



Managing Used Oil Advice for Small Businesses

Used Oil Is*

- Synthetic oil—usually derived from coal, shale, or polymer-based starting material
- Engine oil—typically includes gasoline and diesel engine crankcase oils and piston-engine oils for automobiles, trucks, boats, airplanes, locomotives, and heavy equipment
- Transmission fluid
- Refrigeration oil
- Compressor oils
- Metalworking fluids and oils
- Laminating oils
- Industrial hydraulic fluid
- Copper and aluminum wire drawing solution
- Electrical insulating oil
- Industrial process oils
- Oils used as buoyants

This list does not include all types of used oil.

Used Oil Is Not

- Waste oil that is bottom clean-out waste from virgin fuel storage tanks, virgin fuel oil spill cleanups, or other oil wastes that have not actually been used
- Products such as antifreeze and kerosene
- Vegetable and animal oil, even when used as a lubricant
- Petroleum distillates used as solvents

Oils that do not meet EPA's definition of used oil can still pose a threat to the environment when disposed of and could be subject to the RCRA regulations for hazardous waste management.

This fact sheet contains valuable information for businesses such as service stations, fleet maintenance facilities, and “quick lube” shops that generate and handle used oil. It summarizes the U.S. Environmental Protection Agency’s (EPA’s) used oil management standards—a set of “good housekeeping” requirements for used oil handlers. These requirements are detailed in Title 40 of the *Code of Federal Regulations (CFR)* Part 279. For a complete understanding of these standards, contact the RCRA Hotline at 800 424-9346. Small businesses should also refer to EPA’s Emergency Response Division’s Information Line at 202 260-2342 for information on how to manage spills.

What Is Used Oil?

EPA’s regulatory definition of used oil is as follows: *Used oil is any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.*

Simply put, used oil is exactly what its name implies—any petroleum-based or synthetic oil that has been used. During normal use, impurities such as dirt, metal scrapings, water, or chemicals can get mixed in with the oil, so that in time the oil no longer performs well. Eventually, this used oil must be replaced with virgin or re-refined oil to do the job at hand.

EPA’s used oil management standards include a three-pronged approach to determine if a substance meets the definition of used oil. To meet EPA’s definition of used oil, **a substance must meet each of the following three criteria:**

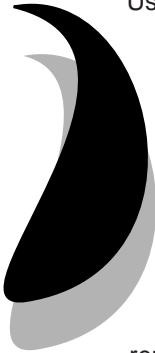
Origin—the first criterion for identifying used oil is based on the origin of the oil. Used oil must have been refined from **crude oil** or made from **synthetic** materials. Animal and vegetable oils are excluded from EPA’s definition of used oil.

Use—the second criterion is based on whether and how the oil is used. Oils used as lubricants, hydraulic fluids, heat transfer fluids, buoyants, and for other similar purposes are considered used oil. Unused oil such as bottom clean-out waste from virgin fuel oil storage tanks or virgin fuel oil recovered from a spill, do not meet EPA’s definition of used oil because these oils have never been “used.” EPA’s definition also excludes products used as cleaning agents or solely for their solvent properties, as well as certain petroleum-derived products like antifreeze and kerosene.

Contaminants—the third criterion is based on whether or not the oil is contaminated with either physical or chemical impurities. In other words, to meet EPA’s definition, used oil must become contaminated as a result of being used. This aspect of EPA’s definition includes residues and contaminants generated from handling, storing, and processing used oil. Physical contaminants could include metal shavings, sawdust, or dirt. Chemical contaminants could include solvents, halogens, or saltwater.

How Is Used Oil Recycled?

Once oil has been used, it can be collected, recycled, and used over and over again. An estimated 380 million gallons of used oil are recycled each year. Recycled used oil can sometimes be used again for the same job or can take on a completely different task. For example, used motor oil can be re-refined and sold at the store as motor oil or processed for furnace fuel oil. Aluminum rolling oils also can be filtered on site and used over again.



Used oil can be recycled in the following ways:

- **Reconditioned** on site, which involves removing impurities from the used oil and using it again. While this form of recycling might not restore the oil to its original condition, it does prolong its life.
 - **Inserted into a petroleum refinery**, which involves introducing used oil as a feedstock into either the front end of the process or the coker to produce gasoline and coke.
 - **Re-refined**, which involves treating used oil to remove impurities so that it can be used as a base stock for new lubricating oil. Re-refining prolongs the life of the oil resource indefinitely. This form of recycling is the preferred option because it closes the recycling loop by reusing the oil to make the same product that it was when it started out, and therefore uses less energy and less virgin oil.
- **Processed and burned for energy recovery**, which involves removing water and particulates so that used oil can be burned as fuel to generate heat or to power industrial operations. This form of recycling is not as preferable as methods that reuse the material because it only enables the oil to be reused once. Nonetheless, valuable energy is provided (about the same as provided by normal heating oil).

- **Collection centers and aggregation points** are facilities that accept small amounts of used oil and store it until enough is collected to ship it elsewhere for recycling. Collection centers typically accept used oil from multiple sources that include both businesses and individuals. Aggregation points collect oil only from places run by the same owner or operator and from individuals.
- **Transporters** are companies that pick up used oil from all sources and deliver it to re-refiners, processors, or burners. Transfer facilities include any structure or area where used oil is held for longer than 24 hours, but not longer than 35 days. Examples of transfer facilities are loading docks and parking areas.
- **Re-refiners and processors** are facilities that blend or remove impurities from used oil so that it can be burned for energy recovery or reused. Included in this category are re-refiners who process used oil so that it can be reused in a new product such as a lubricant and recycled again and again. EPA's management standards primarily focus on this group of used oil handlers.
- **Burners** burn used oil for energy recovery in boilers, industrial furnaces, or in hazardous waste incinerators.
- **Marketers** are handlers who either a) direct shipments of used oil to be burned as fuel in regulated devices or, b) claim that certain EPA specifications are met for used oil to be burned for energy recovery in devices that are not regulated. They also sometimes help move shipments of used oil to burners. By definition, marketers must also fall into at least one of the above categories.

Recycling Used Oil Is Good for the Environment and the Economy—Here's Proof!

- Re-refining used oil takes only about one-third the energy of refining crude oil to lubricant quality.
- It takes 42 gallons of crude oil, but only one gallon of used oil, to produce 2 1/2 quarts of new, high-quality lubricating oil.
- One gallon of used oil processed for fuel contains about 140,000 British Thermal Units (BTUs) of energy.

Does My Business Handle Used Oil?

The following paragraphs describe different types of businesses that handle used oil.

- **Generators** are businesses that handle used oil through commercial or industrial operations or from the maintenance of vehicles and equipment. Generators are the largest segment of the used oil industry. Examples of common generators are car repair shops, service stations, quick lube shops, government motorpools, grocery stores, metal working industries, and boat marinas. *Farmers who produce less than an average of 25 gallons of used oil per month are excluded from generator status. Individuals who generate used oil through the maintenance of their personal vehicles and equipment are not subject to regulation under the used oil management standards.*

What Standards Should My Business Follow?

If your business generates or handles used oil, there are certain good housekeeping practices that you must follow. These required practices, called "management standards," were developed by EPA for businesses that handle used oil. The management standards are common sense, good business practices designed to ensure the safe handling of used oil, to maximize recycling, and to minimize disposal. The standards apply to all used oil handlers, regardless of the amount of the oil they handle.

