

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 112

**Recycled Used Oil Management Standards
57 FR 41566-41626
September 10, 1992
(RCRA Cluster III, non-HSWA provisions)**

Note: 1) The rule addressed by this checklist promulgates a final listing decision for used oils that are recycled and finalizes standards for the management of used oil under RCRA § 3014, now codified in a new Part 279 of Chapter 40. These management standards cover used oil generators, transporters, processors and re-refiners, burners, and marketers. EPA is continuing to evaluate the potential hazards associated with the management of used oil.

2) 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 redesignates 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). Those provisions designated as HSWA by that rule are identified by a "♦" (diamond symbol) in this checklist.

3) States are encouraged to apply for Checklists 112 and 122 at the same time. A checklist which consolidates the Checklist 112 and 122 provisions has been developed to help States apply for these checklists concurrently.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
DEFINITIONS						
add, in alphabetical order, definition of "used oil"	260.10	109.used oil	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A - GENERAL						
DEFINITION OF HAZARDOUS WASTE						
used oil containing > 1000 ppm total halogens presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; example from SW-846; where SW-846 may be obtained	261.3(a)(2)(v)	109.hazardous waste.2.e	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metal working oils/fluids if such oils/fluids are recycled in any other manner or disposed	261.3(a)(2)(v)(A)	109.hazardous waste.2.e.i	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation; rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	261.3(a)(2)(v)(B)	109.hazardous waste.2.e.ii	X			✓

SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

replace "subpart E of part 266" with "subpart G of part 279"	261.5(j)	¹ no state analog			X	
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REQUIREMENTS FOR RECYCLABLE MATERIALS

remove 261.6(a)(2)(iii); redesignate 261.6(a)(2)(iv) and (v) as 261.6(a)(2)(iii) and (iv)	261.6(a)(2)(iii)	4105.C.3	X			✓
	261.6(a)(2)(iv)	4105.C.4	X			✓
	261.6(a)(2)(v)	² no state analog	X			
remove 261.6(a)(3)(iii); redesignate 261.6(a)(3)(iv)-(viii) as 261.6(a)(3)(iii)-(vii)	261.6(a)(3)(iii)	4105.B.4	X			✓
	261.6(a)(3)(iv)	4105.B.8	X			X
	261.6(a)(3)(v)	4105.B.9	X			X
	261.6(a)(3)(vi)	4105.B.10	X			X

¹ The state does not recognize the class of conditionally exempt small quantity generators. Generators of 0-100 kg/mth of hazardous waste in Louisiana must follow guidelines for small quantity generators.

² The federal citation has been removed.

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	261.6(a)(3)(vii)	4105.B.13	X			X
	261.6(a)(3)(viii)	² no federal cite	X			✓
used oil that is recycled and is hazardous waste solely because it exhibits a characteristic is not subject to Parts 260-268 but is regulated under Part 279; definition of used oil that is recycled	261.6(a)(4)	4105.E	X			✓

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART E - USED OIL BURNED FOR ENERGY RECOVERY

remove and reserve Subpart E	266.40-266.44	4147 repealed	X			
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SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

APPLICABILITY

substitute "part 279 of this chapter" for "subpart E of part 266 rather than this subpart"	266.100(b)(1)	3001.B.1	X			✓
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PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A - DEFINITIONS

DEFINITIONS

terms defined in sections 260.10, 261.1 and 280.12 have same meanings in Part 279	279.1	4001	X			✓
"aboveground tank"	279.1	4001	X			✓
"container"	279.1	4001	X			✓

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
"do-it-yourselfer used oil collection center"	279.1	4001	X			
"existing tank"	279.1	4001	X			
"household 'do-it-yourselfer' used oil"	279.1	4001	X			
"household 'do-it-yourselfer' used oil generator"	279.1	4001	X			
"new tank"	279.1	4001	X			
"processing"	279.1	4001	X			
"re-refining distillation bottoms"	279.1	4001	X			
"tank"	279.1	4001	X			
◆ "used oil"	279.1	4001	X			
"used oil aggregation point"	279.1	4001	X			
◆ "used oil burner"	279.1	4001	X			
"used oil collection center"	279.1	4001	X			
◆ "used oil fuel marketer"	279.1	4001	X			
"used oil generator"	279.1	4001	X			
1 "used oil processor/re-refiner"	279.1	4001	X			
"used oil transfer facility"	279.1	4001	X			
"used oil transporter"	279.1	4001	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART B - APPLICABILITY						
APPLICABILITY						
section identifies materials subject to regulation as used oil under Part 279; also identifies some materials which are not so regulated and indicates if subject to Parts 260-266, 268, 270 and 124	279.10	4003	X			
EPA presumes used oil is to be recycled unless used oil handler disposes of it or sends it for disposal; except as provided in 279.11, used oil is subject to regulation under Part 279, regardless of whether it exhibits a 261 Subpart C characteristic	279.10(a)	4003.A	X			
mixtures of used oil and hazardous waste	279.10(b)	4003.B	X			
listed hazardous waste	279.10(b)(1)	4003.B.1	X			
mixtures of used oil and hazardous waste listed in 261 Subpart D subject to regulation as hazardous waste under Parts 260-266, 268, 270 and 124 rather than as used oil under Part 279	279.10(b)(1)(i)	4003.B.1.a	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil containing > 1000 ppm total halogens presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; example from SW-846; where to obtain SW-846	279.10(b)(1)(ii)	4003.B.1.b	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.10(b)(1)(ii)(A)	4003.B.1.b.i	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.10(b)(1)(ii)(B)	4003.B.1.b.ii	X			
◆ mixtures of used oil and hazardous waste that exhibit a 261, Subpart C hazardous waste characteristic are subject to:	279.10(b)(2)	4003.B.2	X			
◆ except as 279.10(b)(2)(iii) provides, regulation under Parts 260-266, 268, 270 and 124 if mixture exhibits any 261, Subpart C hazardous waste characteristics	279.10(b)(2)(i)	4003.B.2.a	X			
◆ if the mixture does not exhibit any 261, Subpart C hazardous waste characteristics, it is regulated under Part 279	279.10(b)(2)(ii)	4003.B.2.b	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆,2 mixture is regulated under Part 279 if waste mixed with oil is hazardous solely because it exhibits the characteristic of ignitability and is not listed in 261, Subpart D, provided mixture does not exhibit the 261.21 characteristic of ignitability	279.10(b)(2)(iii)	4003.B.2.c	X			
◆ mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 261.5 are subject to regulation as used oil under Part 279	279.10(b)(3)	³ No state analog			X	
mixtures of used oil and non-hazardous solid waste are subject to regulation as used oil under Part 279	279.10(c)	4003.C	X			
mixtures of used oil with products	279.10(d)	4003.D	X			
except as provided in 279.10(d)(2), mixtures of used oil and fuels or other products are subject to Part 279	279.10(d)(1)	4003.D.1	X			

³ The state provision is more stringent because the state does not recognize the class of conditionally exempt small quantity generators. Generators of 0-100kg/mth must follow guidelines for small quantity generators.

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil and diesel fuel mixed on-site by the generator for use in the generator's own vehicles not subject to Part 279 after mixing; prior to mixing used oil is subject to 279, Subpart C	279.10(d)(2)	4003.D.2	X			
materials derived from used oil	279.10(e)	4003.E	X			
materials reclaimed from used oil that are used beneficially and not burned for energy recovery or used in a manner constituting disposal are:	279.10(e)(1)	4003.E.1	X			
not used oil and not subject to Part 279	279.10(e)(1)(i)	4003.E.1.a	X			
not solid wastes and not subject to Parts 260-266, 268, 270 and 124	279.10(e)(1)(ii)	4003.E.1.b	X			
materials produced from used oil burned for energy recovery are subject to Part 279	279.10(e)(2)	4003.E.2	X			
except as provided in 279.10(e)(4), materials derived from used oil that are disposed of or used in a manner constituting disposal are:	279.10(e)(3)	4003.E.3	X			
not used oil and not subject to Part 279	279.10(e)(3)(i)	4003.E.3.a	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
are solid waste and are subject to Parts 260-266, 268, 270 and 124 if the materials are identified as hazardous waste	279.10(e)(3)(ii)	4003.E.3.b	X			
re-refining distillation bottoms used as feedstock to manufacture asphalt products are:	279.10(e)(4)	4003.E.4	X			
not subject to Part 279 at this time	279.10(e)(4)(i)	⁴ no state analog	X			
not subject to Parts 260-266, 268, 270 and 124 at this time	279.10(e)(4)(ii)	⁴ no state analog	X			
CWA, Section 402 or 307(b), wastewater contaminated with <i>de minimis</i> quantities of used oil not subject to Part 279; definition of <i>de minimis</i> ; exception does not apply if used oil is discarded as result of abnormal manufacturing operations resulting in substantial releases or to used oil recovered from wastewaters	279.10(f)	4003.F	X			

⁴ The federal citation has been removed.

