



## INFORMATION BULLETIN

# RESPONSE TO COMMENTS – DRAFT CLASSIFICATION FOR USED OIL FILTERS

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## INTRODUCTION

In December 2005, EPA released the Information Bulletin *Draft classification for used oil filters* (EPA Publication 1023). This draft classification proposed that all used oil filters must be recycled and be prohibited from disposal to landfill.

Under the *Industrial waste management policy (Prescribed Industrial Waste)*, EPA can classify wastes based on the opportunities for reuse, recycling or recovery of energy. EPA has proposed the classification of used oil filters in accordance with schedule 1 of the policy.

EPA sought and received comment on the draft classification for used oil filters. Feedback was received from five public forums, meetings with industry associations and from written submissions. Written submissions were received from: Victorian Automobile Chamber of Commerce (VACC); Australian Automobile Aftermarket Association; Victorian Waste Management Association; Desert Fringe Regional Waste Management Group; Goulburn Valley Regional Waste Management Group (Resource GV); South West Regional Waste Management Group; Swan Hill Rural City Council; National Resource Recovery, Municipal Association of Victoria, Corangamite Shire Council and the Royal Automobile Club of Victoria (RACV).

Five public forums were held, one in Melbourne and one each in Bendigo, Geelong, Traralgon and Wangaratta. Several meetings with industry associations were also held. Comments from the above submissions and forums have been summarised below.

EPA has now finalised the classification for used oil filters (available on EPA's website at [http://www.epa.vic.gov.au/waste/oil\\_filters.asp](http://www.epa.vic.gov.au/waste/oil_filters.asp) considering comments from submissions, meetings and public forums.

Comments and EPA's response have been categorised into the following:

1. the scope of the classification
2. recycling operations
3. implementation.

The majority of submissions and feedback from the public forums on the draft classification focussed on implementation issues, particularly access to recycling services in rural areas, infrastructure and administrative arrangements for landfills and compliance and enforcement.

The regional public forums in particular, raised concerns about the availability of collection services to enable recycling of used oil filters in rural areas.

## SUMMARY OF PUBLIC COMMENT AND RESPONSE

### 1. Scope of the classification

Three key issues were identified in regard to the scope of the classification: the prescribed waste status of used oil filters; the restriction of the classification for used oil filters to those from industrial sources; and the potential to include other automotive filters in the classification.

The Victorian Waste Management Association commented that 'used oil filters have never been classified as PIW provided they are drained. Provided there was no free oil in drums or bins they were not PIW. EPA should ban from landfill without filters being PIW'.

The Australian Automobile Aftermarket Association commented that 'this classification should include the retail 'do-it-yourself' sector as a large quantity of oil and filters are consumed in this market sector'.

Resource GV expressed concern that the classification 'will create an inequitable situation where disposal of used filters from domestic and light industrial sources will continue unabated' and that 'differentiation between domestic and industrial is problematic, since any material sent to landfill via methods other than kerbside collection could be considered commercial'. South West Regional Waste Management Group also enquired 'how EPA will differentiate between filters from domestic and industrial sources'.

Regarding the recycling of other automotive filters, Resource GV questioned 'whether diesel filters and water separators were to be included in the classification, as it is difficult to distinguish between these given their often identical appearance.' National Resource Recovery also commented that they 'would like to see that this draft [classification] be extended to include transmission and fuel filters'.

### Response to comments

Used oil filters are prescribed industrial waste, even after draining, due to the residual waste oil which poses a risk to groundwater beneath landfills and leakage during transportation. EPA engaged a consultant to review the oil content in a drained filter and established that it still retains around 30 per cent oil by weight. This classification clarifies the prescribed waste status of used oil filters.

The *Industrial waste management policy (Prescribed Industrial Waste)* provides for EPA to classify prescribed industrial wastes for reuse or recycling, not wastes from domestic sources. Classifying wastes from industrial sources is expected to capture the majority of used filters for recycling. Although the classification does not extend to used oil filters from domestic sources, EPA acknowledges that there is a need to drive greater recycling of used oil filters from the 'do-it-yourself' sector. This could be achieved through improved access to facilities to enable recycling, such as has been achieved for waste oil recycling. To enable this, EPA will support the establishment of used oil filter collection facilities across the state.

