

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 19

Burning of Waste Fuel and Used Oil Fuel
in Boilers and Industrial Furnaces
50 FR 49164-49211
November 29, 1985
as amended on April 13, 1987, at 52 FR 11819-11822
(HSA Cluster I)

Special Note on the Use of This Checklist

Used oil fuel standards at §266.40-44 are delegable to State programs although used oil is not specifically listed as a hazardous waste pursuant to Section 3001 of RCRA. This is because these regulations are promulgated pursuant to (1) the Used Oil Recycling Act (§3014(a) of RCRA) which directs EPA to regulate recycled used oil even if it is not a hazardous waste, and (2) the Superfund Amendments and Reauthorization Act of 1986 (SARA §205(j) adding RCRA §3006(h)). SARA §205(j) provides for delegation to States for used oil recycling standards even if used oil is not a listed waste or identified as a hazardous waste.

A November 19, 1986 (51 FR 41900) Federal Register article did not affect the RCRA regulations. Instead it addressed issues surrounding the potential listing of disposed used oil as hazardous.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

- | | | |
|---|---|--------------------|
| 1 | not hazardous unless
meet characteristic | 261.3(c)(2)(ii)(B) |
|---|---|--------------------|

SMALL QUANTITY GENERATORS

- | | | |
|---|---------------------|----------|
| 1 | exceptions | 261.5(b) |
| | hazardous waste | |
| | mixed with used oil | 261.5(k) |

REQUIREMENTS FOR RECYCLABLE MATERIALS

- | | | |
|---|---|------------------|
| † | used oil not regulated
under Subpart O | 261.6(a)(2)(iii) |
| 1 | used oil recycled
rather than burned | 261.6(a)(3)(iii) |
| 1 | coke and coal tar | 261.6(a)(3)(vii) |

RCRA REVISION CHECKLIST 19: Burning of Waste Fuel and Used Oil Fuel
in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
1 fuels from oil-bearing					
† hazardous waste from petroleum refining, production, etc.	261.6(a)(3)(viii)				
† petroleum coke	261.6(a)(3)(ix)				

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART O - INCINERATORS

APPLICABILITY

hazardous waste
burned in boilers &
industrial furnaces

264.340(a)(2)

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART O - INCINERATORS

APPLICABILITY

hazardous waste
burned in boilers &
industrial furnaces

265.340(a)(2)

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS
WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART D - HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

APPLICABILITY

hazardous waste
burned for energy
recovery

266.30(a)

RCRA REVISION CHECKLIST 19: Burning of Waste Fuel and Used Oil Fuel
in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
† exemption for used oil	266.30(b)(1)				
† exemption for hazardous waste fuels	266.30(b)(2)				
PROHIBITIONS					
1 prohibitions	266.31(a)				
permissible devices (old 266.31(b)(1)) cement kilns- renumbered	266.31(b) 266.31(c)				
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE FUEL					
generators who produce	266.32(a)				
generators who market	266.32(b)				
generators who burn	266.32(c)				
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE FUEL					
transporters	266.33				
STANDARDS APPLICABLE TO MARKETERS OF HAZARDOUS WASTE FUEL					
prohibitions	266.34(a)				
1 notification	266.34(b)				
storage	266.34(c)				
off-site shipment	266.34(d)				
1 required notices	266.34(e)				
recordkeeping	266.34(f)				
2 STANDARDS APPLICABLE TO BURNERS OF HAZARDOUS WASTE FUEL					
prohibitions	266.35(a)				

RCRA REVISION CHECKLIST 19: Burning of Waste Fuel and Used Oil Fuel
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
1 notification	266.35(b)				
1 storage	266.35(c)				
1 required notices	266.35(d)				
recordkeeping	266.35(e)				

SUBPART E - USED OIL BURNED FOR ENERGY RECOVERY

APPLICABILITY

used oil burned for
energy recovery

266.40(a)

"used oil" means

266.40(b)

used oil mixed with
hazardous waste

266.40(c)

subject to regulation

266.40(d)

allowable levels of
constituents

266.40(e)

PROHIBITIONS

market off-spec
used oil

266.41(a)

burned off-spec
used oil

266.41(b)

STANDARDS APPLICABLE TO GENERATORS OF USED OIL BURNED FOR ENERGY
RECOVERY

generators who
produce, market, or
burn used oil

266.42

STANDARDS APPLICABLE TO MARKETERS OF USED OIL BURNED FOR ENERGY
RECOVERY

1 persons not
"marketers"

266.43(a)

analysis of used oil

266.43(b)(1)

prohibitions

266.43(b)(2)

RCRA REVISION CHECKLIST 19: Burning of Waste Fuel and Used Oil Fuel
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
notifications	266.43(b)(3)				
invoice system	266.43(b)(4)				
required notices	266.43(b)(5)				
recordkeeping	266.43(b)(6)				
STANDARDS APPLICABLE TO BURNERS OF USED OIL BURNED FOR ENERGY RECOVERY					
prohibitions	266.44(a)				
1 notification	266.44(b)				
required notices	266.44(c)				
used oil fuel analysis	266.44(d)				
recordkeeping	266.44(e)				

See also technical corrections at 52 FR 11819-11822 (April 13, 1987).

- 2 Revision Checklist 13 introduced 266.36 addressing a conditional exemption for spent materials and by-products exhibiting a classification of hazardous waste. Revision Checklist 19 removed this section.