

# Used Oil Filters and Absorbents Landfill Ban Questions and Answers

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## Introduction

2009 Wisconsin Act 86, which prohibits disposal of used oil filters and oil absorbent materials in a solid waste disposal facility, amends Chapter 287 and takes effect on January 1, 2011. The amendment adds used oil filters and oil absorbent materials to the list of items banned from land disposal (ch. 287.07(4m)). Answers to questions related to the revised statute follow:

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?

One intent of s. 287.07(4m), which was created by Act 86, was to divert materials (such as waste oil and metal) from landfills that are readily recyclable and encourage better oil conservation through improved management practices that prevent spills and repair leaking devices instead of relying on routine collection with absorbent materials.

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

### Used oil filters

The new statute bans from landfill disposal "automotive engine oil" filters. Automotive engine oil 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,

### Recycling options

The Wisconsin Recycling Markets Directory [<http://wisconsinrecyclingdirectory.com>] provides information about outlets for recycling various materials in Wisconsin, including oil filters and absorbents. To locate an oil filter or absorbent recycler, view the complete list of materials using the link directly under the directory search boxes. Oil Filters are listed under "Motor Vehicle Items," oil absorbents are listed under "Other Materials."

snowmobile or vehicle which travels on or off roads or highways." This includes 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 encourages recycling of these filters too.

### Absorbent materials

The landfill ban on oil absorbent material is broader and includes absorbent materials containing petroleum-derived or synthetic oil, such as from machines and equipment used in manufacturing and industrial applications, vehicle servicing operations, etc.

## What does the landfill ban include?

The ban prohibits the landfilling of all used automotive engine oil filters and all oil absorbent materials containing oil, except absorbent materials of less than one gallon resulting from a non-routine spill. 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 is waste oil?

Waste oil is defined in s. 287.07(4m)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), Stats. does not apply.

- changing oil at an auto dealership or similar facility
- performing vehicle maintenance at a commercial or government-owned shop; and
- oil that leaks at a facility that cleans up oil spills as part of its daily maintenance.

Rags or wipes used for personal cleanup after machine maintenance would be included in determining the less than one gallon exemption.

## What is a gallon of oil absorbent material?

A gallon of oil absorbent material is the amount that would fit inside a dry-gallon container, or the equivalent of about 268 cubic inches, or a 6.45 by 6.45 by 6.45 inch container. For example, an absorbent pillow may only have a pint of oil from a non-routine spill, but if the pillow with oil does not fit in a gallon bucket, it is not exempt.

## Who does the landfill ban apply to?

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.

## How does the exemption from the ban apply?

The exemption allows disposal in a landfill of less than one gallon of oil absorbent materials that contain waste oil from a non-routine spill [See s. 287.07(4m)(c)].

Examples of non-routine spills may include:

- oil discharged when a seal is manually broken;
- oil spilled when an accident occurs at a particular machine;
- oil spilled when a do-it-yourselfer changes the oil in home equipment such as lawnmowers, snow blowers or rototillers;
- oil spilled when a do-it-yourselfer changes the oil from their own vehicle; and
- oil released during a vehicle accident.

Examples of routine spills may include:

- oil that continually leaks while a machine is operating;
- oil that leaks each time a frequently repeated operation occurs such as
  - dismantling a car at a salvage yard

## 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 laundered or cleaned to remove oils are allowed to be disposed of in a landfill.

## 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. Some companies that supply clean absorbents pick

up the absorbents after use and reclaim them. Granular absorbents may be recycled or burned for energy recovery at an approved facility. The Department is currently investigating the possibility of allowing absorbents to be treated in approved bio-piles.

Cloth absorbent should be reused as long as possible, and then may be sent to a landfill after being laundered or cleaned using established industry standards to remove the oil. The recovered oil must be reclaimed through re-refining or burned for energy recovery according to the requirements in ch. NR 679.

### **Used Oil Filters and Absorbent Materials Burned With Energy Recovery**

The DNR is aware of some operations which use used oil filters as fuel in certain types of combustion processes. Others have approached the Department about developing this type of process for oil filters and oil absorbents. The Department 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 those who recycle oil filters and oil absorbents, use the Wisconsin Recycling Markets Directory and instructions in the box on page 1 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 and absorbents. 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 from waste loads. However, large quantities of used oil filters or absorbent materials 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 by s. 287.07(4m)?**

The intent of s. 287.07(4m) was to address waste oil, which means 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 would be subject to s. 287.07(4m). We recommend companies involved in the manufacturing and packaging of 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). If the absorbents' primary function were to absorb gasoline

or diesel fuel, even if there were a small amount of oil cleaned up as well, it would not be subject to the statute. If a spill occurred which involved primarily waste oil, absorbents used to clean it up would be subject to the statute.

## **Does the NR 679.81 criteria of no free-flowing oil to allow landfill disposal still apply?**

No. Prior to Jan. 1, 2011, NR 679.81(2)(b) allows the disposal in a landfill 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....” Section 287.07(4m)(c) allows disposal in a landfill of “less than one gallon of oil absorbent materials that contain waste oil resulting from a non-routine spill.” As of Jan. 1, 2011, NR 679.81(2)(b) no longer applies and instead, s. 287.07(4m)(c) applies.

## **Where can I get more information?**

Contact 608/266-2111 or [DNRWasteMaterials@wisconsin.gov](mailto:DNRWasteMaterials@wisconsin.gov) for further information.

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