

Question:

What is the meaning of “motor vehicles” as that term is used in California Code of Regulations (CCR), Title 22, Division 4.5, Chapter 31, Waste Minimization, Article 1, Pollution Prevention and Hazardous Waste Source Reduction and Management Review, subsection 67100.2 (c)(1)(A)?

Answer:

The regulatory exemption in subsection 67100.2 (c)(1)(A) applies to fluids that are essential to the operation of cars, trucks, forklifts, boats, planes, trains, motorcycles etc. Under this exemption, the motor vehicle fluids generated from cars, trucks, forklifts, boats, planes, trains, motorcycles etc. are exempt from SB 14 source reduction reporting and planning requirements.

Attached is the statement of reasons that clarifies DTSC’s intent of “motor vehicle” fluids.

Section 67100.1(i): This is a new section that defines "motor vehicle fluids" to replace the existing SB 14 "automotive fluids" definition. This clarifies the interpretation that fluids essential for the operation of all types of vehicles (not only automobiles) are exempt from source reduction reporting and planning requirements. This is consistent with the interpretation the Department has given to industry since the beginning of the SB 14 program over seven years ago. The current regulation exempts "automotive fluids" and filters from SB 14 planning activities. The reason for this exemption is that there is little or no source reduction that can be undertaken to reduce or eliminate wastes generated when replacing engine oil, brake fluid, antifreeze, etc. Since the adoption of this section in 1991, the Department has always interpreted it broadly and not limited this exemption to only passenger cars. The waste fluids from cars, trucks, forklifts, boats, planes, trains, motorcycles, etc., are all similar in nature. This exemption only applies to the fluids essential to the operation of the vehicles. It would include fuel in the fuel tank of the vehicle, if it were to become waste, but not stored fuel products. This exemption would also not include wastes derived from the cleaning or painting of vehicles. Furthermore, the exemption would not apply to bilge waters that accumulate or are used as ballast on ships.

Section 67100.2(c)(1)(A): This section is amended to allow the applicability for the exemption from source reduction planning requirements for the waste stream "motor vehicle fluids" and associated filters as defined in new section 67100.1(i).