

3745-279-44

Rebuttable presumption for used oil for transporters.

- (A) To ensure that used oil is not a hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code, the used oil transporter ~~shall~~must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below one thousand parts per million (ppm).
- (B) The transporter ~~shall~~must make this determination by:
- (1) Testing the used oil; or
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- (C) If the used oil contains greater than or equal to one thousand ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, ~~by using an analytical method from SW-846, edition III, to show~~showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code). ~~EPA publication SW-846, third edition, is available from the government printing office, superintendent of documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. 202/512-1800 (document number 955-001-00000-1).~~
- (1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.
 - (2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- (D) Record retention. Records of analyses conducted or information used to comply with paragraphs (A), (B), and (C) of this rule ~~shall~~must be maintained by the transporter for at least three years.

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Certification

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Date

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