

From: Bunnell, Ross
Sent: Thursday, April 16, 2009 12:40 PM
To: 'Bill Cass'; Sullivan, Kevin T; Isner, Robert; 'Mike.Hastry@dep.state.nj.us'; 'drotoole@gw.dec.state.ny.us'; 'Steven.DeGabriele@state.ma.us'; 'William.Sirull@state.ma.us'; 'tjkillie@gw.dec.state.ny.us'; 'prcounte@gw.dec.state.ny.us'; 'stacy.a.ladner@maine.gov'; 'ron.gagnon@dem.ri.gov'; 'Mark.Dennen@dem.ri.gov'; 'bellina.andrew@epa.gov'; 'biscaia.robin@epamail.epa.gov'; 'meyer.george@epa.gov'; 'yan.li@dem.ri.gov'; 'scott.whittier@maine.gov'; 'bret.reburn@dep.state.nj.us'; 'owens.james@epa.gov'; 'tleedberg@des.state.nh.us'; 'jduclos@des.state.nh.us'; 'rbishop@des.state.nh.us'; 'yee.steve@epa.gov'; 'sjohnson@des.state.nh.us'; 'Judy.Mirro@state.vt.us'; 'skip.flanders@state.vt.us'; 'gary.gulka@state.vt.us'; 'steve.simoes@state.vt.us'; 'davano.thomas@epa.gov'; 'Lynn.Metcalf@state.vt.us'; 'Gray.Stuart@epamail.epa.gov'; 'bowen.janet@epamail.epa.gov'; 'fowley.jeff@epa.gov'; 'michael.wimsatt@des.nh.gov'; 'marc.roy@state.vt.us'; 'Brown.Deborah@epamail.epa.gov'; 'papetti.lisa@epamail.epa.gov'
Cc: 'Terri Goldberg'; 'Jennifer Griffith'; 'Andy Bray'; 'Adam Wienert'; 'Rachel Colella'; 'Nate Bisbee'; 'Lois Makina'; 'Tara Acker'
Subject: RE: NEWMOA HW Call on Used Oil Regulation
Attachments: Management of Used Oils in Connecticut 1999 Draft PDF version.pdf; Used Oil Fact Sheet #01.doc; Used Oil Fact Sheet #02.doc; Used Oil Fact Sheet #03 with charts PDF Format.pdf; Used Oil Fact Sheet #12.doc

Bill:

CT will be on the call.

With respect to your requests for specific information on Connecticut's used oil specifications, policies, and outreach materials:

Used oil specifications:

With respect to total halogen testing to determine if used oil has been mixed with listed hazardous waste, CT incorporates the federal provisions at 40 CFR 279.10(b), 279.44, 279.53, and 279.63, but adds the following provisions:

- We add a provision that explicitly requires generators to test their used oil for total halogens in order to determine if it has been mixed with listed hazardous waste, and, if the used oil contains over 1000 ppm of total halogens, the generator may rebut the presumption of mixing. Although the applicability of this requirement to generators is implied by 40 CFR 279.10(b), the generator section of the federal used oil rules in 40 CFR 279 Subpart C does not explicitly require it, as is the case for transporters/transfer facilities, processors, and burners.
- We require that anyone that does total halogen testing retain documentation of such testing for at least three years.

- We allow use of knowledge of process for total halogen determinations, but require that such knowledge be documented, and that the documentation be retained for at least three years.
- If total halogens are determined through analysis, we specify that only EPA Methods 9075, 9076, 9077, 5050/9056, 5050/9253, ASTM Method D808 may be used. (However, alternative methods may be approved by us in writing prior to use.)
- In each of the total halogen testing sections of our regulations, we have codified EPA's "100 ppm" policy regarding contamination with F001/F002 solvents. That is, we specify that a generator may rebut the presumption of mixing with F001/F002 solvents by showing that their used oil that has over 1000 ppm total halogens does not contain more than 100 ppm of any one chlorinated solvent listed in F001 or F002. However, the "100 ppm" standard does NOT apply when attempting to rebut mixing with any other listed hazardous waste (e.g., a P-listed chlorinated pesticide), and, instead, the used oil would be evaluated against EPA's generic standard of "does not contain significant concentrations of halogenated hazardous constituents." Practically speaking, this kind of situation would be evaluated on a case-by-case basis.
- Unless and until a used oil with over 1000 ppm of total halogens is successfully rebutted, it is considered a hazardous waste and must be managed as such.

With respect to the testing of used oil fuels, CT adopts the federal used oil specifications as codified in 40 CFR 279.11, with certain changes, namely:

- We require that used oil fuel be tested for compliance with the fuel specification (knowledge of process is NOT allowed).
- We specify the test methods that may be used for used oil fuel specification testing. In particular, we require that arsenic, cadmium, chromium, lead, and flash point be tested using SW-846 methods, and that total halogens be tested using either SW-846 Methods 9075, 9076, 9077, 5050/9056, 5050/9253, or ASTM Method D808. (However, alternative methods may be approved by us in writing prior to use.)
- We require that all used oil fuels have a heat content of at least 5000 BTUs per pound.
- The burning of used oil in residential boilers or in boilers in buildings associated with a residence (such as garages, etc.) is banned in Connecticut. The sale of used oil for such purposes is also banned.

