



RecOil
INCORPORATED

April 11, 2001

RECEIVED
2001 APR 23 AM 11:07
REVIEW COMMISSION

Acting Secretary David E. Hess
PA Dept. of Environmental Protection
Rachael Carson State Office Building
PO Box 8472
Harrisburg, PA 17105-8472

RE: Proposed Waste Oil Regulations

Dear Secretary Hess,

I am compelled to write to you concerning a change in the State's new waste oil regulations that will negatively effect thousands of generators of waste oil throughout the Commonwealth. Specifically, 25 Pa. Code Chapter 298, Subchapter B. (298.10 (b)(1)(i)), which defines that mixtures of listed hazardous waste and waste oil are subject to regulation as a hazardous waste rather than as waste oil, regardless of the generator status. Again the state has felt the need to be more stringent than the Federal regulations and this time even more stringent than our own State's hazardous waste regulations. The Federal regulations clearly allow an exemption from regulation as a hazardous waste for Conditionally Exempt Small Quantity Generator's as well as our states hazardous waste regulations Pa. Code 25 Chapter 261.5. This decision to eliminate this exemption was made without considering the impact it would have on generators and processors of waste oil and without having a clear understanding of the waste oil that's generated in this state. As a processor of waste oil within the state the following are some facts that were ignored or completely overlooked.

What the state is now proposing is that after the rebuttable presumption process if a generator of waste oil has a chlorinated solvent level of over 1000 ppm the waste oil will have to be handled as a hazardous waste regardless of their generator status. Over the past six month's RecOil has run 405 solvent scans on waste oil from various individual generator's using gas chromatography. Out of the 405 solvent scans run 99 have had a chlorinated solvent levels over 1000 ppm, which equates to 24% of the total volume of oil we pick-up and recycle. It is only logical to perceive that this is typical throughout the state and not just something effecting RecOil's waste oil customers. More consequential is the fact that 98% of the 99 waste oil generators that had chlorinated solvent levels over 1000 ppm are Conditionally Exempt under the current Federal and State regulations.

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Under the new waste oil regulations this would all have to be rejected as hazardous waste. Also of interest is that 142 of the 405 generator's tested had chlorinated solvent levels of between 100 ppm and 1000 ppm or 35%. Most of the chlorinated solvents present in waste oil today are the result of garages or mechanics using an aerosol brake cleaner that contains some chlorinated solvents that may happen to drip into a waste oil pan and eventually into the waste oil tank. To put this in the right perspective consider that to reach a level of 100 ppm or 1000 ppm chlorine in 200 gallons of waste oil would only take a couple ounces of brake cleaner. This is not characteristic of someone illegally trying to dispose of a hazardous waste. This happens through the general use of commercial products in the maintenance of equipment and vehicles.

The removal of the hazardous waste exemption for Conditionally Exempt Small Quantity Generators of waste oil will have the following impact.

The Winners:

- Out of state waste oil processors that come into the state pick-up waste oil and take back to their out of state processing facilities and do not have to worry about any of this because their State follows the Federal Guidelines without being more stringent.
- Large out of state processors that are also hazardous waste processors and transporters which I am sure lobbied hard for this change in regulations so they can charge elevated handling fee's to waste oil generator's for removal of oil as hazardous waste, which before was processed as non-hazardous and was beneficially used as reclaimed fuel.

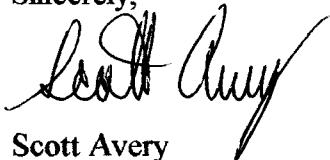
The Losers:

- PA waste oil generators who will now be plagued by more stringent regulations, which will only increase their liability and disposal costs and discourage legitimate recycling.
- PA waste oil processor's that will end up with the responsibility of monitoring and enforcing the new regulations as well as the increased liability in environmental compliance, while out of state companies benefit by not having to play by the same rules.
- PA companies who beneficially reuse waste oil generated in the state as fuel (end users). With the stricter regulations and increased costs on PA waste oil processors and generators. More oil will be hauled out of the state and reused by out of state companies. This will decrease the supply available to PA end users, which will increase their costs and discourage other PA companies from beneficially using reclaimed oil.

- Pennsylvania DEP's waste oil recycling efforts, once PA waste oil processor's are forced to reject as hazardous waste the amounts of waste oil represented in the above numbers. Word is going to spread quick. Privately owned waste oil community drop off sites will discontinue accepting outside waste oil due to potential liability and financial concerns. Smaller generators who need an incentive to recycle will now be compelled to look for simpler and more economical ways of disposal, leading to illegal dumping and the loss of a renewable resource.

My intrastate colleague's in the waste oil recycling business may or may not agree with all of my comments. However, I am sure that we all agree that we are the very people you count on and hold accountable for regulating and educating the thousands of waste oil generators in this state. And yet you put us at a disadvantage to our out of state competition and make it more difficult for us to operate facilities within the state lines. You claim in newspapers and other media that the State of Pennsylvania promotes waste oil recycling. But if the new waste oil regulations are promulgated as written this will be the most difficult state in the country to recycle oil in. I hope my comments are taken in a positive and constructive manner. I am available at (717)846-9551 for any questions or comments.

