

Testing Requirements

The Facility shall test each incoming load of used oil for halogens and flashpoint and each tank for PCB. Testing shall be performed using the methods specified in Table 1 and the following procedures.

1. Total Halogen Testing

- (a) The Facility shall determine, prior to accepting used oil, whether the used oil contains more than 1,000 ppm total halogens by testing each shipment of used oil for total halogens as specified in California Code of Regulations, title 22, section 66279.90(a) in accordance with California Code of Regulations, title 22, section 66279.10(a)(4).
- (b) (1) When the Facility has determined that a used oil shipment (i.e., truck, compartment in a multi-compartment tanker truck, etc.) contains more than 1,000 ppm total halogens, the Facility:
 - (A) shall reject the load pursuant to Health and Safety Code section 25160.6 and any other applicable requirements; or
 - (B) may seek to demonstrate that the rebuttable presumption under California Code of Regulations, title 22, section 66279.10(a), should be rebutted pursuant to California Code of Regulation, title 22, section 66279.10(b).

If the Facility seeks to rebut the presumption by demonstrating that the used oil does not in fact contain halogenated hazardous waste pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2), the Facility shall follow the applicable procedures in paragraph 1(b)(3).

- (2) The Facility may only accept a used oil shipment containing more than 1000 ppm total halogens and manage it as used oil when the rebuttable presumption has been rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2) using the procedures in paragraph 1(b)(3) or based on California Code of Regulations, title 22, section 66279.10(b)(3), (b)(4), or (b)(5).

- (3) The Facility shall use the following options for rebutting the rebuttable presumption pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2).
- (A) Option 1. For used oil received from a single generator and when the generator provides a Waste Profile Sheet. The Facility may not use this option when the generator is a commercial oil change operation, auto repair shop, or collection center where the used oil may have come from different sources.
- (i) The Facility may rebut the rebuttable presumption pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2) only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by complying with the procedures in paragraphs 1(b)(3)(A)(ii) and (iii), which are the only other means of demonstrating that the used oil does not contain halogenated hazardous waste for purposes of California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2) and this Agreement;
- (ii) The Facility shall obtain from the transporter a copy of the Generator's Waste Profile Worksheet (GWPW), attached to the manifest;
- (iii) The Facility shall review this documentation and confirm in the operating log that the GWPW: A) is less than 365 days old, B) is based on a representative sample of the waste; and C) was analyzed by a laboratory certified in accordance with the Environmental Laboratory Accreditation Program by using the test methods specified in California Code of Regulations, title 22, section 66279.90(b);
- A) The Facility shall obtain a written certification from the generator that the generator repeats the waste testing and certification process outlined in paragraph 1(b)(3)(A)(iii) at least every 365 days;

- B) The Facility shall review the documentation discussed above and enter into the operating log the reason that the rebuttable presumption can be rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b),(b)(1) and (b)(2);
 - C) The Facility shall confirm in the operating log that the GWPW is on file at the Facility; and
 - D) The Facility shall maintain copies of all documentation required in paragraphs 1(b)(3)(A)(ii) and (iii) at the Facility.
- (B) Option 2. For used oil received from a single generator and when the generator does not provide a Waste Profile Sheet, the Facility may rebut the presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) accompanied by a determination that the rebuttable presumption is rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2).
- (C) Option 3. For used oil received from multiple generators (Consolidated Loads) and when the transporter provides fingerprint test data for each generator using EPA Test Method 9077.
- (i) The Facility may only rebut the rebuttable presumption through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by demonstrating that the used oil does not contain halogenated hazardous waste by satisfying the requirement in paragraph 1(b)(3)(C)(ii).
 - (ii) The Facility shall obtain the fingerprint test data referenced in paragraph 1(b)(3)(C) from the transporter; and

- A) For any generator whose used oil has a concentration that exceeds 1000 ppm total halogens, the Facility shall receive and have on file proper documentation and follow the procedures in Option 1 above; and
 - B) The finger print test data shall demonstrate that the used oil collected from all the other generators has concentrations at or below 1000 ppm total halogens.
- (D) Option 4. For used oil received from multiple generators (Consolidated Loads) and when the transporter cannot provide fingerprint data for each generator using EPA Test Method 9077, but the transporter has collected individual samples from each generator and retained the samples along with the load.
- (i) The Facility may rebut the rebuttable presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by demonstrating that the used oil does not contain halogenated hazardous waste by satisfying the requirements in A) and B) below.
 - A) The Facility shall obtain the individual retained samples from the transporter and test the retained samples using EPA Test Method 9077; and
 - B) For any generator whose used oil has a concentration that exceeds 1000 ppm total halogens, the Facility shall receive and have proper documentation on file prior to acceptance and follow the procedure in Option 1 above.
- (E) Option 5. For used oil received from multiple generators (Consolidated Loads) and when the transporter cannot provide fingerprint data or retained samples as discussed in Options 3 and 4 above, the Facility may rebut the rebuttable presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) accompanied by a

determination that the rebuttable presumption is rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2).

