



Regulatory Assistance Guidance Document, November 2008

Managing Used Oil Filters for Generators

Regulatory Assistance Officers Notes:

This guidance provides an overview of requirements for managing used oil filters in California. Although certain fuel filters may be managed as used oil filters under certain circumstances please see separate guidance for fuel filters. For a complete legal description of requirements specific to used oil filters, consult California Health and Safety Code (HSC), chapter 6.5, division 20, article 13 [§25250.22](#), and California Code of Regulations title 22, division 4.5, (22CCR) [§66266.130](#).

Used Oil Filters

Used oil filters may exhibit hazardous characteristics for lead, other heavy metals and petroleum-derived compounds and are classified as hazardous waste in California. To encourage recycling of used oil filters, DTSC adopted reduced handling requirements for drained used oil filters that are sent for recycling as scrap metal.

If not sent for recycling, used oil filters are assumed to be hazardous waste unless they are proven to be non-hazardous by laboratory analysis. This means that, unless you can prove that they are not hazardous waste by chemical testing, used oil filters that are **not** recycled must be managed as fully regulated hazardous waste. Improper management of used oil filters can result in significant fines and penalties. Do not dispose of used oil filters in trashcans or at non-hazardous waste landfills.

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 may 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?



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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, and 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. Used oil must be managed as hazardous waste.

Containers: What to 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 or receipt. 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 rainproof, non-leaking, closed containers, and
- Closed and sealed containers during transportation so that used oil will not spill out if the containers are placed or fall on their sides.

Storage: How much and for how long?

Generators may store up to one ton of used oil filters for a period of up to one year, and storage of one ton or more of used oil filters is limited to 180 days, unless the storage facility has a hazardous waste permit authorizing longer storage. One ton of filters are approximately equivalent to nine drums of uncrushed filters or six drums of crushed filters.

Allowed Destinations: Where can I send them?

The purpose of the oil filter regulations is to encourage recycling of the metal cases and oil. Because of this, you may only send them to certain facilities. While anybody can collect properly drained used oil filters without a hazardous waste permit, the only allowed destinations for used oil filters are:

- to a used oil collection center that accepts used oil filters;
- to a smelter or scrap metal processor for recycling;
- to a municipal solid waste incinerator for energy recovery, only if the remaining metal casings then are sent to a smelter or scrap metal processor for recycling;
- to a storage or consolidation facility that then transfers the filters to a smelter, scrap metal processor or municipal solid waste incinerator as described above; or
- to an authorized hazardous waste facility including a household hazardous waste facility.



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Transportation: Who and how?

You can either take your filters to a destination facility in your own vehicle, or you can hire a shipper to take them there for you. The shipper does not need to be a registered hazardous waste transporter. Before you ship, you need to be sure that you:

- only transport filters that have been properly drained;
- prevent any spillage of used oil by sealing the containers tightly before transportation and inspecting them to be sure that they do not leak;
- secure the containers in the transport vehicle to prevent movement or tipping during transportation;
- use a bill of lading with each shipment of used oil filters, and include the following information on the bill of lading:
 - Generator's name, address, and telephone number;
 - Transporter's name, address, and telephone number;
 - Name, address and telephone number of the receiving facility quantity and capacity of the containers in the shipment;
 - Date of transportation.

A copy of each bill of lading must be kept on file by the transporter, generator and receiving facility for at least 3 years. Unlike the hazardous waste manifest, copies of bills of lading are not sent to DTSC.

USEFUL CONTACT INFORMATION

DTSC Regulatory Assistance Officers

If you cannot find the answer to your question in this fact sheet, contact the DTSC Regulatory Assistance Officers. You can contact them at 800-728-6942, through their email address RAO@dtsc.ca.gov, or contact them through the Department of Toxic Substances Control [Web site](#).

DTSC Regulatory Assistance Officers provide informal guidance only regarding management of hazardous waste for the convenience of the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.



Fact Sheet, January 2010

Senate Bill 546 (Stats. 2009): An Overview

Introduction

The California Oil Recycling Enhancement (CORE) Act provides the requirements for responsible management of used oil in California. On January 1, 2010, new requirements for used oil management become effective in California. Senate Bill (SB) 546 (Lowenthal, Ch. 353, Stats. 2009) amends the Health and Safety Code and changes the Department of Toxic Substances (DTSC) requirements for used oil testing (and subsequent documentation) and out-of-state reporting requirements. This fact sheet is intended to provide an overview of these changes.

SB 546 Used Oil Testing Requirements

SB 546 (Lowenthal) requires that before a load of used oil is shipped to a transfer facility, recycling facility or to an out-of-state facility, the used oil must be tested to demonstrate that it meets all of the following criteria:

- flashpoint above 100 degrees Fahrenheit,
- polychlorinated biphenyls (PCBs) less than 5 parts per million (ppm), and
- total halogen content of 1000 ppm or lower. (Note: If the halogen content is higher than 1000 ppm, the presumption of hazardous waste may be rebutted.)

The transporter is responsible for ensuring that the used oil meets the above criteria through testing before acceptance at the transfer facility, recycling facility, or shipment out of state. The testing and analysis must be conducted at a laboratory that is accredited by the Department of Public Health. For a list of accredited laboratories, please refer to: <http://www.cdph.ca.gov/certlic/labs/Pages/ELAP.aspx>

Used Oil Testing Exemptions

There are exemptions to these testing requirements under certain conditions:

- used oil from a publicly funded certified or uncertified collection center located in a small rural county;
- used oil that is brought in by do-it-yourself individuals to collection centers.