Used oil filters were identified for classification because up to 1100 tonnes are being disposed to landfill, wasting valuable resources and causing the residual oil to pose a risk in landfills. Facilities that accept and process used oil filters must be licensed for this activity or exempt from licensing (by EPA). Provided they are able to manage environmental and OHS risks and have necessary approvals from EPA, filters such as transmission and fuel filters may be recycled in a similar manner.

## 2. Recycling operations

### Summary of comment

Several submissions made comments regarding recycling operations, particularly the range of ways that filters may be processed, both at automotive workshops and off-site, to ensure they are clean prior to metal recycling.

The Victorian Waste Management Association asked whether the 'policy will mandate that oil filters must be pre-treated prior to recycling by a certain method of recycling? And will EPA approve treatment to ensure all oil is removed?'

The Australian Automobile Aftermarket Association commented that 'crushing and oil containment may be an OHS issue for workshops', while VACC and automotive workshop representatives advised that some workshops crush filters on site prior to sending to a scrap metal recycler. VACC also commented that it 'was not practical for small business to wash used oil filters'.

The Desert Fringe Regional Waste Management Group proposed that 'larger automotive workshops be supplied with a container that would allow oil to be drained and filters to be stored for recycling'.

Swan Hill Rural City Council commented that 'providing hydraulic compressors would not be cost effective for cleaning filters from council vehicle servicing' and also commented that 'some auto workshops are crushing used oil filters before taking them to the recyclers'.

The Municipal Association of Victoria queried whether 'an assessment of the total environmental benefit/loss of recycling had been undertaken, against the energy and water required for cleaning?'

In the public forums there were questions about what percentage of oil metal recyclers are willing to accept and if the paper insert presents a problem for metal smelters. Victorian Waste Management Association questioned how EPA will 'ensure that metal recyclers are not taking filters with oil'.

### Response to comments

The classification specifies the outcome required that filters must be clean (in other words, contain no free oil) to enable recycling, rather than being prescriptive about which particular treatment technologies must be used. There are a number of technologies available that could achieve this outcome, such as high-pressure crushing or several steps including puncturing, draining and washing.

The classification does not require any particular method to process filters, hence high-pressure crushing/processing on-site at automotive workshops that produces a scrap metal that contains no free oil, and manages the environmental impacts, would be allowed. EPA expects that oil filter processors will ensure both environmental and OHS risks are managed. Based on the feedback received regarding OHS concerns and costs, it appears more likely that workshops will segregate and have filters collected by an EPA-approved waste transporter, rather than investing in crushing equipment themselves. These used oil filter collectors already provide dedicated drums to auto workshops to enable filters to be segregated after draining.

As stated in the classification, EPA expects that used oil filter recycling, including any pre-treatment, be carried out to produce the best environmental outcome. This means avoiding the transfer of

contaminants to other waste streams for disposal (such as through wash waters) and ensuring resources used are commensurate with the value of the recovered material. EPA expects that oil recovery and recycling of wash waters be maximised in preference to lower-order options such as treatment and disposal. Current practice to process filters generally involves high-pressure crushing or several steps including puncturing, crushing and washing. Washing operations typically recirculate wash waters, with the majority of the liquid sent for waste oil recycling. These operations are regulated through EPA's works approval or prescribed waste exemption processes.

Metal recyclers need to manage environmental impacts on their sites, including the potential for site contamination from waste oil and emissions from smelting operations. Filters received by recyclers must be clean (contain no free oil) and hence no longer prescribed industrial waste.

Metal recyclers have advised that the paper insert burns during smelting and any emissions can be managed within the existing licensed operations of the smelter.

### 3. Costs to automotive workshops

There were several comments regarding the cost of used oil filter recycling to automotive workshops. During the public forums a question was raised about whether there are plans to subsidise the costs to workshops, since some technologies to remove oil may be too expensive for workshops.

Others, including National Resource Recovery, commented that workshops charge an environmental fee that far exceeds the cost of managing waste oil – this would also cover the cost of managing filters.

