

# LIQUID RECYCLING

used oil | parts cleaning | anti-freeze | filters & absorbents | wastewater | chemicals



## Celebrating NORA's First 4 Decades

Accomplishments...Page 26 • Flashback Images...Page 38

### Also in this Issue

Member Spotlight: Environmental Specialists, Inc .....	8
2024 Winter Meeting Recap .....	11
Accident Investigation.....	22
2024 Mid-Year Meeting Preview .....	28
PFAS Perspectives.....	34



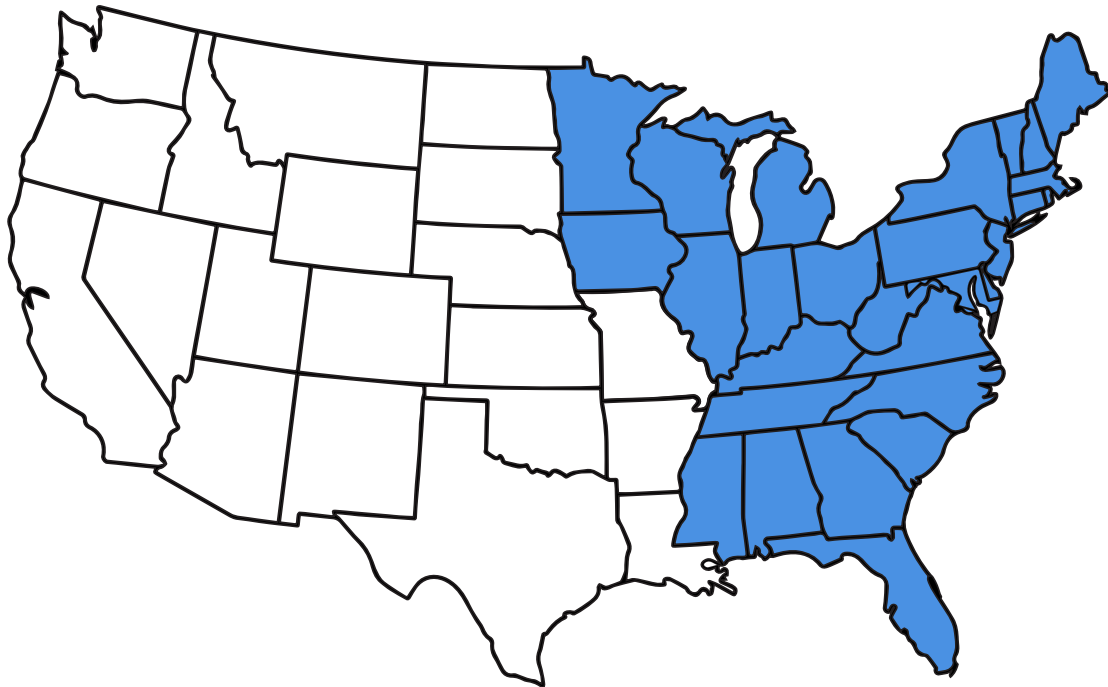
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## Reflecting on 40 Years, Diversification & Re-Branding

Some of us are old enough to remember 1984. The first Apple Macintosh went on sale priced at \$2500. The Soviet Union boycotted the Summer Olympics in Los Angeles. Ronald Reagan was re-elected President, winning 49 out of 50 states. Michael Jackson's heavily gelled hair caught on fire, leading to severe burns while filming a Pepsi commercial.



And in December of 1984, the National Oil Recyclers Association (now NORA) was formed.

Recognizing there was a powerful effort to persuade EPA to classify used oil as a hazardous waste, a group of industry representatives that included Bill Ward, Bernie Snyder, and Alan Gressel, met at Eastern Oil in Virginia.



At that meeting, four companies decided to form NORA as a trade association to oppose listing used oil as a hazardous waste. Working with Congress, NORA was successful in their effort that led to the development of 40 CFR Part 279, the used oil management standards.

2024 marks NORA's 40<sup>th</sup> Anniversary.

NORA has grown from its original four members to nearly 300 members today. They

collect and responsibly process a billion gallons of used oil in the United States and many more billions by NORA members around the world.

Today, the sustainable environmental solutions NORA members provide far exceed the original used oil recycling services the industry provided in 1984.



NORA members collect and responsibly recycle billions of gallons of oily wastewater and antifreeze as well as provide parts cleaning services. Over 70% of NORA members also provide a wide variety of industrial and environmental services including industrial cleaning, vacuum truck service, tank cleaning, emergency response and more.

**REAGAN  
BUSH '84**

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## TABLE OF CONTENTS

Parker's Point .....	3
Welcome To NORA's Newest Members .....	4
Industry Calendar .....	4
Industry News .....	6
Member Spotlight: Environmental Specialists, Inc .....	8
2024 Winter Meeting Recap .....	11
Accident Investigation.....	22
NORA's First Four Decades .....	26
2024 Mid-Year Meeting Preview .....	28
PFAS Perspectives.....	34
Supplier/Vendor Directory .....	40

### ADVERTISER INDEX

Dexsil Corporation.....	Back Cover
Dober.....	41
Gallagher .....	21
GFL Environmental Inc. ....	25
Haz~Mat Environmental Services.....	42
Heritage - Crystal Clean, LLC.....	29
Imperial Industries Inc. ....	43
InCon Process Systems - GIG Karasek GmbH .....	45
Innovative Resource Management.....	Inside Back Cover
Liberty Mutual Environmental .....	44
Midwest Gas .....	Inside Front Cover
Onken Inc. ....	47
Par-Kan Company .....	46
PESCO - Pragmatic Environmental Solutions Company.....	37
Radian Chemicals LLC.....	49
ReGen III Corp.....	5
Seneca Tank .....	31
Summit Environmental Technologies .....	50
Valicor Environmental Services, LLC .....	33
Vertex Energy Inc .....	7
World Oil Corp .....	15
XL Insurance, Division of AXA .....	48

# PARKER'S POINT *(continued)*

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## The Next 40 Years

In 1984 at the formation meeting at Eastern Oil, it would have been impossible for those sitting around the table to imagine what the industry would look like in 2024.

It is equally impossible for us to imagine what the industry will look like in 2064. The challenges and opportunities will certainly be different than they were in 1984 or 2024.

