

<u>SUBJECT</u>		<u>DATE</u>
1253. Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE	NOV 16, 2017
1254. PCB Radioactive Wastes and Exception Reporting	ENCORE	NOV 21, 2017
1255. Satellite Accumulation Requirements and Container Inspections	ENCORE	NOV 30, 2017
1256. Disposing of PCB Ballasts with PCB Potting Material	ENCORE	DEC 7, 2017
1257. Fluorescent Light Ballasts and PCB Annual Reporting		DEC 14, 2017
1258. 'Twas the Night Before Christmas – The Twenty-Fifth Annual Edition		DEC 21, 2017
1259. The Purpose of Keeping Containers Closed Except When Adding or Removing Wastes	ENCORE	DEC 28, 2017
1260. Satellite Accumulation and Product Vessel Cleanouts	ENCORE	JAN 4, 2018
1261. Conservative Declaration that Material is a Hazardous Waste	ENCORE	JAN 11, 2018
1262. Defining Criteria for Household Waste Exclusion	ENCORE	JAN 18, 2018
1263. The Household Waste Exclusion and Renovation Debris	ENCORE	JAN 25, 2018
1264. The Household Waste Exclusion and Renovation Debris – Part II	ENCORE	FEB 1, 2018
1265. The Mixtures Rule – Washington State vs. The Feds	ENCORE	FEB 8, 2018
1266. Spent Lead-Acid Batteries and Secondary Containment	ENCORE	FEB 15, 2018
1267. Spent Lead-Acid Batteries and Accumulation Time Limits	ENCORE	FEB 23, 2018
1268. CERCLA Hazardous Substances – A Brief Definition	ENCORE	MAR 1, 2018
1269. Radioactively Contaminated Lead-Acid Batteries and Hazardous Debris	ENCORE	MAR 8, 2018
1270. RCRA Treatment and the Two-Part Definition	ENCORE	MAR 15, 2018
1271. Who Wants to be a Generator!!!	ENCORE	MAR 22, 2018
1272. Who Wants to be a Generator Part 2!!!	ENCORE	MAR 29, 2018
1273. "No Smoking" Signs and Tobacco-Free Facilities		APR 5, 2018
1274. Aqueous Solutions and the Characteristic of Corrosivity	ENCORE	APR 12, 2018
1275. Aqueous Solutions and the Characteristic of Ignitability	ENCORE	APR 19, 2018
1276. PCB Bulk Product Wastes and the One Year Disposal Requirement	ENCORE	APR 26, 2018
1277. PCB Radioactive Wastes and Exception Reporting	ENCORE	MAY 3, 2018
1278. TSCA/PCB Determinations for Fluorescent Light Ballasts via the Manufacture Date	ENCORE	MAY 10, 2018
1279. RCRA Liquids, Free Liquids, and Releasable Liquids	ENCORE	MAY 17, 2018
1280. Satellite Accumulation Areas and the Three-Day Time Limit for Excess Accumulation		MAY 24, 2018
1281. Satellite Accumulation of Aerosol Cans and Determining the 55-Gallon Limit	ENCORE	MAY 31, 2018
1282. Universal Waste and Basis for the One Year Accumulation Time Limit	ENCORE	JUN 7, 2018
1283. F001 Degreaser versus F002 Solvent	ENCORE	JUN 14, 2018
1284. Hazardous Waste Determinations and Phase Separation	ENCORE	JUN 20, 2018
1285. PCB Certificates of Disposal and Manifesting Between Related Facilities		JUN 28, 2018
1286. PCB Concentrations and 10,000 PPM	ENCORE	JUL 5, 2018
1287. PCB Concentrations and 1,000 PPM	ENCORE	JUL 12, 2018
1288. Satellite Accumulation Containers and the Date of Accumulation Marking		JUL 19, 2018
1289. Satellite Accumulation Requirements in Washington State	ENCORE	JUL 26, 2018
1290. Satellite Accumulation Areas and Under the Control of the Operator		AUG 2, 2018
1291. Exceptions to Free Liquids in Landfills Prohibition	ENCORE	AUG 9, 2018
1292. Ampules and the Exception to Free Liquid in Landfills Prohibition		AUG 16, 2018
1293. Overpacks vs. Salvage Drums	ENCORE	AUG 23, 2018
1294. Universal Wastes - Recycling versus Disposal	ENCORE	AUG 30, 2018
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1298. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 27, 2018
1299. Satellite Accumulation and the One Year LDR Prohibitions on Storage	ENCORE	OCT 4, 2018
1300. Purpose of the ≤90-day Hazardous Waste Accumulation Conditional Exclusion	ENCORE	OCT 11, 2018
1301. Regulatory Status of Used Oil Mixed with Diesel Fuel		OCT 18, 2018