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
3 used oil placed directly into a crude oil or natural gas pipeline is subject to Part 279 management standards prior to placement; exempt from requirements of Part 279 after pipeline introduction	279.10(g)	4003.G	X			
used oil produced on vessels from normal shipboard operations is not subject to Part 279 until it is transported ashore	279.10(h)	4003.H	X			
PCB-contaminated used oil regulated under 40 CFR Part 761 is exempt from Part 279	279.10(i)	4003.I	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
USED OIL SPECIFICATIONS						
◆ used oil burned for energy recovery and fuel produced from treatment of used oil is subject to Part 279 unless it is shown not to exceed allowable levels of specific constituents and properties in Table 1; once used oil no longer exceeds specifications and there is compliance with 279.72, 279.73 & 279.74(b), then not subject to Part 279	279.11	4005	X			
◆ "Used Oil Not Exceeding Any Specification Level Is Not Subject to This Part When Burned for Energy Recovery"; lists constituents/properties and allowable levels	279.11, Table 1	4005.Table 1	X			
PROHIBITIONS						
used oil shall not be managed in surface impoundments or waste piles unless those units are subject to Part 264 or 265	279.12(a)	4007.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
use of used oil as a dust suppressant is prohibited, except in States listed in 279.82(c)	279.12(b)	4007.B	X			
off-specification used oil fuel may be burned in:	279.12(c)	4007.C	X			
industrial furnaces identified in 260.10	279.12(c)(1)	4007.C.1	X			
specific boilers:	279.12(c)(2)	4007.C.2	X			
industrial boilers on the site of a facility engaged in a manufacturing process where substances are transformed into new products by mechanical or chemical processes	279.12(c)(2)(i)	4007.C.2.a	X			
utility boilers used to produce electric power, steam, heated or cooled air, or gases or fluids for sale	279.12(c)(2)(ii)	4007.C.2.b	X			
used oil-fired space heaters if burner meets 279.23 provisions	279.12(c)(2)(iii)	4007.C.2.c	X			

SUBPART C - STANDARDS FOR USED OIL GENERATORS

APPLICABILITY

definition of used oil generator; 279 Subpart C applies to all used oil generators except:	279.20(a)	4009.A & 4001	X			
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RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
household "do-it-yourselfer" used oil generators	279.20(a)(1)	4009.A.1	X			
vessels, until the used oil is transported ashore; definition of co-generators; decision as to which party will fulfill Part 279 requirements	279.20(a)(2)	4009.A.2	X			
diesel fuel and used oil mixed by the used oil generator for use in generator's own vehicles, after mixing; prior to mixing, the used oil is subject to Part 279	279.20(a)(3)	4009.A.3	X			
farmers who generate an average of ≤ 25 gallons per month from vehicles or machinery used on the farm in a calendar year	279.20(a)(4)	4009.A.4	X			
used oil generators who conduct specific activities are subject to the requirements of other applicable provisions of Part 279	279.20(b)	4009.B	X			
except under 279.24(a)&(b), generators who transport used oil must also comply with Subpart E of Part 279	279.20(b)(1)	4009.B.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
generators who process or re-refine used oil must also comply with Subpart F of Part 279	279.20(b)(2)	4009.B.2	X			
generators who burn off-specification used oil for energy recovery, except under 279.23, must also comply with Subpart G of Part 279	279.20(b)(3)	4009.B.3	X			
generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets 279.11 specifications must also comply with Subpart H of Part 279	279.20(b)(4)	4009.B.4	X			
generators who dispose of used oil must also comply with Subpart I of Part 279	279.20(b)(5)	4009.B.5	X			
HAZARDOUS WASTE MIXING						
generators shall not mix hazardous waste with used oil except as provided by 279.10(b)(2)(ii)&(iii)	279.21(a)	4011.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the rebuttable presumption of 279.10(b)(1)(ii) applies to used oil managed by generators; used oil containing > 1,000 ppm total halogens is presumed to be hazardous and must be managed as such; does not apply to certain metalworking oils/fluids and certain used oils removed from refrigeration units	279.21(b)	4011.B	X			
USED OIL STORAGE						
wastewaters containing <i>de minimis</i> quantities of used oil not subject to Part 279; used oil generators are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart C requirements	279.22	4013	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil generators may not store used oil in units other than tanks, containers, or units subject to Part 264 or 265	279.22(a)	4013.A	X			
containers and aboveground tanks used to store used oil must be:	279.22(b)	4013.B	X			
in good condition	279.22(b)(1)	4013.B.1	X			
not leaking	279.22(b)(2)	4013.B.2	X			
labels	279.22(c)	4013.C	X			
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.22(c)(1)	4013.C.1	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.22(c)(2)	4013.C.2	X			
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a generator must perform these cleanup steps:	279.22(d)	4013.D	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
stop the release	279.22(d)(1)	4013.D.1	X			
contain the released used oil	279.22(d)(2)	4013.D.2	X			
clean up and properly manage the released used oil and other materials	279.22(d)(3)	4013.D.3	X			
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.22(d)(4)	4013.D.4	X			
ON-SITE BURNING IN SPACE HEATERS						
◆ generators may burn used oil in used oil-fired space heaters if:	279.23(a)	4015	X			
◆ the heater burns only used oil generated by the owner/operator or received from household do-it-yourself used oil generators	279.23(a)	4015.A	X			
◆ the heater is designed to have a maximum capacity ≤ 0.5 million Btu/hour	279.23(b)	4015.B	X			
◆ the combustion gases are vented to the ambient air	279.23(c)	4015.C	X			
reserved	279.23(b)	4015.B	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
OFF-SITE SHIPMENTS						
except as provided in 279.24(a)-(c), generators must ensure their used oil is transported only by transporters with EPA ID numbers	279.24	4017	X			
generators, without an EPA ID number, may transport used oil generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center if:	279.24(a)	4017.A	X			
the generator transports the used oil in a vehicle owned by the generator or by an employee of the generator	279.24(a)(1)	4017.A.1	X			
≤55 gallons is transported at any time	279.24(a)(2)	4017.A.2	X			
the used oil is transported to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil	279.24(a)(3)	4017.A.3	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
generators, without an EPA ID number, may transport used oil generated at the generator's site to an aggregation point if:	279.24(b)	4017.B	X			
the generator transports the used oil in a vehicle owned by the generator or by an employee of the generator	279.24(b)(1)	4017.B.1	X			
≤55 gallons is transported at any time	279.24(b)(2)	4017.B.2	X			
the generator transports the used oil to an aggregation point owned and/or operated by the same generator	279.24(b)(3)	4017.B.3	X			
used oil generators may arrange for used oil to be transported by a transporter without an EPA ID number if the used oil is reclaimed under a contractual agreement ("tolling arrangement") pursuant to which the reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil or coolant; what the tolling arrangement must indicate:	279.24(c)	4017.C	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
type of used oil and frequency of shipments	279.24(c)(1)	4017.C.1	X			
that the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner	279.24(c)(2)	4017.C.2	X			
reclaimed oil will be returned to the generator	279.24(c)(3)	4017.C.3	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART D - STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

DO-IT-YOURSELF USED OIL COLLECTION CENTERS

section applies to owners/operators of do-it-yourself (DIY) used oil collection centers; definition of DIY used oil collection center	279.30(a)	4019.A & 4001	X			✓
owners/operators of DIY used oil collection centers must comply with the generator standards in Subpart C of Part 279	279.30(b)	4019.B	X			✓

USED OIL COLLECTION CENTERS

section applies to owners/operators of used oil collection centers; definition of used oil collection center; such centers may accept used oil from household DIYs	279.31(a)	4021.A	X			not in FR →
owners/operators must:	279.31(b)	4021.B	X			✓
comply with the generator standards in Subpart C of Part 279	279.31(b)(1)	4021.B.1	X			✓
be registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil	279.31(b)(2)	4021.B.2	X			✓

USED OIL AGGREGATION POINTS OWNED BY THE GENERATOR

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
section applies to owners/operators of used oil aggregation points; definition of used oil aggregation point; such points may accept oil from household DIYs	279.32(a)	4023.A	X			
owners/operators must comply with the generator standards in Subpart C of Part 279	279.32(b)	4023.B	X			

SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

APPLICABILITY

definition of used oil transporters; Subpart E of Part 279 applies to all used oil transporters except:	279.40(a)	4025.A & 4001	X			
on-site transportation	279.40(a)(1)	4025.A.1	X			
generators who transport ≤55 gallons from the generator to a used oil collection center	279.40(a)(2)	4025.A.2	X			
generators who transport ≤55 gallons from the generator to a used oil aggregation point owned or operated by the same generator	279.40(a)(3)	4025.A.3	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
those who transport used oil generated by household do-it-yourselfers from the initial generator to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner subject to Part 279; Subpart E of Part 279 applies to transportation of collected household DIY used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household DIY used oil is collected	279.40(a)(4)	4025.A.4	X			
transporters who import or export used oil are subject to Part 279, Subpart E whenever the used oil is in the United States	279.40(b)	4025.B	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil transported in a truck previously used to transport hazardous waste must be managed as hazardous waste unless the truck has been emptied, prior to transport, as described in 261.7 or the waste/oil mixture is determined under 279.10(b) not to be hazardous waste	279.40(c)	4025.C	X			
specific used oil transporters are subject to additional provisions of Part 279 as follows:	279.40(d)	4025.D	X			
transporters who generate used oil must also comply with Subpart C of Part 279	279.40(d)(1)	4025.D.1	X			
except as 279.41 provides, transporters who process or re-refine used oil must also comply with Subpart F of Part 279	279.40(d)(2)	4025.D.2	X			
transporters who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279	279.40(d)(3)	4025.D.3	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
4 transporters must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets used oil fuel specifications of 279.11	279.40(d)(4)	4025.D.4	X			
transporters who dispose of used oil must also comply with Subpart I of Part 279	279.40(d)(5)	4025.D.5	X			
RESTRICTIONS ON TRANSPORTERS WHO ARE NOT ALSO PROCESSORS OR RE-REFINERS						
used oil transporters may consolidate or aggregate loads of used oil for transport; except as 279.41(b) provides, used oil transporters may not process used oil unless they also comply with the requirements for processors/re-refiners in Subpart F of Part 279	279.41(a)	4027.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
transporters may conduct processing operations incidental to transport, but not designed to produce used oil derived products, unless the transporter also complies with the processor/re-refiner requirements in Subpart F of Part 279	279.41(b)	4027.B	X			
NOTIFICATION						
used oil transporters who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.42(a)	4029.A	X			
a used oil transporter without an EPA ID number may obtain one by submitting either:	279.42(b)	4029.B			X	
a completed EPA Form 8700-12; or	279.42(b)(1)	4029.B	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
a letter requesting an EPA ID number; what the letter should include	279.42(b)(2)	4083.B			X	
	279.42(b)(2)(i)	4083.B			X	
	279.42(b)(2)(ii)	4083.B			X	
	279.42(b)(2)(iii)	4083.B			X	
	279.42(b)(2)(iv)	4083.B			X	
	279.42(b)(2)(v)	4083.B			X	
	279.42(b)(2)(vi)	4083.B			X	
	279.42(b)(2)(vii)	4083.B			X	
USED OIL TRANSPORTATION						
a used oil transporter must deliver all used oil received to:	279.43(a)	4031.A	X			
another used oil transporter with an EPA ID number	279.43(a)(1)	4031.A.1	X			
a used oil processing/ re-refining facility with an EPA ID number	279.43(a)(2)	4031.A.2	X			
an off-specification used oil burner facility with an EPA ID number	279.43(a)(3)	4031.A.3	X			
an on-specification used oil burner facility	279.43(a)(4)	4031.A.4	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil transporters must comply with all applicable requirements of the U.S. Dept. of Transportation under 49 CFR Parts 173, 178 and 179, as well as 49 CFR Parts 100-177 if used oil meets criteria as combustible or flammable liquid	279.43(b)	4031.B	X			
used oil discharges	279.43(c)	4031.C	X			
if there is a discharge during transport, the transporter must immediately take appropriate action to protect human health and the environment	279.43(c)(1)	4031.C.1	X			
if an official appropriately determines that the used oil must be removed immediately to protect human health and the environment and authorizes the transport, transporters without EPA ID numbers may remove used oil discharged during transport	279.43(c)(2)	4031.C.2	X			
an air, rail, highway or water transporter who has discharged used oil must:	279.43(c)(3)	4031.C.3	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
5 give notice, if required by 49 CFR 171.15, to the National Response Center	279.43(c)(3)(i)	4031.C.3.a	X			
report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Dept. of Transportation	279.43(c)(3)(ii)	4031.C.3.b	X			
a water transporter who has discharged used oil must give notice as required by 33 CFR 153.203	279.43(c)(4)	4031.C.4	X			
6 a transporter must clean up any used oil discharged during transport or take action required or approved by government officials so that the used oil discharge no longer presents a hazard to human health or the environment	279.43(c)(5)	4031.C.5	X			
REBUTTABLE PRESUMPTION FOR USED OIL						
7 used oil transporter must determine whether total halogen content of used oil transported or stored is above or below 1,000 ppm	279.44(a)	4033.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
transporter must determine this by:	279.44(b)	4033.B	X			
testing the used oil; or	279.44(b)(1)	4033.B.1	X			
applying knowledge of the halogen content of the used oil in light of the materials or processes used	279.44(b)(2)	4033.B.2	X			
used oil containing ≥ 1000 ppm total halogens is presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; SW-846 example; where to obtain SW-846	279.44(c)	4033.C	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.44(c)(1)	4033.C.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.44(c)(2)	4033.C.2	X			
transporter must maintain records of analyses or information used to comply with 279.44(a), (b) & (c) for at least 3 years	279.44(d)	4033.D	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
USED OIL STORAGE AT TRANSFER FACILITIES						
8 wastewater containing with <i>de minimis</i> quantities of used oil not subject to Part 279; used oil transporters are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); transporters are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart D requirements	279.45	4035			X	
9 section applies to used oil transfer facilities; definition of used oil transfer facilities; transfer facilities that store used oil for more than 35 days subject to regulation under Subpart F of Part 279	279.45(a)	4035.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil may not be stored in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.45(b)	4035.B	X			
containers and aboveground tanks must be:	279.45(c)	4035.C	X			
in good condition	279.45(c)(1)	4035.C.1	X			
not leaking	279.45(c)(2)	4035.C.2	X			
containers must have a secondary containment system	279.45(d)	4035.D	X			
secondary containment system must, at a minimum, include	279.45(d)(1)	4035.D.1	X			
	279.45(d)(1)(i)	4035.D.1.a	X			
	279.45(d)(1)(ii)	4035.D.1.b	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(d)(2)	4035.D.2	X			
existing aboveground tanks must have a secondary containment system	279.45(e)	4035.E	X			
what the secondary containment system must, at a minimum, include	279.45(e)(1)	4035.E.1	X			
	279.45(e)(1)(i)	4035.E.1.a	X			
	279.45(e)(1)(ii)	4035.E.1.b	X			
	279.45(e)(1)(iii)	4035.E.1.c	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(e)(2)	4035.E.2	X			
new aboveground tanks must have a secondary containment system	279.45(f)	4035.F	X			
what the secondary containment system must, at a minimum, include	279.45(f)(1)	4035.F.1	X			
	279.45(f)(1)(i)	4035.F.1.a	X			
	279.45(f)(1)(ii)	4035.F.1.b	X			
	279.45(f)(1)(iii)	4035.F.1.c	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(f)(2)	4035.F.2	X			
labels	279.45(g)	4035.G	X			
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.45(g)(1)	4035.G.1	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.45(g)(2)	4035.G.2	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator must perform these cleanup steps:	279.45(h)	4035.H	X			
stop the release	279.45(h)(1)	4035.H.1	X			
contain the released used oil	279.45(h)(2)	4035.H.2	X			
clean up and properly manage the released used oil and other materials	279.45(h)(3)	4035.H.3	X			
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.45(h)(4)	4035.H.4	X			

TRACKING

used oil transporters must keep a record of each used oil shipment accepted for transport; what the records must include	279.46(a)	4037.A			X	
	279.46(a)(1)	4037.A.1	X			
	279.46(a)(2)	4037.A.2	X			
	279.46(a)(3)	4037.A.3	X			
	279.46(a)(4)	4037.A.4	X			
	279.46(a)(5)	4037.A.5	X			

✓

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil transporters must keep a record of each used oil shipment delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility; what the records must include	279.46(b)	4037.B			X	
	279.46(b)(1)	4037.B.1	X			
	279.46(b)(2)	4037.B.2	X			
	279.46(b)(3)	4037.B.3	X			
	279.46(b)(4)	4037.B.4	X			
	279.46(b)(5)	4037.B.5	X			
for each shipment exported to any foreign country, transporters must maintain records described in 279.46(b)(1)-(4)	279.46(c)	4037.C			X	
records described in 279.46(a), (b) & (c) must be maintained for at least 3 years	279.46(d)	4037.D	X			
MANAGEMENT OF RESIDUES						
transporters who generate residues must manage the residues as specified in 279.10(e)	279.47	4039	X			
SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS						
APPLICABILITY						
subpart applies to owners/operators of facilities that process used oil; definition of processing and specific inclusions; exclusions:	279.50(a)	4041.A & 4001	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
transporters that conduct incidental processing operations occurring during normal course of transportation as provided in 279.41	279.50(a)(1)	4041.A.1	X			
burners that conduct incidental processing operations occurring during normal course of used oil management prior to burning as provided in 279.61(b)	279.50(a)(2)	4041.A.2	X			
specific processors/re-refiners who are subject to additional provisions of Part 279:	279.50(b)	4041.B	X			
processors/re-refiners who generate used oil must also comply with Subpart C of Part 279	279.50(b)(1)	4041.B.1	X			
processors/re-refiners who transport used oil must also comply with Subpart E of Part 279	279.50(b)(2)	4041.B.2	X			
except as 279.50(b)(3)(i)&(ii) provide otherwise, processors/re-refiners who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279; exceptions	279.50(b)(3)	4041.B.3	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil is burned in an on-site space heater meeting 279.23 requirements	279.50(b)(3)(i)	4041.B.3.a	X			
used oil is burned for processing used oil, which is considered burning incidentally to used oil processing	279.50(b)(3)(ii)	4041.B.3.b	X			
processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications of 279.11 must also comply with Subpart H of Part 279	279.50(b)(4)	4041.B.4	X			
processors/re-refiners who dispose of used oil also must comply with Subpart I of Part 279	279.50(b)(5)	4041.B.5	X			
NOTIFICATION						
processors/re-refiners who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.51(a)	4043.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
a processor/re-refiner without an EPA ID number may obtain one by submitting either:	279.51(b)	4043.B			X	
a completed EPA Form 8700-12; or	279.51(b)(1)	4043.B			X	
a letter requesting an EPA ID number; what the letter should include	279.51(b)(2)	4043.B			X	
	279.51(b)(2)(i)	4043.B			X	
	279.51(b)(2)(ii)	4043.B			X	
	279.51(b)(2)(iii)	4043.B			X	
	279.51(b)(2)(iv)	4043.B			X	
	279.51(b)(2)(v)	4043.B			X	
	279.51(b)(2)(vi)	4043.B			X	

