING OFFICE: Office of Solid Waste

FINAL

DRAFT

STATUS: [] A- Pending OMB approval
[] B- Pending AA-OSWER approval
[] C- For review &/or comment
[] D- In development or circulating

REFERENCE (other documents): headquarters

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United States Environmental Protection Agency
Washington, DC 20460

OSWER Directive Initiation Request

1. Directive Number
9490.00-2

2. Originator Information

Name of Contact Person James Michael	Mail Code WH-563	Office OSW	Telephone Code (202) 382-2231
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3. Title
Used Oil Recycling Act of 1980 (P.L. 96-463) (FIG-81-5)

4. Summary of Directive (include brief statement of purpose)
Memo answers the following: How will the Used Oil Recycling Act of 1980 (P.L. 96-463) affect the Subtitle D State solid waste management plans?

5. Keywords State Plan/Used Oil

6a. Does This Directive Supersede Previous Directive(s)? No Yes What directive (number, title)

b. Does It Supplement Previous Directive(s)? No Yes What directive (number, title)

7. Draft Level
 A - Signed by AA/DAA
 B - Signed by Office Director
 C - For Review & Comment
 D - In Development

8. Document to be distributed to States by Headquarters? Yes No

This Request Meets OSWER Directives System Format Standards.

9. Signature of Lead Office Directives Coordinator	Date
10. Name and Title of Approving Official Steffen Plehn, Deputy Assistant Administrator, Solid Waste	Date 11/14/80

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

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

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FIG-81-5

MEMORANDUM

SUBJECT: Used Oil Recycling Act of 1980 (P.L. 96-463)

FROM: Steffen W. Plehn *Steffen W Plehn*
 Deputy Assistant Administrator
 for Solid Waste

R. Sarah Compton *R Sarah Compton*
 Deputy Assistant Administrator
 for Water Enforcement

TO: PIGS Addressees

Issue

How will the Used Oil Recycling Act of 1980 (P.L. 96-463) affect the Subtitle D State solid waste management plans?

Discussion

On October 15, 1980, the "Used Oil Recycling Act of 1980" (P.L. 96-463) was enacted. This Act, which amends the Solid Waste Disposal Act, includes provisions which:

- Define the terms "used oil;" "recycled oil;" "lubricating oil;" and "re-refined oil."
- Direct the Federal Trade Commission (FTC) to remove and prevent any biased labeling requirements on re-refined oil.
- Provide for the establishment of discretionary oil recycling programs within the existing State solid waste management planning process under Subtitle D of RCRA.
- Provide for technical assistance to the States to address issues regarding oil recycling.

Require the EPA to develop standards for the recycling of used oil and to determine whether used oil is subject to the hazardous waste requirements under Subtitle C of RCRA.

Require the EPA, in cooperation with the Department of Energy (DOE), Federal Trade Commission (FTC), and the Department of Commerce (DOC), to study the environmental concerns and the collection cycle of used oil and to analyze the supply and demand in the used oil industry. In addition, the comparison of energy savings associated with the re-refining of oil and the development of policies at the Federal, State and local levels to encourage the recycling of used oil are to be addressed.

Since the passage of the "Used Oil Recycling Act of 1980" many questions have been raised concerning the impact of this Act on the Subtitle C and Subtitle D programs. The majority of these questions have been in regard to the discretionary plan (Subtitle D) provisions relating to recycled oil. Section 4003(b) provides that any State plan submitted under Subtitle D may include, at the State's option, provisions to carry out each of the following:

- "(1) Encouragement to the maximum extent feasible and consistent with the protection of the public health and the environment, of the use of recycled oil in all appropriate areas of State and local government.
- (2) Encouragement of persons contracting with the State to use recycled oil to the maximum extent feasible, consistent with protection of the public health and the environment.
- (3) Informing the public of the uses of recycled oil.
- (4) Establishment and implementation of a program (including any necessary licensing of persons and including the use, where appropriate, of manifests) to assure that used oil is collected, transported, treated, stored, reused and disposed of, in a manner which does not present a hazard to the public health or environment."

Section 4008(f) further provides that the Administrator may make grants to States, which have a State plan approved under Section 4007, or which have submitted a State plan for approval under such section, where such plan includes the discretionary provisions for recycled oil described above in Section 4003(b). These grants would be for the purpose of assisting the States in carrying out the discretionary provisions but could not be used for construction or for the acquisition of land or equipment.

Finally, there are authorized to be appropriated \$5,000,000 for fiscal year 1982 and \$5,000,000 for fiscal year 1983. No funds are authorized for fiscal year 1981, and funds for fiscal years 1982 and 1983 have not yet been appropriated.

Decision

To obtain approval under Section 4007, State plans need not include the discretionary provisions of Section 4003 (b). However, to be eligible for possible financial assistance in carrying out the discretionary provisions, the State solid waste management plan, including the discretionary provisions, must be approved under Section 4007, or must have been submitted for approval.

States considering the submission of a discretionary plan for recycled oil must do so in accordance with Section 4003(b). The discretionary provisions must be incorporated into the State solid waste management plan which is to be developed pursuant to Section 4002(b). Subpart D of 40 CFR Part 256, "Guidelines for for Development and Implementation of State Solid Waste Management Plans" sets forth additional requirements and recommendations for developing and implementing resource conservation and recovery programs. The deadline for submission of State plans for approval under Section 4007 is January 31, 1981. States may subsequently amend their plans to include these discretionary provisions (See 40 CFR 256.03).

Should funds be appropriated for such grants in fiscal year 1982 or fiscal year 1983, States meeting the eligibility requirements may apply for financial assistance to carry out the discretionary provisions. We intend to address this program in the "Guidance for the Development of State Work Programs for Fiscal Year 1982 under the Resource Conservation and Recovery Act (RCRA)."

Further questions should be directed to: Mr. James Michael (WH-563), State Programs Branch, State Programs and Resource Recovery Division, Office of Solid Waste; telephone (202) 755-9145.