However, two things that will not change: There will continue to be a need for the sustainable environmental solutions that NORA members provide and NORA will continue to help protect, grow and serve our members.

## Rebranding

Throughout 2024, the association will reflect on the past accomplishments of NORA (see page 26), as well as provide images throughout the years (see page 38).

Over the last 40 years, the services offered by this industry have diversified significantly. Recognizing that, the NORA Board of Directors has approved starting a process to rebrand the association.

As our members have diversified, it is imperative that NORA's brand represents that diversification. This helps us grow and retain members, represent our members before government agencies and provide expanded services to help members grow in all facets of their business.

The goal is to be able to announce the rebrand at the NORA Conference in November. ■

## WELCOME TO NORA'S NEWEST MEMBERS

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Know someone who should be a NORA member? Contact [sparker@noranews.org](mailto:sparker@noranews.org) or 703-753-4277.

## INDUSTRY CALENDAR

(meeting dates are tentative and subject to change)

### 2024

#### NORA Mid-Year Meeting

June 19-21, 2024  
Renaissance Providence Downtown  
Hotel; Providence, RI

#### ILMA Annual Meeting

September 28 - October 1, 2024  
Broadmoor; Colorado Springs, CO

#### NORA Conference & Trade Show

November 13-16, 2024  
Loews Coronado Bay; Coronado, CA

#### NAPA Annual Meeting

February 2-5, 2025  
Maui, HI



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Kimberly Hedlin – Vice President, Corporate Finance  
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# ReGen<sup>III</sup>

# Industry News

MORE INFORMATION ABOUT THESE NEWS ITEMS IS AVAILABLE AT [WWW.NORANEWS.ORG/NEWS](http://WWW.NORANEWS.ORG/NEWS).  
SEND ANY INDUSTRY NEWS UPDATES TO [SAMANTHA@NORANEWS.ORG](mailto:SAMANTHA@NORANEWS.ORG).

## NORA Comments on Maine Proposed Used Oil Changes

For the first time since 1985, Maine will be modifying their used oil rules for generators, collection sites, burners, marketers, transporters and processing facilities. NORA was provided a preview draft of their generator section. The draft is generally consistent with industry standards, Part 279 and many other state used oil regulations. However, there are several components of the generator section that NORA believes Maine should consider revising.

NORA provided comments to Maine on behalf of the industry. To read these comments, visit [www.noranews.org/membersonly](http://www.noranews.org/membersonly).



## NORA Launches Industrial & Environmental Services Council

The NORA Board of Directors recently approved the creation of the Industrial & Environmental Service

Council. Over 70% of NORA members provide industrial and environmental services in addition to their liquid recycling activity. "Over the years, association members have diversified their service offerings. NORA is committed in helping our members grow all aspects of their business," stated NORA Executive Director Scott D. Parker.

If you would like to assist in the development of this council and new services/benefits for industrial and environmental service providers, email Scott Parker at [sparker@noranews.org](mailto:sparker@noranews.org).



## EPA Proposing 9 PFAS Compounds as Hazardous

On January 31, 2024, the Administrator of the United States Environmental Protection Agency signed a proposal to change the Resource Conservation and Recovery Act regulations by adding nine particular per- and polyfluoroalkyl compounds, their salts and their structural isomers, to its list of hazardous constituents. EPA will collect comments on



this proposal for 60 days once it is published in the Federal Register. Stay up to date by attending the NORA Mid-Year Meeting in June.

## CEP Selected to Design LWART Brazil Re-Refinery Expansion

NORA member Chemical Engineering Partners (CEP), a leader in the design of used lubricating oil re-refineries, is proud to announce that NORA member LWART

Environmental Solutions has engaged CEP to design the expansion of their existing re-refinery in the state of São Paulo, Brazil. When completed, the expansion will increase the plant's production of high quality Group II base lubricating oil by 50%, making this the second largest re-refinery in the world.

The LWART São Paulo re-refinery was originally designed by CEP, and began operation early in 2013. Now, after more than a decade of success as the largest re-refinery in South America, LWART has launched an initiative to collect and re-refine even more used oil, which will help the nation of Brazil reduce its dependence on imported base lubricating oil.

Mr. Joshua Park, President and CEO of CEP, said: "We are very happy to continue to support our client LWART as they expand their re-refining business. As our relationship enters our 14th year, we are delighted that LWART continues to enjoy the economic and environmental benefits delivered by the CEP Process."

Mr. Thiago Trecenti, CEO of LWART Environmental Solutions, commented: "We have enjoyed great success with our re-refining business and are excited to be expanding. CEP has provided us with good technology that performs as promised, producing a superior quality Group II base oil on a consistent basis, and their ongoing technical support has been valuable to LWART. It was an easy decision for us to engage CEP to design our plant expansion."



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# Environmental Specialists, Inc.

By Diane McCormick

For Ken Walls, getting into the oil recycling business was part of a natural progression. The story begins in 1993, when the 10-year veteran of Safety-Kleen went out on his own as a consultant brokering industrial maintenance services for customers.

Then, at the urging of his clients, he got into parts washing.

“I bought a few parts washers, bought some drums of solvent, and put a few parts washers out in the field, and I found that everybody was receptive,” he says. “I rented a truck one day a week, then two days a week, and then I bought a truck myself. After I put quite a few parts washers out in the field, everybody asked, ‘What about our oil?’”

Today, Environmental Specialists, Inc., offers a comprehensive range of environmental and recycling services. Seizing opportunity as it came, ESI evolved into a one-stop solutions provider in hazardous and non-hazardous waste management, parts cleaning equipment and services, vacuum tanker commercial and industrial cleaning, used oil and used antifreeze recycling, used oil fuel sales and used oil re-refining feed stock, and environmental compliance and reporting.

Based in Youngstown, Ohio, Environmental Specialists, Inc., serves Ohio, Pennsylvania, and parts of Michigan, West Virginia and New York.

The company incorporated in March 1994, beginning with those parts washing services. As the requests for used oil management came along, Walls contracted with a Dayton, Ohio, recycler. Soon, he brought the business in-house by hiring a used-oil collector and driver who had worked for him at Safety-Kleen.

