



## DISPOSAL AND HANDLING OF WASTE HYDRAULIC OIL, HOSES AND ASSOCIATED WASTE

**BFPA/P115**

**BFPA**  
REPRESENTING HYDRAULIC & PNEUMATIC INDUSTRIES

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## **FOREWORD**

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## 1. BACKGROUND

There has been considerable uncertainty within the hydraulics industry regarding the classification of various types of waste and how it should be processed in an environmentally responsible and legally correct manner. This uncertainty has also led to questions relating to the need or otherwise for Consignment Notes when transferring the said waste.

The hydraulic hose replacement industry has the following associated waste streams:

- hydraulic oil
- hydraulic hoses
- associated waste such as rags, spill pads, granules etc.
- oil filters/cartridges

## 2. WASTE HYDRAULIC OIL

Hydraulic oils are listed within The European Waste Catalogue (EWC) <sup>[1]</sup> as ‘absolute hazardous waste’. To ensure that the movement of waste hydraulic oil is traceable a Consignment Note must be prepared before the waste oil is moved. A Consignment Note must contain certain information concerning:

- i) the nature of the waste
- ii) a full description (including the EWC) code
- iii) where, when and who generated the waste
- iv) details of who the waste was consigned to

**NOTE 1:** A copy of the Consignment Note needs to be held by the consignee, the waste carrier and the consignor (see attached Appendix A).

Also available from: <https://www.gov.uk/hazardous-waste-consignment-note-supplementary-guidance>

## 3. WASTE HYDRAULIC HOSES, RAGS, SPILL PADS AND GRANULES

The EWC does not specifically list waste hydraulic hoses, but the Environment Agency (EA) has confirmed that this type of waste should be classified under Chapter 16 01 of the EWC which refers to the end-of-life vehicles.

In some circumstances an absolute hazardous waste may not have any hazardous properties. Where an item of waste is contaminated with or contains residues of these oils, it may not be hazardous, even if the oil itself is classified as hazardous.

A desktop study has been undertaken to establish if hydraulic oils within the United Kingdom (UK) contain hazardous substances. The major UK oil company websites have been searched for publicly available information in the form of Safety Data Sheets (SDS). In excess of two hundred oils have been reviewed and the standard hydraulic oil ‘SDS’ did not contain hazardous substances.

**NOTE 2:** By standard hydraulic oils this excludes specialist applications such as hot working environments and aircraft hydraulics, which use fire-resistant fluids that are hazardous.

### 3. WASTE HYDRAULIC HOSES, RAGS, SPILL PADS AND GRANULES

Where possible, the specific hydraulic oil being used should be identified and the SDS checked to see if there is any indication that the oil contains hazardous substances. In a maintenance and repair environment, this is not usually possible, so for standard hydraulic applications the oil can be considered to be mineral oil-based and non-chlorinated, which carries the EWC code of 13 01 10.

Additionally, because these hoses have residues of hydraulic oil which do not display any hazardous properties, the correct code to use is 16 01 22 which is a (mirror) non-hazardous waste.

Oily rags, spill pads and granules used in the clean-up and maintenance are classified under 15 02 of the EWC. Similarly, because the oil does not have hazardous properties, these wastes will also be classified as (mirror) non-hazardous: 15 02 03. There are two considerations, however:

1. A need to act responsibly to minimise the amount of oil used in hydraulic hoses, spill pads and granules, etc. and any environmental damage this waste oil could produce.
2. The need to comply with The Environmental Protection Act 1990<sup>[2]</sup>, Section 34: Waste Management – the Duty of Care, a Code of Practice regarding the transfer of any controlled waste (see Appendix B).

**NOTE 3:** Used hydraulic hoses, rags, spill pads and granules are controlled waste under this Code of Practice.

Also available from: <http://www.eauc.org.uk/templates>

Consequently, in simpler terms, waste hydraulic hoses, rags, spill pads and granules do not require a Consignment Note for transport purposes, provided that they are handled appropriately and disposed of in accordance with the Regulations above.

#### 3.1 Appropriate handling, good practice and draining of used hydraulic hoses

Oil should be drained from any hydraulic hoses before it is removed from site. It is not considered good practice to drain oil into a container which is then poured back into the hydraulic system as this can result in contamination.

**NOTE 4:** If oil is drained into a container **IT MUST NOT BE REMOVED FROM SITE** as it would then require a Consignment Note – even for very small quantities.

In the event that such waste hydraulic oil is recovered and left at the customer's site, the service provider, as the producer of the waste, has an obligation under their Duty of Care to take reasonable steps in ensuring that the oil will be handled appropriately. This will, at least, include informing or reminding the customer of their obligations under WM3<sup>[3]</sup> to ensure that the oil is disposed of in the appropriate manner.

In the event that the oil is to be transferred by the customer, they also need to be reminded that they are obliged to do so with the appropriate Consignment documentation.

