

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 122

Recycled Used Oil Management Standards;
Technical Amendments and Corrections I
58 FR 26420-26426

May 3, 1993

as amended on June 17, 1993 at 58 FR 33341-33342
(RCRA Cluster III, both HSWA and non-HSWA provisions)

Notes: 1) This rule corrects several technical errors and provides clarifying amendments to the recycled used oil management standards rule, published September 10, 1992 (57 FR 41566; Revision Checklist 112). This rule also corrects an error in the May 20, 1992 Used Oil Filter rule (57 FR 21524; Revision Checklist 104).

2) On March 4, 1994 EPA published a final rule (59 FR 10550; Revision Checklist 130) which provided clarifying amendments to the September 10, 1992 final rule, expanded the exemption from the Part 279 requirements to other petroleum refinery applications and corrected an error in the May 3, 1993 final rule addressed by this current checklist. States which are not authorized for Revision Checklist 112 are strongly encouraged to adopt these present technical amendments and corrections and the ones addressed by Revision Checklist 130 at the same time the requirements addressed by Revision Checklist 112 are adopted. A checklist which consolidates the Checklist 112, 122 and 130 provisions has been developed to help States apply for these three checklists concurrently. That consolidated checklist will be available shortly after Revision Checklist 130 is available. States that have already adopted Checklist 112 are encouraged to adopt Revision Checklists 122 and 130 as soon as possible. States that choose to adopt the consolidated version of the recycled used oil management standards will have until the due date for Revision Checklist 130 to make these changes.

3) This present rule also amends the rule addressed by Revision Checklist 104, States that have already adopted that checklist are encouraged to adopt Checklist 122 as soon as possible.

4) The preamble to the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) indicated none of the provisions of that rule were being promulgated pursuant to HSWA. Therefore, the Part 279 regulations would not be enforceable in an authorized State until the State had received authorization for Revision Checklist 112. However, EPA has now determined that by the addition of Section 3006(h) to RCRA in 1986, it was not Congress's intent to make the original used oil recycling requirements in 266, Subpart E suddenly unenforceable in authorized states. 266 Subpart E (November 29, 1985; 50 FR 49164; Revision Checklist 19) was primarily recodified in certain portions of Part 279 (specifically 279.10, 279.11, and portions of 279.1 and Subparts G and H) by the September 10, 1992 rule. Since these provisions were originally promulgated under HSWA, they remain HSWA requirements and will continue to be enforced by EPA until a State becomes authorized for them. The HSWA provisions changed by this checklist are designated by a "E" (diamond symbol).

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A - GENERAL								
EXCLUSIONS								
1 261.4(b)(15) redesignated as (b)(13)	261.4(b)(13)							
1 add paragraph excluding from regulation used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products	261.4(b)(14)							
1 redesignate as 261.4(b)(13)	261.4(b)(15)							
SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS								
delete "subpart G of" before "part 279"	261.5(j)							

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE, AND APPLICABILITY						
change "261.6(a)(2) and (3)" to "261.6(a)(2), (3), and (4)"; change "that requirements of this part" to "they"; add "part 279 or" before "subparts"; change "subparts C, F, G or H" to "subparts C, D, F or G" (note, this last change appears to be an error; see Endnote 2 for this checklist)	264.1(g)(2)					

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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**PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

- 2 change "owner and operator" to "owner or operator"; change "261.6(a)(2) and (3)" to "261.6(a)(2), (3), and (4)"; change "that requirements of this part" to "they"; add "part 279 or" before "subparts"; change "subparts C, F, G or H" to "subparts C, D, F or G" (note, this last change appears to be an error; see endnote 2 for this checklist)

265.1(c)(6)

PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A - DEFINITIONS

DEFINITIONS

- Ë change "if contaminated" to "is contaminated"

279.1 "used oil"

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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SUBPART B - APPLICABILITY

APPLICABILITY

3,Ë change "exhibits a" to "solely exhibits one or more of the"; after "chapter", insert "and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C"	279.10(b)(2)					
Ë change "Regulation" to "Except as specified in § 279.10(b)(2)(iii), regulation"	279.10(b)(2)(ii)					
Ë change "because if" to "because it"	279.10(b)(2)(iii)					
replace old paragraph with new heading: "Materials containing or otherwise contaminated with used oil"	279.10(c)					
add new subparagraph; except as provided in 279.10(c)(2), materials containing or otherwise contaminated with used oil from which used oil has been properly drained or removed such that no visible signs of free-flowing oil remain in or on material:	279.10(c)(1)					
are not used oil; not subject to Part 279	279.10(c)(1)(i)					

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
subject to Parts 124, 260-266, 268, and 270 if applicable	279.10(c)(1)(ii)					
add new subparagraph; materials containing or otherwise contaminated with used oil that are burned for energy recovery subject to Part 279	279.10(c)(2)					
add new subparagraph; used oil drained or removed from materials containing or otherwise contaminated with used oil subject to Part 279	279.10(c)(3)					
change "or other products" to "or other fuel products"	279.10(d)(1)					
change "identified as hazardous waste" to "listed or identified as hazardous wastes"	279.10(e)(3)(ii)					
change "Re-refining" to "Used oil re-refining"; change "are:" to "are not subject to this part."	279.10(e)(4)					
removed	279.10(e)(4)(i)&(ii)					
4 replace existing paragraph; change heading to "Used oil containing PCBs"; marketers and burners of used oil containing quantifiable level of PCBs subject to 40 CFR 761.20(e) in addition to Part 279	279.10(i)					

