

US EPA ARCHIVE DOCUMENT

Revision Checklist 112 Summary

Rule Title: Hazardous Waste Management Systems; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards
Checklist Title: Recycled Used Oil Management Standards
Reference: 57 FR 41566-41626
Promulgation Date: September 10, 1992
Effective Date: March 8, 1993
Cluster: RCRA III
Provision Type: HSWA/Non-HSWA
Linkage: Revision Checklists 19, 122, 130, and 166
Special Note: A Consolidated Recycled Used Oil Management Standards Checklist is available for Checklists 112, 122 and 130
Optional: No

Summary. This rule promulgates a final listing decision for used oils that are recycled, as well as standards for the management of used oil under RCRA §3014. EPA has determined that recycled used oil does not have to be listed as a hazardous waste because the used oil management standards issued under this rule are adequately protective of human health and the environment. These standards are codified in a new part 279 in Title 40 of the CFR

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). On May 3, 1993, a final rule (58 FR 26420; Revision Checklist 122) was published, which amended the September 10, 1992 rule. In addition, the May rule also redesignated certain provisions as HSWA (the September 10, 1992 rule designated all provisions as non-HSWA). After publication of the September 10, 1992 rule, EPA realized that its position, making all provisions of that rule non-HSWA, was arguably inconsistent with statements made in the preamble of the November 29, 1985 rule (50 FR 49201; Revision Checklist 19) which promulgated 266, Subpart E. Those provisions were issued under HSWA authority and are recodified in certain portions of Part 279 (specifically, 279.10, 279.11 and portions of 279.1 and Subparts G and H of Part 279) by the September 10, 1992 rule. As such, these provisions were redesignated as HSWA provisions by the May 3, 1993 rule (see p. 58 FR 26424 for the 271.26 table outlining these provisions). These provisions continue to be Federally enforceable in States that have not yet adopted requirements equivalent to the previous Part 266, Subpart E requirements and received authorization to implement and enforce them. EPA continues to believe that the remaining portions of Part 279 are non-HSWA provisions and, as such, do not become effective in authorized States until individual States adopt these provisions and EPA grants authorization for them.

On March 4, 1994 EPA, published a final rule (59 FR 1055; Revision Checklist 130) that further amends the Recycled Used Oil Management Standards. While that rule will be part of SPA 15, EPA strongly recommends that States adopt Checklists 112, 122 and 130 at one time. As such, a checklist consolidating the provisions from all three checklists will be available shortly after Revision Checklist 130 is available. Additionally, States that choose to adopt this consolidated version of these standards will have until the due date (July 1, 1995 or July 1, 1996 if a statutory change is necessary) for Revision Checklist 130 to make these amendments.

The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 112, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Revision Checklist 112 Summary (cont'd)

Attorney General's Statement Entry. Change the title of Section XX to: "Standards for the Management of Waste Fuel and Used Oil and for the Burning of These Materials in Boilers and Industrial Furnaces." The following entry should be placed at Subsection XX E in the Model Revision Attorney General's Statement:

E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklist 112.

Federal Authority: RCRA §§1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General