At that time, demand for oil collection was driven by customers searching for choices in providers.

“They were hungry for some competition and looking for other alternatives,” Walls says.

The primary market then was mostly automotive dealerships, quick lubes and trucking companies. Over time, Environmental Specialists, Inc., worked into the industrial sector, with parts washing, hazardous waste management, and the purchase of a vacuum tank truck for cleaning out floor drain interceptors.

As Walls puts it now, “We just very gradually added employees as business kept growing.”

Adding processing to ESI’s original collecting capabilities, helped drive much of that growth. Since around 2004, parts washing solvents once sent out for recycling, have been recycled and tested for reuse in the parts washing program.

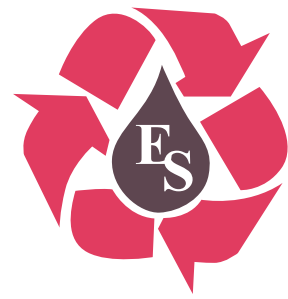
ESI processes used oils, industrial as well as automotive, into Recycled Fuel Oil (RFO). Getting a toehold in the industrial market also opened opportunities for wastewater disposal and construction of ESI’s Youngstown-based wastewater treatment facility around 2008. Other Ohio sites include a recycling facility and service center in Columbus, and a service center in Mansfield.

A Cleveland-area storage facility is being phased out as the asphalt plants that the company originally serviced with RFO have switched to cheaper natural gas.

“That era has kind of gone by, so that facility will probably be put to rest by the end of the year,” Walls says.

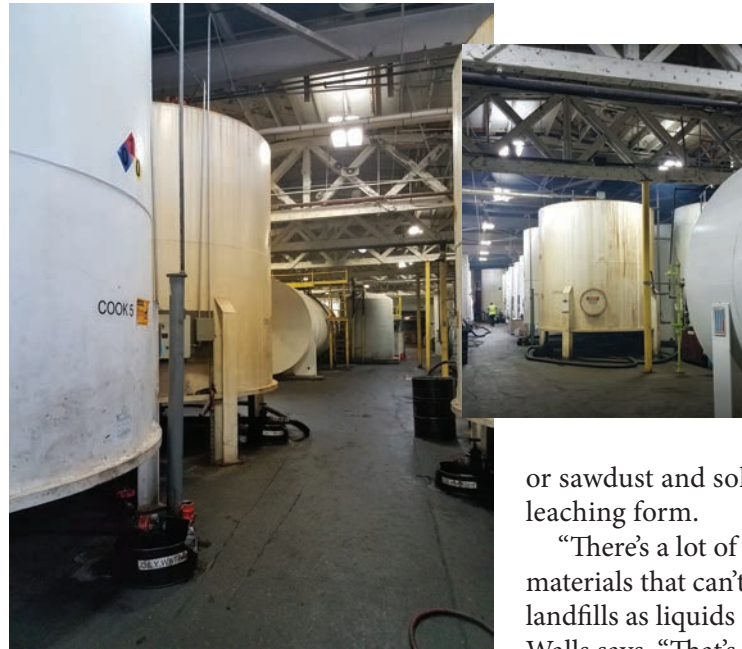
Founding a business that now offers 47 jobs has been “very rewarding,” he says. “We’ve been very fortunate, very blessed.”

Of course, Environmental Specialists, Inc., faces the same challenges confronting the rest of the industry, including labor shortages and swiftly changing regulations.



*“Every Drop Counts”*<sup>®</sup>





That's where NORA comes in. Smaller companies such as ESI can struggle to keep pace with the regulatory environment, "but NORA steps in and fills that void for us and keeps us abreast of things that are changing, pending, or being considered in regulation," Walls says.

Plus, NORA's networking opportunities connect him with potential clients and partners. For example, just as ESI's asphalt plant customers were switching to natural gas, a Columbus, Ohio, re-refining company asked ESI to supply product for its new re-refinery.

"It gave us another market to enter and keep us competitive in the collection market," Walls says. Even as that re-refinery has changed hands, Environmental Specialists, Inc., has remained a partner.

The breadth of services in ESI's menu is due, in part, to value-adds – for instance, clearing floor drains for parts washing customers, selling ancillary materials such as bulk windshield washer fluids and antifreeze and oil filter recycling.

Value-add is "definitely the key thing that has kept us in the forefront of our market," Walls says. "We serve over 500 auto dealers. That's probably because we provide a vast array of services that very few other companies do. For us to be able to do so much for the customer has really kept us competitive."

Coming up by midyear 2024, Walls hopes to complete a solidification facility for non-recyclable wastewater and liquid streams. They can't be

landfilled as-is, so they will be blended with fly ash, concrete or sawdust and solidified into non-leaching form.

"There's a lot of demand for these materials that can't be disposed of in landfills as liquids to be solidified," Walls says. "That's probably on our radar to tackle."

It's hard to believe 30 years have passed since Environmental Specialists, Inc., hit the road, he admits.

"The business just kept coming, and we've been blessed in that regard," he says. "We kept rolling with it as it came in. We probably could have grown a lot faster, but decided it was easier to crawl before we walk."

He remembers the mid-1980s, when he was sympathetically educating shop owners about compliance with costly new hazardous waste and recycling regulations. Now, he can look back on helping create a cleaner world. His business slogan of "Every Drop Counts" serves as a reminder that "every liquid, every drop that comes in needs to be accounted for, needs to be managed properly and, where feasible, recycled and reused again."

"It's nice to step back and look at how many gallons of material over 30 years we've brought in," he says. "I don't have exact numbers, but I know it's well into the hundreds of millions. It does feel good to be able to help keep that stuff out of places where it shouldn't go." ■

#### **Environmental Specialists, Inc.:**

[www.esrecycling.com](http://www.esrecycling.com), 1-888-331-3443.

1000 Andrews Avenue, Youngstown, OH 44505.



# NORA

## 2024 WINTER MEETING AND EH&S FORUM

————— RECAP —————

**F**rom March 6-8, over 135 industry leaders gathered in Las Vegas for networking opportunities, business development and updates on various issues related to the liquid recycling market. The event started with the eleventh annual NORA Environmental Health & Safety (EH&S) Forum. Over 45 members participated in the program, which featured five educational sessions and an interactive roundtable discussion. The presentations are now on the members' only section of [www.noranews.org](http://www.noranews.org). See page 20 for information.

