

US EPA ARCHIVE DOCUMENT

Revision Checklist 169 Summary

Rule Title: Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities

Checklist Title: Petroleum Refining Process Wastes

Reference: 63 FR 42110-42189; 63 FR 54356-54357

Promulgation Date: August 6, 1998

Effective Date: February 8, 1999 for all revisions except the following which are effective December 8, 1998: 261.3(c)(2)(ii)(B), 261.4(a), 261.6(a)(3)(iv)(C), and 266.100(b)(3) and the removal of 261.6(a)(3)(v)

Cluster: RCRA Cluster IX

Provision Type: HSWA/Non-HSWA

Linkage: 178

Optional: No, but certain provisions are optional

Summary: EPA is listing four petroleum refining process wastes as hazardous (K169-K172). The wastes will be subject to stringent management and treatment standards and emergency notification requirements. The rule excludes certain recycled secondary materials from the definition of solid waste. The materials include both oil-bearing residuals from petroleum refineries and oil from associated petrochemical facilities, when they are inserted into the refining process; and spent caustic from liquid treating operations when used as a feedstock to make certain chemical products. The rule clarifies an existing exclusion for recovered oil from certain petroleum industry sources. Finally, this rule applies the universal treatment standards to the petroleum refining wastes. On October 9, 1998, EPA changed the effective date of certain portions of this rule to be consistent with sections 801 and 808 of the Congressional Review Act.

State Authorization: This rule is placed in RCRA Cluster IX. The State modification deadline is July 1, 2000 (or July 1, 2001 if a State statutory change is necessary). The revisions to 40 CFR 261.32, Part 261 Appendix VII, 268.35 and 268.40 are promulgated pursuant to HSWA. These regulations become effective on the Federal effective date in all States. The revision to 40 CFR 266.100 is promulgated pursuant to HSWA, but it is optional for adoption. EPA will implement these requirements only in States that do not have interim or final authorization. Both interim and final authorization are available for the HSWA provisions. Interim authorization expires January 1, 2003. The revisions to 40 CFR Part 261.3, 261.4, and 261.6 are promulgated relative to non-HSWA authority. EPA will implement the non-HSWA requirements only in States that do not have interim or final authorization. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law. Only final authorization is available for the non-HSWA provisions. The non-HSWA revisions related to the exclusions from the definition of solid waste of certain oil-bearing hazardous secondary material from petroleum refining and certain recovered oils from associated petrochemicals are optional. The addition of 40 CFR 261.4(a)(19) is a clarifying change and

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States are not required to make it because they do not need further authorization to interpret their regulations in accordance with this clarification.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 169, 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(A)(31) in the Model Revision Attorney General's Statement.

- (31) Listing of four wastes (K169-K172) generated during petroleum refining process, 40 CFR 261.32, Part 261 Appendix VII as amended August 6, 1998 (63 FR 42110), Revision Checklist 169.

The following entries should be placed at Subsection I (QQ) & (RR) in the Model Revision Attorney General's Statement.

QQ. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations include revisions that expand the headworks exemption to include waste generated during petroleum refining process (K169-K172), as indicated in Revision Checklist 169.

Federal Authority: RCRA §§ 2002(a) and 3001, 40 CFR 261.3(a)(2)(iv)(C) as amended August 6, 1998 (63 FR 42110).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RR. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations include an exemption for catalyst support media as indicated in Revision Checklist 169.

Federal Authority: RCRA §§ 2002(a) and 3001, 40 CFR 261.3(c)(2)(ii)(E), as amended August 6, 1998 (63 FR 42110).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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The following entry should be placed at Subsection II (G) in the Model Revision Attorney General's Statement.

G. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations include revisions to the exclusion for certain oil-bearing hazardous secondary materials, as well as new exclusions for petrochemical recovered oil, and spent caustic solutions from petroleum refining processes, and the related revisions to the references to these exclusions as indicated in Revision Checklist 169.

Federal Authority: RCRA § 3001; 40 CFR 261.3(c)(2)(ii)(B), 261.4(a)(12), 261.4(a)(18) & (19), 261.6(a)(3)(iv)(C), 261.6(a)(3)(v), 261.31(a), and 266.100(b)(3), as amended August 6, 1998 (63 FR 42110).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

The following entry should be placed at Subsection XXI (HH) in the Model Revision Attorney General's Statement.

HH. State statutes and regulations include a waste-specific prohibition and treatment standards for K169-K172 wastes under the land disposal restriction program, as indicated in Revision Checklist 169.

Federal Authority: RCRA § 3004(g) and (m); 268.35 and 268.40, as amended August 6, 1998 (63 FR 42110).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance:

The date in 40 CFR 268.35(a) should not be replaced with a State effective date.