Fact Sheet
December 2005

Management of Waste Gasoline and Diesel Fuel Filters

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Law governing the management of waste fuel filters: Assembly Bill 2254

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California

California Environmental Protection Agency

Introduction

Assembly Bill (AB) 2254 (Aghazarian, ch. 240, stats. 2004), was signed into law on August 23, 2004, and became effective on January 1, 2005. Generally, this new law allows waste filters that contain residues of gasoline or diesel fuel (hereafter referred to as waste fuel filters) to be managed according to Department of Toxic Substances Control (DTSC) regulations for the management of used oil filters. AB 2254 imposes several specific requirements on the accumulation of waste fuel filters containing gasoline residues and commingled used oil/waste fuel filters containing gasoline residues.

Properly drained waste fuel filters can now be accumulated and stored with used oil filters to be recycled for scrap metal content. Note that filters and filter components that are not recycled as scrap metal (e.g., plastic and paper waste fuel filters) are not covered by the provisions of AB 2254. Any absorbent filter materials contaminated with fuel cannot be accumulated with the used oil filters, but must be evaluated and managed separately.

DTSC is authorized to apply more stringent requirements should it discover that the standards allowed by this law are not sufficiently protective of health, safety, and the environment.

Who is affected by AB 2254?

Anyone involved in the management of used oil and waste fuel filters is potentially affected by AB 2254. Affected parties include: household generators, small quantity generators (SQG), businesses that generate waste fuel filters, household hazardous waste collection centers, used oil collection centers, used oil recyclers, and any other entity that generates, transports, recycles or manages waste fuel filters and used oil filters commingled with waste fuel filters.

Household generators and small quantity generators should contact their local household hazardous waste collection facility or used oil collection center to ensure compliance with local collection requirements. Some centers may not accept waste fuel filters or used oil filters that have been commingled with waste fuel filters. Businesses that generate waste fuel filters could also consult with their local Certified Unified Program Agency (CUPA) if they have waste management questions that have not been answered by this fact sheet.

The full text of AB 2254 is found in California Health and Safety Code division 20, chapter 6.5, article 13, section 25250.22 (and is also included at the end of this fact sheet). Used oil filter management requirements are found in California Code of Regulations title 22, section 66266.130, "Management of Used Oil Filters." A reader friendly discussion of used oil and used oil filter management standards is provided by DTSC's fact sheet titled "Used Oil and Oil Filter Management", available on DTSC's web site at http://www.dtsc.ca.gov/HazardousWaste/upload/OAD_Used-Oil_FS.pdf

What Has Changed in the Law?

AB 2254 has made the following changes:

Waste fuel filters may now be accumulated in the same container with the used oil filters and handled in the same manner as used oil filters. This provision only applies to used oil and/or waste fuel filters that have been drained of all free flowing liquid and are destined for recycling as scrap metal.

When the accumulated filters contain residues of *gasoline,* additional requirements apply. Such filters:

- Must be stored in containers designed to prevent the ignition of gasoline, and must be labeled "Used Oil and Gasoline Filters."

- Must be properly packaged and labeled before transporting, as required by U.S. Department of Transportation. Applicable provisions include Title 49 of the Code of Federal Regulations (49 C.F.R.), Parts 172, 173, 178, and 179. Part 172 lists the Hazardous Materials Table, special provisions, hazardous materials communications, and emergency response requirements. Part 173 lists general requirements for shipments and packaging. Part 178 lists specifications for packaging, and Part 179 lists specifications for tank cars. (Website: www.dot.gov)

- Must be stored and managed in accordance with state and local fire code requirements. Note: Local fire codes may limit or prohibit the accumulation and storage of waste fuel filters containing gasoline. Contact your local Fire Marshal to inquire about local fire safety regulations that may affect your operations.

- Any residues containing gasoline that accumulate in filter storage containers, and any non-filter material removed from filter housing must be evaluated for hazardous waste characteristics under section 66262.11 of title 22 of the California Code of Regulations, and managed according to the waste's classification.

Disclaimer
This fact sheet does not replace or supersede relevant statutes and regulations. The information contained in this fact sheet is based upon the statutes and regulations in effect as of the date of the fact sheet. Interested parties should always review the most recent relevant statutes and regulations.

For more information

For more information, you can contact your local CUPA. A list of CUPA addresses and phone numbers is available on the Cal/EPA web site at www.calepa.ca.gov/CUPA/CUPAMail.htm You can also contact the DTSC office nearest you, or call the regional Public and Business Liaisons at (800) 72-TOXIC (800-728-6942). From outside California, call (916) 255-3545.

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California Health and Safety Code, section 25250.22

§ 25250.22. Management of used filters; Additional requirements with gasoline residue

(a) Notwithstanding any other provision of state law, and to the extent consistent with the federal act, a filter that contains a residue of gasoline or diesel fuel, may be managed in accordance with the requirements in the department's regulations governing the management of used oil filters, unless the department adopts regulations establishing management standards specific to filters that contain those residues.

(b) Management of filters that contain residue of gasoline, and commingled filters that include filters that contain residue of gasoline, shall also meet all of the following requirements:

(1) The filters shall be stored in containers that are designed to prevent ignition of the gasoline and that are labeled "used oil and gasoline filters."

(2) For purposes of transportation, the filters shall be packaged, and the package shall be marked and labeled in accordance with the applicable requirements of Parts 172 (commencing with Section 172.1), 173 (commencing with Section 173.1), 178 (commencing with Section 178.1), and 179 (commencing with Section 179.1) of Title 49 of the Code of Federal Regulations.

(3) The filters shall be stored and otherwise managed in accordance with applicable state and local fire code regulations.

(4) Any gasoline, or used oil commingled with gasoline, that accumulates in containers or other equipment used for filter storage or recycling, and nonmetal filter material removed from filter housing, shall be evaluated pursuant to Section 66262.11 of Title 22 of the California Code of Regulations, to determine its regulatory status under the federal act, and it shall be managed accordingly.