



Resourceful. Determined. Professional.™

©Copyright 2012. Advanced Waste Services, Inc. All rights reserved.

AWS Used Oil Management Policy

Effective May 1, 2012

Introduction – In an effort to ensure AWS' industry-leading environmental stewardship and regulatory compliance and with the support of the Wisconsin DNR and the US EPA, we are improving our Used Oil Management Policy to better reflect the requirements of the Used Oil Regulations and, particularly, the Rebuttable Presumption of Used Oil (40 CFR § 279.53). As this directly affects our Used Oil generating clients, we would like to take the time to explain the new process, the regulatory structure behind it, and why this change is a positive benefit to our ongoing professional relationship.

The Regulation - Title 40 of the Code of Federal Regulations (known commonly as "RCRA"), states that a hazardous waste, once generated, cannot be diluted or otherwise rendered non-hazardous, it can only be destroyed. In the early 1980's, EPA became concerned that hazardous waste generators were improperly and illegally mixing their hazardous wastes, particularly chlorinated solvent wastes, with used oil and offering that used oil as a non hazardous waste and/or a "waste oil." To address that concern, EPA developed the **Rebuttable Presumption for Used Oil (40 CFR § 279)**, a procedure that requires all used oil generators to prove that their used oil is not a hazardous waste. To prove that used oil is not a hazardous waste, ***The Rebuttable Presumption requires a generator to 1.) Demonstrate that the used oil is <1000ppm in total halogens, in which case the used oil is presumed to be non hazardous or 2.) Demonstrate that used oil containing > 1000ppm total halogens is non hazardous by testing the used oil for the presence of halogenated solvents.*** EPA allows the generator to demonstrate proof by either testing the used oil or by certifying by intimate knowledge of the material and the process that the used oil is non-hazardous.

The Risks - the EPA has authority to manage hazardous wastes from generation through destruction, and maintains lists of regulated substances to that end. Many industrial cleaning products (and other industrial materials) contain constituents that are on one or more of these lists, and the waste products from the use of these materials must be properly characterized and handled for disposal by the person or company responsible for generating that waste. Under 40CFR, **Used Oil is Presumed to be a Hazardous Waste** unless it is proven by the Generator not to be. ***Any failure to properly characterize, ship or handle hazardous waste can lead to environmental damage, fines and penalties, and civil or criminal charges for generators, transporters, and processors.***



Committed to Eliminating Wastes and Risks of All Kinds™

Understanding The Used Oil Issue – To understand the used oil regulations, it's important to first understand the definition of used oil found in 40CFR Part 279.1. Used oil means **any** oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of the use is contaminated by physical or chemical impurities. ***This means that wastes like oily water and machining coolants containing any oil meeting the definition of used oil, and regardless of their water content, are used oil wastes.*** Previously, Advanced Waste Services has often relied upon the “used oil warranty statement” contained in section F of our Waste Certification Statement™ as an acceptable way for generators to meet their rebuttable presumption responsibility. We've now determined, however, that ***relying solely or largely on used oil generator knowledge alone does not adequately protect AWS, or our clients, from the potential risk of improperly characterizing or managing used oil and inadvertently violating the hazardous waste regulations.*** As our mission is to help clients eliminate wastes and risks of all kinds, and our desire is to be the Industry leader, meaning we have an obligation to protect our clients' business, along with our own, we've decided that we have to modify our Used Oil Management Policy.

The AWS Used Oil Management Policy


Effective May 1, 2012, The AWS Used Oil Management Policy Will Require that:

- 1) All wastes meeting the definition of used oil (40CFR Part 279.1), regardless of water content, be profiled and managed as Used Oil and in accordance with the Used Oil Regulations.
- 2) All Used Oil wastes will be tested to comply with the Rebuttable Presumption requirements prior to being accepted for transportation, treatment and/or processing at any AWS facility. Testing will include Halogenated VOC (HVOC) and PCB by a certified laboratory following EPA methods 8021/8260 and 8082, respectively. In addition, used oil generators will certify that the used oil is not a hazardous waste and has not been mixed with a hazardous waste.

After initial approval, a Used Oil Re-Certification will be required annually and Used Oil Testing for HVOC will be required every 5 years

- 3) All Used Oil test results will be electronically stored with the Used Oil Profile in our database system and available to clients through our secure on line data access.

We've decided to make these changes to our Used Oil Management Policy because the risks assumed in our existing policy were simply too great for our company and our clients. Shipping, transporting or processing an improperly characterized Used Oil can lead to significant civil and/or criminal consequences. The AWS Used Oil Management Policy will give clients, and us, the proof needed to demonstrate that a Used Oil is not a hazardous waste. Our AWS team is dedicated to helping you eliminate waste and risk of all kinds. If you have any questions about this new process, or would like additional information or assistance in dealing with your Used Oil or any other process waste, please contact me, or your Results Advisor, for assistance.


Michael T. Malatesta
President



Committed to Eliminating Wastes and Risks of All Kinds™