GENERAL FACILITY STANDARDS

10 owners/operators of used oil processing and re-refining facilities must comply with the following preparedness and prevention requirements:	279.52(a)	4045.A	X			
facilities must be maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of used oil to air, soil or surface water which could threaten human health or the environment	279.52(a)(1)	4045.A.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
unless none of the hazards posed by the used oil handled at the facility could require the equipment specified in 279.52(a)(2)(i)-(iv), all facilities must be equipped with the following:	279.52(a)(2)	4045.A.2	X			
internal communications or alarm system capable of providing immediate emergency instruction to facility personnel	279.52(a)(2)(i)	4045.A.2.a	X			
device capable of summoning emergency assistance	279.52(a)(2)(ii)	4045.A.2.b	X			
portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment, and	279.52(a)(2)(iii)	4045.A.2.c	X			
water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems	279.52(a)(2)(iv)	4045.A.2.d	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
all communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment must be tested and maintained to assure proper operation in time of emergency	279.52(a)(3)	4045.A.3	X			
access to communications or alarm system	279.52(a)(4)	4045.A.4	X			
all personnel involved in any handling operation must have immediate access to an internal alarm or emergency communication device, unless device not required in 279.52(a)(2)	279.52(a)(4)(i)	4045.A.4.a	X			
if only one employee is present while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance, unless not required in 279.52(a)(2)	279.52(a)(4)(ii)	4045.A.4.b	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owner/operator must maintain aisle space to allow unobstructed movement of personnel and emergency equipment to any area of facility operation in an emergency, unless aisle space not needed for these purposes	279.52(a)(5)	4045.A.5	X			
as appropriate, owner/operator must attempt to make arrangements with local authorities	279.52(a)(6)(i)	4045.A.6.a	X			
arrangements to familiarize police, fire departments, and emergency response teams with the facility's layout, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes	279.52(a)(6)(i)(A)	4045.A.6.a.i	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if more than one police and fire department might respond, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with others to provide support	279.52(a)(6)(i)(B)	4045.A.6.a.ii	X			
agreements with State emergency response teams, emergency response contractors, and equipment suppliers	279.52(a)(6)(i)(C)	4045.A.6.a.iii	X			
arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases	279.52(a)(6)(i)(D)	4045.A.6.a.iv	X			
if State or local authorities decline to enter into such arrangements, owner/operator must document the refusal in the operating record	279.52(a)(6)(ii)	4045.A.6.b	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
10 owners/operators of used oil processing and re-refining facilities must comply with the following contingency plan and emergency procedure requirements:	279.52(b)	4045.B	X			
purpose and implementation of contingency plan	279.52(b)(1)	4045.B.1	X			
contingency plan required; plan must be designed to minimize hazards to human health or the environment from fire, explosion or any unplanned release to air, soil, or surface water	279.52(b)(1)(i)	4045.B.1.a	X			
11 provisions of plan must be carried out immediately whenever fire, explosion or release of used oil could threaten human health or the environment	279.52(b)(1)(ii)	4045.B.1.b	X			
content of contingency plan	279.52(b)(2)	4045.B.2	X			
what the contingency plan must describe	279.52(b)(2)(i)	4045.B.2.a	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if a Part 112 SPCC Plan, or other plan, has already been prepared, owner/operator may amend existing plan to meet requirements of Part 279	279.52(b)(2)(ii)	4045.B.2.b	X			
plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate 279.52(a)(6) emergency services	279.52(b)(2)(iii)	4045.B.2.c	X			
plan must list names, addresses and phone numbers for primary emergency coordinator and others qualified to act as emergency coordinator in specified order; list must be kept up to date	279.52(b)(2)(iv)	4045.B.2.d	X			
plan must include a list of required emergency equipment at the facility and location, physical description and brief outline of capabilities of each item; list must be kept up to date	279.52(b)(2)(v)	4045.B.2.e	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
plan must include evacuation plan if evacuation possibly necessary; evacuation plan must describe signal(s) to begin evacuation, evacuation routes and alternative routes	279.52(b)(2)(vi)	4045.B.2.f	X			
contingency plan copy and all revisions must be:	279.52(b)(3)	4045.B.3	X			
maintained at the facility	279.52(b)(3)(i)	4045.B.3.a	X			
submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services	279.52(b)(3)(ii)	4045.B.3.b	X			
contingency plan must be reviewed and amended whenever:	279.52(b)(4)	4045.B.4	X			
applicable regulations are revised	279.52(b)(4)(i)	4045.B.4.a	X			
the plan fails in an emergency	279.52(b)(4)(ii)	4045.B.4.b	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the facility changes in any way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency	279.52(b)(4)(iii)	4045.B.4.c	X			
the list of emergency coordinators changes	279.52(b)(4)(iv)	4045.B.4.d	X			
the list of emergency equipment changes	279.52(b)(4)(v)	4045.B.4.e	X			
at all times, at least one employee responsible for coordinating all emergency response measures must be at the facility or on call; knowledge and authority the emergency coordinator must have; guidance responsibilities spelled out in 279.52(b)(6)	279.52(b)(5)	4045.B.5	X			
emergency procedures	279.52(b)(6)	4045.B.6	X			
if there is an imminent or actual emergency, the emergency coordinator or designee must immediately:	279.52(b)(6)(i)	4045.B.6.a	X			
activate internal facility alarms or communication systems	279.52(b)(6)(i)(A)	4045.B.6.a.i	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
notify State or local agencies with designated response roles if needed	279.52(b)(6)(i)(B)	4045.B.6.a.ii	X			
emergency coordinator must immediately identify the character, exact source, amount, and real extent of any released materials; how the coordinator may do this	279.52(b)(6)(ii)	4045.B.6.b	X			
concurrently, the emergency coordinator must assess possible hazards to human health or the environment; what the assessment must consider	279.52(b)(6)(iii)	4045.B.6.c	X			
if release, fire, or explosion could threaten human health or the environment, emergency coordinator must report findings	279.52(b)(6)(iv)	4045.B.6.d	X			
if evacuation may be advisable, emergency coordinator must immediately notify local authorities and be available to help them decide whether to evacuate local areas	279.52(b)(6)(iv)(A)	4045.B.6.d.i	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
emergency coordinator must immediately notify either the government official designated as the on-scene coordinator or the National Response Center; what the report must include	279.52(b)(6)(iv)(B)	4045.B.6.d.ii	X			
	279.52(b)(6)(iv)(B)(7)	4045.B.6.d.ii.(a)	X			
	279.52(b)(6)(iv)(B)(2)	4045.B.6.d.ii.(b)	X			
	279.52(b)(6)(iv)(B)(3)	4045.B.6.d.ii.(c)	X			
	279.52(b)(6)(iv)(B)(4)	4045.B.6.d.ii.(d)	X			
	279.52(b)(6)(iv)(B)(5)	4045.B.6.d.ii.(e)	X			
	279.52(b)(6)(iv)(B)(6)	4045.B.6.d.ii.(f)	X			
emergency coordinator must take all reasonable measures to ensure that fires, explosions and releases do not occur, recur, or spread; what measures must include	279.52(b)(6)(v)	4045.B.6.e	X			
emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures if the facility stops operation because of a fire, explosion or release	279.52(b)(6)(vi)	4045.B.6.f	X			
emergency coordinator must provide for recycling, storing or disposing of any material that results from a release, fire or explosion immediately after that event	279.52(b)(6)(vii)	4045.B.6.g	X			
emergency coordinator must ensure that:	279.52(b)(6)(viii)	4045.B.6.h	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
no waste or used oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed	279.52(b)(6)(viii)(A)	4045.B.6.h.i	X			
before operations resume, all emergency equipment is cleaned and fit for intended use	279.52(b)(6)(viii)(B)	4045.B.6.h.ii	X			
12 before operations in affected area(s) resume, owner/operator must notify Regional Administrator and State and local officials that facility complies with 279.52(a)	279.52(b)(6)(viii)(C)	4045.B.6.h.iii	X			
owner/operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan; must submit written report to Regional Administrator within 15 days; what the report must include	279.52(b)(6)(ix)	4045.B.6.i	X			
	279.52(b)(6)(ix)(A)	4045.B.6.i.i	X			
	279.52(b)(6)(ix)(B)	4045.B.6.i.ii	X			
	279.52(b)(6)(ix)(C)	4045.B.6.i.iii	X			
	279.52(b)(6)(ix)(D)	4045.B.6.i.iv	X			
	279.52(b)(6)(ix)(E)	4045.B.6.i.v	X			
	279.52(b)(6)(ix)(F)	4045.B.6.i.vi	X			
	279.52(b)(6)(ix)(G)	4045.B.6.i.vii	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
REBUTTABLE PRESUMPTION FOR USED OIL						
owner/operator of a processing/re-refining facility must determine whether total halogen content of used oil managed at the facility is above or below 1,000 ppm	279.53(a)	4047.A	X			
how the owner/operator must make this determination	279.53 ³ (b)	4047.B	X			
	279.53 ³ (b)(1)	4047.B.1	X			
	279.53 ³ (b)(2)	4047.B.2	X			
if the used oil contains ≥ 1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	279.53(c)	4047.C	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.53(c)(1)	4047.C.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.53(c)(2)	4047.C.2	X			

USED OIL MANAGEMENT

13 wastewaters containing <i>de minimis</i> quantities of used oil not subject to Part 279; used oil processors/ re-refiners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart F requirements	279.54	4049	X			
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RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
processors/re-refiners may not store or process used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.54(a)	4049.A	X			
containers and aboveground tanks must be:	279.54(b)	4049.B	X			
in good condition	279.54(b)(1)	4049.B.1	X			
not leaking	279.54(b)(2)	4049.B.2	X			
containers must have a secondary containment system	279.54(c)	4049.C	X			
what the secondary containment system must, at a minimum, include	279.54(c)(1)	4049.C.1	X			
	279.54(c)(1)(i)	4049.C.1.a	X			
	279.54(c)(1)(ii)	4049.C.1.b	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(c)(2)	4049.C.2	X			
existing aboveground tanks used to store or process used oil must have a secondary containment system	279.54(d)	4049.D	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
what the secondary containment system must, at a minimum, include	279.54(d)(1)	4049.D.1	X			
	279.54(d)(1)(i)	4049.D.1.a	X			
	279.54(d)(1)(ii)	4049.D.1.b	X			
	279.54(d)(1)(iii)	4049.D.1.c	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(d)(2)	4049.D.2	X			
new aboveground tanks used to store or process used oil must be equipped with a secondary containment system	279.54(e)	4049.E	X			
what the secondary containment system must, at a minimum, include	279.54(e)(1)	4049.E.1	X			
	279.54(e)(1)(i)	4049.E.1.a	X			
	279.54(e)(1)(ii)	4049.E.1.b	X			
	279.54(e)(1)(iii)	4049.E.1.c	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(e)(2)	4049.E.2	X			
labels	279.54(f)	4049.F	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.54(f)(1)	4049.F.1	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.54(f)(2)	4049.F.2	X			
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator must perform these cleanup steps:	279.54(g)	4049.G	X			
stop the release	279.54(g)(1)	4049.G.1	X			
contain the released used oil	279.54(g)(2)	4049.G.2	X			
14 clean up and properly manage the released used oil and other materials	279.54(g)(3)	4049.G.3	X			
repair or replace leaking used oil storage containers or tanks prior to returning them to service	279.54(g)(4)	4049.G.4	X			
closure	279.54(h)	4049.H	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
at closure, owners/operators who store or process used oil in aboveground tanks must comply with these requirements:	279.54(h)(1)	4049.H.1	X			
owner/operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	279.54(h)(1)(i)	4049.H.1.a	X			
if owner/operator demonstrates that not all contaminated soils can be removed or decontaminated, closure and post-closure care as for a hazardous waste landfill	279.54(h)(1)(ii)	4049.H.1.b	X			
at closure, owners/operators who store used oil in containers must comply with these requirements:	279.54(h)(2)	4049.H.2	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
containers of used oils or used oil residues must be removed from the site	279.54(h)(2)(i)	4049.H.2.a	X			
owner/operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	279.54(h)(2)(ii)	4049.H.2.b	X			
ANALYSIS PLAN						
owners/operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing procedures to be used to comply with analysis requirements of 279.53 and 279.72; plan must be kept at the facility	279.55	4051	X			
for 279.53, what the plan must specify, at a minimum:	279.55(a)	4051.A	X			
whether sample analyses or knowledge of the halogen content will be used	279.55(a)(1)	4051.A.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if sample analyses are used:	279.55(a)(2)	4051.A.2	X			
methods to be used to obtain representative samples	279.55(a)(2)(i)	4051.A.2.a	X			
	279.55(a)(2)(i)(A)	4051.A.2.a.i	X			
	279.55(a)(2)(i)(B)	4051.A.2.a.ii	X			
frequency of sampling and whether analysis will be performed on-site or off-site	279.55(a)(2)(ii)	4051.A.2.b	X			
methods used to analyze used oil for 279.53 parameters	279.55(a)(2)(iii)	4051.A.2.c	X			
type of information that will be used to determine halogen content of the used oil	279.55(a)(3)	4051.A.3	X			
if 279.72 on-specification used oil fuel requirements apply, at a minimum the plan must specify:	279.55(b)	4051.B	X			
whether sample analyses or other information will be used to make this determination	279.55(b)(1)	4051.B.1	X			
if sample analyses are used:	279.55(b)(2)	4051.B.2	X			
methods to be used to obtain representative samples	279.55(b)(2)(i)	4051.B.2.a	X			
	279.55(b)(2)(i)(A)	4051.B.2.a.i	X			
	279.55(b)(2)(i)(B)	4051.B.2.a.ii	X			

