

Revision Checklist 216 Summary

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| Rule Title: | Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System To Produce Synthesis Gas |
| Checklist Title: | Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas |
| Reference: | 73 <u>FR</u> 57 - 72 |
| Promulgation Date: | January 2, 2008 |
| Effective Date: | February 1, 2008 |
| Cluster: | RCRA Cluster XVIII |
| Provision Type: | Non-HSWA |
| Linkage: | 169 |
| Optional: | Yes |

Summary: Today's rule amends an existing exclusion to the definition of solid waste that applies to oil-bearing hazardous secondary materials generated at a petroleum refinery when these materials are recycled by inserting them back into the petroleum refining process and certain other conditions are met. The exclusion allows these materials to be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery. Today's rule adds "gasification" to the list of already recognized petroleum refinery processes and adds a definition for the term "gasification."

State Authorization: This rule is placed in RCRA Cluster XVIII. The state modification deadline is July 1, 2009 (or July 1, 2010 if a state statutory change is necessary).

This rule is promulgated pursuant to non-HSWA authority and is considered to be less stringent than the current federal requirements. Therefore, states will not be required to adopt and seek authorization for this rule.

Attorney General (AG) Certification Guidance: Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for identification and listing of hazardous waste.

Program Description (PD) Guidance: A state seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

Incorporation by Reference Guidance: There is no special guidance for states that incorporate by reference.