The NORA Winter Meeting took place on the next day. Interactive committee sessions addressed various issues facing NORA members and provided valuable information. The following committees met during the event: Wastewater Working Group, Membership & Marketing, Advanced Processors Working Group, Industrial & Environmental Services Council, Conference Committee, Guiding Principles Committee, Used Oil Recycling Council and Government Affairs Committee.

The NORA Winter Meeting started with Scott Novak of Mayer LLP with his presentation "Solid Safety Policies & Procedures in Place? How Plaintiff Attorneys Weaponize Industry Standards". The Meeting also featured a presentation from Scott Parker on the Future of the Used Oil Supply. In addition, Kyle McDonald of TriHydro Corp gave an update on the status of PFAS and its impact on our industry. See page 20 on how to access this information.

The event was wrapped up with a reception allowing NORA members to network and discuss the day's topics amongst their peers. NORA thanks the sponsors of the NORA Winter Meeting. See page 12.



# NORA

2024 WINTER MEETING  
AND EH&S FORUM

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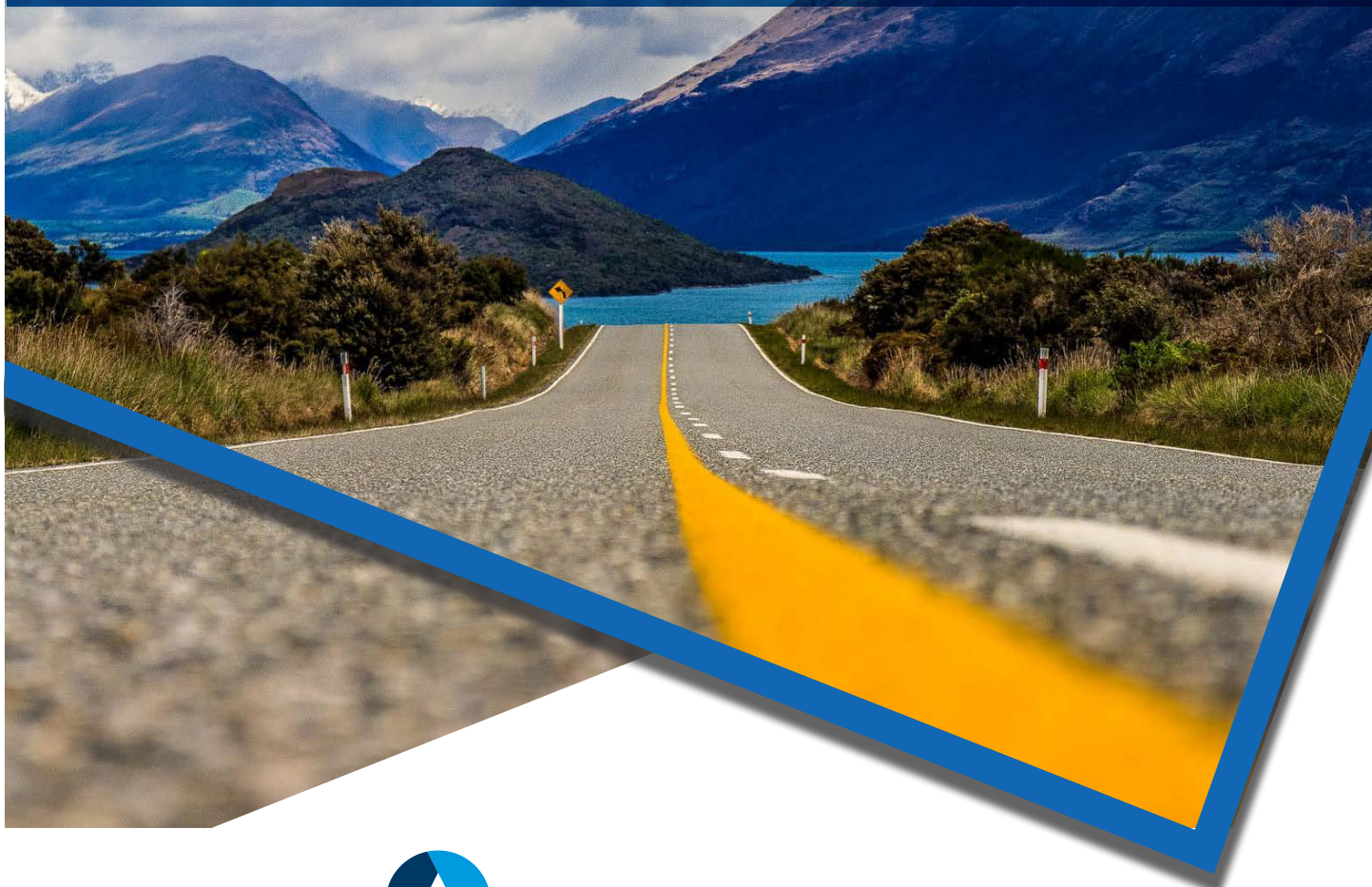
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# 2024 NORA Winter Meeting And EH&S Forum Presentations

To access these presentations, visit [www.noranews.org/pastevents](http://www.noranews.org/pastevents)



**Rail Tank Car Inspection:  
Comprehensive Training Requirements**  
Presented by: Michael Bennett



**Keys to Designing Successful  
Employee Hazard Reporting Program**  
Presented by: Justin Maynard,  
World Oil Corp.



**Future of the Used Oil Supply**  
Presented by: Scott D. Parker



**Measuring Safety:  
What Does Success Look Like**  
Presented by: Chip Duffie, EHS  
Momentum



**Solid Safety Policies & Procedures  
in Place? How Plaintiff Attorneys  
Weaponize Industry Standards**  
Presented by: Scott Novak, Mayer LLP



**PFAS Update**  
Presented by: Kyle McDonald, Trihydro  
Corporation



**Environmental and Industrial  
Services Industry: Legal Discussion  
of Exposures**  
Presented by: Scott Novak, Mayer LLP.



