

<u>SUBJECT</u>		<u>DATE</u>
1056. PCB Reporting and Recordkeeping Relief	ENCORE	JAN 12, 2014
1057. Commercial Chemical Products and Unused Batteries	ENCORE	JAN 16, 2014
1058. PCB Annual Records Retention Timeframes		JAN 31, 2014
1059. Satellite Accumulation within a ≤90-day Accumulation Area		FEB 7, 2014
1060. PCB Certificate of Disposal Relief	ENCORE	FEB 13, 2014
1061. Used Oil and Weekly Inspections		FEB 20, 2014
1062. Bags and RCRA Container Definition		FEB 27, 2014
1063. Product Storage Tank Residues and Hazardous Waste Regulations	ENCORE	MAR 6, 2014
1064. Spent Lead-Acid Batteries and Accumulation Time Limits		MAR 13, 2014
1065. Land Disposal Restrictions and Dates of Accumulation		MAR 23, 2014
1066. Universal Waste Accumulation Time Limits and the One Year Rule		MAR 29, 2014
1067. PCB Manifest Discrepancy Reports and Estimated Waste Weights		APR 6, 2014
1068. PCB Wastes, Independent Transporters and Confirmation of Receipt		APR 10, 2014
1069. Paint Wastes and The Applicability of the F001-F005 Listings to Ingredients	ENCORE	APR 20, 2014
1070. Other Paint Wastes and the Applicability of the F001-F005 Listings	ENCORE	APR 24, 2014
1071. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents		MAY 1, 2014
1072. TSCA "No PCBs" versus "Non-PCBs" versus "Nondetectable PCBs"	ENCORE	MAY 8, 2014
1073. Purpose of Keeping a Hazardous Waste Container Closed	ENCORE	MAY 15, 2014
1074. PCB Containers and Multiple Removed From Service Dates		MAY 22, 2014
1075. Satellite Accumulation and RCRA Personnel Training		MAY 29, 2014
1076. Transporter Signatures on Hazardous Waste Manifest and Multiple Drivers		JUN 5, 2014
1077. Universal Waste and Nonhazardous Batteries		JUN 12, 2014
1078. Universal Waste and Incandescent Bulbs		JUN 19, 2014
1079. The PCB Mark and the Fields "Also Contact" and "Tel No"	ENCORE	JUN 29, 2014
1080. Halon Fire Extinguishers - Banned or Not Banned?	ENCORE	JUL 5, 2014
1081. Cabinets as RCRA Containers	ENCORE	JUL 13, 2014
1082. LDR Storage Prohibitions and Treated Wastes	ENCORE	JUL 17, 2014
1083. LDR Treatment Standards and F001 "Chlorinated Fluorocarbons"	ENCORE	JUL 24, 2014
1084. RCRA Regulatory Status of Chlorinated Fluorocarbons Used as Refrigerants	ENCORE	JUL 31, 2014
1085. Universal Wastes, Manifesting and DOT Shipping Names		AUG 7, 2014
1086. CERCLA Hazardous Substances – A Brief Definition		AUG 14, 2014
1087. CERCLA Hazardous Substances – The Petroleum Exclusion		AUG 21, 2014
1088. PCB Concentration Assumptions for Use vs. PCB Disposal	ENCORE	AUG 28, 2014
1089. Universal Waste and Basis for the One Year Accumulation Time Limit		SEP 4, 2014
1090. Product Spills and Waste Determinations	ENCORE	SEP 11, 2014
1091. PCB Concentrations and 10,000 PPM		SEP 18, 2014
1092. PCB Concentrations and 1,000 PPM		SEP 25, 2014
1093. Universal Waste Alkaline Batteries and Self-Transportation		OCT 2, 2014
1094. Universal Waste Lithium Batteries and Self-Transportation		OCT 9, 2014
1095. Universal Waste Batteries and Closed Containers	ENCORE	OCT 16, 2014
1096. PCB Containers and Concentration of PCBs		OCT 23, 2014
1097. Recyclable Chemicals and Zombie Destruction		OCT 31, 2014
1098. Satellite Accumulation Requirements in Washington State	ENCORE	NOV 6, 2014
1099. Satellite Accumulation and "At or Near"		NOV 13, 2014
1100. Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch	ENCORE	NOV 20, 2014
1101. Defining Criteria for Household Waste Exclusion	ENCORE	NOV 26, 2014
1102. The Household Waste Exclusion and Renovation Debris		DEC 4, 2014
1103. The Household Waste Exclusion and Renovation Debris – Part II		DEC 11, 2014
1104. PCB Ballasts and Disposal Options	ENCORE	DEC 18, 2014
1105. 'Twas the Night Before Christmas – The Twenty-Second Edition		DEC 24, 2014
1106. Printed Circuit Board Recycling – Shredded vs. Whole	ENCORE	JAN 1, 2015
1107. Satellite Accumulation and Product Vessel Cleanouts		JAN 8, 2015
1108. Date of Accumulation for Hazardous Waste and Receipt of Analytical Information	ENCORE	JAN 15, 2015
1109. Conservative Declarations that Material is a Hazardous Waste		JAN 22, 2015
1110. Hazardous Waste Generator Tanks and the Date of Accumulation Marking	ENCORE	JAN 29, 2015
1111. Universal Waste, Satellite Accumulation and Centralized Collection Areas		FEB 4, 2015
1112. The PCB Mark and PCB Storage for Disposal Areas	ENCORE	FEB 12, 2015
1113. EPA Hazardous Waste Markings - Accumulation vs. Pre-Transport	ENCORE	FEB 19, 2015
1114. Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE	FEB 26, 2015

