

ADVISORY: DRAINING OF USED OIL FILTERS

Improperly drained used oil filters must be managed as hazardous waste under California's Hazardous Waste Control Law

In recent inspections, the Department of Toxic Substances Control (DTSC) has discovered a significant number of undrained or improperly drained used oil filters that were sent to metal recycling facilities by generators of those filters.

This advisory explains DTSC's regulations governing the management of used oil filters, and highlights the draining techniques that DTSC has found to be most effective at removing residual oil from the filters.

Generators who do not wish to manage used oil filters as hazardous waste must satisfy California Code of Regulations, title 22, section 66266.130.

Generators who drain oil filters at the facility where they were removed from vehicles and use the draining techniques described in the regulations are not required to obtain a hazardous waste facility permit or other form of authorization. Individual do-it-yourself (DIY) oil changers (does not include oil change or vehicle repair businesses) can take their used oil filters to a Certified Collection Center approved by the Department of Resources, Recycling and Recovery (CalRecycle).

Only Certified Collection Centers are allowed to accept DIY oil filters without a permit from DTSC. The center is responsible, like all other generators, for properly draining all filters before shipping them off-site for recycling. If oil filters are not properly drained, the generator is required to manage and ship them as hazardous waste using a hazardous waste manifest. Properly drained oil filters may be sent to **recycling facilities** using a bill of lading, and those facilities are allowed to process them without a permit or other



Department of
Toxic Substances Control

***For more information, contact the
DTSC Regulatory Assistance Office***

(800) 72-TOXIC or (800-728-6942)

From outside California call

(916) 324-2439

or visit www.dtsc.ca.gov

For more on CalRecycle-approved certified used oil collection centers, please see their website:

<http://www.calrecycle.ca.gov/UsedOil/Reports/CenterSearch/Default.aspx?lang=en-US>

authorization from DTSC. Recycling facilities accepting undrained oil filters (or other filter media cartridges that have no metal) must possess a standardized permit or be authorized by DTSC to accept and process undrained oil filters.

Transporters do not need a hazardous waste transporter or hauler registration to accept properly drained oil filters from generators or Certified Collection Centers and transport them to recycling facilities under a bill of lading. The transporter must confirm that the shipment contains only properly drained oil filters.

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A transporter may not accept or ship oil filters unless the generator or Certified Collection Center has properly drained them, or the shipment is accompanied by a hazardous waste manifest and is shipped to an authorized hazardous waste facility that has a standardized permit or other written authorization from DTSC. If a shipment is discovered to contain undrained filters when it arrives at a recycler, it cannot be returned to the generator. The transporter must ship the undrained filters under a hazardous waste manifest to an authorized hazardous waste facility that has a standardized permit or other written authorization from DTSC. **The undrained filters may not be returned to the original generator for further draining.**

Transporters may also consolidate properly drained filters they collect from various generators (in a “milk run”), and create a new bill of lading that identifies the transporter as the generator. Transporters that create a new bill of lading for a consolidated shipment are considered the generator of that shipment and are responsible for compliance with, and any violation of, section 66266.130. Transportation of undrained filters without a manifest by an unregistered hazardous waste hauler violates the Hazardous Waste Control Law.

Frequently Asked Questions:

I’ve had no issues with draining my oil filters before. What’s different?

In the past, most canister type oil filters were designed so that gravity draining alone was effective at removing the free flowing oil. To meet vehicle manufacturer and vehicle warranty specifications, oil filters in use today are equipped with an anti-drain-back valve device located just inside the filter inlet openings. This valve

keeps oil in the filters when the engine is turned off. Most auto manufacturers require anti-drain-back valves and most filter manufacturers now produce oil filters with anti-drain-back protection that will last for at least 12 hours. This valve ensures the filter is always full of oil when the vehicle is started.

How does this new filter design affect me?

Anti-drain-back valves have been found to prevent oil from fully draining from filters using traditional gravity draining techniques. This is believed to be the primary reason for the undrained or improperly drained oil filters that DTSC has found.

Tips for Draining Oil from Filters:

Gravity draining alone does not effectively or reliably drain spin-on canister filters, the most common type of oil filter. Therefore, one of the other allowable methods of draining should be used to drain those filters. To ensure that filters are emptied of all free-flowing oil, DTSC recommends that the filters be punctured, crushed or opened before draining.

The regulations also allow generators to manually manipulate the anti-drain-back valve to allow the free-flowing oil to exit the filter. However, this valve manipulation can be difficult and time-consuming, because the valve must be held open long enough to allow the oil to drain. It can also be difficult to hold the filter at the proper angle as the valve is being held open. Crushing or puncturing filters prior to gravity-draining (with the hole at the lowest point to facilitate drainage) is the most effective method for properly and reliably draining oil from the filters.

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Special Note for Filters without Metal Housings:

Used oil filters and fuel filters without metal housings (also known as filter media cartridges or inserts) are not considered recyclable and cannot be managed in the same way as those with metal housings. These must be collected and managed as hazardous waste, transported by a registered hazardous

waste transporter with hazardous waste manifests, and sent to an authorized hazardous waste facility unless they can be demonstrated to not exhibit a hazardous waste characteristic. These oil and fuel filter cartridges **should not be mixed with used oil filters that have metal housings and are being recycled.** This commingling would be a violation of the Hazardous Waste Control Law.

The hazardous waste regulation referenced above is reproduced below, as it read on August 24, 2016, for the convenience of the reader. For all current hazardous waste regulations, please see <https://govt.westlaw.com/calregs/Index> under Title 22, Division 4.5.

California Code of Regulations, Title 22, section 66266.130 (highlighting added)

(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 non-hazardous 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.

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(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).

(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.