Although different used oil handlers may have specific requirements, the following requirements are common to all types of handlers. These requirements relate to storage and to cleaning up leaks and spills, as follows.

Storage

- Label all containers and tanks as Used Oil.
- Keep containers and tanks in good condition. Don't allow tanks to rust, leak, or deteriorate. Fix structural defects immediately.
- Never store used oil in anything other than tanks and storage containers. Used oil may also be stored in units that are permitted to store regulated hazardous waste. Tanks and containers storing used oil do not need to be RCRA permitted, however, as long as they are labeled and in good condition. Storage of used oil in lagoons, pits, or surface impoundments that are not permitted under RCRA is prohibited.

Oil Leaks or Spills

- Take steps to prevent leaks and spills. Keep machinery, equipment containers, and tanks in good working condition and be careful when transferring used oil. Have sorbent materials available on site.
- If a spill or leak occurs, stop the oil from flowing at the source. If a leak from a container or tank can't be stopped, put the oil in another holding container or tank.
- Contain spilled oil. For example, containment can be accomplished by erecting sorbent berms or by spreading a sorbent over the oil and surrounding area.
- Clean up the oil and recycle the used oil as you would have before it was spilled. If recycling is not possible, you first must make sure the used oil is not a hazardous waste and dispose of it appropriately. All used cleanup materials, from rags to sorbent booms, that contain free-flowing used oil also must be handled according to the used oil management standards. Remember, all leaked and spilled oil collected during cleanup must be handled as used oil. If you are a used oil handler, you should become familiar with these cleanup methods. They may also be part of a spill response action plan.
- Remove, repair, or replace the defective tank or container immediately.

Record Keeping

EPA uses 12-digit identification (ID) numbers to track used oil. Transporters hauling used oil must have a valid EPA ID number, and generators, collection centers, and aggregation points must use transporters with EPA ID numbers for shipping used oil off site. If you need an ID number, contact your EPA regional office or your state director. (You also can call the RCRA Hotline for more information.) Generators, collection centers, aggregation points, and any handler that transports used oil in shipments of less than 55 gallons do not need an ID number, but may need a state or local permit.

Used oil transporters, processors, burners, and marketers also must record each acceptance and delivery of used oil shipments. Records can take the form of a log, invoice, or other shipping document and must be maintained for three years. Re-refiners, processors, transfer facilities, and burners must have secondary containment systems (e.g., oil-impervious dike, berm, or retaining wall and a floor) so that oil can not reach the environment in the event of a leak or spill. EPA also encourages generators to use a secondary containment system to prevent used oil from contaminating the environment.

Burners of used oil that meets a certain set of quality standards called the used oil specifications are not regulated under the used oil management standards, as long as the used oil is burned in appropriate boilers, furnaces, or incinerators. Call the RCRA Hotline for more information.

Know and understand your state regulations governing the management of used oil—they might be stricter than EPA's. Contact your state or local environmental agency to determine your best course of action.

Mixing Used Oil and Hazardous Waste

In addition to EPA's used oil management standards, your business may be required to comply with federal and state hazardous waste regulations if your used oil becomes contaminated from mixing it with hazardous waste. If used oil is mixed with hazardous waste, it probably will have to be managed as a hazardous waste. Hazardous waste disposal is a lengthy, costly, and strict regulatory process. The only way to be sure your used oil does not become contaminated with hazardous waste is to store it separately from all solvents and chemicals and not to mix it with anything. If you believe your used oil might be mixed with a hazardous waste, call the RCRA Hotline at 800 424-9346. Hotline representatives can answer most of your questions or direct you to appropriate state environmental offices.

How Should My Business Manage Used Oil Filters?

The Filter Manufacturers' Council maintains a regulatory hotline and database to encourage the proper management of used oil filters. By calling the hotline at 800 99-FILTER, you can access the proper management requirements for your particular states. The database contains:

- Overviews of federal and state regulations relevant to the management of oil filters.
- Addresses and phone numbers of the regulatory agencies governing the management of used filters in each state.
- A listing of companies, by state, that transport, process, and recycle used filters.



How Can My Business Avoid Costly Cleanups?

Meeting the following conditions relieves service station dealers from responsibility for costly cleanups and liabilities associated with off-site handling of used oil. To meet these conditions, service stations must: (1) comply with the management standards described on page 2 and 3, (2) not mix used oil with any hazardous substance, and (3) accept used oil from Do-it-yourselfers (DIYs) and send it for recycling. Call the RCRA Hotline for complete details regarding this liability exemption.

Recommended Cleanup Practices

EPA recommends, but does not require, the following cleanup practices for used oil handlers: (1) maximize the recovery of used oil; (2) minimize the generation of used oil sorbent waste by choosing reusable sorbent materials; (3) use the spent sorbent materials to produce recycled sorbent materials; and (4) buy sorbent materials with recycled content.

Extraction devices (e.g., centrifuges, wringers, and compactors) can be used to recover used oil from reusable sorbent materials. Sorbent pads can be reused between two and eight times depending on the viscosity of the used oil. These technologies, while not required, can be used to reduce the number of sorbent pads ultimately sent for remanufacture, energy recovery, or disposal. The potential to reduce waste and save money (i.e., lower disposal costs for spent pads and lower per use cost of sorbent pads) by reusing and recycling sorbent pads can be substantial.

Managing Cleanup Materials

If you have used oil on rags or other sorbent materials from cleaning up a leak or spill, you should remove as much of the free-flowing oil as possible and manage the oil as you would have before it spilled.

Once the free-flowing used oil has been removed from these materials, they are not considered used oil and may be managed as solid waste as long as they do not exhibit a hazardous waste characteristic. Note, however, that materials from which used oil has been removed continue to be regulated as used oil if they are to be burned for energy recovery (regardless of the degree of removal).

What Else Can My Business Do to Conserve Oil?

- Minimize the amount of used oil you produce. The less used oil that is produced in the first place, the less that ultimately has to be handled. Businesses can filter, separate, and recondition used oil to prolong its usable life.
- Purchase re-refined used oil products instead of virgin oil products. Re-refined oil works just as well as virgin oil. Products that display the American Petroleum Institute (API) "starburst" meet the same high-quality specifications as virgin oil.
- Practice safe management of used oil. Don't mix used oil with anything. Always store used oil in leak-proof containers that are in secure areas safely away from workers and the environment. Send used oil to a re-refiner whenever possible.

For More Information

For additional information, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703 412-9810 or TDD 703 412-3323 (hearing impaired). Long-distance callers may call 800 424-9346 or TDD 800 553-7672. The RCRA Hotline operates weekdays, 9:00 am to 6:00 pm. Write to the RCRA Information Center (5305W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.



United States
Environmental Protection Agency
Washington, DC 20460
(5305W)

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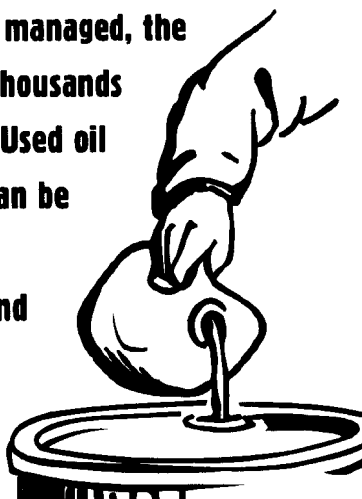
Collecting Used Oil for Recycling/Reuse

Tips for Consumers Who Change Their Own Motor Oil and Oil Filters



For years, motor oil commonly was reused or discarded in ways that neither protected the environment nor conserved its resource value. In the United States alone, an estimated 200 million gallons of used motor oil are improperly disposed of by being dumped on the ground, tossed in the trash (ending up in landfills), and poured down storm sewers and drains. Just one gallon of used oil has the potential to contaminate up to one million gallons of drinking water. Additionally, used oil that ends up in the country's rivers, lakes, and streams can threaten aquatic life.

