

Used Oil Filters and Absorbents Landfill Ban Questions and Answers

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Introduction

This guidance document reflects changes made to the oil filter and absorbent landfill ban in s. 287.07(4m), Wis. Stats. due to enactment of 2011 Wisconsin Act 152. Previously, the law stated that only oil absorbent materials with a volume of less than one gallon were permitted to be disposed of in landfills. With the enactment of 2011 Wisconsin Act 152, the disposal of oil absorbent materials containing waste oil is now permitted in landfills if no free-flowing oil is present and the absorbent materials are not considered hazardous. In addition, this guidance document has been revised to clarify that the ban on landfilling used oil filters includes filters from cars, trucks, motorcycles, snowmobiles, ATVs, boats, planes and trains.

Note: In this document the terms 'solid waste disposal facility' and 'landfill' are used interchangeably.

What is the intent of the s. 287.07(4m) landfill ban?

The intent of s. 287.07(4m), Wis. Stats., is to divert materials (such as waste oil and metal) from landfills that are readily recyclable.

To whom does the landfill ban apply?

The ban applies to individuals, including homeowners and farmers, as well as businesses, commercial or industrial facilities, non-profit organizations, churches, educational institutions and municipalities.

What types of oil filters are covered by s. 287.07(4m)?

Used oil filters

S. 287.07(4m), Wis. Stats., bans "automotive engine oil" filters from landfill disposal. Automotive engine oil

What is waste oil?

Waste oil is defined in s. 287.07(4m)(a)4. as "any petroleum-derived or synthetic oil that has been used or spilled." Synthetic oil is taken to mean chemical compounds artificially made using chemically modified petroleum components rather than crude oil. Synthetic oil is used as a lubricant when operating in extremes of temperature, because it generally provides superior mechanical and chemical properties than those found in traditional mineral oils.

Petroleum-derived oil is taken to mean oil that has a petroleum base. However, it is not taken to mean gasoline or diesel fuel.

Oils derived from plants or other non-petroleum based sources are not considered synthetic oils, and the ban in s. 287.07(4m), Wis. Stats. does not apply.

is defined in s. 287.15(1)(a), Wis. Stats., as "any oil to be used in the engine or crankcase of a motor vehicle."

Motor vehicle is defined in s. 287.15(1)(e) as "any vehicle propelled by an internal combustion engine and includes any automobile, truck, bus, motorcycle, snowmobile or vehicle which travels on or off roads or highways." This includes boats, planes and trains as well as all terrain vehicles (ATVs) and utility terrain vehicles (UTVs).

Used oil filters from other sources, such as a hydraulic system, are not covered under this statute; however, the Department of Natural Resources encourages recycling of these filters too.

Absorbent Materials

All types of materials used to absorb or contain waste oil are subject to the ban, including granular kitty-litter type absorbents, oil-dry cloth, rags, wipes, paper toweling and absorbent pillows, pigs, pads, socks etc.

What does the landfill ban include?

The ban prohibits the landfilling of all used automotive engine oil filters and all oil absorbent materials that contain free-flowing oil or that may be a hazardous waste. The landfill ban includes absorbent materials containing free-flowing petroleum-derived or synthetic oil from machines and equipment used in manufacturing and industrial applications, vehicle servicing operations, etc., or unused oil spills.

How does the exemption from the ban apply?

The exemption allows disposal of absorbents containing waste oil in a landfill if:

1. The waste oil has been drained so that no visible signs of free-flowing oil remain in or on the oil absorbent materials, and
2. The oil absorbent materials are not hazardous waste, as defined in s. 289.01(12).

The DNR recommends exempt oil absorbents be burned for energy recovery in specific used oil burning units, instead of disposed of in a landfill.

Can an oil filter or absorbent material be processed or recycled to the point that it is no longer subject to the landfill ban?

The statute prohibits any disposal of used oil filters in a solid waste disposal facility, including drained or shredded filters.

Absorbent materials that have been drained so that no visible signs of free-flowing oil remain in or on the oil absorbent materials and that are not hazardous waste are not subject to the ban. Absorbents that have been laundered or cleaned to remove oils are also allowed to be disposed of in a landfill.

Recycling options

The Wisconsin Recycling Markets Directory [wisconsinrecyclingdirectory.com] provides information about outlets for recycling various materials, including oil filters and absorbents. Oil filters are listed under "Motor Vehicles & Items." Oil absorbents are listed under "Other Materials."

