

US EPA ARCHIVE DOCUMENT

Revision Checklist 104 Summary

Rule Title : Identification and Listing of Hazardous Waste: Used Oil
Checklist Title : Used Oil Filter Exclusion
Reference : 57 FR 21524-21534
Promulgation Date : May 20, 1992
Effective Date : June 19, 1992
Cluster : RCRA II
Provision Type : HSWA
Linkage : Revision Checklists 107 and 112
Optional : Yes

Summary: This rule promulgates a final listing decision for used oils based upon RCRA §§ 1004 and 3001, and 40 CFR 261.11(a)(1)&(a)(3). Because all used oils do not typically and frequently meet the technical criteria for listing a waste as hazardous, EPA has chosen to not list as hazardous used oils destined for disposal. This rule does provide an exemption from the definition of hazardous waste, for certain types of used oil filters. This rule also provides public notice of the EPA deferral on a decision whether to list residuals from the reprocessing and re-refining of used oil. Additionally, the Agency is not, at this time, taking final action on a listing determination and/or management standards for used oils that are recycled as proposed in 1985 and 1991. EPA will make a decision on these issues in the near future.

State Authorization: This rule is placed in RCRA Cluster II. Because the standards addressed by this checklist narrow the scope of TC rule and the EP toxicity regulation which preceded it, the checklist is considered optional. For States that choose to adopt it, the due date is July 1, 1993 (or July 1, 1994 if a statutory change is necessary). Both interim and final authorization are available. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 104, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be placed at Subsection I X in the Model Revision Attorney General's Statement.

X. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklist 104.

Federal Authority: RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General