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RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
whether used oil will be sampled and analyzed before or after processing/re-refining	279.55(b)(2)(ii)	4051.B.2.b	X			
frequency of sampling and whether analysis will be performed on-site or off-site	279.55(b)(2)(iii)	4051.B.2.c	X			
methods used to analyze used oil for 279.72 parameters	279.55(b)(2)(iv)	4051.B.2.d	X			
type of information that will be used to make the on-specification used oil fuel determination	279.55(b)(3)	4051.B.3	X			
TRACKING						
processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining; forms records may take; what the records must include for each shipment:	279.56(a)	4053.A			X	
name and address of transporter who delivered used oil to processor/re-refiner	279.56(a)(1)	4053.A.1	X			
name and address of generator or processor/re-refiner from whom the used oil was sent	279.56(a)(2)	4053.A.2	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EPA ID number of transporter	279.56(a)(3)	4053.A.3	X			
EPA ID number of generator or processor/re-refiner	279.56(a)(4)	4053.A.4	X			
quantity of used oil accepted	279.56(a)(5)	4053.A.5	X			
date of acceptance	279.56(a)(6)	4053.A.6	X			
processors/re-refiners must keep a record of each used oil shipment shipped to a used oil burner, processor/re-refiner, or disposal facility; forms records may take; what the records must include for each shipment:	279.56(b)	4053.B			X	
name and address of transporter who delivers used oil to burner, processor/re-refiner or disposal facility	279.56(b)(1)	4053.B.1	X			
name and address of burner, processor/re-refiner or disposal facility who will receive the used oil	279.56(b)(2)	4053.B.2	X			
EPA ID number of transporter	279.56(b)(3)	4053.B.3	X			
EPA ID number of burner, processor/re-refiner or disposal facility	279.56(b)(4)	4053.B.4	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
quantity of used oil shipped	279.56(b)(5)	4053.B.5	X			
shipment date	279.56(b)(6)	4053.B.6	X			
records described in 279.56(a) and (b) must be maintained for at least 3 years	279.56(c)	4053.C	X			
OPERATING RECORD AND REPORTING						
operating record	279.57	4055	X			
owner/operator must keep a written operating record at the facility	279.57(a)(1)	4055.A.1	X			
information must be recorded as it becomes available and maintained in the operating record until facility closure	279.57(a)(2)	4055.A.2	X			
records and results of used oil analyses described in 279.55 analysis plan	279.57(a)(2)(i)	4055.A.2.a	X			
15 summary reports and details of all incidents that require implementation of the contingency plan of 279.52(b)	279.57(a)(2)(ii)	4055.A.2.b	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
processor/re-refiner must send a letter by March 1 of each even-numbered year to the Regional Administrator about used oil activities during the previous calendar year; what the letter must include	279.57(b)	4055.B	X			
	279.57(b)(1)	4055.B.1	X			
	279.57(b)(2)	4055.B.2	X			
	279.57(b)(3)	4055.B.3	X			

OFF-SITE SHIPMENTS OF USED OIL

processors/re-refiners who initiate shipments off-site must use a used oil transporter with an EPA ID number	279.58	4057	X			
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MANAGEMENT OF RESIDUES

16 residues from storage, processing, or re-refining must be managed as specified in 279.10(e)	279.59	4059	X			
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SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

APPLICABILITY

◆ except as 279.60(a)(1)&(2) specify, Subpart G applies to used oil burners; definition of a used oil burner; exceptions:	279.60(a)	4061.A	X			
◆ burned in an on-site space heater under 279.23 provisions	279.60(a)(1)	4061.A.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
◆ burned incidentally to processing by a processor/re-refiner	279.60(a)(2)	4061.A.2	X			
specific used oil burners are subject to additional provisions of Part 279 as follows:	279.60(b)	4061.B	X			
17 burners who generate used oil must also comply with Subpart C of Part 279	279.60(b)(1)	4061.B.1	X			
burners who transport used oil must also comply with Subpart E of Part 279	279.60(b)(2)	4061.B.2	X			
except as 279.61(b) provides, burners who process or re-refine used oil must also comply with Subpart F of Part 279	279.60(b)(3)	4061.B.3	X			
burners must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil to a used oil burner or first claim that used oil meets used oil fuel specifications of 279.11	279.60(b)(4)	4061.B.4	X			
burners who dispose of used oil must also comply with Subpart I of Part 279	279.60(b)(5)	4061.B.5	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆ Subpart G does not apply to persons burning used oil that meets the specification of 279.11, if burner meets Part 279, Subpart H requirements	279.60(c)	4061.C	X			
RESTRICTIONS ON BURNING						
◆ off-specification used oil fuel may be burned for energy recovery only in specific devices:	279.61(a)	4063.A	X			
◆ industrial furnaces identified in 260.10	279.61(a)(1)	4063.A.1	X			
◆ specific boilers	279.61(a)(2)	4063.A.2	X			
	279.61(a)(2)(i)	4063.A.2.a	X			
	279.61(a)(2)(ii)	4063.A.2.b	X			
	279.61(a)(2)(iii)	4063.A.2.c	X			
hazardous waste incinerators subject to Subpart O of Part 264 or 265	279.61(a)(3)	4063.A.3	X			
burners may not process used oil unless they also comply with Subpart F of Part 279	279.61(b)(1)	4063.B	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate to produce on-specification used oil	279.61(b)(2)	4063.B	X			✓
NOTIFICATION						
◆ burners, who have not done so, must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.62(a)	4065.A	X			✓
a used oil burner without an EPA ID number may obtain one by submitting either:	279.62(b)	4065.B			X	
a completed EPA Form 8700-12; or	279.62(b)(1)	4065.B			X	
a letter requesting an EPA ID number; what the letter should include	279.62(b)(2)	4065.B			X	
	279.62(b)(2)(i)	4065.B			X	
	279.62(b)(2)(ii)	4065.B			X	
	279.62(b)(2)(iii)	4065.B			X	
	279.62(b)(2)(iv)	4065.B			X	
	279.62(b)(2)(v)	4065.B			X	
	279.62(b)(2)(vi)	4065.B			X	

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
REBUTTABLE PRESUMPTION FOR USED OIL						
◆ owner/operator of a burner facility must determine whether total halogen content of used oil managed at the facility is above or below 1,000 ppm	279.63(a)	4067.A	X			
◆ how the owner/operator must make this determination	279.63(b)	4067.B	X			
	279.63(b)(1)	4067.B.1	X			
	279.63(b)(2)	4067.B.2	X			
	279.63(b)(3)	4067.B.3	X			
◆,18 if the used oil contains ≥ 1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	279.63(c)	4067.C	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling arrangement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.63(c)(1)	4067.C.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.63(c)(2)	4067.C.2	X			
records described in 279.63(a), (b) and (c) must be maintained for at least 3 years	279.63(d)	4067.D	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
USED OIL STORAGE						
19 wastewaters containing <i>de minimis</i> quantities of used oil not subject to Part 279; used oil burners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); used oil burners are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any hazardous waste characteristics, in addition to the Part 279, Subpart G requirements	279.64	4069	X			
used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.64(a)	4069.A	X			
containers and aboveground tanks must be:	279.64(b)	4069.B	X			
in good condition	279.64(b)(1)	4069.B.1	X			
not leaking	279.64(b)(2)	4069.B.2	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
storage containers must have a secondary containment system	279.64(c)	4069.C	X			
what the secondary containment system must, at a minimum, include	279.64(c)(1)	4069.C.1	X			
	279.64(c)(1)(i)	4069.C.1.a	X			
	279.64(c)(1)(ii)	4069.C.1.b	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.64(c)(2)	4069.C.2	X			
existing aboveground tanks must have a secondary containment system	279.64(d)	4069.D	X			
what the secondary containment system must, at a minimum, include	279.64(d)(1)	4069.D.1	X			
	279.64(d)(1)(i)	4069.D.1.a	X			
	279.64(d)(1)(ii)	4069.D.1.b	X			
	279.64(d)(1)(iii)	4069.D.1.c	X			
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	279.64(d)(2)	4069.D.2	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
20 new aboveground tanks must have a secondary containment system	279.64(e)	4069.E	X			
what the secondary containment system must, at a minimum, include	279.64(e)(1)	4069.E.1	X			
	279.64(e)(1)(i)	4069.E.1.a	X			
	279.64(e)(1)(ii)	4069.E.1.b	X			
	279.64(e)(1)(iii)	4069.E.1.c	X			
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	279.64(e)(2)	4069.E.2	X			
labels	279.64(f)	4069.F	X			
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.64(f)(1)	4069.F.1	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.64(f)(2)	4069.F.2	X			

✓

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a burner must perform these cleanup steps:	279.64(g)	4069.G	X			
stop the release	279.64(g)(1)	4069.G.1	X			
contain the released used oil	279.64(g)(2)	4069.G.2	X			
clean up and properly manage the released used oil and other materials-	279.64(g)(3)	4069.G.3	X			
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.64(g)(4)	4069.G.4	X			
TRACKING						
◆ burners must keep a record of each used oil shipment accepted; forms records may take; what the records for each shipment must include:	279.65(a)	4071.A			X	

✓

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆ name and address of transporter who delivered used oil to burner	279.65(a)(1)	4071.A.1	X			
◆ name and address of generator or processor/re-refiner from whom used oil was sent	279.65(a)(2)	4071.A.2	X			
◆ EPA ID number of transporter	279.65(a)(3)	4071.A.3	X			
◆ EPA ID number of generator or processor/re-refiner	279.65(a)(4)	4071.A.4	X			
◆ quantity of used oil accepted	279.65(a)(5)	4071.A.5	X			
◆ date of acceptance	279.65(a)(6)	4071.A.6	X			
◆ records described in 279.65(a) must be maintained for at least 3 years	279.65(b)	4071.B	X			
NOTICES						

