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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 16@ Recyclable Materials (Recyclable Hazardous Wastes)

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Article 10@ Requirements for Management of Certain Oily Wastes

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Section 66266.130@ Management of Used Oil Filters

## **66266.130 Management of Used Oil Filters**

### **(a)**

Used oil filters are to be managed as hazardous waste unless the conditions of one of the following paragraphs are met: (1) The filters are characterized as being nonhazardous using procedures identified in this division and applicable waste characterization procedures found in federal regulations or; (2) The conditions of subsection (b) of this section are met and the filters are managed in compliance with the requirements of subsection (c) of this section or; (3) The filters are generated by persons maintaining their own place of residence (i.e., household waste) and such filters are taken to a collection location (such as a service station, parts retailer, household waste collection location, etc.) or picked-up by a curbside collection system and transferred for purposes of recycling. The filters must be contained after their initial acceptance or collection so as to capture used oil that may separate from them. Upon reaching a location where proper drainage is practical, the filters shall be managed in accordance with subsection (c) of this section.

### **(1)**

The filters are characterized as being nonhazardous using procedures identified in this division and applicable waste characterization procedures found in federal regulations or;

### **(2)**

The conditions of subsection (b) of this section are met and the filters are managed in compliance with the requirements of subsection (c) of this section or;

**(3)**

The filters are generated by persons maintaining their own place of residence (i.e., household waste) and such filters are taken to a collection location (such as a service station, parts retailer, household waste collection location, etc.) or picked-up by a curbside collection system and transferred for purposes of recycling. The filters must be contained after their initial acceptance or collection so as to capture used oil that may separate from them. Upon reaching a location where proper drainage is practical, the filters shall be managed in accordance with subsection (c) of this section.

**(b)**

For the purposes of subsection (c) of this section, "used oil filters" are defined as filters which contain a residue of used oil (as defined in Health and Safety Code Section 25250.1(a)) and which are exempt from regulation as a hazardous waste under the scrap metal provision found in federal law (40 CFR Section 261.6(a)(3)(iv)).

**(c)**

In accordance with subsection (a) of this section, used oil filters that meet the conditions of subsection (b) of this section and are managed and recycled in compliance with the following requirements shall not be regulated as hazardous waste. (1) The filters are drained of free-flowing used oil. For the purposes of this subsection, free-flowing is defined as a continuous stream of oil exiting the filter when the filter is inverted. Oil exiting drop by drop is not considered to be free-flowing. However, if the filter is equipped with a device (such as a rubber flap located just inside the filter opening) which impedes the drainage of used oil from the filter, that device shall be manipulated to allow the oil to exit the filter freely,

or the filter punctured, crushed, opened, drained, or otherwise handled in a manner that will allow the used oil to exit the filter. (2) The drained used oil filters are transported for purposes of metal reclamation to any of the following: (A) A smelter or other scrap metal processor where they are recycled or; (B) A storage facility or consolidation facility that subsequently transfers the filters to a facility described in paragraph (A) or (C) of this subsection or; (C) A municipal solid waste incinerator for energy recovery, if the residual casings are subsequently transferred to a facility described in paragraph (A) of this subsection, or to a storage or consolidation facility that subsequently transfers the residual casings to a facility described in paragraph (A) of this subsection. (3) The drained used oil filters are accumulated, stored, and transferred in a closed, rainproof container that is capable of containing any used oil that may separate from the filters placed inside. Drums of used oil filters shall be sealed during transfer so that used oil will not spill out when they are laid upon their sides. Drums shall be secured as a load to prevent movement or tipping during transfer. Containers shall be labelled as "drained used oil filters" (not as hazardous waste) and show initial date of accumulation or receipt on each container of filters. (4) Storage of less than one ton of used oil filters shall be limited to one year. Storage of one ton or more of used oil filters is limited to 180 days. (5) Persons generating, transporting, or receiving used oil filters shall use a bill of lading to record the transfer of used oil filters. Bills of lading must indicate generator, transporter, and receiving company names, addresses, telephone numbers, the quantity and size of used oil filter containers transferred, and the date of transfer. A copy of each bill of lading must be kept on the premises of the generator, transporter, and receiving facility where the used oil filters were handled. Copies of bills of lading shall be kept for a period of three years. (6) Used oil which incidentally accumulates in a container

