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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

October 23, 1992

Mr. Dennis Y. Ruby
President
R Way Services Inc.
P.O. Box 7296
Fredricksburg, Virginia 22404

Dear Mr. Ruby:

Thank you for your letter of July 9, 1992, requesting clarification of whether paper filters commonly used as engine oil filters in locomotives are exempt from EPA's hazardous waste regulations under the Resource Conservation and Recovery Act. As explained below, we have concluded that locomotive oil filters when subjected to a proper oil removal step (e.g., draining or crushing) to separate used oil are not likely to exhibit the characteristic of toxicity and therefore, are exempt from the definition of hazardous waste.

Used Oil Filter Exemption

As indicated in EPA's May 20, 1992, rulemaking (see 57 FR 21524), we determined that non-terne-plated used oil filters are exempt from the definition of hazardous waste when used oil is gravity drained or is removed by draining and crushing, dismantling and draining, or any other equivalent oil removal method. This exemption, which is based on the available toxicity characteristic data, covers used oil filters from automobiles, trucks, heavy equipment, and off-road vehicles. Toxicity characteristic data submitted by the Filter Manufacturers Council (FMC) did not include locomotive filter data. In the preamble to the May 20, 1992, rule, therefore, the Agency stated that "EPA received inadequate data to make a determination on other types of filters, such as fuel filters, transmission oil filters, or specialty filters (such as cloth railroad oil filters). Since there is a lack of quantitative data on these types of filters, they are not included in the scope of the exemption finalized today."

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During your September 1, 1992, conversation with Rajni Joglekar of my staff, you indicated that:

- (a) Oil filters used in locomotives are made of paper except for the steel core cylinder and end plates. Locomotive oil filters are changed every 45 to 90 days and they are generally disposed of in industrial landfills and are not recycled.
- (b) Typically, a used oil filter containing used oil weighs 2.5 times its original weight after use and as much as 1 gallon of oil can be removed from a typical (e.g., 30-inch tall and 6.5-inch diameter) used locomotive oil filter by crushing. Crushed filters then can be dismantled to separate paper and steel for recycling.
- (c) Limited analytical data that you have suggest that used locomotive oil generally does not exhibit the characteristic of toxicity for any metals.

Since receiving your letter, we also contacted manufacturers of both heavy equipment filters and cartridge-type paper filters used by the locomotive industry. The manufacturers indicated that cartridge-type locomotive filters and cartridge-type heavy equipment filters are very similar in terms of metal and paper contents. They also suggested that the metal content of cartridge-type filters and the spin-on type filters is significantly different (see footnote 1).

Based on the Agency-collected used oil characterization data, we believe that used oil from diesel-powered locomotive engines, like used oil from diesel-powered engines does not exhibit the characteristic of toxicity for metals. We, therefore, have concluded that locomotive oil filters when subjected to a paper oil removal step (e.g., crushing) to separate used oil are not likely to exhibit the characteristic of toxicity and therefore, would be exempted from the definition of hazardous waste under Section 261.4(b)(15).

The May 20, 1992, rule is federally enforceable in all States as of June 19, 1992. EPA has authority to enforce State requirements that may be equivalent to the federal standards or that may be more stringent than the federal requirements, when promulgated by States and authorized by EPA. Some 10 States regulate disposal of used oil filters, while many other States regulate disposal of used oil filters under State law.

Used Oil Management Standards

Used locomotive oil filters from which used oil has not been removed are subject to the management standards promulgated on September 10, 1992 (57 FR 41566). This rule addresses the listing status of used oil destined for recycling and establishes used oil management standards. All oil filters including locomotive filters that contain used oil are subject to 40 CFR 279.10(c). In addition, owner/operators of railroad yards generating used oil and used oil filters are subject to the used oil generator standards (40 CFR Part 279, Subpart C). The disposal of locomotive filters is covered under 40 CFR Part 279, Subpart I requirements, unless crushed or drained, as discussed above.

The September 10, 1992, rule, will be effective on March 10, 1993, in the unauthorized States (e.g., Alaska, Hawaii, Iowa, and Wyoming, and territories). This rule, however, will not be effective in the authorized States until they adopt the Part 279 requirements.

Finally, both the May 20, 1992, and September 10, 1992, rules encourage recycling of used oil and under certain circumstances it may also encourage recycling of non-hazardous solid waste associated with used oil (e.g., oil filter components).

Thank you for your interest in safe management of locomotive oil filters. If you have additional questions, please call Ms. Eydie Pines of my staff at (202) 260-3516.

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste

- 1 In the FMC Study mentioned earlier, only spin-on type heavy equipment filters were tested to determine whether these filters exhibit the characteristic of toxicity. The

results indicated that unused spin-on type heavy equipment filters that are terne-plated are likely to exhibit the characteristic of toxicity for lead.