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## TWO MINUTE TRAINING

**TO:** CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, RCRA Subject Matter Expert  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** USED OIL FILTER REGULATION – THE FEDS VS. WASHINGTON STATE

**DATE:** FEBRUARY 26, 2015

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Tania Bates Ty Blackford Bob Cathel Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Jim McGrogan Stuart Mortensen Anthony Nagel Dean Nester Dave Richards Phil Sheely Connie Simiele Roni Swan Michael Waters Jeff Westcott Jeff Widney	Brett Barnes Ron Brunke Bill Cox Lorna Dittmer Rick Engelmann Ted Hopkins Jim Leary Dale McKenney Jon McKibben Rick Oldham Linda Petersen Fred Ruck Jennie Seaver Wayne Toebe Lee Tuott Daniel Turlington Dave Watson Joel Williams	Jerry Cammann Jeff Ehlis Garin Erickson Lori Fritz Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Saul Martinez Jon Perry Thomas Pysto Don Rokkan Lana Strickling Lou Upton Christina Zerby	Alan Campbell Grant McCalmant  <u>DOE RL, ORP, WIPP</u>  Mary Beth Burandt Cliff Clark Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Greta Davis Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Dan Kimball Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Judith Nielsen Mandy Pascual Kirk Peterson Jean Quigley	Mark Rollison Dan Saueressig Merrie Schilperoort Joelle Stamm Glen Triner Greg Varljen Julie Waddoups Kyle Webster Ted Wooley

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## TWO MINUTE TRAINING

**SUBJECT:** Used Oil Filter Regulation – The Feds vs. Washington State

**Q:** Are there differences between how the Feds versus Washington State regulate used oil filters and if so, what are the basic differences?

**A:** Per 40 CFR 261.4, “Exclusions” and paragraph (b)(13), non-terne plated (no lead) used oil filters that have not been mixed with a listed hazardous waste and have been gravity hot-drained as prescribed, are not hazardous wastes. This means that when Federal used oil filter carcasses are properly drained, they can be disposed as ordinary trash or recycled as nonregulated material. The drained used oil could be managed as used oil under 40 CFR 279 or as hazardous waste if the used oil was determined to be regulated since used oil destined for disposal is still a solid waste subject to hazardous waste determinations.

