

7045.0800 MIXTURES OF USED OIL AND HAZARDOUS WASTE.

Subpart 1. **Generally.** Hazardous waste that is to be mixed with used oil is subject to this chapter until it is mixed with used oil. Hazardous wastes that are mixed with used oil are included in the determination of generator size under part 7045.0206 and generator fees under this chapter. After mixing has occurred, the mixture is regulated as specified in this part.

Subp. 2. **Listed waste.** Mixtures of used oil and hazardous waste that is listed in part 7045.0135 are regulated as the listed waste or wastes that are contained in the mixture, except as specified in subpart 4.

Subp. 3. **Rebuttable presumption of mixing.** Except as provided in items A to C, used oil containing more than 1,000 ppm total halogens is presumed to have been mixed with a halogenated hazardous waste listed in part 7045.0135, and thus is subject to regulation as a listed hazardous waste. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. Demonstration must either involve applying knowledge of the source of halogens or the use of an analytical method from Environmental Protection Agency document SW-846, as incorporated by reference in part 7045.0065, item D, to show that the used oil does not contain greater than 100 ppm of any individual halogenated hazardous constituent listed in part 7045.0139.

A. Metalworking oils and fluids containing chlorinated paraffins processed through a tolling arrangement described in part 7045.0855, subpart 4, item B, are not presumed to be mixed with halogenated hazardous waste listed in part 7045.0135.

B. Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs present in the used oil are destined for reclamation are not presumed to be mixed with halogenated hazardous waste listed in part 7045.0135. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

C. Used oil contaminated with household waste exempt from regulation as hazardous waste by part 7045.0120, subpart 1, item A, is regulated as used oil under parts 7045.0790 to 7045.0990. The source of contaminants in the used oil must be shown to be from a household source for the used oil to qualify for this exemption.

Subp. 4. **Characteristic waste.** Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in part 7045.0131 and mixtures of used oil and hazardous waste that is listed in part 7045.0135 solely because it exhibits one or more of the characteristics of hazardous waste identified in part 7045.0131 are subject to:

A. except as provided in items B and C, regulation as hazardous waste under this chapter, rather than as used oil under parts 7045.0790 to 7045.0990;

B. except as provided in item C, regulation as used oil under parts 7045.0790 to 7045.0990 and regulation under the land disposal restrictions of part 7045.1390, if the resultant mixture does not exhibit any characteristic of hazardous waste identified in part 7045.0131; or

C. regulation as used oil under parts 7045.0790 to 7045.0990 if the following conditions are met:

(1) the mixture is a mixture of a very small quantity generator's hazardous waste and used oil;

(2) the very small quantity generator's hazardous waste is a nonchlorinated, petroleum-based solvent with a flash point of greater than 100 degrees Fahrenheit, and is not a paint waste containing heavy metals found on the list of contaminants for the toxicity characteristic in part 7045.0131, subpart 8, in excess of their maximum concentrations; and

(3) the concentration of hazardous waste in the resulting mixture does not exceed ten percent by volume.

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