

<u>SUBJECT</u>		<u>DATE</u>
1320.	Treated Hazardous Waste Used as Dust Suppressant	FEB 28, 2019
1321.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE MAR 7, 2019
1322.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE MAR 14, 2019
1323.	Decharacterized Wastes, ≤90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE MAR 21, 2019
1324.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE MAR 28, 2019
1325.	PCB Decontamination Standard with No Decontamination Performed	ENCORE APR 4, 2019
1326.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required?	ENCORE APR 11, 2019
1327.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required? – The Sequel	ENCORE APR 18, 2019
1328.	PCB Concentrations and Micrograms per Centimeters Squared (µg/cm ²)	ENCORE APR 25, 2019
1329.	Operating Record vs. Operating Log	ENCORE MAY 2, 2019
1330.	Operating Records Not Referenced in the “Operating Record” Regulations	ENCORE MAY 9, 2019
1331.	Washington State Used Oil and Mixtures with Other Materials	ENCORE MAY 16, 2019

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TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: WASHINGTON STATE USED OIL AND MIXTURES WITH OTHER MATERIALS

DATE: MAY 16, 2019

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Tania Bates Rene Catlow Richard Clinton Larry Cole Laura Cusack John Dent Lorna Dittmer Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Bill Cox Noah Cruz Jeanne Elkins Jonathan Fullmer Ted Hopkins Tad Karschnia Barry Lawrence Jim Leary Diane Leist Mitch Marrott Stewart McMahan Brian Mitcheltree Anthony Nagel Linda Petersen Fred Ruck Sean Sexton Dave Shea Ray Swenson Kat Thompson Wayne Toebe Daniel Turlington Dave Watson	Brett Barnes Michael Carlson Mike Demiter Kip George Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Matt Mills Carly Nelson Michelle Oates Eric Pennala Jon Perry Christina Robison Christian Seavoy David Shaw John Skoglie Lana Strickling Greg Sullivan	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Tom Gilmore Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: Washington State Used Oil and Mixtures with Other Materials

Q: A Washington State customer has three drums of used oil destined for recycling. Drum #1 is only used oil, i.e., not mixed with any other materials, but does exhibit a characteristic of hazardous waste. Drum #2 is used oil that has been mixed with a characteristic hazardous waste. Drum #3 is used oil that has been mixed with a listed ignitable hazardous waste. Can these three drums be recycled as used oil or must they be managed as dangerous/hazardous waste?

A: **Drum #1** (used oil that exhibits its own characteristic), can still be recycled as used oil under [40 CFR 279](#), "Standards for the Management of Used Oil". As stated at [WAC 173-303-120\(5\)](#), "Recycled reclaimed and recovered waste" [[40 CFR 261.6\(a\)\(4\)](#)]:

"Used oil that is recycled and is also a dangerous waste solely because it exhibits a dangerous waste characteristic (D001 - D043 and WSC2 solid corrosive) or criteria (WT01, WT02, WP01 - WP03) is not subject to the requirements of this chapter except for 40 CFR Part 279 which is incorporated by reference at [WAC 173-303-515](#)."

Therefore, Drum #1 can be recycled as used oil according to WAC 173-303-120(5) and 40 CFR 279, but only if the used oil is not a mixture, i.e., it is just used oil and not a mixture of used oil and other materials.

Drum #2 (used oil mixed with a characteristic hazardous waste), and **Drum #3** (used oil mixed with a listed ignitable hazardous waste) cannot be recycled as used oil in Washington State since WAC 173-303-515(3) explicitly states:

"This section identifies those materials subject to regulation as used oil. For the purpose of this section, the applicability statements of [40 C.F.R. 279.10](#) are incorporated by reference, except 40 C.F.R. Part 279.10 (b)(2) and (3), ..." [Emphasis added.]

40 CFR 279.10(b)(2) allows used oil mixed with characteristic waste or mixed with listed waste listed solely for a characteristic, to be managed as used oil if the mixture exhibits no characteristics. However, Washington State did not adopt this specific regulation. 40 CFR 279.10(b)(3) concerns very small quantity generators mixing used oil and hazardous wastes and still being allowed to manage the mixture as used oil. Washington State did not adopt this specific regulation.

Also, per WAC 173-303-515, "Standards for the management of used oil", paragraph (5)(e), "Prohibitions":

"Materials to be managed under this section are prohibited from being mixed with any dangerous waste. If any material managed under this section is mixed with dangerous waste, the resultant mixture is dangerous waste and must be managed as such."

The above wording means that even Washington State criteria dangerous wastes WT01, WT02, WP01-WP03, WSC2, and WPCB cannot be mixed with used oil and managed as used oil. Therefore, **Drum #2** and **Drum #3** cannot be recycled as used oil in Washington State. Other states may vary in their application of 40 CFR 279.10(b)(2) and (3) ranging from full adoption to partial adoption to total prohibition.

SUMMARY:

- Used oil that is not a mixture, can be recycled as used oil even if it does exhibit a characteristic or criteria.
- Used oil mixed with a dangerous or hazardous waste cannot be recycled in Washington State as used oil.
- In other states, used oil mixed with characteristic hazardous waste or mixed with listed hazardous waste listed solely for characteristics can be recycled as used oil if the resulting mixture does not exhibit a characteristic of hazardous waste.

A **redacted** 40 CFR 279.10(b) is attached. If you have any questions, contact me at [Paul W Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 5/16/19

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Washington State Used Oil and Mixtures with Other Materials

40 CFR §279.10 Applicability

(b) *Mixtures of used oil and hazardous waste-*

(1) *Listed hazardous waste.*

(i) Mixtures of used oil and hazardous waste that is listed in subpart D of part 261 of this chapter are subject to regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter, rather than as used oil under this part.

(ii) *Rebuttable presumption for used oil.* Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter).

(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in §279.24(c), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

(B) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

[40 CFR 279.10(b)(2) and (3) were not adopted by Washington State.]

(2) *Characteristic hazardous waste.* Mixtures of used oil and hazardous waste that solely exhibit one or more of the hazardous waste characteristics identified in subpart C of part 261 of this chapter and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C are subject to:

(i) Except as provided in paragraph (b)(2)(iii) of this section, regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter rather than as used oil under this part, if the resultant mixture exhibits any characteristics of hazardous waste identified in subpart C of part 261 of this chapter; or

(ii) Except as specified in §279.10(b)(2)(iii) regulation as used oil under this part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under subpart C of part 261 of this chapter.

(iii) Regulation as used oil under this part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under §261.21 of this chapter.

(3) *Very small quantity generator hazardous waste.* Mixtures of used oil and very small quantity generator hazardous waste regulated under §262.14 of this chapter are subject to regulation as used oil under this part.

FROM: Paul W. Martin

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