used to store and/or transfer used oil filters shall not be subject to the requirements of Article 13, Chapter 6.5, Division 20, Health and Safety Code (HSC) until after the filters have been removed from the container so long as applicable requirements of this section are met. Used oil that is separated from the used oil filters during draining procedures, as required in paragraph (1) of subsection (c) of this section, shall be managed in accordance with Article 13 (HSC).

**(1)**

The filters are drained of free-flowing used oil. For the purposes of this subsection, free-flowing is defined as a continuous stream of oil exiting the filter when the filter is inverted. Oil exiting drop by drop is not considered to be free-flowing. However, if the filter is equipped with a device (such as a rubber flap located just inside the filter opening) which impedes the drainage of used oil from the filter, that device shall be manipulated to allow the oil to exit the filter freely, or the filter punctured, crushed, opened, drained, or otherwise handled in a manner that will allow the used oil to exit the filter.

**(2)**

The drained used oil filters are transported for purposes of metal reclamation to any of the following: (A) A smelter or other scrap metal processor where they are recycled or; (B) A storage facility or consolidation facility that subsequently transfers the filters to a facility described in paragraph (A) or (C) of this subsection or; (C) A municipal solid waste incinerator for energy recovery, if the residual casings are subsequently transferred to a facility described in paragraph (A) of this subsection, or to a storage or consolidation facility that subsequently transfers the residual casings to a facility described in paragraph (A) of this subsection.

**(A)**

A smelter or other scrap metal processor where they are recycled or;

**(B)**

A storage facility or consolidation facility that subsequently transfers the filters to a facility described in paragraph (A) or (C) of this subsection or;

**(C)**

A municipal solid waste incinerator for energy recovery, if the residual casings are subsequently transferred to a facility described in paragraph (A) of this subsection, or to a storage or consolidation facility that subsequently transfers the residual casings to a facility described in paragraph (A) of this subsection.

**(3)**

The drained used oil filters are accumulated, stored, and transferred in a closed, rainproof container that is capable of containing any used oil that may separate from the filters placed inside. Drums of used oil filters shall be sealed during transfer so that used oil will not spill out when they are laid upon their sides. Drums shall be secured as a load to prevent movement or tipping during transfer. Containers shall be labelled as "drained used oil filters" (not as hazardous waste) and show initial date of accumulation or receipt on each container of filters.

**(4)**

Storage of less than one ton of used oil filters shall be limited to one year. Storage of one ton or more of used oil filters is limited to 180 days.

**(5)**

Persons generating, transporting, or receiving used oil filters shall use a bill of lading to record the transfer of used oil filters. Bills of lading must indicate generator, transporter, and receiving company names, addresses, telephone numbers, the quantity and size of used oil filter containers transferred, and the date of transfer. A copy of each bill of lading must be kept on the premises of the generator, transporter, and receiving facility where the used oil filters were handled. Copies of bills of lading

shall be kept for a period of three years.

**(6)**

Used oil which incidentally accumulates in a container used to store and/or transfer used oil filters shall not be subject to the requirements of Article 13, Chapter 6.5, Division 20, Health and Safety Code (HSC) until after the filters have been removed from the container so long as applicable requirements of this section are met. Used oil that is separated from the used oil filters during draining procedures, as required in paragraph (1) of subsection (c) of this section, shall be managed in accordance with Article 13 (HSC).

**(d)**

A person who treats a used oil filter which has been drained of free-flowing oil in accordance with paragraph (1) of subsection (c) of this section is authorized, for the purposes of Health and Safety Code section 25201, to perform such activities if any used oil or other residue generated in the course of conducting those activities is managed in accordance with the requirements of this division.