

Managing Automotive Engine Used Oil Filters

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**Waste & Materials Management
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Introduction

As of January 1, 2011, automotive engine oil filters may not be disposed of in solid waste landfills. "Automotive engine oil" includes any oil that is used in the engine or crankcase of a motor vehicle, which means any vehicle propelled by an internal combustion engine. "Motor vehicle" includes any automobile, truck, bus, motorcycle, snowmobile, boat, plane, train or off-road vehicle, such as ATVs and UTVs.

See the DNR publication "Used Oil Filters and Absorbents Landfill Ban Questions and Answers" at <https://dnr.wi.gov/files/pdf/pubs/wa/wa1503.pdf> for more information on the landfill ban.

This document describes how the regulations apply to businesses or institutions who manage automotive engine oil filters in the following ways:

- √ Generate and drain their own used oil filters;
- √ Accept small quantities (55 gallons or less) of used oil filters from do-it-yourselfers or other companies;
- √ Accept drained or undrained used oil filters; or
- √ Burn used oil filters for energy recovery.

Which requirements apply if a business or institution drains their own used oil filters?

A business or institution that generates used oil filters is a used oil generator, subject to the requirements in NR 679 subch. C, Wis. Adm. Code.

Used oil generators may drain their oil filters by any of the methods listed below. The filters have been properly drained if there is no visible sign of free-flowing oil.

- Puncture through the dome end or anti-drain back valve and hot drain*.
- Hot drain and crush, or hot drain using an equivalent method to remove oil.
- Shredding, if the oil is recovered.

* Hot draining means to drain the filter at or near engine-operating temperature for at least 12 hours.

The standards in NR 679 subch. C require used oil generators to:

- Label containers with the words "Used Oil";
- Store used oil and undrained used oil filters in containers that are in good condition and not leaking; and
- Stop and contain used oil spills or releases to the environment and clean up and properly manage the released used oil and other materials. Repair or replace any leaking containers before reusing them.
- Use a transporter who has an EPA identification number if shipping used oil off-site.

After the used oil filters have been adequately drained, they should be recycled to recover the metal. The Recycling Markets Directory has a list of metal recyclers: wisconsinrecyclingdirectory.com.

Which requirements apply if a company accepts small quantities of used oil filters from households or other businesses?

Businesses and institutions that are used oil generators and households may self-transport used oil filters in quantities of 55 gallons or less to a used oil collection center or aggregation site.

The owner or operator of a collection center or aggregation point is subject to the used oil generator requirements in NR 679 subch. C (refer to the used oil generator standards above). Collection centers and aggregation sites that drain used oil filters are also subject to the used oil generator requirements.

Collection centers accept used oil from various generators and household do-it-yourselfers.

Aggregation sites only accept used oil from generation sites owned and operated by the same person who owns or operates the aggregation site. An aggregation site may also accept used oil from household do-it-yourselfers.

Which requirements apply if an individual or business accepts and manages undrained used oil filters?

Individuals or businesses that accept undrained used oil filters from off-site and crush or otherwise drain them are used oil transfer facilities subject to the requirements of NR 679 subch. E if the filters are stored longer than 24 hours and not longer than 35 days before draining them.

The standards in NR 679 subch. E. require owners or operators of used oil transfer facilities to:

- Obtain an EPA ID number from the DNR using the U.S. EPA form 8700-12. Go to dnr.wi.gov and search “hazardous waste” for more information.
- Store the used oil filters in containers that are in good condition and not leaking.
- Label containers with the words “Used Oil” or “Used Oil Filters”, as appropriate.
- Provide secondary containment for containers used to store used oil filters and used oil that consists of dikes, berms or retaining walls and a floor (or an equivalent containment system). The entire containment system, including walls and floor, must be impervious to used oil to prevent spills or releases in the containment system from migrating to soil and surface or groundwater.
- Stop and contain used oil spills or releases to the environment and clean up and properly manage the released used oil and other materials. Repair or replace any leaking containers or tanks before reusing them.

If the undrained used oil filters are stored for longer than 35 days, the individual or business is a used oil processing facility, subject to additional requirements in NR 679 subch. F.

Used oil that is generated when the filters are drained should be managed according to the used oil generator requirements in NR 679 subch. C (refer to the used oil generator standards above).

The drained filters should be recycled to recover the metal. See link above to Recycling Markets Directory for a list of metal recyclers.

Which requirements apply if an individual or business accepts and stores drained used oil filters?

Individuals or businesses that accept drained used oil filters from off-site and store them before sending them to be recycled or reclaimed are subject to the solid waste storage facility requirements in ch. NR 502.05, Wis. Adm. Code.

