

### Revision Checklist 122 Summary

<b>Rule Title:</b>	Recycled Used Oil Management Standards; Technical Amendments and Corrections
<b>Checklist Title:</b>	Recycled Used Oil Management Standards; Technical Amendments and Corrections I
<b>Reference:</b>	58 <u>FR</u> 26420-26426 and 58 <u>FR</u> 33341-33342
<b>Promulgation Date:</b>	May 3, 1993 and June 17, 1993
<b>Effective Date:</b>	March 8, 1993 and June 17, 1993
<b>Cluster:</b>	RCRA Cluster III
<b>Provision Type:</b>	Both HSWA and non-HSWA
<b>Linkage:</b>	Revision Checklists 19, 112 and 130
<b>Special Note:</b>	A Consolidated Recycled Used Oil Management Standards Checklist is available for Checklists 112, 122, 130 and 166
<b>Optional:</b>	No

**Summary.** This rule corrects several technical errors and provides clarifying amendments to the recycled used oil management standards rule, published September 10, 1992 (57 FR 41566; Revision Checklist 112). This rule also corrects an error in the May 20, 1992 rule (57 FR 21524; Revision Checklist 104). States that have adopted these checklists are encouraged to adopt Revision Checklist 122 as soon as possible. States should note that four portions (279.42(a), 279.51(a), 279.62(a), and 279.73(a)) of the code revised by the June May 3, 1993 rule were revised by the June 17, 1993 rule also addressed by this checklist. The June 17 rule effectively changes the text of these four paragraphs on notification back to read as it did in the original September 10, 1992 rule, so that renotification is not required.

**State Authorization:** The rules addressed by this checklist are placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). The preamble to the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) indicated none of the provisions of that rule were being promulgated pursuant to HSWA. Therefore, the Part 279 regulations promulgated by that rule would not be enforceable in an authorized State until the State had received authorization for Revision Checklist 112. 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. Since these provisions were originally promulgated under HSWA, they remain HSWA requirements and will continue to be enforced by EPA until a State becomes authorized for them. EPA continues to believe that the remaining portions of Part 279 are non-HSWA provisions and, as such, do not become effective in authorized States until individual States adopt these provisions and EPA grants authorization for

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

**Revision Checklist 122 Summary (cont'd)**

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 122, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

**Attorney General's Statement Entry:** 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 Checklists 112 and 122.

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) and May 3, 1993 (58 FR 26420).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General