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ACCIDENT

INVESTIGATION

## Key to Preventing Similar Incidents

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An accident or near accident is a signal that something is amiss. The primary goal of an accident investigation program is the prevention of future similar accidents through the use of knowledge derived from the investigations. Additionally, the investigation will be used to prepare reports required by federal and state law, as well as the Workers' Compensation insurance carrier.

### **Policy**

All work-related accidents should be investigated in a timely manner. Minor incidents and near misses should be investigated as well as serious accidents. A near miss is an incident which, although not serious in itself, could have resulted in a serious injury or significant property damage. Investigation of these instances may avoid serious accidents in the future.

Supervisory personnel should be primarily responsible for making an investigation of all accidents in their areas of responsibility, including:

- OSHA recordable accidents;
- Vehicle accidents;
- Incidents involving equipment damage;
- Spills of hazardous materials;
- Fires;
- Near misses that had the potential to cause injuries or property damage.

The safety manager should assist in accidents involving fire, death, serious injury or extensive property damage.

### **Procedure**

When an employee is injured at work, the employee's supervisor is responsible for taking emergency action to have first aid administered, obtain professional medical attention as soon as possible and protect other employees and equipment. The supervisor must then begin to investigate the circumstances of the accident. The following procedures have been found to be effective when responding to and investigating accidents:

1. **GO** to the scene of the accident.
2. **PROVIDE** first aid or emergency medical care. Call 911 if an injured person is unconscious, bleeding profusely, is in great pain, shows signs of shock or heart attack or if you are uncertain about the severity of injuries.
3. **CONTROL** access to the scene. People milling around can destroy physical evidence or information necessary for an accurate and complete investigation. They may also get in the way of emergency responders and expose themselves to uncontrolled hazards. Rope off or barricade the area or have someone stand guard. If possible, contain the hazard to prevent further damage or injury.
4. **TALK** with the injured person, if possible. Talk to witnesses. Stress getting the facts, not placing blame or responsibility. Ask open-ended questions.
5. **LISTEN** for clues in the conversations around you. Unsolicited comments often have merit.
6. **ENCOURAGE** people to give their ideas for preventing a similar accident.
7. **STUDY** possible causes of unsafe conditions or unsafe practices.
8. **CONFER** with interested persons about possible solutions.
9. **WRITE** your accident report, giving a complete, accurate account of the accident.
10. **FOLLOW UP** to make sure conditions are corrected. If they cannot be corrected immediately, report this to your supervisor.

11. **COMMUNICATE** corrective action taken, and what was learned from the experience, to employees in either a training session or other form of communication.

In order for the supervisor's report to be effective, it should contain detailed answers to the following questions:

- What was the employee doing? Describe the equipment, materials, people and environmental conditions involved in the accident. Use the accompanying flowchart to help isolate the conditions responsible for the accident or injury.
- What happened? Indicate in detail what took place. Describe the accident, the type of injury, whether the employee was wearing appropriate safety equipment and any other relevant details. Were established engineering controls and/or safety procedures utilized?
- What caused the accident? Explain in detail the condition, act or malfunction that caused the accident. Remember that it is possible to have more than one reason or cause for an accident. Use the accompanying flowchart to determine whether the causal factor(s) are task-, person-, training-, material-, and/or environmentally-related.
- What can be done to prevent a similar accident? Indicate corrective action to prevent recurrence.

**Explain in detail the condition, act, or malfunction that caused the accident. Remember that it is possible to have more than one reason or cause for an accident.**

Unsafe Work Practice		
Task	Person	Training
<b>Arrangement</b> <ul style="list-style-type: none"> <li>• Work Process</li> <li>• Time demands</li> <li>• on employee</li> </ul> <b>Communication</b> <ul style="list-style-type: none"> <li>• Written Procedures</li> <li>• Verbal Procedures</li> <li>• Understandable</li> </ul> <b>Control</b> <ul style="list-style-type: none"> <li>• Supervisory               <ul style="list-style-type: none"> <li>○ Positive</li> <li>○ Corrective</li> </ul> </li> <li>• Administrative               <ul style="list-style-type: none"> <li>○ Rewards</li> <li>○ Corrective action</li> </ul> </li> </ul>	<b>Selection &amp; Qualification</b> <ul style="list-style-type: none"> <li>• Mentally</li> <li>• Physically</li> <li>• Emotionally</li> </ul> <b>Behavior</b> <ul style="list-style-type: none"> <li>• Did the employee follow established work rules and procedures?</li> </ul>	<b>Types</b> <ul style="list-style-type: none"> <li>• Initial Training               <ul style="list-style-type: none"> <li>○ Work skills</li> <li>○ Work rules &amp; procedures</li> <li>○ Update Training</li> <li>○ Remedial Training</li> </ul> </li> </ul> <b>Target</b> <ul style="list-style-type: none"> <li>• Operational</li> <li>• Supervisory</li> <li>• Managerial</li> </ul>

AND/OR

Unsafe Condition	
Material	Environment
<b>Equipment &amp; Supplies</b> <ul style="list-style-type: none"> <li>• Needed</li> <li>• Available</li> </ul> <b>Maintenance</b> <ul style="list-style-type: none"> <li>• Inspection</li> <li>• Repair</li> <li>• Reporting</li> </ul> <b>Machine Design</b> <ul style="list-style-type: none"> <li>• Guarding</li> <li>• Protection</li> </ul>	<b>Indoors: Is the facility adequate?</b> <ul style="list-style-type: none"> <li>• Inspection</li> <li>• Lighting</li> <li>• Ventilation</li> <li>• Temperature</li> <li>• Noise</li> </ul> <b>Outdoors</b> <ul style="list-style-type: none"> <li>• Inspection</li> <li>• Lighting</li> <li>• Ventilation</li> <li>• Temperature</li> <li>• Noise</li> </ul>