Under s. NR 502.05(3)(k), Wis. Adm. Code, the individual or business is exempt from more extensive storage facility requirements if the properly drained used oil filters are stored only in containers inside a building, and the following standards are met:

- Prior to constructing a building where used oil filters will be stored, complete a Non-Landfill Solid Waste Facility Initial Site Inspection Request & Preliminary Opinion Response Form **4400-209** <https://dnr.wi.gov/files/PDF/forms/4400/4400-209.pdf> (Note: If using an existing building to store used oil filters, it is not necessary to complete the form.)
- Obtain a license for operating a storage facility from DNR and pay a \$550 annual license fee.
- Self-certify the validity of the information in the following statement by signing the statement and submitting it with the license application:

I, _____ (authorized individual name), _____ (position title), hereby certify that I am the owner or authorized representative of the solid waste containerized storage facility, _____ (facility name), located at _____ (location address); that I am aware of ss. NR 502.04 and 502.05, Wis. Adm. Code applicable to the facility; and that the facility is in compliance with the codes.

(signature of authorized individual)

(signature date)

- Have no adverse effect on surface water, groundwater, wetlands or endangered species;
- Store the used oil filters in containers that are in good condition and not leaking;
- Accept no more than 50 tons of oil filters or other materials per day and store no more than 1,000 tons of oil filters or other materials at any one time
- Clean the active storage area periodically; and
- After ceasing operation, recycle or reclaim all used oil filters stored on-site and clean the storage area.

If a Municipal Solid Waste combustor has a program to explicitly accept used oil filters for fuel, the owner or operator would be subject to NR 679, subch. G, NR 502.13 and the conditions of the plan of operation approval under NR 502.13. Municipal solid waste combustors regulated under NR 502.13 can accept incidental amounts of used oil filters as part of the run of MSW.

If an owner or operator of an incinerator chooses to burn used oil filters as a fuel in addition to natural fuels or a limited suite of other solid wastes, they may request the exemption for use of municipal solid waste as a fuel in NR 500.10. If approved, the owner or operator would also have to comply with the applicable requirements in ch. NR 679 and the conditions of their air permit, as well as any conditions in the approval for the NR 500.10 exemption.

What requirements apply if used oil filters are burned for energy recovery?

Businesses that burn used undrained oil filters for energy recovery are subject to NR 679 subch. G¹, if the filters do not meet the on-specification fuel criteria in s. NR 679.11, Wis. Adm. Code.

The standards in NR 679 subch. G. require businesses to:

- Burn off-specification used oil for energy recovery only in an industrial furnace or boiler, utility boiler or licensed or permitted hazardous waste incinerator;
- Comply with the container labeling, storage and release response requirements summarized above for used oil generators;
- Obtain an EPA ID number from the DNR using the form 8700-12. A link to the form can be found under "Notification of Regulated Waste Activity" at: <http://dnr.wi.gov/topic/waste/forms.html>
- Provide secondary containment for containers used to store used oil filters and used oil that consists of dikes, berms or retaining walls and a floor (or an equivalent containment system). The entire containment system,

including walls and floor, must be impervious to used oil to prevent spills or releases in the containment system from migrating to soil and surface or groundwater;

- Keep record of each shipment of used oil filters accepted for burning, including the business names, date and quantity. Retain records for at least three years.
- Provide business customers a one-time notice certifying they have notified the DNR about the location and a description of the burner's used oil management activities, and
- Properly manage residues from the storage or burning of the used oil filters.

¹**Note:** Individuals or businesses are exempt from NR 679 subch. G. requirements if they:

- Burn used oil that they generate or receive directly from households or small farmers in a used oil-fired space heater with a maximum design capacity of 5000 BTUs per hour and its combustion gases are vented to the outside; or
- Burn only on-specification used oil (see NR 679.11 for more information); or
- Are a processor or re-refiner who burns used oil only for the purpose of processing other used oil.

If a Municipal Solid Waste incinerator accepts used undrained oil filters for fuel, the owner or operator would be subject to NR 679, subch. G, NR 502.13 and the conditions of the solid waste plan of operation approval.

If an owner or operator of a Municipal Solid Waste incinerator chooses to burn used oil filters as a fuel in addition to natural fuels or other solid wastes, they may request to be regulated under the conditional exclusion in NR 500.10. If approved, the owner or operator would also have to comply with the applicable requirements in ch. NR 679 and the conditions of their air permit.

Where can I get more information?

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

Disclaimer: This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

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

DOCUMENT ID

WA-19-1522-C

DOCUMENT TITLE

Managing Automotive Engine Used Oil Filters

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 287, 289, Wis. Stats.; chs. NR 502, 679 Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

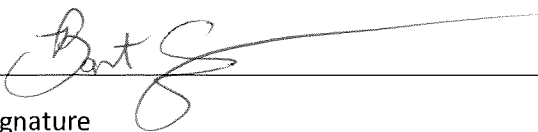
December 23, 2019

DATE FINALIZED

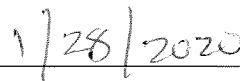
January 28, 2020

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.

A handwritten signature in black ink, appearing to be "Dont G", written over a horizontal line.

Signature

A handwritten date "1/28/2020" written in black ink above a horizontal line.

Date