

### Revision Checklist 150 Summary

<b>Rule Title:</b>	Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste
<b>Checklist Title:</b>	Recovered Oil Exclusion, Correction
<b>Reference:</b>	61 <u>FR</u> 13103-13106
<b>Promulgation Date:</b>	March 26, 1996
<b>Effective Date:</b>	May 28, 1996
<b>Cluster:</b>	RCRA Cluster VI
<b>Provision Type:</b>	Non-HSWA
<b>Linkage:</b>	Revision Checklist 135
<b>Optional:</b>	Yes

**Summary:** In this rule, EPA is correcting a significant error in the text of a regulatory exclusion, from the definition of solid waste, for recovered oil that is inserted into the petroleum refining process. This exclusion, at 40 CFR 261.4(a)(12) as introduced to the Federal code by the July 28, 1994 Federal Register (59 FR 38536; Revision checklist 135), relates to the recycling of recovered oil--oil that has been recovered from secondary materials such as wastewater generated from normal petroleum exploration, refining, and transport activities--back into the petroleum refining process. The error in the July 28, 1994 rule resulted in inappropriate restrictions on legitimate recycling of recovered oil. The March 26, 1996 rule reflects the result EPA initially intended, which was to condition the exclusion of recovered oil on that oil being reinserted into the petroleum refining process at a point where that process removes or will remove at least some contaminants.

**State Authorization:** This rule is placed in RCRA Cluster VI. The State modification deadline is July 1, 1997 (or July 1, 1998 if a State statutory change is necessary). These changes do not go into effect until States become authorized for them because this rule was promulgated under pre-HSWA authorities. Only final authorization is available.

Given the minor scope of this rule, those States authorized for the July 28, 1994 rule who choose to adopt this rule may submit an abbreviated authorization revision application. This application should consist of a letter from the State to the appropriate Regional office, certifying that it has adopted provisions equivalent to and no less stringent than provisions in this rule. The State should also submit a copy of its final rule or other authorizing authority. A revised Program Description, Memorandum of Agreement, and Attorney General's statement are not necessary. EPA expects that this simplified process will expedite the review of the authorization submittal for this rule.

Although a revised Attorney General's statement is not necessary for authorization, those States that wish to use the Model Attorney General's Statement should place the following entry at Subsection I II:

II.     [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide that recovered oil excluded from the definition of hazardous waste at 40 CFR 261.4(a)(12) be inserted into the petroleum refining process at or before a point where contaminants are removed as indicated in Revision Checklist 150.

Federal Authority: RCRA §§2002 and 3001; 40 CFR 261.4(a)(12) as amended March 26, 1996 (61 FR 13103).

**Revision Checklist 150 Summary (cont'd)**

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**Incorporation by Reference:** No special guidance needed.