



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 3 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Charles A. Vidich
Environmental Compliance Coordinator
United States Postal Service
Northeast Region
6 Griffin Road N
Windsor, CT 06006-7000

Dear Mr. Vidich:

Thank you for your inquiry regarding the regulatory status of spent metal fuel filters under the Resource Conservation and Recovery Act (RCRA). In a meeting with my staff, you stated that the United States Postal Service (USPS) is the largest consumer of automotive fuel filters in the U.S., with a fleet of over 200,000 vehicles which generate hundreds of thousands of used fuel filters annually. You informed us that the USPS Policy for Environmental Protection is to "foster the sustainable use of natural resources by promoting pollution prevention, reducing waste, recycling, and reusing materials." You explained that the USPS would like to promote the recycling of the fuel filters in an effort to meet the objectives of this policy.

It is our understanding that the USPS is already recycling the gasoline drained from their spent fuel filters. The USPS is currently reusing this gasoline as a fuel. This off-specification gasoline, when used as a fuel or when burned for energy recovery, is therefore not a solid waste. You stated that recycling of the spent metal fuel filters is also quite feasible. Findings by the Filter Manufacturers Council indicate a legitimate recycling market for the spent metal fuel filters exists. The USPS is now interested in recycling the used metal fuel filters and is requesting clarification of the regulatory status of this waste stream.

Under existing Environmental Protection Agency (EPA) regulations, properly drained metal fuel filters meet the regulatory definition of scrap metal and therefore, if recycled, are exempt from regulation as a hazardous waste (261.6 (a)(3)(iv)). In the January 4, 1985 preamble (50 FR 614), the Agency gave examples of items qualifying for the exemption, such as bars, turnings, rods, sheets, wire (i.e., metals that are to be recycled to recover their metal content) and examples that do not qualify, including metal-containing waste with a significant liquid component. Fuel filters which are drained and no longer contain a significant liquid component meet this definition. As such, if recycled, the drained fuel filters are exempt from the hazardous waste regulations.

If drained metal fuel filters will be recycled, it is unnecessary to determine whether they exhibit a hazardous waste characteristic because the scrap metal exemption is applicable. However, if the filters will be disposed of, the generator must determine if they exhibit a hazardous waste characteristic. If the filters are hazardous waste, the Part 262 - 268 regulations apply to the generator, and Parts 264 and 265 apply to the treatment, storage and disposal facilities.

You also presented us with a proposed protocol for managing spent fuel filters prior to recycling. While we are not able to endorse a specific management protocol for your facilities, we would like to commend several aspects of the protocol. First, the Agency agrees that to meet the definition of scrap metal, the fuel filter cannot have a significant liquid component, and therefore must be drained for a sufficient period of time to meet this criteria. Second, spent fuel filter management should be done in a safe manner and must be in compliance with all applicable Occupational Safety and Health Administration (OSHA) regulations and guidelines. Third, commingling of spent metal fuel filters with used oil filters appears to reduce safety concerns associated with such a mixture. According to the findings of the Filter Manufacturers Council, it appears that many recyclers are accepting, and encouraging, commingling of these waste streams.

Thank you for your interest in this issue. I hope this clarification provides you with the information you need to continue moving towards your organization's goal of reducing waste and recycling. If you require further information, please do not hesitate to contact Mary Beth Clary (703/308-4941) or Kristina Meson (703/308-8488) of my staff.

Sincerely,


for David Bussard, Director
Hazardous Waste Identification Division