Alternatives to Used Oil Testing and Documentation Requirements for Transporters

The used oil transporter is not required to perform testing if there is documentation that the used oil is:

- tested by the generator of the used oil prior to shipment;
- tested by an in-state DTSC-permitted transfer or recycling facility; or
- tested by an out-of-state facility that has registered or become certified with the Department of Resources Recycling and Recovery (CalRecycle) and that has a testing and reporting agreement with DTSC.

Although it is not required by law, the used oil transporter should keep the testing documentation with the manifest during transport in California in the event that DTSC inspects the transporter. It is also a good practice to keep business records that match the testing documentation with the corresponding manifest to show compliance with the law.



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Please note that the transporter is specifically prohibited from requiring the generator or collection center to test used oil as a condition of hauling the used oil. In addition, the bill does not require a generator to test used oil for dielectric oil derived from highly refined mineral oil used in oil-filled electrical equipment.

DTSC Reporting Requirements for Transporters

By March 1 of every year, each transporter that ships used oil to any out-of-state facility must submit a report to DTSC with all of the following information for the previous calendar year:

- the total volume of used oil shipped out of the state;
- information pertaining to the out-of-state facility to which the used oil was shipped, including the facility name, facility address, and facility EPA ID number; and
- any other information that DTSC may require to verify satisfaction of the used oil management requirements.

SB 546 and Used Oil Generator Requirements

The generator is not required to perform the used oil testing and analysis outlined in SB 546; however, the law does allow the generator to provide testing results to the transporter for the purpose of complying with the testing requirements. While not required to perform the used oil testing specified by SB 546, the generator must continue to comply with all hazardous waste generator requirements.

Used Oil Testing Requirements for DTSC-Permitted Facilities

DTSC-permitted used oil facilities may be required to conduct used oil testing in their permits. Transporters can meet SB 546 testing requirements by providing documentation that the testing required by SB 546 will be performed by a DTSC-permitted transfer facility or recycling facility.

Testing and Reporting Agreements for Out-of-State Facilities

Out-of-state used oil recycling facilities may elect to provide a service to transporters by establishing a testing and reporting agreement with DTSC. The used oil testing must be equivalent to the current testing required for California's permitted used oil recycling facilities. The out-of-state used oil recycling facility must be a registered or certified used oil recycler with CalRecycle.

Please note: Even if the out-of-state used oil recycling facility does not participate in CalRecycle's used oil recycling incentive payment program (i.e., does not process California used oil from a certified collection center), in order to obtain a testing and reporting agreement with DTSC, the out-of-state facility must register with CalRecycle.

Key Elements of SB 546 (Lowenthal)

Public Resources Code, Sections 48600-48691

- Improves and streamlines the used oil grant program administered by CalRecycle.
- Increases the amount of the used oil fee paid by manufacturers from 16 cents per gallon to 26 cents per gallon through December 31, 2013, for new lubricating oil sold in California. On January 1, 2014, the fee will decrease to 24 cents per gallon.
 - The temporary additional fee of 2 cents per gallon will cover the cost of an independent life cycle analysis of the used oil management process.



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- Manufacturers will pay a reduced fee of 12 cents per gallon for lubricating oil sold in California that contains at least 70 percent rerefined base lubricant.
- Increases the incentive paid to Certified Collection Centers (CCCs) and curbside collection operators from 16 cents per gallon to 40 cents per gallon for do-it-yourself used oil collection.
- Maintains the current incentive payment of 16 cents per gallon to CCCs for used oil generated by the CCC or by the industrial generator.
- Establishes a rerefining incentive of 2 cents per gallon paid to certified rerefiners beginning January 1, 2013, for rerefined base lubricant produced from used oil that is generated and collected in California.
- Modifies CCC requirements:
 - Changes the recertification period from two years to four years;
 - Eliminates the requirement of a CCC to verbally offer the 40 cents per gallon recycling incentive to the public for its used oil; but maintains the requirement that a CCC must pay the incentive upon request of the individual.
 - Clarifies that CCCs must accept used oil during the hours the entity is open for business.
- Modifies certification and registration requirements:
 - Establishes certification requirements (to determine rerefining incentive eligibility) for rerefining facilities located both within and outside California.
 - The applicable requirements for certification are subject to review and/or inspection by DTSC.
 - Establishes registration and reporting requirements for out-of-state recycling facilities that receive California used oil under the CORE Act.
 - Utilization of “registered” facilities for out-of-state shipments ensures that a CCC, curbside collection program, or industrial generator remains eligible for recycling incentive payments.

Health and Safety Code, Sections 25250.29-25250.30

- New requirements for transporting and treating used oil outside California:
 - Testing of each truckload of used oil is required before it is shipped to a transfer facility, recycling facility, or other facility located outside California.
- Exempts from testing used oil that:
 - consists exclusively of used oil accepted by a used oil collection center from the public;
 - is from a collection center located in a small rural county.
- Requires every used oil transporter shipping used oil out of state to annually submit a report to DTSC with the following information:
 - the shipping descriptions of used oil transported;
 - the volume of each shipping description of used oil; and
 - information on the facilities receiving the used oil.



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Definitions

Used oil includes, but is not limited to, the following:

Used motor oils:

Vehicle crankcase oils
Engine lubricating oils
Transmission fluids
Gearbox and differential oils
Gear oils

Used industrial oils:

Hydraulic oils
Compressor oils
Turbine oils
Bearing oils
Vegetable oils used for lubrication

Other oils:

Transformer oils
Refrigeration oils
Metalworking oils
Railroad oils

For more information, see DTSC's Used Oil Management Web page at http://www.dtsc.ca.gov/HazardousWaste/Used_Oil.cfm

Contact your DTSC regional assistance officer at: (800) 728-6942