

Revision Checklist 130 Summary

Rule Title:	Hazardous Waste Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards
Checklist Title:	Recycled Used Oil Management Standards; Technical Amendments and Corrections II
Reference:	59 <u>FR</u> 10550-10560
Promulgation Date:	March 4, 1994
Effective Date:	April 4, 1994
Cluster:	RCRA Cluster IV
Provision Type:	Both HSWA and Non-HSWA
Linkage:	Revision Checklists 19, 112, 122, and 166
Optional:	No

Summary. This rule clarifies the existing pipeline exemption as promulgated by the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) and expands the exemption from the Part 279 requirements to other petroleum refinery applications. Specifically, EPA clarifies that the exemption from the used oil management standards did not intend to exclude used oil mixed with crude oil or natural gas liquids (hereinafter referred to "crude oil") in pipeline units (e.g. stock tanks, production separators) prior to being introduced into the crude oil pipeline. The rule also expands the used oil exemption to include transportation and/or storage of mixtures containing small amounts of used oil (i.e. less than 1%) and crude oil destined for insertion into a petroleum refining facility process at a point prior to crude distillation or catalytic cracking. Also exempted from the Part 279 standards are used oil that is inserted into the petroleum refining facility process after distillation or catalytic cracking operations and used oil that incidentally enters and is recovered from a refinery's hydrocarbon recovery system or wastewater treatment system, provided these used oils meet certain specifications or handling requirements.

This rule also expands the transfer facility definition to allow used oil to be held for more than 24 hours but less than 35 days prior to an activity performed pursuant to 279.20(b)(2).

Finally, this rule corrects errors in the May 3, 1993 technical amendment (58 FR 26420; Revision Checklist 1) to the September 10, 1992 rule.

State Authorization: This rule is placed in RCRA Cluster IV. The State modification deadline is July 1, 1996 (or July 1, 1996 if a State statutory change is necessary)¹. As explained in the preamble to the May 3, 1993 Technical Correction to the September 10, 1992 rule, EPA is treating the majority of the final used oil management standards in the same manner as "non-HSWA" Subtitle C requirements. However, provisions were issued under HSWA authority in the November 29, 1985 rule (50 FR 49201; Revision Checklist 19) and recodified in part 279 (specifically, 279.10, 279.11 and portions of 279.1 and Subparts G and H of Part 279) remain HSWA requirements and will continue to be enforced by EPA until a State becomes authorized for that purpose. This rule amends both HSWA and non-HSWA provisions. The standards promulgated by the March 4, 1994 rule at 279.20(g), 279.41(c), 279.46(a)(5), and the revision of the transfer facility definition 279.48(b)(5) are less stringent than or reduce the scope of the existing Federal requirements. Thus, authorized States are not required to modify their programs to adopt the provisions addressed by these citations. The remaining provisions need to be adopted, however.

¹Note that the preamble to this rule incorrectly lists the due dates as "July 1, 1994 or July 1, 1995 if a statutory change is necessary." These are the due dates for RCRA Cluster III rather than RCRA Cluster IV.

Revision Checklist 130 Summary (cont'd)

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 130, other associated checklists and other application materials, i.e. a project description and an MOA, as determined by the Regional office.

Attorney General Statement Entry: Subsection XX E in the Model Revision Attorney General's Statement should be revised to read as follows:

E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklist 112, 122 and 130.

Federal Authority: Federal Authority: RCRA §§ 1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566), May 3, 1993 (58 FR 26420) and March 4, 1994 (58 FR 10550).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General