If all of the used oil that is improperly disposed of were properly managed, the United States could save thousands of barrels of oil each day. Used oil that is properly handled can be re-refined into lubricants, processed into fuel oils, and used as raw materials for the refining and petrochemical industries.



CHANGING YOUR OWN MOTOR OIL

1 Turn off the engine, block the wheels, and set the parking brake before getting under your car. To avoid burns, make sure that the engine is not too hot. Consult your owner's manual for directions.

2 Remove the drain plug on the bottom of the engine's oil pan and allow the used oil to drain from your car into a suitable container, such as a drip pan.



3 If you are changing your oil filter, do it next and follow the directions below, and on the filter. Regardless, replace the drain plug in the bottom of the engine's oil pan. Make sure that it's tight.

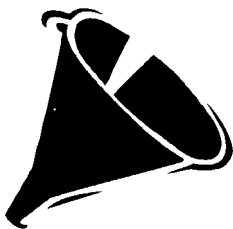
4 Carefully add the new engine oil. Although most cars take four to five quarts of oil, always check your owner's manual for the amount of oil required and the recommended grade of motor oil to be used. Do not overfill.

5 With the parking brake still set, and in a well-ventilated area, start the engine of the car. The oil pressure light may be on, but should go out after a few seconds. Once the light goes out, allow the engine to run for a few minutes.

6 Turn off the engine and check the oil level. Also, check around the oil filter and drain plug for oil leaks.

7 So you know when to change your oil next, write down the date and mileage, as well as grade and brand of motor oil you installed.

8 Use a funnel or carefully pour the used oil from the drip pan into a suitable recycling container (see below). Reuse the drip pan; don't rinse the residual oil down the drain.



9 Protect the environment and conserve resources by taking your used oil to your nearest public used oil collection center, such as a service station or lube center. Also look for the "oil drop." This is a petroleum industry symbol indicating that used oil is collected for recycling/reuse.



RECYCLING YOUR USED OIL

After draining the oil from your car's crankcase, pour the oil into a clean, leakproof container with a screw-on top. Many household containers are suitable, including original motor oil containers. **Never use containers that held household chemicals, such as bleach.** Make sure that the container has a secure lid so it cannot spill.



Containers specifically designed for carrying used motor oil also may be purchased at automotive supply stores.



If you don't take your used oil to a recycling center immediately, never temporarily store it in any container that once held food, beverages, or chemicals. Regardless of the type of container used for carrying or storing used oil, be sure it is clean, clearly labeled "Used Oil," and kept out of the reach of children and pets.



Take the container to the nearest used oil collection center. If your community doesn't have a collection center, check with your local service station or an automobile maintenance facility (such as a lube center, repair shop, or car dealership).

CHANGING AND RECYCLING YOUR OWN OIL FILTER

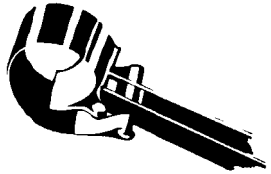


Where it's practical and cost effective, empty used oil filters are being collected for recycling. Check with the used oil collection facility where you take your used motor oil to see if it accepts used oil filters, or if it can direct you to a place that does. If you don't have any facilities in your area that recycle used oil filters, the empty used filter usually can be wrapped in newspaper and disposed of

with your regular household trash. Check with your trash collection service before discarding the filter because some states don't allow used oil filters to be landfilled.

Whether you recycle or dispose of your used oil filter, it must be drained of used oil. Special handling is required to properly drain an oil filter:

1 Use a filter wrench (if necessary) to loosen the old oil filter. Carefully remove the used filter.



2 Drain the filter of any oil. Using a sharp tool, puncture a hole in the dome end of the filter or through the antidrain back valve located on the flat end of it. The most effective method for properly draining the filter is to puncture the antidrain back valve or the filter dome and allow the used oil to flow into a container appropriate for recycling it. (Antidrain back valves are present in most automotive and light duty truck filter models. The valve consists of a rubber flap that creates a vacuum to prevent oil from draining back into the engine when it is not running. Puncturing the filter breaks the vacuum and allows the "trapped" oil to be recovered for recycling.)

3 Place the flat end of the punctured filter on the used oil collection container and drain as much used oil as possible out of the filter. It is important for used oil filters to be drained a minimum of 12 hours near engine operating temperature and above room temperature (approximately 60°F).

4 Install the new oil filter according to the manufacturer's instructions. Coat the rubber seal on it with a small amount of oil, then replace it. Do not use a filter wrench to tighten the new filter as this may damage the filter. Instead, tighten it snugly with your fingers, following the directions supplied with the filter.

HELP SAFEGUARD THE ENVIRONMENT

For further information, call your local or state government environmental agency for details regarding used oil recycling programs in your area.

Remember: environmental quality is everybody's business, and everyone can help. Developing smart recycling habits makes good sense. Recycling saves money, and it protects our environment. So become a part of the solution, recycle your used motor oil and oil filters, along with newspaper, glass, metals, plastic, yard trimmings, and other materials.

If your community has a recycling program, join it. If an existing community program doesn't include used oil recycling, expand it so that it does. If there's no program available, start one. Write for EPA's manual entitled *How to Set Up a Local Program to Recycle Used Oil* at the address below or call EPA's RCRA Hotline at 1-800-424-9346.

U.S. Environmental
Protection Agency
Office of Solid Waste
RCRA Information Center (5305)
401 M Street, SW.
Washington, DC 20460





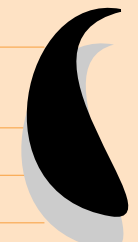
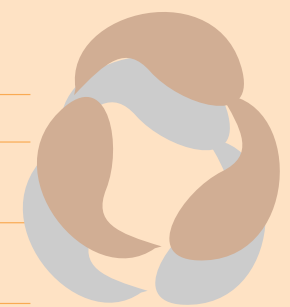
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REQUIREMENTS