How can used oil filters and absorbent materials be recycled or managed?

Used oil filters

Send undrained used filters to a company that can properly manage both the remaining oil and the filters. Used oil filters may be drained by hot-draining, crushing, or puncturing the filters at the generator site. The resulting oil drained from the filters has to be managed according to the requirements in ch. NR 679, Wis. Adm. Code. The metal filters can then be sent to a metal recycler or reclaimer. The paper portion of the filters can be burned for energy recovery at an approved facility.

Absorbent materials

There are several options for managing absorbents other than landfilling. Some companies that supply clean absorbents pick up used oil absorbents for cleaning and reuse. Used oil recovered from absorbents must be re-refined or burned for energy recovery according to the requirements in ch. NR 679. Granular absorbents may be recycled or burned for energy recovery at an approved facility. Cloth absorbent should be reused (after laundering) as long as possible and may also be burned for energy recovery. Absorbents may also be treated in DNR-approved bio-piles.

Used Oil Filters and Absorbent Materials Burned With Energy Recovery

The DNR is aware of some operations that use used oil filters as fuel in certain types of combustion processes. Others have approached the DNR about developing this type of process for oil filters and oil absorbents. The DNR will review any such proposals to determine whether a formal plan of operation and license is needed or if an approval to grant an exemption is more appropriate.

To find a list of recyclers for oil filters and oil absorbents, use the Wisconsin Recycling Markets

Directory and instructions in the box on page 2 of this document.

Is it acceptable to shred and recycle an automobile or other vehicle that has the oil filter intact?

Crushing, shredding or shearing automobiles and other vehicles with oil filters intact is acceptable provided the vehicle has been purged and/or drained of fluids before processing.

Residuals from processing, known as shredder residue or fluff, may be disposed of in a landfill.

Where can residential do-it-yourselfers recycle their used oil filters?

Some businesses that perform oil changes or sell oil and oil filters will accept used oil from do-it-yourselfers (DIYs). Some also allow DIYs to drop off used oil filters.

In addition, some communities allow used oil and oil filters to be collected at their waste transfer stations or at specific waste oil collection sites. Check with your local officials for more information.

What is the responsibility of landfill operators if they see used oil filters or absorbent materials as part of incoming waste loads?

Landfill operators should take reasonable steps to prevent the delivery of oil filters or absorbents containing free-flowing liquid. Steps include informing their customers of the ban, posting signs, and training personnel.

It may be difficult to detect or remove individual oil filters or small amounts of absorbent materials dripping oil from waste loads. However, large quantities of used oil filters or absorbent materials with free-flowing oil should be segregated from the waste load and properly recycled, unless such actions would endanger landfill personnel or others.

Are spills of products such as lotions that contain petroleum-derived or synthetic oil covered?

The intent of s. 287.07(4m) is to address waste oil, meaning any petroleum-derived or synthetic oil that has been used or spilled. The statute does not cover

spills of products such as creams and lotions that may contain small amounts of petroleum-derived or synthetic oil as ingredients. However, if a spill of the petroleum-derived or synthetic oil occurs before it enters the production process, the resulting spill absorbent material is subject to s. 287.07(4m). We recommend companies involved in manufacturing and packaging these products launder any rags/wipes used to maintain equipment and clean up spills rather than disposing of them in a landfill.

Would absorbent material used to contain or clean up a spill of gasoline or diesel fuel be subject to s. 287.07(4m)?

Absorbent material used to clean up gasoline or diesel fuel is not subject to s. 287.07(4m) since the landfill ban is only for absorbent materials containing free-flowing oil.

Does the NR 679.81 prohibition on landfill disposal of materials containing free-flowing oil apply?

Yes. 2011 Wisconsin Act 152 allows for landfill disposal of materials containing used oil as long as the used oil has been properly drained or removed so that no visible signs of free-flowing oil remain and the absorbent materials are not hazardous. This is consistent with s. NR 679.81(2)(b), Wis. Adm. Code.

Where can I get more information?

Go to dnr.wi.gov and search "used oil." Or contact DNRWasteMaterials@wisconsin.gov.

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Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

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Waste and Materials Management

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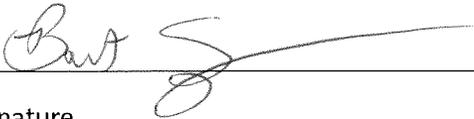
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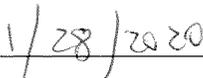
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DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.


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