

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 130

Recycled Used Oil Management Standards;
Technical Amendments and Corrections II59 FR 10550-10560

March 4, 1994

(RCRA Cluster IV, HSWA and Non-HSWA provisions)

Notes: 1) This rule provides clarifying amendments to the recycled used oil management standards rule, published September 10, 1992 (57 FR 41566; Revision Checklist 112) and expands the exemption from the Part 279 rule to other petroleum refinery applications. This rule also corrects errors in regulations that appeared in the May 3 Federal Register (58 FR 26420; Revision Checklist 122).

2) As stated in the preamble to the May 3, 1993 Technical Correction to the September 10, 1992 rule, EPA is adopting the majority of the final used oil management standards in the same manner as "non-HSWA" Subtitle C requires. However, provisions that were issued under HSWA authority in the November 29, 1985 rule (50 FR 49201; Revision Checklist 19) and recodified in part 279 by the September 10, 1992 rule (specifically 279.10, 279.11, and portions of Subparts G and H) remain HSWA requirements and will continue to be enforced by EPA until a State is authorized for them. The HSWA provisions changed by this checklist are designated by a "D" (diamond symbol).

3) The standards promulgated in the March 4, 1994 rule at 279.20(g), 279.41(c), 279.46(a)(5), 279.46(b)(5); and the revision to the transfer facility definition are less stringent than or reduce the scope of the existing Federal requirements. Thus, authorized States are not required to modify their programs to adopt the provisions addressed by these standards. States are required to adopt the other provisions addressed by this checklist, however.

4) States are encouraged to apply for Checklists 112, 122 and 130 at the same time. A checklist which combines Checklist 112, 122 and 130 provisions has been developed to help States apply for these checklists concurrently. States that have already adopted Revision Checklists 112 and 122 are encouraged to adopt Revision Checklist 130 as soon as possible.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL						
SUBPART A - DEFINITIONS						
DEFINITIONS						
add, in alphabetical order, definition of "petroleum refining facility"	279.1					

RCRA REVISION CHECKLIST 130: Recycled Used Oil Management Standards;
Technical Amendments and Corrections II (cont'd)

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† remove comma after "storage areas"; insert "and no longer than 35 days" after "24 hours"; replace "and no longer than 35 days" after "normal course of transportation" with "or prior to an activity performed pursuant to 279.20(b)(2)"	279.1 "used oil transfer facility"					

SUBPART B - APPLICABILITY

APPLICABILITY

in the last sentence, remove phrase "for the cost of \$110.00."	279.10(b)(1)(ii)					
È delete phrase "and is not listed in subpart D of part 261 of this chapter"; insert "ignitable-only" before "mineral spirits" and "resultant" before "mixture does not exhibit"	279.10(b)(2)(iii)					
† replace old paragraph with new heading "Used oil introduced into crude oil pipelines or a petroleum refining facility"	279.10(g)					
† add new paragraph; used oil mixed with crude oil or natural gas liquids for insertion into a crude oil pipeline is exempt from the Part 279 requirements; this used oil is subject to Part 279 requirements prior to mixing of used oil with crude oil or natural gas liquids	279.10(g)(1)					

RCRA REVISION CHECKLIST 130: Recycled Used Oil Management Standards;
Technical Amendments and Corrections II (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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† add new paragraph; mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to crude oil pipeline or petroleum refining facility for insertion into refining process at a point prior to crude distillation or catalytic cracking are exempt from the Part 279 requirements	279.10(g)(2)					
† add new paragraph; used oil inserted into petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the Part 279 requirements provided used oil constitutes less than 1% of crude oil feed to any petroleum facility process unit at any time; this used oil is subject to Part 279 requirements prior to insertion into the petroleum refining facility process	279.10(g)(3)					
† add new paragraph; except as provided in 279.10(g)(5), used oil introduced into petroleum refining facility process after crude distillation or catalytic cracking is exempt from the Part 279 requirements only if used oil meets 279.11 specifications; this used oil is subject to Part 279 requirements prior to insertion into petroleum refining facility process	279.10(g)(4)					

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† add new paragraph; used oil incidentally captured by hydrocarbon recovery system or wastewater treatment system as part of routine process operations at petroleum refining facility and inserted into the petroleum refining facility process is exempt from the Part 279 requirements; exemption does not extend to used oil intentionally introduced into a hydrocarbon recovery system	279.10(g)(5)					
† add new paragraph; tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the Part 279 requirements	279.10(g)(6)					

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Technical Amendments and Corrections II (cont'd)

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SUBPART C - STANDARDS FOR USED GENERATORS

APPLICABILITY

redesignate existing paragraph 279.20(b)(2) as 279.20(b)(2)(i) insert "Except as provided in paragraph (b)(2)(ii) of this section," at the beginning of the sentence	279.20(b)(2)(i)					
add new subparagraph; generators who perform the following activities are not processors provided the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:	279.20(b)(2)(ii)					
filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by generator	279.20(b)(2)(ii)(A)					
separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse under CWA or other applicable Federal regulations governing the management or discharge of wastewaters	279.20(b)(2)(ii)(B)					
using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation	279.20(b)(2)(ii)(C)					
draining or removing used oil from materials containing or contaminated with used oil in order to remove excessive oil pursuant to 279.10(c)	279.20(b)(2)(ii)(D)					

RCRA REVISION CHECKLIST 130: Recycled Used Oil Management Standards;
Technical Amendments and Corrections II (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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filtering, separating or reconditioning used oil before burning it in a space heater pursuant to 279.23	279.20(b)(2)(ii)(E)					

SUBPART E - STANDARDS FOR USED OIL TRANSPORTERS AND TRANSFER FACILITIES

RESTRICTIONS ON TRANSPORTERS WHO ARE NOT ALSO PROCESSORS OR RE-REFINERS

† add new paragraph; transporters of used oil removed from oil bearing electrical transformers and turbines and filtered by transporter or at a transfer facility prior to being returned to its original use are not subject to the processor/re-refiner requirements in subpart F of Part 279	279.41(c)					
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REBUTTABLE PRESUMPTION FOR USED OIL

in the last sentence, remove phrase "for the cost of \$110.00.	279.44(c)					
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TRACKING

† redesignate existing paragraph 279.46(a)(5) as 279.46(a)(5)(i) insert "Except as provided in paragraph (a)(5)(ii) of this section," at the beginning of the sentence	279.46(a)(5)(i)					
† add new subparagraph; intermediate rail transporters not required to sign record of acceptance	279.46(a)(5)(ii)					
† redesignate existing paragraph 279.46(b)(5) as 279.46(b)(5)(i) insert "Except as provided in paragraph (b)(5)(ii) of this section," at the beginning of the sentence	279.46(b)(5)(i)					
† add new subparagraph; intermediate rail transporters not required to sign record of delivery	279.46(b)(5)(ii)					

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

REBUTTABLE PRESUMPTION FOR USED OIL

in the last sentence, remove
phrase "for the cost of \$110.00." 279.53(c)

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

REBUTTABLE PRESUMPTION FOR USED OIL

in the last sentence, remove
phrase "for the cost of \$110.00." 279.63(c)