USED OIL MANAGEMENT STANDARDS

	GENERATOR* Subparts C and D	TRANSPORTER/ TRANSFER FACILITY Subpart E	PROCESSOR/ RE-REFINER Subpart F	OFF-SPECIFICATION BURNER Subpart G	MARKETER** Subpart H
Storage in Containers and Aboveground Tanks	Good Condition	Good Condition	Good Condition	Good Condition	N/A
Labels for Tanks and Containers	Yes	Yes	Yes	Yes	N/A
Secondary Containment System (Oil Impervious Berm, Dike, or Retaining Wall and Floor)	No	Yes, for transfer facilities N/A, for transporters	Yes	Yes	N/A
Environmental Release Cleanup	Yes	Yes	Yes	Yes	N/A
EPA Identification Number and Notification	No	Yes	Yes	Yes	Yes
Tracking	No	Yes, acceptance and delivery records	Yes, acceptance and delivery records	Yes, acceptance records	Yes, on-specification or off-specification delivery records
Analysis	No	Yes, information or testing that shows that the total halogen content is above or below 1000 ppm	Yes, create and follow an analysis plan that includes determining total halogen content and, if appropriate,	Yes, information or testing that shows that the total halogen content is above or below 1000 ppm	Yes, information or testing needed to determine used oil specification
Recordkeeping (for three years)	No	Yes, copies of information or testing data of total halogen content or for rebutting the presumption of hazardous waste mixing; acceptance and delivery records	Yes, copies of information or testing data of total halogen content or for rebutting the presumption of hazardous waste mixing; acceptance and delivery records	Yes, copies of information or testing data of total halogen content or for rebutting the presumption of hazardous waste mixing; acceptance records	Yes, information or test data used to determine specification type; delivery records; if off-specification, burner certification
Preparedness and Contingency Plans	No	No	Yes, same as Part 264/265, Subpart D	No	N/A
Biennial Reporting	No	No	Yes	No	N/A
Closure	No	No	Yes	No	N/A
Dust Suppressant Ban	Yes	Yes	Yes	Yes	N/A
Surface Impoundment Ban	Yes	Yes	Yes	Yes	N/A



* Generator requirements apply to aggregation points and collection centers.

** Marketers also come under regulation as a generator, transporter, and/or processor or re-refiner. No used oil handler can be solely a marketer.

material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Docket

EPA has established a record for this rulemaking under docket control number [OPP-300655] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia

address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

This final rule establishes an exemption from the requirement of a tolerance under FFDC section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993).

This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established on the basis of a petition under FFDC section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S.

House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 30, 1998.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1197 is added to read as follows:

§ 180.1197 Hydrogen peroxide; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of hydrogen peroxide up to 120 ppm in or on raw agricultural commodities, in processed commodities, when such residues result from the use of hydrogen peroxide as an antimicrobial agent on fruits, tree nuts, cereal grains, herbs, and spices.

[FR Doc. 98-12037 Filed 5-5-98; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 279

[FRL-5969-4]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Today's direct final rule eliminates errors and clarifies ambiguities in the used oil management standards. Specifically, this rule clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the used oil management standards and when it is not, that the requirements applicable to releases of used oil apply in States that

are not authorized for the RCRA base program, that mixtures of conditionally exempt small quantity generator (CESQG) wastes and used oil are subject to the used oil management standards irrespective of how that mixture is to be recycled, and that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. Today's rule also amends three incorrect references to the pre-1992 used oil specifications in the provisions which address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations.

The U.S. Environmental Protection Agency (EPA) is issuing this regulation as a direct final rule. In the Proposed Rules section of today's **Federal Register**, EPA is proposing identical amendments and soliciting public comment on them. For more information on the direct final rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: This direct final rule will become effective on July 6, 1998 unless EPA is notified by May 20, 1998 that any person intends to submit relevant adverse comment and such comment is submitted by June 5, 1998. If the Agency receives such comment, it will publish timely notification in the **Federal Register** withdrawing the amendment(s) that was the subject of adverse comment.

ADDRESSES:

Intent To Submit Comments

Persons wishing to notify EPA of their intent to submit adverse comments on this action should contact Alex Schmandt by mail at Office of General Counsel (2366), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by phone at (202) 260-1708, by fax at (202) 260-0584, or by Internet e-mail at schmandt.alex@epamail.epa.gov.

Submitting Comments

Commenters must send an original and two copies of their comments referencing docket number F-98-CUOP-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically through the Internet to: rcra-docket@epamail.epa.gov.

Comments in electronic format should also be identified by the docket number F-98-CUOP-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit any confidential business information (CBI) electronically. An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Viewing Docket Materials

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The Docket Identification Number is F-98-CUOP-FFFFF. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them.

FOR FURTHER INFORMATION CONTACT:

RCRA Hotline. For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412-9810 or TDD (703) 412-3323.

Rulemaking Details. For more detailed information on specific aspects of this rulemaking, contact Tom Rinehart by mail at Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, by phone at (703) 308-4309, or by Internet e-mail at rinehart.tom@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Direct Final Rulemaking Process

EPA is issuing this regulation as a direct final rule. In the Proposed Rules section of today's **Federal Register**, EPA is proposing identical amendments and soliciting public comment on them. If relevant adverse comment is received on one or more of the amendments in the rulemaking, EPA will publish timely notification in the **Federal Register** withdrawing the amendment(s) that is the subject of adverse comment. Any amendments in today's rulemaking that

do not receive relevant adverse comment will become effective on the date set out above, notwithstanding any adverse comment on other portions of today's rulemaking. A relevant comment will be considered to be any comment substantively criticizing an amendment. The accompanying notice of proposed rulemaking may serve as the basis of a subsequent final rule if an amendment that is the subject of adverse comment is withdrawn as described above. For instructions on notifying EPA of your intent to comment and for instructions on how to submit comments, please see the **ADDRESSES** section above.

Internet Availability

This rule and the following supporting materials are available on the Internet:

Docket Item: Petition for Review.
From: Edison Electric Institute, et al.
To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Petitioners' Preliminary and Non-binding Statement of Issues to be Raised on Appeal.
From: Edison Electric Institute, et al.
To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Letter describing Edison Electric Institute's outstanding issues and proposals for resolving these issues.
From: Edison Electric Institute, et al.
To: U.S. Environmental Protection Agency.

Docket Item: Letter describing Edison Electric Institute's issues including a request that EPA issue a technical correction to 40 CFR 279.10(i).
From: Edison Electric Institute, et al.
To: U.S. Environmental Protection Agency.

Docket Item: Letter requesting that EPA resolve outstanding issues.
From: Edison Electric Institute, et al.
To: U.S. Environmental Protection Agency.

Docket Item: Settlement Agreement.
From: Edison Electric Institute, et al, U.S. Environmental Protection Agency, and U.S. Department of Justice.
To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Memorandum that describes an abbreviated state authorization revision application procedure for state rule changes in response to minor federal rule changes or corrections.

From: Michael Shapiro, Director, Office of Solid Waste.
To: Regional Waste Management Division Directors.

Follow these instructions to access this information electronically:

WWW URL: <http://www.epa.gov/epaoswer/hazwaste/usedoil/index.htm>.

FTP: [ftp.epa.gov](ftp://ftp.epa.gov).

Login: anonymous.

Password: your Internet e-mail address.

Path: /pub/epaoswer.

Note: The official record for this action will be kept in paper form and maintained at the address in the ADDRESSES section above.

Outline of Today's Document

- I. Authority
- II. Background and Summary of Rule
- III. Regulatory Amendments
 - A. Applicability of the Used Oil Management Standards to PCB Contaminated Used Oil
 - B. Response to Releases of Used Oil
 - C. Mixtures of CESQG Wastes and Used Oil
 - D. Reference to the Used Oil Fuel Specification
 - E. Clarification of the Recordkeeping Requirements for Marketers of On-Specification Used Oil
- IV. State Authority
- V. Regulatory Requirements
 - A. Executive Order No. 12866
 - B. Regulatory Flexibility Act
 - C. Paperwork Reduction Act
 - D. Unfunded Mandates Reform Act
 - E. Submission to Congress and the General Accounting Office
- VI. Effective Date

I. Authority

These regulations are issued under the authority of sections 1004, 1006, 2002(a), 3001 through 3007, 3010, 3013, 3014, 3016 through 3018, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and as amended by the Used Oil Recycling Act, as amended, 42 U.S.C. 6901, 6905, 6912(a), 6921 through 6927, 6930, 6934, 6935, 6937 through 6939 and 6974.