Per WAC 173-303-071, “Excluded categories of waste”, and paragraph (3)(y), used oil filters (terne and non-terne) that are recycled for the used oil and the scrap metal are excluded from WAC 173-303 except for the requirements concerning cleanup authority; spills and discharges to the environment; and imminent and substantial endangerment to health and the environment. There is no equivalent wording in WAC 173-303 that allows gravity hot-draining and exclusion as dangerous waste for drained used oil filters. This means that used oil filters are only excluded as dangerous waste when the used oil and the used oil filter carcass are recycled.

So the basic difference is that the Federal regulations allow exclusion of used oil filters when the filters are gravity hot-drained, but the Washington State regulations only allow exclusion when the filter is recycled as scrap metal and the oil is recycled as used oil.

### SUMMARY:

- Under the Federal regulations, a gravity hot-drained used oil filter is excluded as hazardous waste.
- Under the WA State regulations, only a fully recycled used oil filter is excluded as dangerous waste.
- And even then, the WA State regulations impose cleanup authority, spills/discharges and imminent endangerment on used oil filters being recycled.

40 CFR 261.4(b)(13) and WAC 173-303-071(3)(y) and associated excerpts are attached to the e-mail. If you have any questions, please contact me at “Paul\_W\_Martin@rl.gov” or at (509) 376-6620.

**FROM:** Paul W. Martin

**DATE:** 2/26/15

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Used Oil Filter Regulation – The Feds vs. Washington State

### **40 CFR Part 261.4 Exclusions**

(b) *Solid wastes which are not hazardous wastes.* The following solid wastes are not hazardous wastes:

(13) Non-terne plated used oil filters that are not mixed with wastes listed in subpart D of this part if these oil filters have been gravity hot-drained using one of the following methods:

- (i) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- (ii) Hot-draining and crushing;
- (iii) Dismantling and hot-draining; or
- (iv) Any other equivalent hot-draining method that will remove used oil.

### **WAC 173-303-071 Excluded categories of waste.**

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for **WAC 173-303-050, 173-303-145, and 173-303-960**, and as otherwise specified:

(y) Used oil filters that are recycled in accordance with **WAC 173-303-120**, as used oil and scrap metal.

### **WAC 173-303-120 Recycled, reclaimed, and recovered wastes.**

(2)

(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(iv) **Scrap metal** that is not excluded under WAC 173-303-071 (3)(ff);

(5) **Used oil** that is recycled and is also a dangerous waste solely because it exhibits a dangerous waste characteristic or criteria is not subject to the requirements of this chapter except for 40 CFR Part 279 which is incorporated by reference at WAC 173-303-515 . Used oil that is recycled includes any used oil that is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

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## **TWO MINUTE TRAINING - ATTACHMENT**

**SUBJECT:** Used Oil Filter Regulation – The Feds vs. Washington State

### **WAC 173-303-050 Department of ecology cleanup authority.**

The department may conduct or contract for the removal of dangerous wastes or hazardous substances where there has been or is a potential for discharge or release, regardless of quantity or concentration, which could pose a threat to public health or the environment.

### **WAC 173-303-145 Spills and discharges into the environment.**

(1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge of a dangerous waste or hazardous substance into the environment, except when such release is otherwise permitted under state or federal law. For the purposes of complying with this section, a transporter who spills or discharges dangerous waste or hazardous substances during transportation will be considered the responsible person. This section applies when any dangerous waste or hazardous substance is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that human health or the environment is threatened, regardless of the quantity of dangerous waste or hazardous substance.

(2) Notification. Any person who is responsible for a spill or nonpermitted discharge must immediately notify the individuals and authorities described for the following situations:

- (a)...
- (b)...

(3) Mitigation and control. The person responsible for a spill or nonpermitted discharge must take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

- (a)...
- (b)...

(4) Nothing in WAC 173-303-145 eliminates any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

### **WAC 173-303-960 Special powers and authorities of the department.**

Notwithstanding any other provision of this chapter, the department may direct the attorney general to bring actions for injunctive, declaratory, or other relief to enforce any requirement of this chapter, or to bring suit to immediately restrain or obtain such other relief as may be necessary against any person contributing to the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste that may present an imminent and substantial endangerment to health or the environment.

**FROM:** Paul W. Martin

**DATE:** 2/26/15

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