### **3. WASTE HYDRAULIC HOSES, RAGS, SPILL PADS AND GRANULES**

#### **3.1 Appropriate handling, good practice and draining of used hydraulic hoses**

Such notification might be made in the form of a printed leaflet to be left at the site which both informs the customer of their obligations and provides them with guidance on how to meet their responsibilities under the relevant Regulations. Whilst this may not completely remove the service provider from any responsibility for subsequent mis-handling of the oil by the customer it will, at least, be seen as best practice and constitute reasonable efforts to ensure that the customer is complying with the Regulations. Any service provider's paperwork associated with the customer signing to acknowledge completion of the work may also contain similar provisions stipulating that as it is a hazardous waste, it will be assumed that any oil left at the customer's site will be disposed of in accordance with the relevant Regulations.

#### **3.2 Transfer of non-hazardous waste**

Section 34 of the Environmental Protection Act stipulates that if any non-hazardous controlled waste is transferred then a Waste Transfer Note is required. Someone who carries out repair work is considered the producer of the waste. Hence, if the producer removes any hose and associated waste from site it is not being transferred and a Waste Transfer Note is not required.

***NOTE 5: A Waste Transfer Note (see Appendix C) is required when a service provider accepts controlled waste from a customer for disposal and when the service provider passes on their waste to someone else.***

Also available from: <https://www.gov.uk/how-to-dispose-of-nonhazardous-waste/waste-transfer-notes>

### **4. OIL FILTERS/CARTRIDGES**

Oil filters are classified under the end-of-life vehicle category 16 01 and specifically 16 01 07 which is classified as Absolute Hazardous (AH).

***NOTE 6: The movement of any oil filter/cartridge needs to be traceable and a Consignment Note is required.***

### **5. SCOTLAND AND WALES**

The Scottish Environmental Protection Agency (SEPA), operates independently from the EA as do the other regulators for Northern Ireland and Wales. The Regulations controlling the movement of hazardous (special) waste in Scotland are also slightly different.

The rules, however, governing the classification of waste are not different, being driven by European Regulations. All four agencies contribute to a single piece of guidance on waste classification (WM3). Classifying this waste, therefore, in any part of the UK using this guidance will result in reaching the same conclusion.

The agreed classification applies UK-wide <sup>[4]</sup>.

## BIBLIOGRAPHY

- [1] The European Waste Catalogue
- [2] Environmental Protection Act 1990
- [3] WM3 Guidance on the classification and assessment of waste (1<sup>st</sup> edition 2015)
- [4] Statutory Instruments 1994 No. 1056 Environmental Protection – The Waste Management Licensing Regulations 1994

**APPENDIX A**

# The Hazardous Waste Regulations 2005: Consignment Note


**Environment  
Agency**
**PRODUCER'S/HOLDER'S/CONSIGNOR'S COPY** (Delete as appropriate)

**PART A Notification details**

1 Consignment note code: 

--	--	--	--	--	--	--

 / 

--	--	--	--	--	--

4 The waste will be taken to (name, address and postcode):

2 The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile):

5 The waste producer was (if different from 2) (name, address, postcode, telephone, e-mail, facsimile):

3 Premises code (where applicable): 

--	--	--	--	--	--

**PART B Description of the waste**

If continuation sheet used, tick here

1 The process giving rise to the waste(s) was:

2 SIC for the process giving rise to the waste: 

--	--	--	--	--	--

3 WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified)

Description of waste	List of wastes (EWC code)(6 digits)	Quantity (kg)	The chemical/biological components in the waste and their concentrations are:		Physical form (gas, liquid, solid, powder, sludge or mixed)	Hazard code(s)	Container type, number and size
			Component	Concentration (% or mg/kg)			

The information given below is to be completed for each EWC identified

EWC code	UN identification number(s)	Proper shipping name(s)	UN class(es)	Packing group(s)	Special handling requirements

**PART C Carrier's certificate**

(If more than one carrier is used, please attach schedule for subsequent carriers. If schedule of carriers is attached tick here.

I certify that I today collected the consignment and that the details in A2, A4 and B3 are correct and I have been advised of any specific handling requirements.

Where this note comprises part of a multiple collection the round number and collection number are:

/
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1 Carrier name:

On behalf of (name, address, postcode, telephone, e-mail, facsimile):

2 Carrier registration no./reason for exemption:

3 Vehicle registration no. (or mode of transport, if not road):

Signature

Date							
------	--	--	--	--	--	--	--

Time							
------	--	--	--	--	--	--	--

**PART D Consignor's certificate**

I certify that the information in A, B and C has been completed and is correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any special handling requirements.

I confirm that I have fulfilled my duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011.