II. Background and Summary of Rule

Today's direct final rule provides technical corrections and clarifies ambiguities to existing regulatory language concerning used oil at 40 CFR part 279 and 40 CFR part 261. The clarification of the applicability of the used oil management standards to PCB contaminated used oil is undertaken as part of a settlement agreement in response to a lawsuit challenging EPA's final rule promulgated on May 3, 1993, (58 FR 26420). *Edison Electric Institute v. U.S. EPA* (D.C. Circuit No. 93-1474). The May 1993 rule corrected technical errors and provided clarifying amendments to the used oil management standards promulgated on September 10, 1992 (57 FR 41566). In addition, the Agency found several errors and ambiguities during review of the existing regulatory language concerning used oil. Today's rule eliminates these mistakes and clarifies ambiguities in the used oil management standards.

These clarifications and corrections are presented in four separate sections, through which the Agency is (1) clarifying that used oil containing 50 ppm or greater PCBs is not subject to regulation under the used oil management standards at 40 CFR Part 279; (2) clarifying that the response requirements at 40 CFR part 279 for releases of used oil apply in states without RCRA base program authorization; (3) clarifying that mixtures of CESQG waste and used oil are subject to the used oil management standards regardless of how that mixture is to be recycled; (4) amending the references to the used oil management standards in 40 CFR Part 261 to make them consistent with the standards at 40 CFR Part 279; and (5) clarifying that the initial marketer of

used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil.

III. Regulatory Amendments

A. Applicability of the Used Oil Management Standards to PCB Contaminated Used Oil

Today's rule amends 40 CFR 279.10(i) to clarify the applicability of the used oil management standards of 40 CFR part 279 to used oil containing PCBs. The revised language reflects EPA's intent that used oil that contains less than 50 ppm of PCBs is subject to regulation under the used oil management standards. Used oil that contains 50 ppm or greater of PCBs is not subject to regulation under the used oil management standards, because the TSCA regulations at 40 CFR part 761 provide comprehensive management of such used oil.

Table 1 shows the applicability of the RCRA and TSCA regulations as they pertain to used oil containing PCBs that is to be burned for energy recovery. Used oil that contains PCBs in the range of 2 ppm and greater and less than 50 ppm that is burned for energy recovery is regulated by both the TSCA regulations at 40 CFR 761.20(e) and the used oil management standards at 40 CFR part 279. Please note, under the TSCA regulations at 40 CFR 761.20(e)(2), used oil that is to be burned for energy recovery is presumed to contain 2 ppm or greater of PCBs unless shown otherwise by testing or other information. Used oil that is to be burned for energy recovery and has been shown to contain less than 2 ppm PCBs is not regulated under TSCA and is solely regulated under RCRA.

TABLE 1.—REGULATION OF USED OIL CONTAINING PCBs THAT IS TO BE BURNED FOR ENERGY RECOVERY UNDER 40 CFR PART 279 OF RCRA AND 40 CFR PART 761 OF TSCA

Range of PCB contamination levels in used oil (ppm)	Does RCRA regulate this used oil if it is to be burned for energy recovery?	Does TSCA regulate this used oil if it is to be burned for energy recovery?
Demonstrated to contain less than 2	Yes	No.*
2 to less than 50	Yes	Yes.
50 and greater	No	Yes.

* Used oil that is to be burned for energy recovery is presumed to contain 2 ppm or greater of PCBs unless shown otherwise by testing or other information.

Used oil containing less than 50 ppm PCBs that is recycled other than being burned for energy recovery is not generally subject to the TSCA requirements. See 40 CFR 761.3 (definition of excluded PCB products);

761.20(a)(1); and 761.20(c). However, 40 CFR 761.20(d) prohibits the use of used oil that contains any detectable concentration of PCBs as a sealant, coating, or dust control agent. This prohibition specifically includes road

oiling and general dust control. Use of used oil as a dust suppressant is prohibited under RCRA except in a state that has received authorization from EPA to allow use of used oil as a dust suppressant. Currently no states have

received such authorization. In the event that a state were authorized to use used oil as a dust suppressant pursuant to 40 CFR 279.82, the prohibition in 40 CFR 761.20(d) would still apply.

Used oil that contains PCBs may not be diluted to obtain PCB concentrations less than 50 ppm. See 40 CFR 761.1(b). PCB-containing used oils that have been diluted so that their concentrations are less than 50 ppm are still subject to regulation under TSCA as used oil that contains PCB concentrations of 50 ppm or greater. These diluted used oils are subject to comprehensive management under TSCA and, therefore, are not regulated under the RCRA used oil management standards.

RCRA's used oil management standards have historically applied to used oil containing less than 50 ppm PCBs and not to used oil containing concentrations of 50 ppm or greater. Prior to the promulgation of Part 279 in September 1992, the used oil management standards applied to used oil that contained less than 50 ppm PCBs pursuant to 40 CFR Part 266, subpart E. The preamble to the September 1992 rule that recodified the provisions from the old Part 266 clearly indicates EPA's intent not to regulate PCB-contaminated used oil at levels of 50 ppm and greater under the RCRA used oil management standards (see 57 FR 41566, 41569, 41583; September 10, 1992), but the text of the rule did not reference the 50 ppm standard. Instead, the regulatory text at 40 CFR 279.10(i) purported to exclude from the used oil management standards those PCB-contaminated used oils already "regulated under" the TSCA PCB regulations at 40 CFR Part 761, which as explained above is a potentially broader universe of material. Because the September 10, 1992 RCRA rule excluded PCB-contaminated used oil already "regulated under" the TSCA regulations, it could have been interpreted as excluding used oil containing PCBs at less than 50 ppm from the RCRA used oil management standards.

The May 3, 1993 RCRA rule (58 FR 26420) sought to clarify that the Part 279 standards apply to used oils containing less than 50 ppm PCBs, but did so in a manner that inadvertently created the impression that the used oil management standards also applied to PCB-contaminated used oils at levels of 50 ppm and greater. Today's rule clarifies the scope of the RCRA used oil management standards as EPA has consistently interpreted them.

B. Response to Releases of Used Oil

Today's rule amends 40 CFR 279.22(d), 279.45(h), 279.54(g) and 279.64(g) to clarify that the response requirements for releases of used oil apply in states that are not authorized for the RCRA base program pursuant to RCRA Section 3006, 42 U.S.C. 6926, and, hence, that are not authorized for the used oil management standards. (Base program authorization refers to the RCRA program initially made available for final authorization, reflecting Federal regulations as of July 26, 1982.) At this time, Alaska, Hawaii, Iowa, Puerto Rico, the Virgin Islands, the Northern Mariana Islands and American Samoa do not have an authorized RCRA base program.

The text and the 1992 preamble discussion of the four provisions enumerated above appear to limit the cleanup requirements for a release of used oil to those states and territories that have an authorized used oil management program. Specifically, §§ 279.22(d), 279.45(h), 279.54(g) and 279.64(g) provide that the cleanup requirements apply to releases of used oil that "occurred after the effective date of the *authorized used oil program for the State* in which the release is located" (emphasis added). Furthermore, the preamble discussion of these provisions state that "[T]his requirement does not apply to past releases of used oil that occurred prior to the effective date of the used oil program within an *authorized state* in which the facility is located." 57 FR 41566 at 41586, 41592, 41596, 41600, September 10, 1992 (emphasis added).