The Municipal Association of Victoria queried whether 'in regional areas would the service be user-pays per filter and would this be on a full cost recovery basis?' Similarly, the Victorian Waste Management Association suggested that 'collection will not be cost-effective in rural areas'.

Corangamite Shire Council also questioned, 'Who would manage the new infrastructure? Should this be local government, would any financial assistance be available via disposal fees (if used)? In regional areas would the service be user-pays per filter and would this be on a full cost recovery basis?'

Results from RACV's survey found that auto workshops 'would not be prepared to pay for the service or would pay only minimal cost'.

Views were expressed at public forums that additional costs must be equitably shared between industry, consumers, the State Government and local government.

### Response to comments

Used oil filters are prescribed industrial waste and need to be managed as such as a business cost for automotive workshops. Used oil filter collection services are currently provided at the same cost as having wastes collected by EPA-approved waste transporters and sent to prescribed waste landfill. Hence for those workshops that are already correctly managing their filters as prescribed waste, there is not expected to be a cost increase.

For rural areas without access to used oil filter collection services, the provision of drop-off points will help to reduce the costs of recycling, but transfer stations are likely to need to charge waste generators a small fee to recover costs associated with accepting used oil filters.

## 4. Implementation of the classification

### Summary of comment

A range of concerns were raised regarding the implementation of the classification. Concerns included access to collection and recycling services in rural areas; implications for landfills and transfer stations; education, compliance and enforcement. It was clear from the feedback received that improved access to collection services in rural areas, supported by enforcement action, is necessary for successful implementation.

One comment that captured the sentiment was from Corangamite Shire Council that 'any change in the classification of waste should be accompanied by an implementation plan. This plan should be educational and incentive focused and support the installation of infrastructure to ensure the wider community is also able to achieve the new classification. This support will be particularly important in rural areas where the existing classification and disposal guidelines are potentially not being achieved at present'.

### 4. (i) Access to collection and recycling facilities in rural areas

Several groups, particularly regional waste management groups, commented on the need for improved access to facilities in rural areas and that transfer stations were logical places for drop-off points.

Resource GV identified the 'need for widespread and easily accessible drop off opportunities and promotion and education'.

The Desert Fringe Regional Waste Management Group suggested that 'all transfer stations to be supplied with receptacles for draining and storing filters. Waste oil to be collected under existing arrangements'.

Swan Hill Rural City Council commented that 'establishing used oil facilities would only be practical

alongside waste oil tanks whereby customers can deliver both waste oil and used filters for recycling’.

Corangamite Shire Council commented that the ‘ability to achieve volumes suitable for collection in rural areas can take long periods which hinders the availability of collectors and receiving infrastructure’.

Results of a survey of RACV’s repairers in country areas suggested the main issue for these repairers is the lack of a recycling service. RACV commented that ‘our survey results indicate that repairers would be prepared to get their used oil filters to a recycling service if it were provided’.

Feedback from the public forums in rural areas identified that ‘achieving volumes suitable for collection in rural areas can take long periods which hinders the availability of collectors and receiving infrastructure’.

Rural forums also made comments about the infrastructure and administrative arrangements for collecting used oil filters.

Corangamite Shire Council commented that ‘there is a direct impact of supplying infrastructure to collect this type of recycling at disposal sites, but also the extra requirement of operating staff to ensure recycling and collection/separation occurs’.

#### Response to comments

EPA recognises that there are limited services to enable used oil filter recycling in some rural areas of the state. EPA has consulted with existing companies that provide oil filter collection services who advise that they extend services across the state and will collect small volumes on an infrequent basis. It is acknowledged, however, that there are still likely to be areas of the state that will not have access to used oil filter collection services.

To assist automotive workshops to comply with the requirements of the classification, EPA proposes to work with other government agencies, regional waste management groups, existing oil filter collection services and local councils to establish drop-off points at transfer stations. These facilities would accept small quantities from industrial sources and also used oil filters from the ‘do-it-yourself’ sector. It is proposed to use the existing waste oil recycling framework to roll out used oil filter drop-off points, with facilities to be prioritised, based on need, over the following twelve months.