Sincerely,



Scott Avery
Vice President

cc: Rep. Steven Stetler, District 95
Bill Pounds, DEP
Keith Kerns, DEP
Scott Walters, DEP
Robert Nyce, Independent Regulatory Review Commission
Pat Umbriac, Hazleton Oil
Kent Hart, Petromax
Mike Hecei, G&H Oil
Dave Taylor, Ernies Waste Oil
Robert Krawiecki, CR Warner
Rick Middleton, Lancaster Oil

Original: 2022

From: Gerard Maryak [g.maryak@worldnet.att.net]
Sent: Thursday, April 12, 2001 7:20 PM
To: IRRC@irrc.state.pa.us
Subject: Waste Oil Regs

I would like to express some concerns that I have on the new waste oil regs recently finalized by the EQB.

The regs define waste oil in general as oil that is contaminated by use or any internal combustion engine oil.

Chapter 287.51 specifies that Chapter 287 does not apply to oil collected from internal combustion engines but does not exclude other oils defined as waste oil.

Chapter 298.2 identifies that Chapter 298 applies to waste oil that is being recycled and so therefore includes internal combustion oil and others.

Chapter 298.25 identifies the need for a Source Reduction Strategy in accordance with 287.51, 53 and 54. Chapter 298.26 identifies the need for biennial reporting per 287.51, 52 and 55.

Neither a biennial or SRS would be required for internal combustion oil.

Since other oils beside internal combustion oil are regulated under Chapter 287 it would appear that these oils would require a SRS and biennial under both 287 and 298. In addition, under 287 these same oils would appear to require annual chemical analysis and perhaps require a Form U process for sending to a recycler.

Essentially, my comment is that even though it appears that the DEP would like to say that recycled oil only should be governed under 298, it appears that by not specifically excluding both the internal combustion oils and the other oils under 287, there may be double requirements for the non internal combustion oil.

REC'D - 2001 APR 16 AM 8:52
RECEIVED - 2001 APR 16 AM 8:52
PA DEPARTMENT OF ENVIRONMENT
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Original: 2022

IRRC

From: Wilmarth, Fiona E.
Sent: Monday, April 16, 2001 2:37 PM
To: IRRC
Subject: FW: Waste Oil Regulation (IRRC #2022)

These are comments on #2022.

-----Original Message-----

From: Sharon Roth [mailto:sroth@pachamber.org]
Sent: Monday, April 16, 2001 2:28 PM
To: 'fionaw@IRRC.STATE.PA.US'
Cc: Fred Sembach
Subject: RE: Waste Oil Regulation (IRRC #2022)

RECEIVED
2001 APR 16 PM 3:00
REVIEW COMPLETED

Hi Fiona:

Our Solid Waste Work Group met last week to discuss this package. Here are some of the remaining concerns that we have:

General -- The portions relating to oil/water separators seem to be the most troublesome. As far as we can tell, there is no size limitation or operation limit, so even if one has a small oil water separator capturing compressor blowdown, that may be used only a few hours a day, those units would be covered. In addition, oil/water separators must be operated under the hazardous waste permit-by-rule whether or not there are hazardous waste characteristics present.

264.15--General Inspection Requirements

The owner/operator needs to inspect the facility, develop a written schedule, maintain records, and do daily inspections of loading and unloading areas. All of these records must be logged. We are in favor of preventive maintenance in accordance with manufacturer's specifications, but most of this seems to go beyond that. We are concerned that a large plant may have to do lots of inspections for every small oil water separator they may have on compressors, or other equipment.

264.73--Operating Record

There are a number of references to hazardous waste analysis, locations of haz waste storage, reports, records of waste analysis, closure cost estimates, etc. We don't see the connection with oil water separators.

264.75--Biennial Report

Is this the EPA biennial report, DEP Biennial report, or a new report? We did not understand this section.

264.77--Owner or operator must report facility closures. If a company stops operating an oil water separator, do they have to notify the Department, even if it is a small unit on an air compressor?

The above requirements provide a disincentive for oil water separation. If a

facility does the right thing and has an oil water separator on their compressor blowdowns, or other units, to prevent oil from getting into wastewater, they should not be penalized. Often, these units are installed not to meet permit

limits, but as good management practice.

-----Original Message-----

From: fionaw@IRRC.STATE.PA.US [mailto:fionaw@IRRC.STATE.PA.US]

Sent: Monday, April 16, 2001 2:10 PM

To: sroth@pachamber.org

Subject: Waste Oil Regulation (IRRC #2022)

Hi Sharon,

Thanks for the voice mail message you left for me. Here is the e-mail address for all comments on regulations: irrc@irrc.state.pa.us. We'll look forward to seeing your comments. (Just a reminder - the blackout period begins at 10:30 tomorrow morning.)

Fiona