Notwithstanding any ambiguity in the regulatory text, EPA's intent in limiting the cleanup requirements—to releases of used oil that occurred after the effective date of the *authorized used oil program for the State* in which the release is located—was to provide a temporal limitation on when the response to release requirements were to take effect. The federal used oil management standards incorporated into Part 279 created for the most part a new regulatory scheme for the management of used oil. (If these standards were to include cleanup requirements for spills of used oil it was important to clarify that such cleanup requirements would only apply to spills that occurred after the new requirements were in effect.) The language in §§ 279.22(d), 279.45(h), 279.54(g) and 279.64(g) provided a temporal limitation by imposing the cleanup requirements on those releases that occur "*after the effective date of the authorized used oil program for the State in which the release is located.*"

The 1992 preamble discussion of the response to releases requirements makes this point explicitly in stating that "[T]his requirement does not apply to *past releases of used oil that occurred prior to the effective date of the used oil program within an authorized state in which the facility is located.*" 57 FR 41566 at 41586, 41592, 41596, 41600, September 10, 1992. The language, therefore, clarified that the regulation applied prospectively only and that other authorities would be used for pre-existing releases.

Today's rule clarifies that the cleanup requirements apply to releases of used oil that occurred after the effective date of the *recycled used oil management program in effect in the State* in which the facility is located. In states that do not have RCRA authorization, the recycled used oil management program in effect is the federal program of used oil management standards at 40 CFR Part 279, which became effective in these states on March 8, 1993. See 58 FR 26420, May 3, 1993. In authorized RCRA states, only states that are authorized for the used oil management standards have a recycled used oil management program in effect; these programs take effect on the effective date of the final rule that authorizes the state for the used oil management standards.

C. Mixtures of CESQG Wastes and Used Oil

Today's rule harmonizes the applicability of 40 CFR Part 261 and Part 279 to mixtures of conditionally exempt small quantity generators (CESQG) wastes and used oil that are to be recycled. Although CESQG wastes are not regulated as hazardous wastes, mixtures of CESQG wastes and used oil that are to be recycled are regulated as used oil under the used oil management standards. Notwithstanding EPA's regulatory intent, the CESQG provision, 40 CFR 261.5(j), that references the applicability of the used oil management standards to mixtures of CESQG wastes and used oil that are to be recycled, appears to limit the applicability of the used oil management standards to mixtures that are to be recycled *by burning for energy recovery*. Section 261.5(j), therefore, incorrectly suggests that mixtures of CESQG wastes and used oil that are to be recycled in a manner other than by burning for energy recovery, such as by re-refining, would not be subject to the used oil management standards. Indeed, because CESQG wastes are not regulated as hazardous wastes, § 261.5(j) would suggest that such mixtures that are re-refined would not be subject to

regulation under RCRA Subtitle C or the used oil management standards.

The used oil management standards, however, apply to used oil to be recycled irrespective of what form of recycling is to be employed. By its terms, the presumption in 40 CFR 279.10(a) that used oil is to be recycled (such that used oil is presumptively subject to the used oil management standards, unless it is disposed or sent for disposal), encompasses any type of recycling. The recycling presumption does not, for instance, condition the applicability of the used oil management standards on whether used oil is recycled by burning for energy recovery or by re-refining. To the extent that Part 279 applies to used oil that is to be recycled without regard to how the used oil is to be recycled, Part 279 applies equally to mixtures of used oil and CESQG wastes that are to be recycled irrespective of how that mixture is to be recycled.

The regulatory provisions that address mixtures of CESQG wastes and used oil to be recycled, § 261.5(j) and § 279.10(b)(3), are both intended to clarify that mixtures of CESQG wastes and used oil are subject to the used oil management standards, notwithstanding the conditional exemption of small quantity generator wastes from regulation as a hazardous waste. The apparent limitation contained in § 261.5(j), which would limit the applicability of the used oil management standards to mixtures to be burned for energy recovery, is an artifact of the pre-1992 used oil regulations at 40 CFR Part 266, which only regulated the burning of used oil. When the expanded used oil management standards were promulgated on September 10, 1992, the Agency inadvertently failed to amend § 261.5(j) to reflect the broader scope of the new Part 279. Indeed, the corresponding provision in Part 279 that addresses mixtures of CESQG wastes and used oil to be recycled, § 279.10(b)(3), does not contain the apparent limitation found in § 261.5(j) that would limit the applicability of the used oil management standards to mixtures to be burned for energy recovery. Today's rule amends § 261.5(j) as it should have been amended in 1992 to reflect the greater scope of Part 279 and to eliminate any potential ambiguity over the applicability of the used oil management standards to mixtures of CESQG wastes and used oil to be recycled.

D. References to the Used Oil Fuel Specification

Today's rule amends 40 CFR 261.6(a)(3)(iv)(A)–(C) to reflect the recodification of the used oil requirements at 40 CFR Part 279. The three provisions address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations. All three provisions incorrectly reference the pre-1992 used oil fuel specification provision, § 266.40(e), which was recodified in 1992 at § 279.11. These provisions should have been amended in 1992.

E. Clarification of the Recordkeeping Requirements for Marketers of On-Specification Used Oil

Today's rule amends 40 CFR 279.74(b) to clarify that the marketer who first claims that used oil that is to be burned for energy recovery meets the fuel specification (on-specification used oil) must only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. The preamble to the November 29, 1985 rule (50 FR 49164 at 49189) clearly describes the agency's intent to only track on-specification used oil that is to be burned for energy recovery one step beyond the initial marketer. When these recordkeeping requirements were recodified at 40 CFR 279.74(b) (57 FR 41566, September 10, 1992), the regulations required that a marketer must keep a record of each shipment of used oil to an on-specification used oil burner. However, the marketer who first claims that used oil that is to be burned for energy recovery meets the fuel specification might choose not to market the used oil directly to an on-specification used oil burner (i.e. a non-industrial oil burner). Instead, the on-specification used oil might be marketed to a fuel oil distributor for subsequent sale as fuel oil. In this situation, § 279.74(b) could be interpreted to require the initial marketer of the on-specification used oil to keep a record of all subsequent shipments of that used oil until the on-specification used oil reaches a used oil burner. Today's rule clarifies that the initial marketer of on-specification used oil must only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. The initial marketer need not keep a record of any subsequent transfers of this used oil. For example, the initial marketer would need to keep a record of a shipment of on-specification used oil to a fuel oil distributor, but the initial marketer would not need to keep records of

shipments of this used oil from the fuel oil distributor to fuel oil burners or other fuel oil distributors.

IV. State Authority

Under Section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. Following authorization, EPA retains enforcement authority under Sections 3008, 3013, and 7003 of RCRA, although authorized States have primary enforcement responsibility. The standards and requirements for authorization are found in 40 CFR part 271.

Today's amendments are not imposed pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA). Therefore, these corrections and clarifications will become effective immediately only in those States without interim or final authorization, not in authorized States.

Today's rule corrects and clarifies the scope of certain regulatory requirements and is, therefore, considered to be no more stringent than the existing federal standards. Authorized States are only required to modify their programs when EPA promulgates federal regulations that are more stringent or broader in scope than the existing federal regulations. Therefore, States that are authorized for the used oil management standards are not required to modify their programs to adopt today's rule. However, EPA strongly urges States to do so.

