

<u>SUBJECT</u>		<u>DATE</u>
1320.	Treated Hazardous Waste Used as Dust Suppressant	FEB 28, 2019
1321.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE MAR 7, 2019
1322.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE MAR 14, 2019
1323.	Decharacterized Wastes, ≤90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE MAR 21, 2019
1324.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE MAR 28, 2019
1325.	PCB Decontamination Standard with No Decontamination Performed	ENCORE APR 4, 2019
1326.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required?	ENCORE APR 11, 2019
1327.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required? – The Sequel	ENCORE APR 18, 2019
1328.	PCB Concentrations and Micrograms per Centimeters Squared (µg/cm <sup>2</sup> )	ENCORE APR 25, 2019
1329.	Operating Record vs. Operating Log	ENCORE MAY 2, 2019
1330.	Operating Records Not Referenced in the “Operating Record” Regulations	ENCORE MAY 9, 2019
1331.	Washington State Used Oil and Mixtures with Other Materials	ENCORE MAY 16, 2019
1332.	Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE MAY 23, 2019

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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:** MAY 23, 2019

<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 Rene Catlow Richard Clinton Larry Cole Laura Cusack John Dent Lorna Dittmer Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Bill Cox Noah Cruz Jeanne Elkins Jonathan Fullmer Ted Hopkins Tad Karschnia Barry Lawrence Jim Leary Diane Leist Mitch Marrott Stewart McMahan Brian Mitcheltree Anthony Nagel Linda Petersen Fred Ruck Sean Sexton Dave Shea Ray Swenson Kat Thompson Wayne Toebe Eric Trotta Daniel Turlington Dave Watson	Brett Barnes Michael Carlson Mike Demiter Kip George Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Matt Mills Carly Nelson Michelle Oates Eric Pennala Jon Perry Christina Robison Christian Seavoy David Shaw John Skoglie Lana Strickling Greg Sullivan	(TBD)  <u>DOE RL, ORP, WIPP</u>  Mary Beth Burandt Duane Carter Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Tom Gilmore Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick 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 recycled as used oil under [40 CFR 279](#) or disposed 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.

Therefore, 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 used oil filters are 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.
- 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, contact me at [Paul\\_W\\_Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

**FROM:** Paul W. Martin

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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 applicable requirements of [WAC 173-303-515](#) and the requirements of 40 C.F.R. 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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