PPC 9495.1986(04)

MIXING HAZARDOUS WASTE WITH USED OIL
(REBUTTABLE PRESUMPTION)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

28 FEB 86

Mr. Shagme
Chrysler Corporation
P.O. Box 1013
Detroit, Michigan

Dear Mr. Shagme:

Bob Holloway asked me to respond to your January 28, 1986 letter, requesting confirmation of your understanding of some of the provisions of the November 29, 1985, final rule for the burning and blending of hazardous waste and used oil fuels.

Your interpretation that the presumption of mixing of hazardous waste with used oil is applicable only to used oil that will be burned for energy recovery is correct. As you also stated correctly, the presumption does not establish a new hazardous waste characteristic under Part 261, Subpart C, nor does it mean that halogen levels in used oil destined for uses other than energy recovery must be monitored. You should note, however, that we have proposed standards for recycled oil that would apply the presumption of mixing to all recycled oils, not just those destined for use as a fuel (see 50 FR at 49217 (November 29, 1985)).

Your interpretation that the "significant concentration" of hazardous halogenated constituents that would indicate mixing of hazardous waste with used oil is more than 100 ppm is not valid in all cases. The "significant concentration" which would indicate that mixing has taken place depends on the type of halogenated compound found, and the circumstances surrounding the generation and collection of the used oil. For example, as we stated in the preamble to the rules (50 FR at 49176), we believe that the owner of used oil containing less than 100 ppm of any individual hazardous halogenated spent solvents (i.e., F001 and F002) could successfully rebut the presumption of mixing for the following reasons: (1) both used oil and hazardous halogenated solvents are frequently generated at the same facility, making incidental contamination a real possibility, and (2) deliberate mixing of used oil and such solvents would very probably yield concentrations of total halogens of greater than 100 ppm. However, mixing of used oil with other hazardous halogenated waste could be indicated by concentrations of Appendix

VIII halogenated compounds at levels lower than 100 ppm, especially if the hazardous halogenated waste is not generated at the same site as the used oil or would not be expected to be formed during use of the oil. The example we used in the preamble (also at 50 Pr at 49176) was mixing of chlorinated pesticides with used oil.

In analyzing used oil fuel to prepare a rebuttal, the analyst should check for those Appendix VIII compounds used at the facility and those which could reasonably be expected to enter the used oil waste stream.

I hope this addresses your concerns and clarifies your understanding of these regulations. If you have any further questions, I can be contacted at (202) 382-7937.

Sincerely,

Karen A. Walker
Environmental Scientist
Waste Combustion Program