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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
USED OIL SPECIFICATIONS						
†, Ë, after Table 1, add note 5 regarding applicable standards for burning used oil containing PCBs	279.11, Table 1, note					
PROHIBITIONS						
add new paragraph; hazardous waste incinerators subject to regulation under subpart O of 264 or 265	279.12(c)(3)					
SUBPART C - STANDARDS FOR USED OIL GENERATORS						
HAZARDOUS WASTE MIXING						
replace existing paragraph; mixtures of used oil and hazardous waste must be managed in accordance with 279.10(b)	279.21(a)					
USED OIL STORAGE						
remove first sentence	279.22					
ON-SITE BURNING IN SPACE HEATERS						
Ë remove old 279.23(b) and redesignate old 279.23(a) as 279.23	279.23					
Ë old 279.23(a)(1) redesignated as 279.23(a)	279.23(a)					
Ë old 279.23(a)(2) redesignated as 279.23(b)	279.23(b)					
Ë old 279.23(a)(3) redesignated as 279.23(c)	279.23(c)					
SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES						
APPLICABILITY						

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
in first sentence, change "generated by" to "from" and delete "from the initial generator"	279.40(a)(4)					
6 delete "of this partuel Marketers"	279.40(d)(4)					

NOTIFICATION

7 no change to September 10, 1992 text; see Endnote 7	279.42(a)					
add "ordering information for" after "obtain"	279.42(b)(1)					

USED OIL TRANSPORTATION

change heading to "DOT Requirements"; replace existing text; used oil transporters must comply with all applicable requirements under DOT regulations in 49 CFR 171-180; persons transporting used oil that meets definition of hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171-180	279.43(b)					
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USED OIL STORAGE AT TRANSFER FACILITIES

remove first sentence; in the third sentence, change "generators" to "transporters"	279.45					
change "." at end of paragraph to "; or"	279.45(d)(1)(ii)					

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph regarding equivalent secondary containment system	279.45(d)(1)(iii)					

SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS

NOTIFICATION

7 no change to September 10, 1992 text; see Endnote 7	279.51(a)					
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GENERAL FACILITY STANDARDS

change "paragraph (h)" to "paragraphs (b)(6)(viii)(A) and (B)"	279.52(b)(6)(viii)(C)					
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USED OIL MANAGEMENT

remove first sentence; in the third sentence, change "generators" to "processors/re-refiners"	279.54					
remove "or process"	279.54(a)					
change "." to "; or" at end of paragraph	279.54(c)(1)(ii)					
add new paragraph regarding equivalent secondary containment system	279.54(c)(1)(iii)					

SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

APPLICABILITY

change "this subpart" to "with subpart"	279.60(b)(1)					
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NOTIFICATION

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
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E,7 no change to September 10, 1992 text; see Endnote 7	279.62(a)					

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
USED OIL STORAGE						
remove first sentence; in third sentence, change "generators" to "burners"	279.64					
SUBPART H - STANDARDS FOR USED OIL MARKETERS						
APPLICABILITY						
change "section" to "subpart"	279.70(a)					
ON-SPECIFICATION USED OIL FUEL						
remove last sentence	279.72(a)					
NOTIFICATION						
change "section" to "subpart"; rest of text unchanged; see Endnote 8)	279.73(a)					
TRACKING						
change "generator" to "marketer"	279.74(a)					

- 1 These changes correct an error in the May 20, 1992 final rule (57 FR 21534, Revision Checklist 104) by redesignating the subparagraphs sequentially. The exclusion for non-terne plated used oil filters was added by the May 20, 1992 rule as subparagraph (b)(15) of § 261.4 even though EPA had not yet promulgated subparagraphs (b)(13) or (b)(14).
- 2 This May 3, 1993 final rule inadvertently removes a correction made by the August 25, 1992 Federal Register (57 FR 38558, Revision Checklist 111). The August 25, 1992 rule changed "subparts C, D, F, or G" to "subparts C, F, G, or H"; the May 3, 1993 rule lists the old version of these internal references. The correct reference is as shown in the August 25, 1992 rule. States may want to not make this change.
- 3 There are two typographical errors in this paragraph in the May 3, 1993 Federal Register. The heading "Characteristic hazardous waste" should be in italics, as it appeared in the September 10, 1992 final rule (57 FR 41566, Revision Checklist 112). "Hazardous waste characteristic" should be "hazardous waste characteristics" to reflect the possibility of more than one characteristic.
- 4 There is an error in the Federal Register; according to EPA, "who market" should be "who market or burn".

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

- 5 States are not required to adopt notes, but a State may want to include an analog to this note, for clarity.
- 6 The May 3, 1993 Federal Register does not correctly indicate the text to be removed. The text in error in the September 10, 1992 Federal Register (57 FR 41566, Revision Checklist 112) is "of this partuel Marketers", not "of the partial Marketers" as the May 3, 1993 notice indicates. This phrase should be removed.
- 7 The May 3, 1993 (58 FR 26420) rule changed the text found in the September 10, 1992 rule (57 FR 41566; Revision Checklist 112), to include renotification. However, the June 17, 1993 (58 FR 33341) rule changed the text back to the original wording in the September 10, 1992 rule.
- 8 The May 3, 1993 (58 FR 26420) Federal Register shows two different changes to this paragraph. Only the first change (revision 43) correcting the wording found in the September 10, 1992 (57 FR 41566, Revision Checklist 112) version of the paragraph should be made. While the May 3, 1993 (58 FR 26420) rule changed the rest of the text so that renotification was required, the June 17, 1993 (58 FR 33341) rule changed the text back to that found in the September 10, 1992 rule.