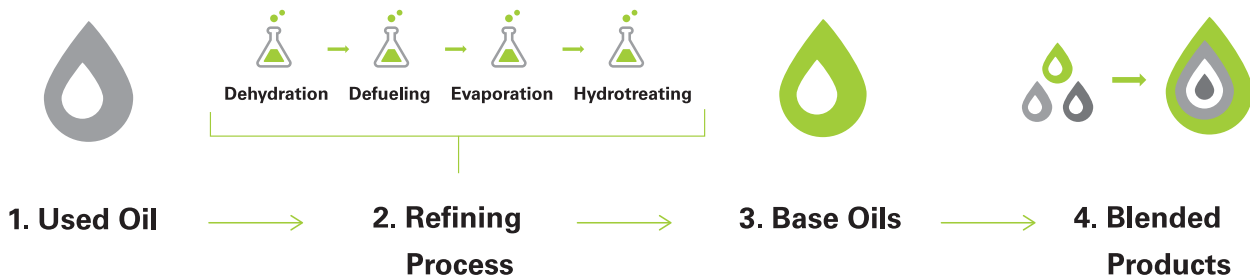
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# NORA's First 40 Years

## *Historical Accomplishments*

### PART 1: LEGISLATION

BY: CHRIS HARRIS

Colonel John Nolan, one of NORA's founders and its first president, once testified at a Congressional hearing that "there are no pipelines, supertankers or gusher wells to supply used oil. It must be collected in small quantities from hundreds of thousands of generators distributed across the country in the same concentration as the general population." He then compared the used oil collector to a honey bee. "The used oil collector goes from a quick lube shop to a gas station just as the honey bee goes from flower to flower and collects nectar."

Since its founding in December 1984, NORA and its members have been doing a lot of explaining about used oil and how the oil recycling system works –

and in many different forums. The various audiences include Congress and state legislatures, the U.S. Environmental Protection Agency ("EPA"), the Department of Energy, the Department of Transportation,



the Federal Trade Commission, state agencies, federal and state courts, the American Society for Testing and Materials ("ASTM") as well as several "think tanks" that produce studies and reports.

Accordingly, this summary of NORA's accomplishments is divided into these categories: legislation, regulation, litigation as well as other notable achievements. This issue focuses on NORA's legislative accomplishments.

#### Legislation

Even before NORA was formed, oil recyclers, such as Bill Ward (president of Eastern Oil in Alexandria, Virginia), met with members of Congress and their staff to explain the fundamentals of oil recycling. The result was the Used Oil Recycling Act of 1980 and the revisions to that statute that were enacted in the 1984 amendments to the Resource Conservation and Recovery Act ("RCRA"). The 1980 law was intended to provide specific authority to EPA to protect public health and the environment by *promoting*

#### Editor's Note

Chris Harris served as NORA's General Council from its founding in 1984 through May 2018. Harris was awarded NORA's John J. Nolan President's Award of Excellence in 2009 for extraordinary service and dedication to the liquid recycling industry. This is part one of a four part series in which Harris reflects on the accomplishments of NORA through its forty year history. Chris has divided this article into four categories; legislation, regulation, litigation, as well as achievements in the private sector. One section will appear in each of the 4 issues of Liquid Recycling magazine during the 2024 calendar year, respectively.

used oil recycling. The Used Oil Recycling Act of 1980 required EPA to issue regulations governing used oil management and to “ensure that such regulations do not discourage the recovery or recycling of used oil...” Pub. L. 96-463, 94 Stat. 2055 (1980) now codified at 42 U.S.C. §6935(a). The legislative history of the Used Oil Recycling Act of 1980 also makes clear that Congress believed that the “recycling of used oil will result

in the conservation of a valuable resource as well as diminish the likelihood of posing a threat to the public health and the environment if disposed of improperly.” H.R. Rep. No. 1415, 96<sup>th</sup> Cong., 2d Sess., 10 (1980). Senator John Chaffee, the floor manager of the RCRA reauthorization bill (S. 757) in the Senate and the chairman of the conference committee on the 1984 RCRA Amendments, described the used oil recycling provisions of the 1984 legislation as “a careful effort to balance the stringent environmental requirements of this legislation against the practical experience of businesses that are already engaged in successfully recycling material that would otherwise be harming the environment.” According to Senator Chafee, the used oil recycling industry “has demonstrated how a potentially hazardous substance can be safely collected and profitably recycled into new, useful products.” 130 Cong. Rec. S. 9193 (daily ed., July 25, 1984).

Despite this Congressional support for recycling, it was not clear what EPA would decide when it promulgated the used oil regulations. In 1985, there was a powerful effort to persuade EPA to classify used oil as a hazardous waste. NORA drafted legislation at the request of Congressman Ike Skelton of Missouri. This bill, H.R. 1593, was introduced by Representative Skelton and was co-sponsored by 131 other members of Congress. NORA members were very energetic in lobbying their representatives to sign on as co-sponsors. The widespread support for Congressman Skelton’s bill influenced EPA to adopt management standards for handling used oil without being designated as a hazardous waste.

1986 was another year that NORA was active on the legislative front. Congress had decided that the 1980 Superfund law required a reauthorization – which also meant an opportunity for interest groups to persuade Congress to adopt



an amendment or two. NORA helped organize a coalition of other trade associations, including the National Automobile Dealers Association, the American Petroleum Institute, the Automotive Oil Change Association, and the Independent Lubricant Manufacturers Association that successfully persuaded Congress to adopt the “Service Station Dealers Amendment” to the Superfund law (“CERCLA”). This 1986 amendment to CERCLA exempts

certain used oil generators from CERCLA liability for used oil if the generator complies with environmental regulations and provides a Do-It-Yourself (“DIY”) used oil collection facility. For four decades NORA has consistently engaged in on-going efforts to expand DIY collection programs across the country and prevent improper disposal.



In 2008, Senate Bill 546 was moving rapidly through the California Legislature. In its original version, S.B. 546 would have effectively prevented used oil generated in California to be collected and recycled in adjacent states. NORA went to work and persuaded the legislature to amend S.B. 546 so that, with additional testing, used oil could be recycled by out of state facilities.