Given the minor scope of today's amendments, those States that are authorized for the used oil management standards may submit an abbreviated authorization revision application to the Region for today's amendments. 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 today's final rule (see the December 19, 1994, memorandum from Michael Shapiro, Director of the Office of Solid Waste, to the EPA Regional Division Directors that is in the docket for today's rule). The State should also submit a copy of its final rule or other authorizing authority. Revisions to the revised Program Description, Memorandum of Agreement, and Attorney General's statement are not necessary because today's rule merely corrects and clarifies the scope of certain regulatory requirements (§ 271.21(b)(1)). EPA expects that this simplified process will expedite the review of the authorization submittal for this rule.

V. Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

OMB has reviewed this rule and has determined it to be "not significant" under the terms of the Executive Order.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601-602, requires that Federal agencies examine the impacts of their regulations on "small entities". If a rulemaking will have a significant impact on a substantial number of small entities, agencies must consider regulatory alternatives that minimize economic impact.

EPA believes that today's rule will not impact any small entity because it does not impose regulatory requirements or otherwise substantively change existing requirements. Today's rule eliminates errors and clarifies ambiguities in the used oil management standards so as to restore the Agency's intended result. Therefore, I certify pursuant to 5 U.S.C. 601 *et seq.*, that this rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-

4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When a written statement is needed for any EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law.

Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector because it does not impose regulatory requirements or otherwise substantively change existing requirements. Today's rule eliminates errors and clarifies ambiguities in the used oil management standards so as to restore the Agency's intended result. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. Similarly, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), EPA submitted a report containing this rule and other required information to the

U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

VI. Effective Date

Because the regulated community does not need 6 months to come into compliance with this rule, EPA finds, pursuant to RCRA section 3010(b)(1), that this rule can be made effective in less than six months.

List of Subjects

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 279

Conditionally exempt small quantity generator (CESQG), Environmental protection, Hazardous waste, Polychlorinated biphenyls (PCBs), Solid waste, Recycling, Response to releases, Used oil, Used oil specification.

Dated: April 20, 1998.

Carol Browner,
Administrator.

For the reasons set out in the preamble, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

§ 261.5 [Amended]

2. Section 261.5(j) is amended by removing both phrases, "if it is destined to be burned for energy recovery".

§ 261.6 [Amended]

3. In § 261.6 paragraphs (a)(3)(iv)(A)-(C) are amended by revising the reference "266.40(e)" to read "279.11".

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

4. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and Sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

5. Section 279.10 is amended by revising paragraph (i) to read as follows:

§ 279.10 Applicability.

* * * * *

(i) *Used oil containing PCBs.* Used oil containing PCBs (as defined at 40 CFR 761.3) at any concentration less than 50 ppm is subject to the requirements of this part. Used oil subject to the requirements of this Part may also be subject to the prohibitions and requirements found at 40 CFR Part 761, including § 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this part, but is subject to regulation under 40 CFR part 761.

6. Section 279.22 is amended by revising paragraph (d) to read as follows:

§ 279.22 Used oil storage.

* * * * *

(d) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a generator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

7. Section 279.45 is amended by revising paragraph (h) to read as follows:

§ 279.45 Used oil storage at transfer facilities.

* * * * *

(h) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

8. Section 279.54 is amended by revising paragraph (g) to read as follows:

§ 279.54 Used oil management.

* * * * *

(g) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, an owner/operator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

* * * * *

9. Section 279.64 is amended by revising paragraph (g) to read as follows:

§ 279.64 Used oil storage.

* * * * *

(g) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a burner must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

10. Section 279.74 is amended by revising paragraph (b) to read as follows:

§ 279.74 Tracking.

* * * * *

(b) *On-specification used oil delivery.* A generator, transporter, processor/refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under § 279.11 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:

- (1) The name and address of the facility receiving the shipment;
- (2) The quantity of used oil fuel delivered;
- (3) The date of shipment or delivery; and
- (4) A cross-reference to the record of used oil analysis or other information used to make the determination that the

oil meets the specification as required under § 279.72(a).

* * * * *

[FR Doc. 98-11376 Filed 5-5-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067-AC67

Disaster Assistance; Public Assistance Program Appeals; Hazard Mitigation Grant Program Appeals

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Correction of final rule.

SUMMARY: This document corrects the final rule published on Wednesday, April 8, 1998 (63 FR 17108). The rule pertains to review and disposition of appeals related to Public Assistance grants and the Hazard Mitigation Grant Program.

EFFECTIVE DATE: May 8, 1998.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3619, (facsimile) (202) 646-3104, about HMGP appeals; or Melissa M. Howard, Response and Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3053, facsimile (202) 646-3304, about Public Assistance appeals.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency published a final rule on April 8, 1998 that changed from three to two the number of appeals allowed from decisions made about Public Assistance grants and the Hazard Mitigation Grant Program. As published the final rule contained two incorrect citations, the one in the Supplementary Information, and the other in the rule. In the Background statement of the Supplementary Information, the text read 44 CFR 202.206 and should have read 44 CFR 206.206. In the rule, § 206.206(e)(2) read 44 CFR 206.440 and should have read 44 CFR 206.206.

Accordingly, the final rule published as FR Doc. 98-9207 on April 8, 1998, 63 FR 17108, is corrected as follows:

- (a) On page 17108, in the third column, under Supplementary Information, Background, in the first paragraph the second sentence is corrected to read as follows:

(2) A veteran in need of regular aid and attendance who was formerly in receipt of increased pension as described in paragraph (a)(1) of this section whose pension has been discontinued solely by reason of excess income, but only so long as such veteran's annual income does not exceed the maximum annual income limitation by more than \$1,000, and

(b) The drugs and medicines are prescribed as specific therapy in the treatment of any of the veteran's illnesses or injuries.

This document amends § 17.96 to allow prescriptions to be filled by non-VA pharmacies in state homes under contract with VA for filling prescriptions for patients in state homes. State home pharmacies are fully operational facilities that in many cases can efficiently meet the needs of veterans in the state homes. This action is consistent with VA's special relationship with state homes. It will eliminate duplication of services and will help improve timeliness for filling prescriptions in state homes.

Administrative Procedure Act

This document is published without regard to the notice and comment and effective date provisions of 5 U.S.C. 553 since it pertains to agency management.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this interim final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612.

The rule at the most will have only a minuscule economic effect on any small entity. Therefore, pursuant to 5 U.S.C. 605(b), this interim final rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

Catalog of Federal Domestic Assistance Program Number

The Catalog of Federal Domestic Assistance program number for this document is 64.012.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: June 30, 1998.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth above, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

2. In § 17.96, the introductory text is amended by removing "pharmacy" and adding, in its place, "pharmacy or a non-VA pharmacy in a state home under contract with VA for filling prescriptions for patients in state homes"; the authority citation at the end of paragraph (a) is removed; and an authority citation is added at the end of the section to read as follows:

§ 17.96 Prescriptions filled.

* * * * *

(Authority: 38 U.S.C. 1712 (d))

[FR Doc. 98-18644 Filed 7-13-98; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 279

[FRL-6123-3]

RIN 2050-AE47

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards

AGENCY: Environmental Protection Agency.

ACTION: Removal of direct final rule amendments.

