


**RT ENVIRONMENTAL SERVICES, INC.**
*Your Solution-Oriented Environmental Services Firm*

Press Release

RT Helps Resolve a National Issue

## EPA Issues Recycled Used Oil Rule: No Changes for the Asphalt Pavement Industry



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Under pressure from the courts, EPA this week issued a number of final environmental rules. Of potential impact to the asphalt pavement industry was the issue of how EPA was going to define Recycled Fuel Oil (RFO): either as a solid / hazardous waste or as a viable fuel.

### The bottom line

: nothing changes with regards to the use of on-spec used oil as a viable alternative burner fuel.

Over the last year, NAPA has been proactive in identifying and commenting on environmental regulations that have the potential to negatively impact the asphalt pavement industry. Working with the National Oil Recyclers Association (known today as NORA), NAPA submitted highly specific comments to EPA on their proposed used oil rules. Coupled with a recent Congressional request to NAPA, and our response to Congressman Darrell Issa on identifying overly restrictive and burdensome regulations that have the potential to impact job growth -- EPA appears to be listening.

In a statement releasing their new set of environmental regulations and standards,

### EPA said

: "Based on input from key stakeholders including the public, industry and the public health communities, today's announcement represents a dramatic cut in the cost of implementation, while maintaining maximum public health benefits." The title to their news release makes it clear: ". . . Sensible standards provide significant public health benefits while cutting costs from initial proposal by nearly 50 percent."

### Recycled Fuel Oil is not considered a solid waste

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Regarding the determination of whether or not RFO is considered a solid waste, the Final Rule identifies that on-spec used oil will NOT be considered a solid waste. "EPA reiterates that the determination as to the waste status of used oil does not reopen the regulations in Part 279. Those regulations remain in place." (p.174 of the pre-published Final Rule). Therefore, it appears that the numeric limits for classifying on-spec / off-spec used oil have not changed. That is, used oil containing total halogens above 4,000 ppm is still considered off-spec and treated as a solid / hazardous waste. Keep in mind that used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste unless it is rebutted through appropriate demonstration, known as the rebuttable presumption provision, at 40 CFR Parts 279 and 261.

**Bottom line:** It appears that the use of on-spec used oil for burner fuel will not be impacted; and that all past requirements regarding 40 CRF 279 will remain valid and current.

For further information, see EPA's site on non-hazardous solid waste at:

<http://www.epa.gov/epawaste/nonhaz/define/index.htm#fr>

*Gary L. Hoffman, P.E. Executive Director of The Pennsylvania Asphalt Pavement Association (PAPA) had this to say, "Fortunately, the EPA Final Rule has not changed the status of waste oils for our industry. Thanks to the PAPA Environmental Committee and RT Environmental for their action on this important issue. PAPA sent a response to the Federal Notice of Proposed Rulemaking that was prepared for us by Gary Brown of RT Environmental Services, Inc. late last year. I gave our response to Mike Acott at NAPA, and they used much of what we had in our response to get involved at the national level. Yes, our efforts on these legislative and regulatory issues are sometimes successful."*

*Gary Brown said many professionals from Pennsylvania Department of Environmental Protection helped create an environmentally reliable system for used oil management; they helped make this happen.*

RT Environmental Services, Inc. continues to work with both PAPA and NAPA on key environmental issues facing the Asphalt Pavement Industry.

National Asphalt Pavement Association

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