2. PCBs Testing

- (a) The Facility shall collect and retain a representative sample from each truck unloading used oil at the Facility. The Facility shall retain the sample until the PCBs testing specified below is completed and documented. Each retained sample shall identify the specific shipment of used oil it represents.
- (b) The truck is unloaded into one of two used oil storage tanks at the Facility designated for California incoming used oil. Once one of the tanks is full or the Facility has determined that no more used oil will be unloaded into the tank, the tank is locked down. A representative sample is then taken and tested for PCBs to ensure that the used oil load does not contain PCBs at a concentration of 2 ppm or greater. The Facility shall test the used oil from each storage tank PCBs using all of the following procedures:
 - (1) The Facility shall obtain a representative sample of the used oil from the tank to be emptied using appropriate sampling procedure specified in SW-846 or another equivalent method approved the United States Environmental Protection Agency or DTSC. No additional loads of used oil shall be added to the storage tank once the sample is taken and used oil shall not be unloaded until the PCB test specified below is completed.
 - (2) The Facility shall test the used oil sample for PCBs using EPA test method 8082 or other similar methods approved by the United States Environmental Protection Agency or DTSC.
 - (3) If the used oil does not contain PCBs at a concentration of 2 ppm or greater and meet the other testing criteria in Section 1 and 3, the tank contents may released for unloading to another treatment tank at the Facility.
 - (4) If the used oil contains PCBs at a concentration of 2 ppm or greater, a second sample shall be obtained and tested after cleaning the sampling equipment using the permanganate cleanup procedure.

- (5) If the second test result required in paragraph 2(b)(4) of the used oil in the storage tank confirms that the used oil contains PCBs at a concentration of 2 ppm or greater, the retained sample from each tanker truck that was unloaded into the storage tank shall be tested.
- (6) If all the retained samples for shipments unloaded into the storage tank show less than 5 ppm of PCBs, the Facility may manage the tank contents as used oil.
- (7) If any retained sample is at or above the 5 ppm limit but below 50 ppm for PCBs, the Facility shall document the results in the operating log and notify DTSC and the Department of Resources Recycling and Recovery (DR3) of the results. The facility shall notify DTSC and DR3 within 24 hours of the results and provide a report in writing within 5 days. The content of the tanker may be managed as used oil pursuant to the laws and regulations of the Facility's residing State but is disqualified from receiving the recycling incentive from California as stipulated in California Public Resources Code section 48651.
- (8) If any retained sample is at or above the 50 ppm limit for PCBs, the entire contents of the storage tank shall be shipped to a facility permitted to accept PCBs-contaminated hazardous waste pursuant to all applicable requirements, including those of the Toxic Substances Control Act (TSCA, Public Law [Pub.L] 94-469). The storage tank shall be decontaminated to remove all PCBs residues prior to reuse. Any waste generated as a result of decontamination of the storage tank shall be managed as PCBs-contaminated hazardous waste. The Facility shall immediately notify the transporter of the PCB-contaminated load that the used oil received was contaminated and the transporter should take immediate corrective action to clean the transport vehicle.
- (9) The result of the PCB testing specified in this section shall be valid only if no additional loads of used oil are added to the storage tank from which the sample is taken. If additional loads of used oil are added to the storage tank, a new sample shall be taken and the PCB testing conducted again.

3. Ignitibility (Flashpoint) Testing

The Facility shall determine, prior to accepting used oil, whether the used oil has a flashpoint equal to 100 degrees Fahrenheit (°F) or more. If the flashpoint of the used oil is less than 100 degrees °F, the Facility shall reject the used oil. The Facility shall test the flashpoint of each tanker of incoming used oil using all of the following procedures:

- (a) The Facility shall obtain a representative sample of the used oil from the each incoming tanker using appropriate sampling procedure specified in SW-846 or another equivalent method approved the United States Environmental Protection Agency or DTSC.
- (b) The Facility shall test the used oil sample for flashpoint using the Pensky-Martens or Setaflash Closed Cup Test or other similar methods approved by the United States Environmental Protection Agency or DTSC.
- (c) If the flashpoint of the used oil is equal to or greater than 100 °F and meet the other testing criteria in Section 1 and 2, the tank contents may released for unloading to another treatment tank at the Facility.
- (d) If the flashpoint of the used oil is less than 100 °F, the content of the tanker shall be rejected and managed as a RCRA hazardous waste. The Facility shall document the results in the operating log and notify DTSC and the DR3 of the results. The facility shall notify DTSC and DR3 within 24 hours of the results and provide a report in writing within 5 days. The content of the tanker may be managed as used oil pursuant to the laws and regulations of the Facility's residing State but is disqualified from receiving the recycling incentive from California as stipulated in California Public Resources Code section 48651.

4. Exemptions

- (a) The Facility is exempt from testing requirements if documentation can be provided showing that the load of used oil consists exclusively of:
 - (1) Used oil accepted by a certified used oil collection center;
 - (2) Used oil from a collection center located in a small rural county

Table 1 - Used Oil Testing Methods

Constituents	Method/Field Analysis	Rational	Acceptable Range
Flash point	Pensky-Martens or Setaflash Closed Cup Test	to determine if used oil is ignitable	Equal to or greater than 100 °F
Halogens	Chlor-DTech or other test kits approved by US EPA or DTSC	to determine if used oil is contaminated with chlorinated solvent	< 1,000 ppm
PCBs	EPA method 8081 or 8082 or other method approved by US EPA or DTSC	to determine if used oil has been contaminated with PCBs	Less than 2 ppm (cash reimbursable) . . Greater than or equal to 5 ppm but less than 50 ppm (non-cash reimbursable used oil) . . Greater than 50 ppm (non-cash reimbursable TSCA waste)

Reporting Requirements

The facility shall maintain testing-related reporting documentation of halogens, PCBs and flashpoint, and shall be made available upon request to DTSC. Testing-related documentation shall be retained by the facility for three years and include:

1. Operation Logs
 - (a) The facility shall record the date, time the load was received at the facility and the actual amount received.
 - (b) Discrepancies greater than 10% from what is stated on the manifest versus weighed amount at the facility must be recorded.
 - (c) The facility shall record the type of testing analysis conducted and test results.
 - (d) Any rejected loads shall be documented.

2. Analytical Test Results
 - (a) Test results shall indicate the date and time in which the test was conducted.
 - (b) The facility shall provide corresponding manifest numbers with analytical test results.

3. Manifests
 - (a) Access to corresponding analytical results shall be made available.