

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT
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1. CESQG Mixtures of Used Oil and Listed Waste

According to the used oil management standards in 40 CFR Part 279, mixtures of used oil and conditionally exempt small quantity generator (CESQG) hazardous waste regulated under Section 261.5 are subject to regulation as used oil under Part 279 (Section 279.10(b)(3)). A CESQG generates a hazardous spent solvent (F005) and waste oil that meets the definition of used oil as specified in Section 279.1. Prior to shipping the used oil off site to a used oil collection center, the CESQG mixes the listed F005 waste and used oil together in a container, generating a mixture containing 2,000 ppm total halogens. Since the used oil/F005 mixture originates from a CESQG, would the mixture be subject to the rebuttable presumption under the Part 279 used oil provisions?

The mixture is subject to the rebuttable presumption, since the rebuttable presumption provisions apply to all used oils containing more than 1,000 ppm of total halogens (with the exception of metalworking oils and used oils destined for reclamation which are contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units as specified in Sections 279.10(b)(ii)(A) and (B)) (57 FR 41566, 41579; September 10, 1992). In this situation, the presumption of mixing can be rebutted by providing convincing documentation to show that the mixture is an excluded CESQG used oil mixture covered under Sections 261.5(j) and 279.10(b)(3). In addition, the rebuttal documentation for this used oil stream should be maintained by subsequent used oil handlers. Rebuttals from each generator of used oil are necessary to rebut the presumption of mixing when used oils from multiple sources are combined and the total halogen concentration of the mixture is greater than 1,000 ppm.