

SUBJECT

DATE

1254. Used Oil Filter Regulation – The Feds vs. Washington State

ENCORE

NOV 16, 2017

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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: NOVEMBER 16, 2017

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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

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TWO MINUTE TRAINING - ATTACHMENT

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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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