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1188. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II	ENCORE	AUG 11, 2016
1189. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III	ENCORE	AUG 18, 2016
1190. Product Spills and Waste Determinations	ENCORE	AUG 25, 2016
1191. Product Spills, Waste Determinations, and LDR	ENCORE	SEP 1, 2016
1192. Regulatory Status of Caustic Rinse Waters Contaminated with Trace Solvents	ENCORE	SEP 8, 2016
1193. Regulatory Status of Sand Blast Grit Contaminated with Trace Listed Solvents	ENCORE	SEP 15, 2016
1194. Hazardous Waste "F" Listings and Trace Contamination	ENCORE	SEP 22, 2016
1195. Hazardous Waste "F" Listings and Trace Contamination – Again!	ENCORE	SEP 29, 2016
1196. Hazardous Waste Determinations and Phase Separation		OCT 6, 2016
1197. Asbestos and DOT Relief	ENCORE	OCT 13, 2016
1198. PCB Containers and Concentration of PCBs	ENCORE	OCT 20, 2016
1199. PCB Analytical Waste Disposal Requirements	ENCORE	OCT 27, 2016
1200. PCB Analytical Waste Disposal Requirements – Water vs. Organic Liquids and Non-aqueous Inorganic Liquids		NOV 3, 2016
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1202. Purpose of the ≤90-day Hazardous Waste Accumulation Exemption		NOV 17, 2016
1203. Used Oil Eligibility for Turkey and Ham Oils	ENCORE	NOV 23, 2016
1204. PCB Reporting and Recordkeeping Relief	ENCORE	DEC 1, 2016
1205. Defining Criteria for Household Waste Exclusion	ENCORE	DEC 8, 2016
1206. The Household Waste Exclusion and Renovation Debris	ENCORE	DEC 15, 2016
1207. 'Twas the Night before Christmas – The Twenty-Fourth Annual Edition		DEC 24, 2016
1208. The Household Waste Exclusion and Renovation Debris – Part II	ENCORE	DEC 29, 2016
1209. Absorbent Additions and Treatment		JAN 5, 2017
1210. Frozen RCRA Wastewater - DOT Liquid or Solid When Manifested?	ENCORE	JAN 12, 2017
1211. DOT Marking Specifications for the "UN", "NA" and "ID" Markings		JAN 19, 2017
1212. Satellite Accumulation within a ≤90-day Accumulation Area	ENCORE	JAN 26, 2017
1213. Washington State-Only Dangerous Waste Markings – Accumulation vs. Pre-Transport	ENCORE	FEB 2, 2017
1214. RCRA Empty Tanker Trailers and Listed Waste Codes	ENCORE	FEB 9, 2017
1215. RCRA Empty vs. DOT Empty	ENCORE	FEB 16, 2017
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1217. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE	MAR 2, 2017
1218. Multiple Characteristic and Listed Hazardous Waste Codes and the "in lieu of" LDR Principle	ENCORE	MAR 9, 2017
1219. LDR Storage Prohibitions and the One-Year Rule	ENCORE	MAR 16, 2017
1220. LDR Storage Prohibitions and Treated Wastes	ENCORE	MAR 23, 2017
1221. LDR Storage Prohibitions and Treated Hazardous Debris or Contaminated Soil		MAR 30, 2017
1222. LDR Requirements for Universal Wastes		APR 6, 2017
1223. LDR Requirements for Spent Lead-Acid Batteries Being Reclaimed		APR 13, 2017
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1225. RCRA Characteristic of Ignitability and DOT Oxidizers	ENCORE	APR 27, 2017
1226. Safety Data Sheets (SDSs) and Hazardous Wastes	ENCORE	MAY 4, 2017
1227. Containers and Tanks – RCRA Wastes vs. TSCA PCB Wastes	ENCORE	MAY 11, 2017
1228. Universal Waste Lamps and Prohibition on Crushing	ENCORE	MAY 18, 2017
1229. Operating Record vs. Operating Log		MAY 25, 2017
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1233. Used Oil and Keeping Containers Closed – Washington State vs. The Feds	ENCORE	JUN 21, 2017
1234. DOT Shipping of Damaged, Defective or Recalled Lithium Batteries	ENCORE	JUN 29, 2017
1235. Conditioned Exclusion for Listed Hazardous Waste Debris Treated via Extraction/Destruction	ENCORE	JUL 6, 2017
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1243. Paint Wastes and The Applicability of the F001-F005 Listings to Ingredients	ENCORE	AUG 31, 2017
1244. F Listings and Ingredients in Commercial Chemical Product Formulations		SEP 7, 2017
1245. LDR Waste That is Both Listed and Characteristic Hazardous Wastes	ENCORE	SEP 14, 2017
1246. Mercury Wet Cell Batteries - Debris or Not Debris?	ENCORE	SEP 21, 2017
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1251. Satellite Accumulation and "At or Near"	ENCORE	OCT 26, 2017
1252. Unmanifested Waste vs. Manifest Discrepancy	ENCORE	NOV 2, 2017
1253. Washington State Used Oil and Mixtures with Other Materials		NOV 9, 2017

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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:** NOVEMBER 9, 2017

<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>
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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 just used oil 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, this relief was not adopted by Washington State. 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. This is also not allowed in Washington State.

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.
- 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:** 11/9/17

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## TWO MINUTE TRAINING

**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

**DATE:** 11/9/17

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