In 2014, another bill in the California Legislature caught NORA’s attention. Senate Bill 916 would have mandated that used “bio-based” or “bio-synthetic” lubricants be placed in the same regulatory category as petroleum-based used oil. NORA enlisted the help of EPA to reaffirm that bio-based used lubricants did not satisfy the definition of used oil in 40 CFR Part 279. In addition, NORA persuaded the author of S.B. 916 that used oil recycling facilities could not process bio-based lubricants except in very small quantities. Moreover, for the goal of S.B. 916 to be implemented, California would have to establish a collection and recycling system for used bio-based lubricants, entirely separate from used petroleum-based lubricants. The author of S.B. 916 subsequently withdrew his proposed legislation. ■



The 2024 NORA Mid-Year Meeting will be held June 19-21, 2024, at the Renaissance Providence Downtown Hotel in Providence, Rhode Island. The Mid-Year Meeting is an excellent opportunity for NORA members to network and discuss news and issues related to the liquid recycling industry. This event is highly interactive and fosters the development of business opportunities and industry knowledge. Special interest committees help members explore the opportunities and threats facing different sectors of the business. All are welcome to join any of the numerous committee meetings.

The 2024 Mid-Year Meeting will be the first official meeting of the Industrial and Environmental Council. The council will provide key insights into the Industrial and Environmental space that NORA members have been taking part in and continue to expand into.

The NORA Mid-Year Meeting is a forum for members to have a say in the policies and positions of the association. Registration for the Winter Meeting is \$295 if you register before June 5<sup>th</sup>. Registration is available at [www.noranews.org](http://www.noranews.org) or on page 30.

All NORA members are invited to sponsor this event and advertise in the Mid-Year Meeting Book. You may purchase your sponsorship or advertising space by visiting [www.noranews.org/2024MYInfo](http://www.noranews.org/2024MYInfo), emailing [casey@noranews.org](mailto:casey@noranews.org) or filling out the form on page 32.



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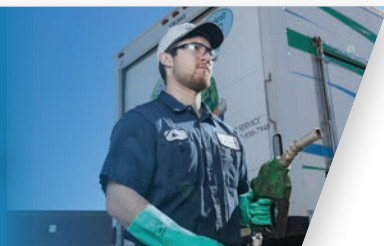
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# PFAS Perspectives: PFAS from Cradle to Grave? EPA Revisits RCRA Listings

MITCH OLSON, PH.D., P.E., EMERGING CONTAMINANTS DIRECTOR, TRIHYDRO CORPORATION  
KYLE MCDONALD, CES, ASSISTANT PROJECT SCIENTIST, TRIHYDRO CORPORATION

Welcome to the first 2024 installment of PFAS Perspectives, a recurring article designed to keep NORA members abreast of per- and polyfluoroalkyl substance (PFAS)-related news, insights and developments which draws on NORA's involvement in the Barnes & Thornburg PFAS Coalition and Trihydro's extensive portfolio of PFAS management experience. In this article, we unravel the United States Environmental Protection Agency's (USEPA's) recent proposed rules for expanded PFAS listings under the Resource Conservation and Recovery Act (RCRA).

RCRA is a federal law enacted in 1976 to regulate generation, transportation, treatment, storage and disposal of hazardous waste (i.e., from "cradle to grave"). Where RCRA waste has been released into the environment, the regulations provide USEPA with authority to enforce site investigation and cleanup activities. While PFAS have not been included in the pantheon of chemicals covered under RCRA, that may be changing.

## And Then There Were Nine

On February 8, 2024, the USEPA issued a proposed rule to list nine PFAS compounds as Hazardous Constituents (HCs) under RCRA (40 CR Part 261 Appendix VII). This proposal expands on the previous consideration of four PFAS compounds (PFOA, PFOS, PFBS and HFPO-DA) as HCs which USEPA proposed in October 2021 in response to a June 2021 petition filed by the governor of New Mexico. The newly proposed PFAS include PFNA, PFHxS, PFDA, PFHxA and PFBA.

This move signifies the USEPA's intention to not only broaden the scope of regulated PFAS compounds, but also to extend their inclusion in multiple environmental regulations which govern them. The USEPA's December 2023 Second

Annual Progress Report on their PFAS Strategic Roadmap identifies RCRA as one of the regulatory mechanisms involved, and the February 2024 proposed rule provides detailed insights on how they intend to leverage it.

The rationale behind listing PFAS under RCRA stems from the USEPA's determination that these substances are linked to adverse health effects based on evidence of toxicological effects.

The potential listing of a compound as a RCRA HC does not by itself immediately impose regulatory requirements; however, RCRA HCs are cited by reference in several sections of federal hazardous waste regulations. If finalized, a primary near-term impact of the HC rule would involve consideration for further investigation and cleanup at more than 1,700 RCRA hazardous waste treatment, storage and disposal facilities ("TSDF") with solid waste management units (SWMUs) currently being addressed under the RCRA corrective action program.

Further, the listing as an HC sets the stage for potential longer-term reclassification of select PFAS compounds as a hazardous waste; a designation with significant implications across various sectors, including many of those represented by NORA members. The process of reclassification to a hazardous waste requires USEPA to consider several factors specified under 40 CFR 261.11(a)(3) including whether the hazardous constituent represents a substantial hazard if improperly managed. The timing of these subsequent steps remains uncertain and are dependent upon finalization of the currently proposed HC rule.

Many stakeholders are affected by the USEPA's proposed rulings and have demonstrated significant engagement as they progress. Previous proposed federal rules concerning PFAS have garnered thousands of public comments, often leading to delays in finalizing proposed rulings. NORA participates



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in this process through our membership in the Barnes & Thornburg PFAS Coalition. Acting on behalf of the coalition, Barnes & Thornburg submits comments during public review periods, offering opportunities for coalition members to review and contribute to these comments. Additionally, Barnes & Thornburg maintains an active dialogue with the USEPA, providing verbal feedback during the regulatory development process and seeking updates at the earliest stages, often before public release by the USEPA.

Importantly, RCRA hazardous wastes are automatically defined as “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; also known as Superfund), adding complexity to the potential future impacts of this proposed rule. Note that contemporaneously proposed regulations exist that would directly designate these nine compounds as hazardous substances under CERCLA; action on this front is expected for two compounds, PFOA and PFOS, in early 2024 (see below). Thus, two pathways are being advanced that could potentially lead toward inclusion of PFAS in CERCLA.

