



BROUHAHA OVER PAPER OR METAL – MANAGEMENT OF USED OIL & FUEL FILTERS (CALIFORNIA ONLY)

BACKGROUND: Used oil filters may exhibit hazardous characteristics and hence, are classified as hazardous waste in California. To encourage the recycling of used oil filters, California DTSC adopted reduced handling requirements for drained used oil filters as scrap metal. Used oil filters must not be disposed of in trash cans or at non-hazardous waste landfills. Legislation was enacted in 2004 (AB 2254, Aghazarian) that allowed spent fuel filters from automobiles to be added to spent oil filters for disposal.

PAPER FILTERS: Auto manufacturers, in an effort to reduce the costs of transportation and overall costs of disposal, started shipping only the paper cartridge to dealers. Shipping paper cartridges meant that there were no metal casings to be disposed of, thereby reducing the amount of waste generated. Dealership technicians merely replaced the spent paper filter in the metal casing with a new paper cartridge. The oil filter efficacy is not compromised and the paper filter was placed in the drum for used oil filters. We note that the toxicity and the potential for harm to the environment of the spent filter is the same in both cases.

ENFORCEMENT: In case you missed it, the exemption from hazardous waste regulations was valid so long as the filters were recycled as scrap metal. With the new spent paper filters without the metal casings, the exemption of *scrap metal* has gone away. So now, CUPA inspectors and Cal/EPA have begun enforcement where the paper and metal casing filters are being disposed of at separate sites. CUPA and Cal/EPA inspectors now require dealers to store the metal and paper cartridge filters in separate drums. The metal casing filters (including spent fuel filters) are transported to scrap metal facilities whereas the spent paper filters are disposed of at a hazardous waste processing facility. Costs for metal filter disposal are in the range of \$55/barrel while the paper filter drum disposal, you guessed it right, is much higher at around \$200/barrel. Dealers can recover all expenses related to hazardous waste disposal under a hazardous waste cost recovery program.

COST RECOVERY PROGRAM: California BAR regulations allow dealers to recover the expenses, both direct and indirect, incurred in handling, management, and disposal of wastes generated during servicing automobiles. This charge must be stated on the estimate and on the Repair Order as a separate line item as “Hazardous Waste Disposal Fee”. Expenses that can be collected are as follows:

- Direct hazardous waste disposal expenses such as those paid to the hauler;
- Tanks, pumps, and other hardware costs related to hazardous waste storage;
- Management expenses related to hazardous waste storage and disposal;
- Taxes and fees related to hazardous waste storage paid to the state, city, and other agencies.

WHAT TO DO: The scrap filter hauler must be contacted for an extra drum duly labeled for hazardous waste to store the spent used oil filter (paper) cartridge. The spent oily paper filter waste drums must be disposed every 90-days for facilities that generate 300 gal/month of hazardous waste. Metal cartridge filters can be disposed the same way as in the past; they are not subject to this new enforcement. Train your employees on the fact that the paper and metal cartridge filters now need to go into separate drums!

MISCELLANEOUS GUIDANCE ON USED OIL FILTERS (METAL)

Summary of Generator Management Requirements for Used Oil Filters and Fuel Filters:

- Drain and collect the free-flowing oil from the filters.
- The collected oil should be managed under the requirements for used oil.
- Properly contain, label, and store the used filters.

- Store the filters within the allowed time limits.
- Transport under a bill of lading to an appropriate destination for eventual metal recycling.
- Keep a copy of the bill of lading for three years.

Draining: How much is enough? Used oil and fuel filters must be drained of all free-flowing oil or fuel before they are placed in storage containers. The term “free-flowing” means a continuous stream of used oil from the filter when it is turned over. Used oil that flows drop-by-drop is not considered to be free-flowing. If the filter is equipped with a flapper valve or other device that blocks the drainage, the valve must be opened or the filter case punctured or opened to allow the residual used oil or fuel to drain freely.

Oil filter crushers are commonly used by oil filter generators to remove oil and compact oil filters for shipping. The used oil filter regulations allow generators to pierce and crush drained oil filters to prepare them for recycling. This treatment does not require a hazardous waste treatment permit. The generator must properly manage all used oil and other residues that drain from the filters as a result of the crushing, puncturing, or other activities. The cost involved in crushing operations and associated labor often does not justify in reduction of costs from fewer drums for disposal, i.e., crushing may not make business sense.

Containers: What do you keep them in? Since oil filters can still drip oil after they have been drained, oil filters must be placed in a container that can capture all of the used oil that continues to drain from the filters. The containers of used filters must be:

- Labeled as “Drained Used Oil Filters”, clearly marked with the initial date of accumulation. The initial date of accumulation is the date when the first filter is placed in the container, or the date when a container of filters is received at a second location;
- Contained in rain-proof, non-leaking, closed containers;
- Closed and sealed during transportation so that used oil will not spill out once containers are placed or if it tips onto its sides.

Storage Times: Generators may store up to one ton of used oil filters for a period of up to one year. The storage of one ton or more of used oil filters is limited to 180 days. One ton of filters is approximately equivalent to nine drums of uncrushed filters or six drums of crushed filters.

Allowed Destinations: The purpose of oil filter regulations is to encourage recycling of metal cases and used oil. Because of this, you may only send them to certain facilities. Allowed destinations for used oil filters are:

- Used oil collection centers that accept used oil filters;
- Smelter or scrap metal processor for recycling;
- Municipal solid waste incinerator for energy recovery, only if the remaining metal casings are then sent to a smelter or scrap metal processor for recycling;
- Storage or consolidation facility that then transfers the filters to a smelter, scrap metal processor, or municipal solid waste incinerator as described above; or
- An authorized hazardous waste facility.

Ref: See CCR Title 22 Section 66266.130, Health & Safety Code 25250.22 and https://www.dtsc.ca.gov/InformationResources/upload/RAG_Used-Oil-Filters_Generators1.pdf.

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