Compliance Assistance/Outreach Materials:

DEP Used Oil Web page:

http://www.ct.gov/dep/cwp/view.asp?a=2718&q=325506&depNav_GID=1646&depNav=

"Management of Used Oils in Connecticut," Draft, January, 1999 – copy attached (note that the current revisions of the fact sheets referenced at the end of this document are listed below).

"Used Oil Fact Sheet #1: Connecticut's Used Oil Regulations" – copy attached.

"Used Oil Fact Sheet #2: Federal Used Oil Regulations" – copy attached.

"Used Oil Fact Sheet #3: Flow Charts Illustrating the Regulation of Used Oil in Connecticut" – copy attached.

“Used Oil Fact Sheet #4: Materials Containing or Otherwise Contaminated with Used Oil” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/MaterialsContainingUsedOil.pdf

“Used Oil Fact Sheet #5: Mixtures of Used Oil and Other Materials” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/UsedOilMixtures.pdf

“Used Oil Fact Sheet #6: Management of Tank Bottoms” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/ManagementTankBottoms.pdf

“Used Oil Fact Sheet #7: Used Oil Generated from Automotive Servicing Operations” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/UsedOilMotorVehicleServicing.pdf

“Used Oil Fact Sheet #8: Used Oil Generated in Industry and Commerce” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/UsedOilGeneratedIndustryCommerce.pdf

“Used Oil Fact Sheet #9: Management of Do-It-Yourself Used Oil” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/ManagementDIYUsedOil.pdf

“Used Oil Fact Sheet #10: Used Oil from Boats, Ships, and Other Watercraft” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/UsedOilFromWatercraft.pdf

“Used Oil Fact Sheet #11: Used Oil Generated on Farms” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/UsedOilGeneratedOnFarms.pdf

“Used Oil Fact Sheet #12: List of EPA Used Oil Information Resources” – copy attached.

“Summary of Changes to DEP’s Used Oil Regulations Made in 2001 and 2002” – on our website at:

http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/used_oil/ChangesUseOilRegs.pdf

DEP’s “Pit Stops” Fact Sheets for Vehicle Repair and Body Shops – on our website at:

http://www.ct.gov/dep/cwp/view.asp?a=2708&q=323974&depNav_GID=1763

(See especially the links for Used Oil, Rags and Absorbents, Frequently Asked Questions, and Hazardous Waste Management, Appendix A.)

DEP’s “Clean Marina Guide” – on our website at:

http://www.ct.gov/dep/cwp/view.asp?a=2705&q=323528&depNAV_GID=1635

(See especially the links for Oil Changes, and Appendix B, Hazardous Waste Management.)

I look forward to the call on the 24th!

--Ross Bunnell, Sanitary Engineer 3
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From: Bill Cass [mailto:wcass@newmoa.org]

Sent: Monday, April 13, 2009 5:02 PM

To: Sullivan, Kevin T; Isner, Robert; Bunnell, Ross; Mike.Hastry@dep.state.nj.us; drootoole@gw.dec.state.ny.us; Steven.DeGabriele@state.ma.us; William.Sirull@state.ma.us; tjkilllee@gw.dec.state.ny.us; prcounte@gw.dec.state.ny.us; stacy.a.ladner@maine.gov; ron.gagnon@dem.ri.gov; Mark.Dennen@dem.ri.gov; bellina.andrew@epa.gov; biscaia.robin@epamail.epa.gov; meyer.george@epa.gov; yan.li@dem.ri.gov; scott.whittier@maine.gov; bret.reburn@dep.state.nj.us; owens.james@epa.gov; tleedberg@des.state.nh.us; jduclos@des.state.nh.us; rbishop@des.state.nh.us; yee.steve@epa.gov; sjohnson@des.state.nh.us; Judy.Mirro@state.vt.us; skip.flanders@state.vt.us; gary.gulka@state.vt.us; steve.simoes@state.vt.us; davanzo.thomas@epa.gov; Lynn.Metcalf@state.vt.us; Gray.Stuart@epamail.epa.gov; bowen.janet@epamail.epa.gov; fowley.jeff@epa.gov; michael.wimsatt@des.nh.gov; marc.roy@state.vt.us; Brown.Deborah@epamail.epa.gov; papetti.lisa@epamail.epa.gov
Cc: Terri Goldberg; Jennifer Griffith; Andy Bray; Adam Wienert; Rachel Colella; Nate Bisbee; Lois Makina; Tara Acker

Subject: NEWMOA HW Call on Used Oil Regulation

From: Bill Cass

To: NEWMOA HW Training Committee

Sent: Monday April 13, 2009

A HW call to review State Regulation of Used Oil, including state specifications, policies and procedures, is scheduled for **10:00 a.m. on Thursday April 23, 2009**. To participate please **call (866) 642-1665** and enter the **passcode 438403** when it is requested.

Please Forward this Message to Those Who May Wish to Participate

Please reply to confirm your program's participation and to identify who will summarize your assistance and regulatory policies on this topic.

Agenda

--Representatives from each state will briefly describe their state's program for the regulation of used oil, including compliance assistance and enforcement policies and procedures.

--Discussion, Q&A and determination of any follow-up activities by NEWMOA/other participants will follow.

Please forward used oil specifications/compliance assistance/outreach materials of interest to call participants to me as soon as possible.

I will post them on NEWMOA's website for reference by participants during the call.

I believe that it is NYS DEC's turn to capture the highlights of this call. I'll look forward to hearing from you.

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