SUMMARY: Today's rule removes three amendments to the used oil management standards originally included in the direct final rule of May 6, 1998 and restores the regulatory text that existed prior to the direct final rule. The Agency received relevant adverse comment on three provisions of this rule which deal with mixtures of conditionally exempt small quantity generator waste and used oil, the applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs), and record keeping requirements for marketers of used oil meeting the used oil fuel specification. EPA will consider the comments received as it finalizes the remaining amendments in the near future.

EFFECTIVE DATE: July 14, 1998.

ADDRESSES: Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The Docket Identification Number is F-98-CUOP-FFFFF. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline. For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412-9810 or TDD (703) 412-3323.

Rulemaking Details. For more detailed information on specific aspects of this rulemaking, contact Tom Rinehart by mail at Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by phone at (703) 308-4309, or by Internet e-mail at rinehart.tom@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Withdrawal of Amendments that Received Relevant Adverse Comment

On May 6, 1998, EPA issued a direct final rule (63 FR 24963) which included eight amendments clarifying various parts of the used oil management standards and provisions of the hazardous waste regulations concerning used oil. EPA also issued a notice of proposed rulemaking on May 6, 1998 (63 FR 25006), in which the Agency proposed and solicited public comment on the same eight amendments. EPA received relevant adverse comments on three of the amendments in this rulemaking: the amendments to 40 CFR 261.5(j) (mixtures of conditionally exempt small quantity generator waste and used oil), 40 CFR 279.10(i) (applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs)), and 40 CFR 279.74(b) (recordkeeping requirements for marketers of used oil that meets the used oil fuel specification). Accordingly, today's document removes

these three amendments and reinstates the regulatory text that existed prior to the May 6, 1998 direct final rule. EPA finds that good cause exists under 5 U.S.C. 553(b) to promulgate today's rule in final form, because this rule reinstates regulatory requirements currently in effect. EPA will promulgate a final rule in the near future finalizing the three amendments, as appropriate, and addressing the comments received. The five amendments that did not receive relevant adverse comment became effective on July 6, 1998 as provided in the May 6, 1998 direct final rule.

EPA also received supportive comments on the three amendments being removed as well as the other amendments issued in the May 6, 1998 direct final rule. All of the comments received on the May 6, 1998 direct final rule are available on the Internet as described below and at the RCRA Information Center identified in the ADDRESSES section above.

Internet Availability

Today's rule, the comments received on the May 6, 1998 direct final rule and proposal (63 FR 24963 and 25006), and the following supporting materials are available on the Internet:

Docket Item: Petition for Review.

From: Edison Electric Institute, et al.

To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Petitioners' Preliminary and Non-binding Statement of Issues to be Raised on Appeal.

From: Edison Electric Institute, et al.

To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Letter describing Edison Electric Institute's outstanding issues and proposals for resolving these issues.

From: Edison Electric Institute, et al.

To: U.S. Environmental Protection Agency.

Docket Item: Letter describing Edison Electric Institute's issues including a request that EPA issue a technical correction to 40 CFR 279.10(i).

From: Edison Electric Institute, et al.

To: U.S. Environmental Protection Agency.

Docket Item: Letter requesting that EPA resolve outstanding issues.

From: Edison Electric Institute, et al.

To: U.S. Environmental Protection Agency.

Docket Item: Settlement Agreement.

From: Edison Electric Institute, et al., U.S. Environmental Protection Agency, and U.S. Department of Justice.

To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Memorandum that describes an abbreviated state

authorization revision application procedure for state rule changes in response to minor federal rule changes or corrections.

From: Michael Shapiro, Director, Office of Solid Waste, EPA.

To: EPA Regional Waste Management Division Directors.

Follow these instructions to access this information electronically: WWW URL: <http://www.epa.gov/epaoswer/hazwaste/usedoil/index.htm>.

FTP: ftp.epa.gov.

Login: anonymous.

Password: your Internet e-mail address.

Path: /pub/epaoswer.

Note: The official record for this action will be kept in paper form and maintained at the address in the ADDRESSES section above.

I. Regulatory Requirements

A. Analysis Under Executive Order 12866, Executive Order 12875, the Paperwork Reduction Act, National Technology Transfer and Advancement Act of 1995, and Executive Order 13045

Today's rule removes three amendments issued as part of the May 6, 1998 direct final rule and reinstates the regulatory text that existed prior to the May 6, 1998 direct final rule and that was in effect until July 6, 1998. Today's action is not a "significant regulatory action" for the purposes of Executive Order 12866, and is therefore not subject to review by the Office of Management and Budget. Today's rule also does not impose obligations on State, local or tribal governments for the purposes of Executive Order 12875.

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub L. No. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. Neither this action nor the direct final rule involve technical standards. Therefore, EPA did not consider the use of any voluntary standards in this rulemaking. Today's rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23,

1997), because this action is not an economically significant rule, and it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children. Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

B. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

II. Immediate Effective Date

Because the regulated community does not need 6 months to come into compliance with this rule, EPA finds, pursuant to RCRA section 3010(b)(1), that this rule can be made effective in less than six months. Also, EPA finds that good cause exists under 5 U.S.C. 553(d)(3) to waive the requirement that regulations be published at least 30 days before they become effective, because this rule reinstates regulatory requirements.

List of Subjects

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 279

Conditionally exempt small quantity generator (CESQG), Environmental protection, Hazardous waste, Polychlorinated biphenyls (PCBs), Solid waste, Recycling, Response to releases, Used oil, Used oil specification.

Dated: July 6, 1998.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

2. Section 261.5 is amended by revising paragraph (j) to read as follows:

§ 261.5 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

* * * * *

(j) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to part 279 of this chapter if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

3. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

4. Section 279.10 is amended by revising paragraph (i) to read as follows:

§ 279.10 Applicability.

* * * * *

(i) *Used oil containing PCBs.* In addition to the requirements of this part, marketers and burners of used oil who market used oil containing any quantifiable level of PCBs are subject to the requirements found at 40 CFR 761.20(e).

5. Section 279.74 is amended by revising paragraph (b) to read as follows:

§ 279.74 Tracking.

* * * * *

(b) *On-specification used oil delivery.* A generator, transporter, processor/refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under § 279.11 must keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:

- (1) The name and address of the facility receiving the shipment;
- (2) The quantity of used oil fuel delivered;
- (3) The date of shipment or delivery; and
- (4) A cross-reference to the record of used oil analysis or other information

used to make the determination that the oil meets the specification as required under § 279.72(a).

* * * * *

[FR Doc. 98-18423 Filed 7-13-98; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6123-6]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of the Novaco Industries Superfund site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Novaco Industries Site in Michigan from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Michigan, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Michigan have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: July 14, 1998.

FOR FURTHER INFORMATION CONTACT: Russell Hart at (312) 886-4844 (SR-6J), Remedial Project Manager or Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: The Bedford Township Hall and Monroe County Library-Bedford, Bedford, Michigan. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Novaco Industries Site located in Temperance, Michigan. A Notice of Intent to Delete for this site was published May 27, 1998 (63 FR 28961). The closing date for comments on the Notice of Intent to Delete was June 26, 1998. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 1, 1998.

David Ullrich,

Acting Regional Administrator, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B [Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Site "Novaco Industries, Temperance, Michigan."

[FR Doc. 98-18588 Filed 7-13-98; 8:45 am]

BILLING CODE 6560-50-P