### **The Broader PFAS Perspective**

From the 10,000-foot view, the RCRA proposal is only one of many state- and federal regulatory items making headway. For example, at long last, the USEPA has finalized analytical Method 1633 for PFAS in non-drinking water samples, which

was published in January 2024, and is applicable for wastewater, groundwater, surface water, biosolids, soils, and other matrices. The now-final Method 1633 is likely to replace all laboratory-specific methods previously used for these analyses and be included in regulatory compliance sampling guidance moving forward. Furthermore, USEPA has released the draft Method OTM-50 for analysis of PFAS in air marking a significant step toward development of regulating PFAS in air emissions.

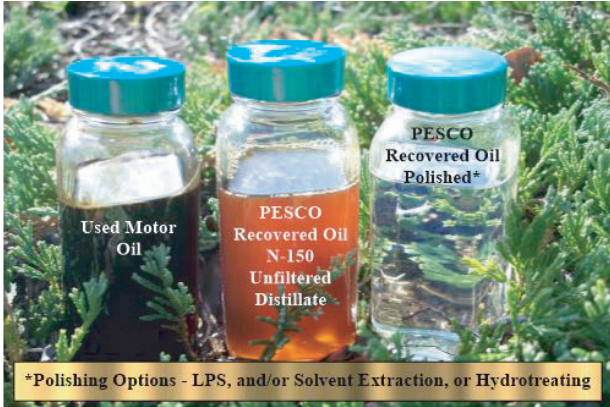
Early 2024 is the USEPA’s target deadline for finalizing the CERCLA “hazardous substance” designation for PFOA and PFOS, which would potentially extend the reach of assessments and remedial actions to historically contaminated sites and possibly lead to reopening of previously “closed” sites for PFAS assessment. Seven additional PFAS compounds were proposed for the same designation in April 2023, but finalization of these is not anticipated for 2024. As noted above, the RCRA proposal provides an alternative pathway through which these PFAS may become regulated under CERCLA.

Early 2024 is also the stated target for promulgating final maximum contaminant levels (MCLs) for PFOA, PFOS and four other PFAS compounds which, if finalized, would set enforceable standards for PFAS in drinking water. An updated PFAS Destruction and Disposal Guidance document is also anticipated. A detailed summary of these and other proposed recent developments in the world of PFAS were provided in our 2023 LR4 PFAS Perspectives article. ■

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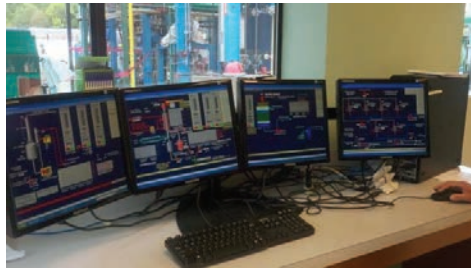
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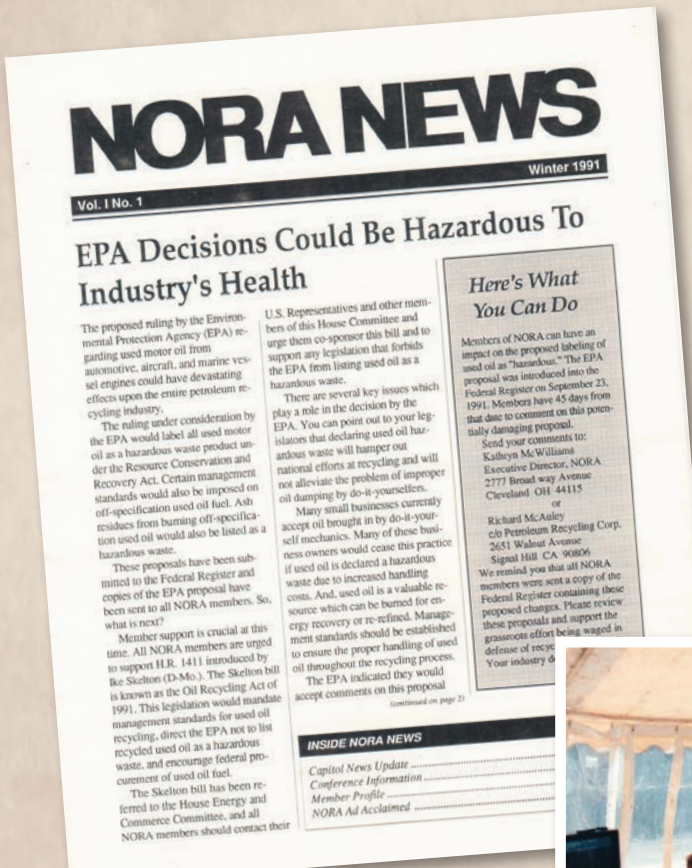
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# Looking Back on 40 Years



NORA members toured Research Oil Company of Cleveland's plant.

Volume 1, Issue 1 of NORANews was distributed to members, urging them to contact their local legislators regarding the Oil Recycling Act of 1991.



Alan Gressel, President of Research Oil Company of Cleveland, spoke to NORA members prior to the tour of their plant. Alan was a Past President of NORA and the recipient of the John J. Nolan award in 2008.



Jim Noble of Noble Oil addressing NORA members during an event.



Jack and Janelle Waggner visiting the Dexsil Booth during the NORA Conference & Trade Show.



A NORA raffle in which members were in awe of the sound produced by a state of the art boom box.

NORA's original General Counsel, Chris Harris. Chris was instrumental in the negotiation and development of Part 279 – the Used Oil Management Standards.



# NORA Supplier/ Vendor Directory



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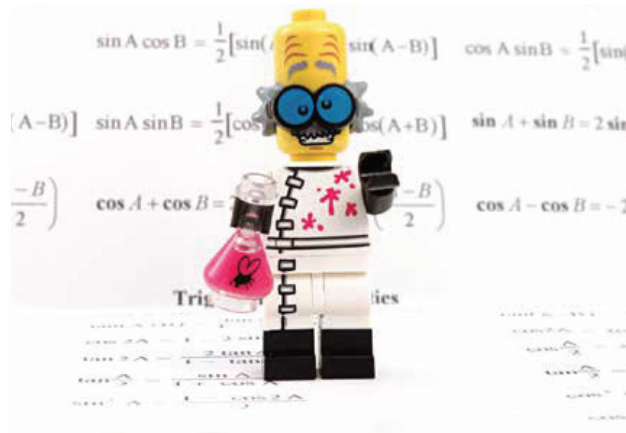
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