#### 4. (ii) Guidance and promotion of new requirements

Several submissions and feedback from forums identified the need for education and guidance for workshops on the new requirements for managing used oil filters.

#### Response to comments

EPA has been working with the VACC to produce practical guidance material on how automotive workshops should manage used oil filters to enable recycling. This guidance has been promoted through VACC publications and over the coming months will be further promoted through industry associations and trade magazines, to reach both VACC members and non-members.

#### 4. (iii) Compliance and enforcement

Several submissions highlighted the difficulty in detecting used oil filters in mixed loads of waste and suggested that enforcement of the classification would be difficult.

Resource GV commented that ‘filters are almost impossible to detect in a mixed load’ and questioned ‘how would farms, earthmoving and transport companies be effectively regulated? Resource GV believes this will be a large shift from current practices’.

The Australian Automobile Aftermarket Association suggested that ‘EPA will need to follow up with enforcement to capture those auto workshops who will object to the extra expense’.

RACV commented that ‘any compliance program would need to be well promoted before it is implemented and it should not commence until services are put in place to make that compliance realistic’.

#### Response to comments

EPA acknowledges that filters are small and may be concealed in a mixed load of waste. However, as is already required for wastes received at landfills (such as batteries or liquid wastes) landfills/transfer stations need to have systems in place to avoid the receipt of used oil filters. EPA may audit the receipt of waste at landfills from time to time and detect non-compliant loads.

EPA Victoria considers illegal disposal or dumping of used oil filters as a serious offence. Under the *Environment Protection Act 1970*, dumping industrial waste is subject to penalties of up to \$500,000.

Prior to taking enforcement action, EPA will continue to work with the automotive sector to educate industry about the new requirements and provide assistance to establish facilities.

#### 5. Complementary regulatory mechanisms

Some comments were made about the role of oil filter manufacturers/distributors, who have well established supply chains and logistics to support used oil filter recycling.

Australian Automobile Aftermarket Association suggested 'requiring customer to pay deposit on sale of filters and return to point of sale'.

South West Regional Waste Management Group suggested that 'successful recycling is dependent upon suitable collection infrastructure and an effective stewardship program which results in the products being able to be deposited free of charge, with the full cost of recycling recovered'.

#### Response to comments

EPA has had some discussions with filter distributors about supporting the implementation of the classification. Distributors expressed some interest in promoting recycling of used oil filters and support for drop-off facilities.

The reduction of PIW to landfill is a priority for the Victorian Government and is reflected in the statutory *Industrial waste management policy (Prescribed Industrial Waste)*. To most effectively establish a deposit scheme for used oil filters, it is likely to need to extend beyond Victoria, which requires other jurisdictions to also consider used oil filters a priority.

#### 6. EPA regulatory control

In the public forum, a question was raised about the regulatory requirements for used oil filter recycling; in particular, would facilities that process used oil filters require works approval, licensing and the use of transport certificates.

#### Response to comments

In order to drive greater recycling and manage environmental risks, for those operators that only receive used oil filters for recycling purposes, EPA proposes to allow facilities that accept the collection and processing of used oil filters to apply for an exemption from the requirements for works approval, licensing and the completion of transport certificates under the *Environment Protection (Prescribed Wastes) Regulations 1998*. The ability for these wastes be managed under an exemption would also extend to filters being transported from transfer stations.

## LIST OF SUBMISSIONS

Written submissions were received from:

1. Victorian Automobile Chamber of Commerce (VACC).
2. Australian Automobile Aftermarket Association.
3. Victorian Waste Management Association.
4. Desert Fringe Regional Waste Management Group.
5. Resource GV (Goulburn Valley Regional Waste Management Group).
6. South West Regional Waste Management Group.
7. Swan Hill Rural City Council.
8. National Resource Recovery (oil filter recycler).
9. Municipal Association of Victoria.
10. Corangamite Shire Council.
11. Royal Automobile Club of Victoria (RACV).

## FURTHER INFORMATION

- EPA publication 1102, *Classification for used oil filters*.
- EPA publication 1023, *Draft classification for used oil filters*.

Both these publications are currently available for download from [www.epa.vic.gov.au/publications](http://www.epa.vic.gov.au/publications).