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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: REGULATORY STATUS OF USED OIL MIXED WITH DIESEL FUEL

DATE: OCTOBER 18, 2018

<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 John Dent Lorna Dittmer Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Jim McGrogan Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Bob Bullock Bill Cox Laura Cusack Jim Leary Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Jon Perry Christina Robison Lana Strickling Lou Upton	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Cliff Clark Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson 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 Matt Mills 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: Regulatory Status of Used Oil Mixed with Diesel Fuel

Q: A customer has generated a one-gallon container of used oil appropriately marked as “Used Oil” and managed compliantly per [WAC 173-303-515](#), “Standards for the management of used oil”, [40 CFR 279]. In an effort to repurpose the used oil, the company mechanic suggests adding the used oil to product diesel fuel for burning as fuel in company diesel trucks. Does the customer say, “Yes”, or does the customer say, “You’ve got to be kidding!”

A: Per WAC 173-303-515(3), “Applicability”, it references 40 CFR 279 except for 40 CFR 279.10(b)(2) and (3). Per 40 CFR 279.10(d), “Mixtures of used oil with products”, paragraph (2), it states:

“Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this part (40 CFR 279) once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of subpart C of this part (Standards for Used Oil Generators).”

Since the customer is the generator of the used oil, and the mixing with diesel fuel will occur on the customer’s site and used in the customer’s own company vehicles, the used oil/diesel fuel mixture will no longer be subject to used oil regulations. Until the mixing occurs, the used oil must be managed per the used oil requirements.

Therefore, the customer can say, “YES!” And this activity makes sense in terms of one of the goals of the Resource Conservation and Recovery Act (RCRA) which is to conserve resources, e.g., the burning of used oil saves product diesel fuel.

SUMMARY:

- Used oil is subject to the “Standards for the management of used oil” at WAC 173-303-515.
- Used oil can be mixed onsite with diesel fuel and burned in company vehicles and the mixture would be product and no longer regulated as a used oil.
- The customer can say, “YES!”

Excerpts from WAC 173-303-515 and 40 CFR 270 area attached to the e-mail. 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: 10/18/18

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Regulatory Status of Used Oil Mixed with Diesel Fuel

WAC 173-303-515 Standards for the management of used oil.

(1) **Purpose.** The purpose of this section is to provide used oil management standards for generators, transporters, collection centers, aggregation points, transfer facilities, processors, and re-refiners, burners, and marketers of used oil.

(2) **Definitions.** In addition to the terms used in this chapter, the definitions of 40 C.F.R. Part 279 are incorporated by reference when managing used oil under this section. The term "hazardous waste" used in 40 C.F.R. Part 279 means "dangerous waste" as defined in WAC 173-303-040.

(3) **Applicability.** 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. Part 279.10 are incorporated by reference, **except 40 C.F.R. Part 279.10 (b)(2) and (3)**, and as modified below. In addition, the test methods at WAC 173-303-110(3) must be used.

Materials containing or otherwise contaminated with or derived from used oil: The term "materials" used in 40 C.F.R. Part 279.10 does not include dangerous waste.

40 CFR §279.10 Applicability

This section identifies those materials which are subject to regulation as used oil under this part. This section also identifies some materials that are not subject to regulation as used oil under this part, and indicates whether these materials may be subject to regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter.

(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).

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Regulatory Status of Used Oil Mixed with Diesel Fuel

40 CFR §279.10 Applicability (continued)

(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.

(Not adopted by the Washington Department of Ecology. Other states may vary.)

~~(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 274 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.~~

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Regulatory Status of Used Oil Mixed with Diesel Fuel

40 CFR §279.10 Applicability (continued)

(c) *Materials containing or otherwise contaminated with used oil.*

(1) Except as provided in paragraph (c)(2) of this section, materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

(i) Are not used oil and thus not subject to this part, and

(ii) If applicable are subject to the hazardous waste regulations of parts 124, 260 through 266, 268, and 270 of this chapter.

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this part.

(3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this part.

(d) *Mixtures of used oil with products.*

(1) Except as provided in paragraph (d)(2) of this section, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this part.

(2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of subpart C of this part.