



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
ONE CONGRESS STREET
BOSTON, MASSACHUSETTS 02203-2211

August 12, 1994

Mr. Paul Raftery, President
Western Oil
333 Cottage Street
Pawtucket, Rhode Island 02860

Dear Mr. Raftery:

This is in response to your letter dated May 24, 1994. Your letter states that you are a licensed hazardous waste transporter and that you propose to test waste oil using a Dexsil Clor-D-Tect test kit. Based on the results of the test, you ask whether waste oil with a total halogen content of less than one thousand ppm could be classified as a Massachusetts hazardous waste code MA98 (off-specification) rather than as MA01 (hazardous waste.)

The Dexsil Clor-D-Tect test kit has been referenced in the proposed SW-846 Method No. 9077 (Clor-D-Tect 1000). However, this is only a proposed regulation. Thus, the Dexsil Clor-D-Tect test is not yet an approved EPA method to determine total halogen content in waste oil.

EPA believes that waste oil with a halogen content less than 1000 ppm (determined by a currently valid test method) may be classified as an off-specification fuel.¹ Waste oil with a halogen content greater than 1000 ppm is presumed to be a hazardous waste and subject to the applicable regulations set out at 40 C.F.R. Parts 260-266, 268, 270 and 124.

Finally, pursuant to Section 3009 of RCRA, 42 U.S.C. § 6929, states are authorized to promulgate regulatory requirements more stringent than the federal analogues. Whether waste oil is properly classified as MA98 or MA01 is regulated under federally authorized Commonwealth of Massachusetts hazardous waste regulations. Therefore, please contact the Massachusetts Department of Environmental Protection for a definitive answer to this question.



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contains at least 75% recycled fiber

If you have any questions regarding this matter you may contact
Mel R. Cheeks at 617-223-5590.

Sincerely,

Mat R. Hoagland
Matthew R. Hoagland, Chief
Waste Regulation Section
ME/NH/VT

1vol no. [57] Federal Register/Thursday, September 10, 1992/pg. 41601, VI.D.6,
"A decision to market used oil as an off-specification fuel is solely an
economic decision depending on the costs associated with marketing used oil as
on-specification fuel (i.e., used oil fuel meeting the specification limits).
In the former case, used oil is shipped, as generated or consolidated without
any processing, to an industrial boiler or furnace. In the later case,
however, used oil is blended or processed to produce on-specification used oil
fuel and is analyzed to document the claim that it meets the specification
limits."

cc: Fred Friedman
RCRA Library

Lisa Papetti
MA Section

Steve Berkstrom
MADEP

WESTERN OIL INC
33 COTTAGE STREET
PAWTUCKET, RHODE ISLAND 02860

(401) 724-5540
FAX (401) 724-5580

MAY 24, 1994

EPA
REGION I
J.F.K. BUILDING
BOSTON, MA 02203-2211

MEL CHEEKS MAIL CODE HPR CANI

MR CHEEKS:

AS PER OUR CONVERSATION THIS DATE I AM FOLLOWING UP WITH THIS LETTER. WESTERN OIL, INC IS A LICENCED HAZARDOUSE WASTE TRANSPORTER IN SIX STATES, CONNECTICUT, RHODE ISLAND, MASSACHUSETTS, NEW HAMPSHIRE, MAINE AND VERMONT.

WE HAVE MADE OUR NOTIFICATION TO THE EPA AND ALL THE STATES THAT WE ARE LICENCED IN, THAT WE ARE A MARKETER OF ON SPECIFICATION AND OFF SPECIFICATION FUEL'S (COPYS ENCLOSED).

IN MASSACHUSETTS THE THREE CLASSIFICATIONS OF WASTE OIL, MA01, MA97, AND MA98.

1. MA01 HAZARDOUS WASTE (SUBJECT TO MASS TRANSPORTER FEE).
2. MA97 ON SPECIFICATION (NOT SUBJECT TO MASS TRANSPORTER FEE).
3. MA98 OFF SPECIFICATION (NOT SUBJECT TO MASS TRANSPORTEER FEE).

IN THE PROCESS OF PICKING UP USED OIL WESTERN OIL, INC USES A DEXSIL CLOR-D TEST KIT TO DETERMIN THE HALOGEN CONTENT IN THE OIL PRIOR TO PICKING UP THE ACCOUNT, WE ALSO HAVE THE GENERATOR SIGN A BURDEN DISCLOSURE STATING THEY HAVE NOT CROSS CONTAMINATED THERE WASTE OIL. (SAMPLE OF BOTH ATTACHED)

IF THE OIL PASSES A DEXSIL CLOR-D-TECT TEST LESS THAN 1000 PPM THE OIL WILL BE PICKED UP. A SPLIT SAMPLE OF THE OIL WILL BE TAKEN ONE SAMPLE WILL BE LEFT WITH THE GENERATOR THE OTHER WILL RETURN TO WESTERN OIL, INC, TO BE HELD TILL THE TRUCK IS OFF LOADED AT A FACILITY AND THE LOAD RE-TESTED.

IN THIS PROCESS OF PRE SCREENING THE OIL WITH THE DEXSIL CLOR-D-TECT KIT, AND THE OIL IS TESTED LESS THAN 1000PPM WOULD THE CLASSIFICATION BE MA98 OFF SPECIFICATION NOT A MA01?

THE ON-SPECIFICATION TESTING WOULD STILL BE DONE PRIOR TO SELLING OIL TO AN ON-SPECIFICATION BURNER. IN TALKING WITH THE DEP IN BOSTON MA, TO STEVE BERKSTROM (617-292-5786) THEY ARE WORKING TOWARD ALLOWING LICENCED TRANSPORTER WHO HAVE MADE NOTIFICATION TO EPA AND THE STATES TO MARKET

AN ENVIRONMENTAL SERVICE COMPANY

WESTERN OIL INC.

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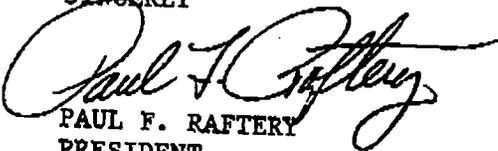
MAY 24, 1994

PAGE 2

THE ON-SPECIFICATION FUEL DIRECTLY OFF THERE
TRUCKS TO A LICENCED BURNER.

PLEASE SEE ATTACHMENTS

SINCERLY



PAUL F. RAFTERY
PRESIDENT

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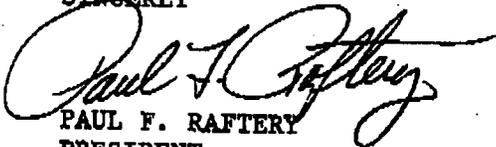
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