

RCRA/SUPERFUND HOTLINE MONTHLY REPORT
August 1999

2. Used Oil Contaminated with HCFCs and HFCs

Under the used oil management standards of 40 CFR Part 279, EPA presumes that used oil with a total halogen content above 1000 ppm has been mixed with a listed hazardous waste unless the used oil handler successfully rebuts this presumption (§279.10(b)(1)(ii)). However, used oil contaminated with chlorofluorocarbons (CFCs) that is removed from refrigeration units is exempt from the rebuttable presumption provided the used oil adheres to the requirements in §279.10(b)(1)(ii)(B). These requirements include that the CFCs must be destined for reclamation, and that the CFC-contaminated used oil cannot be mixed with used oil from sources other than refrigeration units. Are used oils removed from refrigeration units that are contaminated with hydrochlorofluorocarbons (HCFCs) or hydrogenated fluorocarbons (HFCs) also exempt from the rebuttable presumption under §279.10(b)(1)(ii)(B)?

EPA interprets the exemption from the rebuttable presumption (that used oil with a total halogen content about 1,000 ppm has been mixed with a listed hazardous waste) to extend to used oil contaminated with chemicals, such as HCFCs and HFCs, that are used in a manner similar to CFCs in refrigeration units. Used oil contaminated with HCFCs or HFCs, therefore, may continue to be managed as used oil and not as hazardous waste, notwithstanding that the total halogen content of the used oil exceeds 1,000 ppm, if the HCFCs or HFCs are destined for reclamation and the contaminated used oil is not mixed with used oil from sources other than refrigeration units. The exemption under §279.10(b)(1)(ii)(B), of course, only provides that qualifying contaminated used oil may continue to be managed as used oil irrespective of its total halogen content; it does not exempt such contaminated used oil from the used oil management standards.