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
♦ before accepting the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide the generator, transporter, or processor/re-refiner a one-time written and signed notice; what the notice must certify	279.66(a)	4073.A	X			
	279.66(a)(1)	4073.A.1	X			
	279.66(a)(2)	4073.A.2	X			
♦ certification described in 279.66(a) must be maintained for 3 years after burner last receives shipment of off-specification oil from that individual	279.66(b)	4073.B	X			
MANAGEMENT OF RESIDUES						
residues from storage or burning must be managed as specified in 279.10(e)	279.67	4075	X			
SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS						
APPLICABILITY						
♦,21 this section applies to any person who:	279.70(a)	4077.A	X			
♦ directs a shipment of off-specification used oil to a used oil burner	279.70(a)(1)	4077.A.1	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆ first claims that used oil that is to be burned for energy recovery meets the specifications of 279.11	279.70(a)(2)	4077.A.2	X			
	279.70(b)	4077.B	X			
◆ ,22 persons who are not marketers subject to	279.70(b)(1)	4077.B.1	X			
◆ ,22 Subpart H	279.70(b)(2)	4077.B.2	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
any person subject to the requirements of Part 279 Subpart H must also comply with one of specified Part 279 Subparts	279.70(c)	4077.C	X			
	279.70(c)(1)	4077.C.1	X			
	279.70(c)(2)	4077.C.2	X			
	279.70(c)(3)	4077.C.3	X			
	279.70(c)(4)	4077.C.4	X			

PROHIBITIONS

◆ used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:	279.71	4079	X			✓
◆ has an EPA ID number	279.71(a)	4079.A	X			✓
◆ burns the used oil in an industrial furnace or boiler identified in 279.61(a)	279.71(b)	4079.B	X			✓

ON-SPECIFICATION USED OIL FUEL

◆ determination that used oil meets 279.11 fuel specifications may be made by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets those specifications; such used oil to be burned for energy recovery is not subject to further regulation under Part 279	279.72(a)	4081.A	X			
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RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<p>◆ generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep analyses or other information for 3 years</p>	279.72(b)	4081.B	X			
NOTIFICATION						
<p>◆ ,23 used oil fuel marketers who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number</p>	279.73(a)	4083.A	X			
<p>a marketer without an EPA ID number may be obtain one by submitting either:</p>	279.73(b)	4083.B			X	
<p>a completed EPA Form 8700-12; or</p>	279.73(b)(1)	4083.B			X	
<p>a letter requesting an EPA ID number; what the letter should include</p>	279.73(b)(2)	4083.B			X	
	279.73(b)(2)(i)	4083.B			X	
	279.73(b)(2)(ii)	4083.B			X	
	279.73(b)(2)(iii)	4083.B			X	
	279.73(b)(2)(iv)	4083.B			X	
	279.73(b)(2)(v)	4083.B			X	

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
TRACKING						
◆,24 generator who directs a shipment of off-specification used oil to a burner must keep a record of each shipment; forms records may take; what the records must include for each shipment:	279.74(a)	4085.A			X	
◆ name and address of transporter who delivers used oil to burner	279.74(a)(1)	4085.A.1	X			
◆ name and address of burner receiving used oil	279.74(a)(2)	4085.A.2	X			
◆ EPA ID number of transporter	279.74(a)(3)	4085.A.3	X			
◆ EPA ID number of burner:	279.74(a)(4)	4085.A.4	X			
◆ quantity of used oil shipped	279.74(a)(5)	4085.A.5	X			
◆ shipment date	279.74(a)(6)	4085.A.6	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆ generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep a record of each shipment to an on-specification used oil burner; each record must include:	279.74(b)	4085.B			X	
◆ name and address of receiving facility	279.74(b)(1)	4085.B.1	X			
◆ quantity delivered	279.74(b)(2)	4085.B.2	X			
◆ date of shipment or delivery	279.74(b)(3)	4085.B.3	X			
◆ cross-reference to analysis or other information used to determine that the oil meets 279.72(a) specification	279.74(b)(4)	4085.B.4	X			
◆ records described in 279.74(a) and (b) must be maintained for at least 3 years	279.74(c)	4085.C	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
NOTICES						
◆ before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, burner must provide a one-time written and signed notice; what the notice must certify	279.75(a)	4087.A	X			
	279.75(a)(1)	4087.A.1	X			
	279.75(a)(2)	4087.A.2	X			
◆ 279.75 certification must be maintained for 3 years from the date of the last shipment of off-specification used oil to the burner	279.75(b)	4087.B	X			

SUBPART I - STANDARDS FOR USE AS A DUST SUPPRESSANT AND DISPOSAL OF USED OIL

APPLICABILITY						
Subpart I applies to all used oils that cannot be recycled and are being disposed	279.80	4089	X			
DISPOSAL						
used oils that are hazardous waste and cannot be recycled under Part 279 must be managed in accordance with Parts 260-266, 268, 270 and 124	279.81(a)	4091.A	X			

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oils that are not hazardous wastes and cannot be recycled under Part 279 must be disposed in accordance with Parts 257 and 258	279.81(b)	4091.B	X			
USE AS A DUST SUPPRESSANT						
use of used oil as a dust suppressant is prohibited; exception	279.82(a)	4093	X			
a State may petition EPA to allow the use of used oil meeting specific requirements as a dust suppressant; what State must show; program must minimize impact on the environment	279.82(b)	4093			X	
list of States (reserved)	279.82(c)	*no state analog	X			

* It is not necessary for the LHWR to include information on other states.

- 1 This definition may be changed in the future by EPA to better explain what is meant by a "used oil processor/re-refiner."
- 2 Note that there is a typographical error in the Federal Register at 279.10(b)(2)(iii); "because if" should be "because it."
- 3 This exemption will likely be expanded with rulemaking on this issue expected in January, 1991.
- 4 The Federal Register at 279.40(d)(4) includes an extraneous phrase, "partuel Marketers of this", between "subpart H of this" and "part."
- 5 Note that there is an error in the Federal Register at 279.43(c)(3)(i); there should be a comma after "171.15."

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

- 6 Note that there is a typographical error in the Federal Register at 279.43(c)(5); "used oil discharged that occurs" should be "used oil discharge that occurs."
- 7 Note that there is a typographical error in the Federal Register at 279.44(a); "used oil being transporter" should be "used oil being transported."
- 8 There appears to be a technical error in 279.45; "generators" should perhaps be "transporters". The checklist description for this paragraph corrects this error.
- 9 The Federal Register for 279.45(a) says "subpart F of this chapter" and should more specifically say "subpart F of this part."
- 10 The Federal Register texts for 279.52(a) and 279.52(b) include two typographical errors: "processors" should be "processing" and "re-refiners" should be "re-refining."
- 11 The Federal Register for 279.52(b)(1)(ii) says "release or used oil" but should say "release of used oil."
- 12 The Federal Register says that the facility must be in compliance "with paragraph (h) of this section." There is no 279.52(h); 279.52(b)(6)(viii)(C) should read paragraphs "(b)(6)(viii)(A) and (D)." This error was corrected by a May 3, 1993 rule (58 FR 26420; Revision Checklist 122).
- 13 Note: "generators" in the third sentence should be "processors/re-refiners."
- 14 Note that there is an error in the Federal Register at 279.54(g)(3); "mange" should be "manage."
- 15 There is a typographical error in the Federal Register at 279.57(a)(2)(ii): "an specified" should be "as specified."
- 16 In § 279.59, "re-fining" is an error and has been replaced in this checklist with "re-refining."
- 17 Note that there is an error in the Federal Register at 279.60(b)(1); "comply this" should be "comply with."
- 18 Note that there is an error in the Federal Register at 279.63(c); the "1" after "hazardous waste" should be deleted.
- 19 There appears to be a technical error in 279.64; "generators" should perhaps be "burners." The checklist description for this paragraph corrects this error.
- 20 The paragraph title and first sentence do not agree. Because 279.64(d) referred to existing aboveground tanks, this checklist assumes that 279.64(e) refers to new aboveground tanks.

RCRA REVISION CHECKLIST 112: Recycled Used Oil Management Standards (cont'd)

- 21 The applicability section of a subpart usually designates to whom the subpart applies; it is likely that "section" in § 279.70(a) is an error. Other paragraphs in this section refer to the subpart.
- 22 Only 279.70(b)(1)&(2) are designated as HSWA provisions.
- 23 Because used oil fuel marketers are subject to all requirements of Subpart H, it is likely that "of this section" is an error in the Federal Register at 279.73(a).
- 24 "Generator" in this paragraph should be "marketer." This error was changed by the May 3, 1993 (58 FR 26420; Revision Checklist 122) technical correction.

RCRA REVISION CHECKLIST 113

Consolidated Liability Requirements

53 FR 33938-33960

September 1, 1988

56 FR 30200

July 1, 1991

57 FR 42832-42844

September 16, 1992

(RCRA Cluster III, Non-HSWA provisions)

Notes: 1) This special consolidated checklist addresses changes made to the Federal code by the September 1, 1988 final rule (53 FR 33938, withheld Revision Checklist 51) as well as amendments made by the July 1, 1991 (56 FR 30200, withheld Revision Checklist 93) and the September 16, 1992 (57 FR 42832) final rules. The September 1, 1988 rule was the subject of litigation and its checklist, Revision Checklist 51, was withheld by EPA to encourage States not to adopt those changes until a final settlement agreement could be reached and implemented. The July 1, 1991 and September 16, 1992 rules were promulgated to make the revisions mandated by the settlement agreement. Now that all requirements of the settlement agreement have been met, EPA is issuing this Consolidated Liability Requirements Checklist to aid States in correctly adopting the changes made by these three rules.

Revision Checklists 51 and 93 will not be issued individually. Rather, States should use this Consolidated Liability Requirements Checklist to adopt the provisions of the three final rules. States that have already adopted changes based on the September 1, 1988 final rule are strongly encouraged to complete this consolidated checklist to ensure that all revisions pursuant to the two amendments are correctly made in the State's code. Note that the deadline for this consolidated checklist is July 1, 1994, based on the promulgation date of the most recent of the amendments.

2) In the September 1, 1988 final rule, all changes were classified as less stringent and, therefore, optional with regard to State adoption. Note that, as part of the settlement agreement with Chemical Waste Management, Inc., the claims reporting requirements were reclassified as more stringent and, therefore, required for State adoption. Only those changes marked as optional (†) in this consolidated checklist should be considered less stringent provisions. The September 16, 1992 rule modified the claims reporting requirements (264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7)) and they are less stringent than the claim reporting requirements promulgated in the September 1, 1988 rule. Thus, States which have already adopted the September 1, 1988 provisions are not required to adopt the "clarified" reporting requirements of the September 16, 1992 rule, although EPA strongly encourages them to do so. States that did not adopt the September 1, 1988 claims reporting requirements should not do so but should, instead, adopt the clarified September 16, 1992 version included in this consolidated checklist.

