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

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Sharon L. Crawford
Project Manager
Pro-Act
Air Force Center for Environmental Excellence
Pollution Prevention Division
8106 Chennault Rd., Bldg. 1161
Brooks AFB, Texas 78235-5318

Dear Ms. Crawford:

This letter responds to your request for information on the proper disposal methods for hydraulic fluid filters used in aircrafts.

You ask whether hydraulic fluid filters are regulated in the same manner as used oil filters destined for disposal. Non-terne plated used oil filters from light duty vehicles and destined for disposal, are exempt from identification as a hazardous waste under regulations promulgated on May 20, 1992 (40 CFR 261.4(b)(15)). Light duty vehicles include automobiles, passenger vans, and light duty trucks (e.g., small pickup trucks). EPA decided to categorically exempt non-terne plated used oil filters destined for disposal from being identified as a hazardous waste based upon available toxicity characteristic data. However, EPA did not receive hydraulic fluid filter data to make a determination on hydraulic fluid filters in aircrafts. Therefore, hydraulic fluid filters are not included in the used oil filter exemption at 40 CFR 261.4(b)(15). However, a hazardous waste determination can be made for the hydraulic fluid filters (40 CFR 262.11). If the hydraulic fluid filters are determined not to be hazardous and cannot be recycled under Part 279, the hydraulic fluid filters must be disposed in accordance with the requirements of 40 CFR Parts 257 and 258. See section 279.81(b).

As stated in your letter, hydraulic fluid is regulated as used

oil. Materials containing or otherwise contaminated with used oil (e.g., hydraulic fluid filters), from which the used oil has been properly drained or removed to the extent possible are not considered used oil under the Part 279 used oil management standards. There is one exception to this provision; hydraulic fluid filters from which used oil has been removed continue to be regulated as used oil if they are to be burned for energy recovery, regardless of the degree of removal (see page 26425 of the May 3, 1993 Final rule). Otherwise, once the used oil has been removed, the hydraulic fluid filters are no longer subject to the used oil regulations, but may be regulated as hazardous waste if they are listed or exhibit a characteristic of hazardous waste. Used oil that has been removed from the hydraulic fluid filters continues to be regulated as used oil and must be managed according to the Part 279 used oil management standards.

If you have any further questions regarding this matter, please contact Bryan Groce of my staff at (202) 260-9550.

Sincerely,
Michael H. Shapiro, Director
Office of Solid Waste