

§ 273.80

(a) A universal waste transporter is subject to the universal waste transporter requirements of subpart D of this part.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subparts B or C, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of subpart E of this part.

(d) Persons managing universal waste that is imported from an OECD country as specified in 40 CFR 262.58(a)(1) are subject to paragraphs (a) through (c) of this section, in addition to the requirements of 40 CFR part 262, subpart H.

[60 FR 25542, May 11, 1995, as amended at 61 FR 16316]

Subpart G—Petitions to Include Other Wastes Under 40 CFR Part 273

§ 273.80 General.

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to this part may petition for a regulatory amendment under this subpart and 40 CFR 260.20 and 260.23.

(b) To be successful, the petitioner must demonstrate to the satisfaction of the Administrator that regulation under the universal waste regulations of 40 CFR part 273 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by 40 CFR 260.20(b). The petition should also address as many of the factors listed in 40 CFR 273.81 as are appropriate for the waste or waste category addressed in the petition.

(c) The Administrator will evaluate petitions using the factors listed in 40 CFR 273.81. The Administrator will grant or deny a petition using the factors listed in 40 CFR 273.81. The decision will be based on the weight of evidence showing that regulation under 40 CFR part 273 is appropriate for the waste or category of waste, will improve management practices for the

40 CFR Ch. I (7–1–02 Edition)

waste or category of waste, and will improve implementation of the hazardous waste program.

§ 273.81 Factors for petitions to include other wastes under 40 CFR part 273.

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in subpart D of part 261 of this chapter, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in subpart C of part 261 of this chapter. (When a characteristic waste is added to the universal waste regulations of this part 273 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in § 260.10 of this chapter and § 273.9 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries.) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this part 273;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to 40 CFR

Environmental Protection Agency

Pt. 279

273.13, 273.33, and 273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or category of waste under 40 CFR part 273 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA.

(g) Regulation of the waste or category of waste under 40 CFR part 273 will improve implementation of and compliance with the hazardous waste regulatory program; and/or

(h) Such other factors as may be appropriate.

[60 FR 25542, May 11, 1995, as amended at 64 FR 36490, July 6, 1999]

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

Subpart A—Definitions

Sec.

279.1 Definitions.

Subpart B—Applicability

279.10 Applicability.

279.11 Used oil specifications.

279.12 Prohibitions.

Subpart C—Standards for Used Oil Generators

279.20 Applicability.

279.21 Hazardous waste mixing.

279.22 Used oil storage.

279.23 On-site burning in space heaters.

279.24 Off-site shipments.

Subpart D—Standards for Used Oil Collection Centers and Aggregation Points

279.30 Do-it-yourselfer used oil collection centers.

279.31 Used oil collection centers.

279.32 Used oil aggregate points owned by the generator.

Subpart E—Standards for Used Oil Transporter and Transfer Facilities

279.40 Applicability.

279.41 Restrictions on transporters who are not also processors or re-refiners.

279.42 Notification.

279.43 Used oil transportation.

279.44 Rebuttable presumption for used oil.

279.45 Used oil storage at transfer facilities.

279.46 Tracking.

279.47 Management of residues.

Subpart F—Standards for Used Oil Processors and Re-Refiners

279.50 Applicability.

279.51 Notification.

279.52 General facility standards.

279.53 Rebuttable presumption for used oil.

279.54 Used oil management.

279.55 Analysis plan.

279.56 Tracking.

279.57 Operating record and reporting.

279.58 Off-site shipments of used oil.

279.59 Management of residues.

Subpart G—Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery

279.60 Applicability.

279.61 Restrictions on burning.

279.62 Notification.

279.63 Rebuttable presumption for used oil.

279.64 Used oil storage.

279.65 Tracking.

279.66 Notices.

279.67 Management of residues.

Subpart H—Standards for Used Oil Fuel Marketers

279.70 Applicability.

279.71 Prohibitions.

279.72 On-specification used oil fuel.

279.73 Notification.

279.74 Tracking.

279.75 Notices.

Subpart I—Standards for Use as a Dust Suppressant and Disposal of Used Oil

279.80 Applicability.

279.81 Disposal.

279.82 Use as a dust suppressant.

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)).

SOURCE: 57 FR 41612, Sept. 10, 1992, unless otherwise noted.