3) This checklist includes a "rule" reference column. To simplify references to the three rules addressed by this checklist, "51" will signify the September 1, 1988 rule, "93" will signify the July 1, 1991 rule, and "113" will indicate the September 16, 1992 rule.

4) There were several typographical errors in the September 1, 1988 Federal Register article. These are explained in endnotes in this consolidated checklist.



RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

5) The optional designation (†) is placed in the margin of the consolidated checklist if a checklist introduced a new optional paragraph into the Federal code. If a checklist addresses optional changes to an existing paragraph, the optional designation is placed beside the corresponding checklist number.

FEDERAL REQUIREMENTS	RULE REFERENCE	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 H - FINANCIAL REQUIREMENTS							
DEFINITIONS OF TERMS AS USED IN THIS SUBPART							
† add new paragraph defining "substantial business relationship"	51	264.141(h)	3703.A.8	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR CLOSURE							
remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "certified copy of the" before "guarantee must accompany"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	264.143(f)(10)	3707.F.10	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
1 replace "of" with "for" in the first sentence; remove "hereafter referred to as 'corporate guarantee'"; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The corporate" to "the corporate"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	264.145(f)(11)	3711.F.11	EQ			+
LIABILITY REQUIREMENTS							
delete "in one of three ways"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	264.147(a)	3715.A			MS	

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
insert "or" after "owner"; delete "corporate" before "guarantee"; change "paragraph (g)" to "paragraphs (f) and (g)"	†51,93	264.147(a)(2)	3715.A.2	EQ			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	264.147(a)(3)	3715.A.3	EQ			
† add new paragraph; requirements may be met by obtaining surety bond for liability coverage	51	264.147(a)(4)	3715.A.4	EQ			
† add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	264.147(a)(5)	3715.A.5	EQ			
† add new paragraph; liability coverage may be demonstrated by combination of financial mechanisms; amount of coverage must total at least the minimum amounts required by 264.147; specification of "primary" and "excess" coverage	51	264.147(a)(6)	3715.A.6	EQ			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
2 add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	264.147(a)(7)	3715.A.7	EQ			
2 add and amend new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	264.147(a)(7)(i)	3715.A.7.a	EQ			
2 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	264.147(a)(7)(ii)	3715.A.7.b	EQ			
2 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(a)(7)(iii)	3715.A.7.c	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
3 change "miscellaneous disposal unit" to "disposal miscellaneous unit"; after "legal defense costs" insert text regarding combination of per-occurrence coverage levels for sudden and non-sudden accidental occurrences, single annual aggregate level, and requirements for combining coverage; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)."	†51,93	264.147(b)	3715.B			MS	
delete "corporate" before "guarantee"	†51	264.147(b)(2)	3715.B.2	EQ			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	264.147(b)(3)	3715.B.3	EQ			
replace existing paragraph; requirements may be met by obtaining surety bond for liability coverage	†51	264.147(b)(4)	3715.B.4	EQ			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
† add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	264.147(b)(5)	3715.B.5	EQ			
† add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 264.147; specification of "primary" and "excess" coverage	51	264.147(b)(6)	3715.B.6	EQ			
2 add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	264.147(b)(7)	3715.B.7	EQ			
2 add and amend new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	264.147(b)(7)(i)	3715.B.7.a	EQ			
2 add and amend new subparagraph; Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	264.147(b)(7)(ii)	3715.B.7.b	EQ			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
2 add new subparagraph; final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(b)(7)(iii)	3715.B.7.c	EQ			
insert ", a letter of credit, a surety bond, a trust fund, or a guarantee" after "obtain insurance"; replace "Evidence of insurance" with "Evidence of liability coverage"	†113	264.147(f)(6)	3715.F.6	EQ			
remove "corporate" before "guarantee"	†51	264.147(g)	3715.G	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove "corporate" before "guarantee" in three places; insert "direct or higher-tier" before "parent"; after "parent corporation of the owner or operator" insert ", a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a 'substantial business relationship' with the owner or operator."; change "The guarantee must meet" to "The guarantor must meet"; change "(f)(7)" to "(f)(6)"; add "of this part" after "§ 264.151(h)(2)"; replace "The terms of the corporate guarantee must provide that:" with text regarding letter from the guarantor's chief financial officer	†51	264.147(g)(1)	3715.G.1	EQ			
4 remove and reserve	†51	264.147(g)(1)(ii)	¹ no state analog	EQ			
remove "corporate" before "guarantee"	†51	264.147(g)(2)(i)	3715.G.2	EQ			

¹ The federal citation no longer exists.

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove "corporate" before "guarantee"	†51	264.147(g)(2)(iii)	3715.G.3	EQ			
redesignate old paragraph (h) as (k); add new paragraph titled "Letter of credit for liability coverage"	†51	264.147(h)	3715.H	EQ			
†,5 requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 264.147(h) requirements and submitting copy to Regional Administrator	51	264.147(h)(1)	3715.H.1	EQ			
† criteria for financial institution issuing letter of credit	51	264.147(h)(2)	3715.H.2	EQ			
† wording of letter of credit must be identical to wording specified in 264.151(k)	51	264.147(h)(3)	3715.H.3	EQ			
† establishment and use of standby trust fund by owner or operator using letter of credit	113	264.147(h)(4)	3715.H.4	EQ			
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	264.147(h)(5)	3715.H.5	EQ			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† add new paragraph titled "Surety bond for liability coverage"	51	264.147(i)	3715.I	EQ			
† requirements may be satisfied by obtaining surety bond conforming to 264.147(i) requirements and submitting copy to Regional Administrator	51	264.147(i)(1)	3715.I.1	EQ			
† criterion for surety company issuing bond	51	264.147(i)(2)	3715.I.2	EQ			
† wording of surety bond must be identical to wording specified in 264.151(l)	51	264.147(i)(3)	3715.I.3	EQ			
† conditions under which surety bond may be used	51	264.147(i)(4)	3715.I.4	EQ			
		264.147(i)(4)(i)	3715.I.4	EQ			
		264.147(i)(4)(ii)	3715.I.4	EQ			
† add new paragraph titled "Trust fund for liability coverage"	51	264.147(j)	3715.J	EQ			
† requirements may be satisfied by establishing trust fund and submitting an originally signed duplicate of trust agreement to Regional Administrator	51	264.147(j)(1)	3715.J.1	EQ			
† criteria for trustee	51	264.147(j)(2)	3715.J.2	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	51	264.147(j)(3)	3715.J.3	EQ			
† wording of trust fund must be identical to wording specified in 264.151(m)	51	264.147(j)(4)	3715.J.4	EQ			
old paragraph 264.147(h) becomes 264.147(k)	†51	264.147(k)	3715.K	EQ			

WORDING OF THE INSTRUMENTS

add text given at 53 FR 33952 to end of "Financial Guarantee Bond"	†51	264.151(b)	3719.B	EQ			✓
6 replace wording of letter from chief financial officer for closure and/or post-closure care with that shown at 57 FR 42836 & 42837	†113	264.151(f)	3719.F	EQ			✓
7,8 replace wording of letter from chief financial officer for liability coverage with that shown at 57 FR 42837 & 42838	51,†113	264.151(g)	3719.G	EQ			✓

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
9 replace wording of corporate guarantee for closure and/or post-closure care with that shown at 57 FR 42838 & 42839	†113	264.151(h)(1)	3719.H.1	EQ			
10 replace wording of guarantee for liability coverage with that shown at FR 42839 & 42840	†51,113	264.151(h)(2)	3719.H.2	EQ			
after "insured" add other entities that may cancel endorsement; delete "sixty" before "60"	†51	264.151(i)(2)(d)	3719.I.1.b.iv	EQ			
11 after "insured" add other entities that may cancel endorsement; delete "sixty" before "60"	†51	264.151(j)(2)(d)	3719.J.2.d	EQ			
12 add new introductory subparagraph and wording for letter of credit for liability coverage as shown at 57 FR 42840 & 42841	†51,113	264.151(k)	3719.K	EQ			
13 add new introductory subparagraph and wording for surety bond as shown at 53 FR 33955 & 33956	†51	264.151(l)	3719.L	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new introductory subparagraph and wording for trust agreement as shown at 53 FR 33956-33958	†51	264.151(m)(1)	3719.M.1	EQ			
†,14 add new introductory subparagraph and example of certification of acknowledgement as shown at 53 FR 33958, third column	51	264.151(m)(2)	3719.M.2	EQ			
†,15 add new introductory subparagraph and wording for standby trust agreement as shown at 57 FR 42841-42843	113	264.151(n)(1)	3719.N.1	EQ			
† add new introductory subparagraph and wording for certification of acknowledgement to accompany trust agreement, as shown at 57 FR 42843, first and second columns	113	264.151(n)(2)	3719.N.2	EQ			

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART H - FINANCIAL REQUIREMENTS

DEFINITIONS OF TERMS AS USED IN THIS SUBPART

†,16 add new paragraph defining "substantial business relationship"	51	265.141(h)	4399.A.8	EQ			
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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR CLOSURE							
17 remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The" to "the"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	265.143(e)(10)	4403.E.10	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The" to "the"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	265.145(e)(11)	4407.E.11	EQ			
18 LIABILITY REQUIREMENTS							
delete "By the effective date of these regulations"; change "an" to "An"; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	265.147(a)	4411.A	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
delete "corporate" before "guarantee"; change "paragraph (g)" to "paragraphs (f) and (g)"	†51,93	265.147(a)(2)	4411.A.2	EQ			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	265.147(a)(3)	4411.A.3	EQ			
† add new paragraph; requirements may be met by obtaining surety bond for liability coverage	51	265.147(a)(4)	4411.A.4	EQ			
† add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	265.147(a)(5)	4411.A.5	EQ			
† add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amounts required by 265.147; specification of "primary" and "excess" coverage	51	265.147(a)(6)	4411.A.6	EQ			
19 add new paragraph; notify Regional Administrator in writing whenever:	51,113	265.147(a)(7)	4411.A.7	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)



FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
19 add new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	265.147(a)(7)(i)	4411.A.7.a	EQ			
19 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	265.147(a)(7)(ii)	4411.A.7.b	EQ			
19 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(a)(7)(iii)	4411.A.7.c	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
change "bodily damage" to "bodily injury"; after "legal defense costs." insert text regarding combination of per-occurrence coverage levels for sudden and non-sudden accidental occurrences, single annual aggregate level, and requirements for combining coverage; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	265.147(b)	4411.B	EQ			
delete "corporate" before "guarantee"	†51	265.147(b)(2)	4411.B.2	EQ			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	265.147(b)(3)	4411.B.3	EQ			
replace existing paragraph and subparagraphs; requirements may be met by obtaining surety bond for liability coverage	†51	265.147(b)(4)	4411.B.4	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
20 replace existing paragraph; requirements may be met by obtaining trust fund for liability coverage	†51	265.147(b)(5)	4411.B.5	EQ			
† add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 265.147; specifying "primary" and "excess" coverage	51	265.147(b)(6)	4411.B.6	EQ			
19 add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	265.147(b)(7)	4411.B.7	EQ			
19 claims reduce amount of financial assurance for liability coverage	51,113	265.147(b)(7)(i)	4411.B.7.a	EQ			
19 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third-party claimant	51,113	265.147(b)(7)(ii)	4411.B.7.b	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
19 add new subparagraph; final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(b)(7)(iii)	4411.B.7.c	EQ			
insert ", a letter of credit, a surety bond, a trust fund, or a guarantee" after "obtain insurance"; replace "Evidence of insurance" with "Evidence of liability coverage"	†113	265.147(f)(6)	4411.F.6	EQ			
remove "corporate" before "guarantee"	†51	265.147(g)	4411.G	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove "corporate" before "guarantee" in three places; insert "direct or higher-tier" before "parent"; after "parent corporation of the owner or operator" insert ", a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a 'substantial business relationship' with the owner or operator"; change "(f)(7)" to "(f)(6)"; add "of this chapter" after "§ 264.151(h)(2)"; replace "The terms of the corporate guarantee must provide that:" with text regarding letter from the guarantor's chief financial officer	†51	265.147(g)(1)	no state analog	EQ			
4 remove and reserve	†51	265.147(g)(1)(iii)	4411.G.1.b	EQ			
remove "corporate" before "guarantee"	†51	265.147(g)(2)(i)	4411.G.2	EQ			
remove "corporate" before "guarantee"	†51	265.147(g)(2)(ii)	4411.G.3	EQ			
redesignate old 265.147(h) as 265.147(k); add new paragraph titled "Letter of credit for liability coverage"	†51	265.147(h)	4411.H	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 265.147(h) requirements and submitting copy to Regional Administrator	51	265.147(h)(1)	4411.H.1	EQ			
† criteria for financial institution issuing letter of credit	51	265.147(h)(2)	4411.H.2	EQ			
† wording of letter of credit must be identical to wording specified in 264.151(k)	51	265.147(h)(3)	4411.H.3	EQ			
† establishment and use of standby trust fund by owner or operator using letter of credit	113	265.147(h)(4)	4411.H.4	EQ			
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	265.147(h)(5)	4411.H.5	EQ			
† add new paragraph titled "Surety bond for liability coverage"	51	265.147(i)	4411.I	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† requirements may be satisfied by obtaining surety bond conforming to 265.147(i) requirements and submitting copy to Regional Administrator	51	265.147(i)(1)	4411.I.1	EQ			
† criterion for surety company issuing bond	51	265.147(i)(2)	4411.I.2	EQ			
†,21 wording of surety bond must be identical to wording specified in 264.151(l)	51	265.147(i)(3)	4411.I.3	EQ			
† conditions under which surety bond may be used	51	265.147(i)(4)	4411.I.4	EQ			
		265.147(i)(4)(i)	4411.I.4	EQ			
		265.147(i)(4)(ii)	4411.I.4	EQ			
† add new paragraph titled "Trust fund for liability coverage"	51	265.147(j)	4411.J	EQ			
† requirements may be satisfied by establishing trust fund conforming to 265.147(j) requirements and submitting signed duplicate of trust agreement to Regional Administrator	51	265.147(j)(1)	4411.J.1	EQ			
† criteria for trustee	51	265.147(j)(2)	4411.J.2	EQ			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	51	265.147(j)(3)	4411.J.3	EQ			
† wording of trust fund must be identical to wording specified in 264.151(m)	51	265.147(j)(4)	4411.J.4	EQ			
former 265.147(h) becomes 265.147(k)	†51	265.147(k)	4411.K	EQ			

- 1 Note that there is an error in the Federal Register; "direct of higher tier" should be "direct or higher tier."
- 2 The September 1, 1988 (53 FR 33938) rule added 264.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule (57 FR 42832) revised them (including adding 264.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 264.147(a)(7) and (b)(7) should not do so but should adopt the clarified version promulgated by the September 16, 1992 rule.
- 3 Revision Checklist 45 added the reference to miscellaneous units to the first sentence of this paragraph. When the September 1, 1988 rule revised this paragraph, the Revision Checklist 45 change was inadvertently omitted. The July 1, 1991 rule restored the Revision Checklist 45 reference to miscellaneous units.
- 4 Note that only (g)(1)(ii) is removed and reserved; (g)(1)(i) remains as it was prior to the September 1, 1988 final rule.

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

- 5 Note that there is an error in the Federal Register; "letter or credit" should be "letter of credit".
- 6 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.143(f)(10), 264.143(f)(11), 265.143(e)(10) and 265.143(e)(11). If a State chooses to adopt the optional changes at 264.143(f)(10), 264.143(f)(11), 265.143(e)(10) and 265.143(e)(11), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(f).
- 7 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(f)(6) and 265.147(f)(6). If a State chooses to adopt the optional changes at 264.147(f)(6) and 265.147(f)(6), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(g).
- 8 Note that there are several typographical errors in the Federal Register at 264.151(g) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(g) paragraph 4, line 5	57 FR 42837, column 3	"..'nonsudden' of 'both sudden..' should read "..'nonsudden' <u>or</u> 'both sudden.."
264.151(g), item 3., line 8	57 FR 42838, column 1	"subpart H or 40 CFR parts" should read "subpart H <u>of</u> 40 CFR parts"
264.151(g), Part A, Alternative I.3	57 FR 42838, column 1	"Current \$" should read "Current <u>liabilities</u> \$"
264.151(g), Part B, Alternative II.7., line 5	57 FR 42838, column 3	") _____ \$ _____ " should be ") \$ _____

- 9 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5). If a State chooses to adopt the optional changes at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(h)(1).

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

- 10 Note that there are several typographical errors in the Federal Register at 264.151(h)(2) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(h)(2), Guarantee for Liability Coverage, line 15	57 FR 42839, column 3	"or which guarantor is" should read " <u>of</u> which guarantor is"
264.151(h)(2), Guarantee for Liability Coverage, line 19	57 FR 42839, column 3	"264.141(h)]" should read "264.141(h) <u>or</u> 265.141(h)]"
264.151(h)(2), Certification of Valid Claim, line 8	57 FR 42840, column 2	insert "]" after "facility"

- 11 Note that there is a typographical error in the Federal Register; in line three of the revised text of (j)(2)(d) shown at 53 FR 33955, "corpotation" should be "corporation".

- 12 Note that there are several typographical errors in the Federal Register at 264.151(k) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(k), Irrevocable Standby Letter of Credit, line 26	57 FR 42840, column 3	insert "]" after "trust fund:"
264.151(k), (2), 2nd paragraph, lines 2 & 5	57 FR 42841, column 1	delete "]" in "[date]" in line 2 add "]" after "[date]" in line 5
264.151(k), (2), 4th paragraph, line 7	57 FR 42841, column 1	end paragraph with "]"

- 13 Note that there are several errors in the September 1, 1988 Federal Register. Explanatory paragraph 10, as well as the actual text of the revised code, should read "(l)" rather than "(1)" (letter rather than number one). Also, the first sentence of the introductory text for the surety bond should reference "§ 264.147(i) or § 265.147(i)" rather than "§ 264.147(h) or § 265.147(h)".

- 14 Note that the introductory paragraph for 264.151(m)(2) is not clearly distinguished from the preceding and following certifications. In the middle of the third column at 53 FR 33958, the paragraph numbered (2) and ending with "of this acknowledgement." is the introductory

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paragraph and should have been printed in the larger type size used for such paragraphs. The example of the certification begins "State of".

- 15 Note that there are several typographical errors in the Federal Register at 264.151(n)(1) as indicated below:

Federal citation	<u>Federal Register</u> location	Error/Corrections
264.151(n)(1) Standby Trust Agreement (e)(3)	57 <u>FR</u> 42841, column 3	insert "to" after "Property loaned"

- 16 Note that the September 1, 1988 Federal Register incorrectly labels this paragraph "264.141" rather than "265.141".
- 17 Note that there is an error in the September 16, 1992 Federal Register. In the preamble text at the bottom of the second column at 57 FR 42834, "265.143(e)(11)" should be "265.143(e)(10)".
- 18 Note that an error which appears in the July 1, 1989, 1990 and 1991 CFRs has only been partially corrected in the July 1, 1992 CFR. The July 1, 1989, 1990 and 1991 CFRs incorrectly omit 265.147(a)(1)(i)&(ii) and 265.147(b)(1)(i)&(ii). The September 23, 1991 Federal Register (56 FR 47912) reinstated 265.147(a)(1)(i)&(ii) but erroneously did not reinstate 265.147(b)(1)(i)&(ii). Thus, the July 1, 1992 CFR omits 265.147(b)(1)(i)&(ii). A technical correction will be published in the near future to correct this error. In the meantime, States should include analogous requirements in their regulations.
- 19 The September 1, 1988 rule added 265.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule revised them (including adding 265.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 265.147(a)(7) and (b)(7) should not do so but should adopt the clarified, less stringent version promulgated by the September 16, 1992 rule.
- 20 The Federal Register for Revision Checklist 51, in Item 3. in the first column at 53 FR 33959, erroneously indicates that 265.147(b)(5) is a new paragraph to be added. In fact, this final rule replaces the old 265.147(b)(5) with a new paragraph (b)(5).

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- 21** Note that there is a typographical error in the Federal Register: "**264.151(1)**" [number 1], should be "**264.151(l)**" [letter l].

Section Number	Section Title	Section Content
264.151(l)	Consolidated Liability Requirements	...