1 Consignor name:

On behalf of (name, address, postcode, telephone, e-mail, facsimile):

Signature

Date							
------	--	--	--	--	--	--	--

Time							
------	--	--	--	--	--	--	--

**PART E Consignee's certificate** (where more than one waste type is collected all of the information given below must be completed for each EWC)

Individual EWC code(s) received	Quantity of each EWC code received (kg)	EWC code accepted/rejected	Waste management operation (R or D code)

1 I received this waste at the address given in A4 on: 

Date							
------	--	--	--	--	--	--	--

Time							
------	--	--	--	--	--	--	--

2 Vehicle registration no. (or mode of transport if not road):

Name:

3 Where waste is rejected please provide details:

On behalf of (name, address, postcode, telephone, e-mail, facsimile):

I certify that waste permit/exempt waste operation number:

--

authorises the management of the waste described in B at the address given in A4.

Where the consignment forms part of a multiple collection, as identified in Part C, I certify that the total number of consignments forming the collection are:

Signature

Date							
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Time							
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**APPENDIX B**

**PART II**Duty of care etc.  
as respects waste.*Duty of care etc. as respects waste*

**34.**—(1) Subject to subsection (2) below, it shall be the duty of any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste, to take all such measures applicable to him in that capacity as are reasonable in the circumstances—

- (a) to prevent any contravention by any other person of section 33 above;
- (b) to prevent the escape of the waste from his control or that of any other person; and
- (c) on the transfer of the waste, to secure—
  - (i) that the transfer is only to an authorised person or to a person for authorised transport purposes; and
  - (ii) that there is transferred such a written description of the waste as will enable other persons to avoid a contravention of that section and to comply with the duty under this subsection as respects the escape of waste.

(2) The duty imposed by subsection (1) above does not apply to an occupier of domestic property as respects the household waste produced on the property.

(3) The following are authorised persons for the purpose of subsection (1)(c) above—

- (a) any authority which is a waste collection authority for the purposes of this Part;
- (b) any person who is the holder of a waste management licence under section 35 below or of a disposal licence under section 5 of the Control of Pollution Act 1974;
- (c) any person to whom section 33(1) above does not apply by virtue of regulations under subsection (3) of that section;
- (d) any person registered as a carrier of controlled waste under section 2 of the Control of Pollution (Amendment) Act 1989;
- (e) any person who is not required to be so registered by virtue of regulations under section 1(3) of that Act; and
- (f) a waste disposal authority in Scotland.

(4) The following are authorised transport purposes for the purposes of subsection (1)(c) above—

- (a) the transport of controlled waste within the same premises between different places in those premises;
- (b) the transport to a place in Great Britain of controlled waste which has been brought from a country or territory outside Great Britain not having been landed in Great Britain until it arrives at that place; and
- (c) the transport by air or sea of controlled waste from a place in Great Britain to a place outside Great Britain;

and “transport” has the same meaning in this subsection as in the Control of Pollution (Amendment) Act 1989.

1974 c. 40.

1989 c. 14.

- (5) The Secretary of State may, by regulations, make provision imposing requirements on any person who is subject to the duty imposed by subsection (1) above as respects the making and retention of documents and the furnishing of documents or copies of documents.
- (6) Any person who fails to comply with the duty imposed by subsection (1) above or with any requirement imposed under subsection (5) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to a fine.
- (7) The Secretary of State shall, after consultation with such persons or bodies as appear to him representative of the interests concerned, prepare and issue a code of practice for the purpose of providing to persons practical guidance on how to discharge the duty imposed on them by subsection (1) above.
- (8) The Secretary of State may from time to time revise a code of practice issued under subsection (7) above by revoking, amending or adding to the provisions of the code.
- (9) The code of practice prepared in pursuance of subsection (7) above shall be laid before both Houses of Parliament.
- (10) A code of practice issued under subsection (7) above shall be admissible in evidence and if any provision of such a code appears to the court to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.
- (11) Different codes of practice may be prepared and issued under subsection (7) above for different areas.

*Waste Management Licences*

- 35.—(1) A waste management licence is a licence granted by a waste regulation authority authorising the treatment, keeping or disposal of any specified description of controlled waste in or on specified land or the treatment or disposal of any specified description of controlled waste by means of specified mobile plant.
- (2) A licence shall be granted to the following person, that is to say—
- (a) in the case of a licence relating to the treatment, keeping or disposal of waste in or on land, to the person who is in occupation of the land; and
  - (b) in the case of a licence relating to the treatment or disposal of waste by means of mobile plant, to the person who operates the plant.
- (3) A licence shall be granted on such terms and subject to such conditions as appear to the waste regulation authority to be appropriate and the conditions may relate—
- (a) to the activities which the licence authorises, and
  - (b) to the precautions to be taken and works to be carried out in connection with or in consequence of those activities;
- and accordingly requirements may be imposed in the licence which are to be complied with before the activities which the licence authorises have begun or after the activities which the licence authorises have ceased.

**APPENDIX C**

## Duty of care: waste transfer note

Keep this page and copy it for future use. Please write as clearly as possible.

### Section A – Description of waste

A1 Description of the waste being transferred

[Redacted]

[Redacted]

List of Waste Regulations code(s)

[Redacted]

A2 How is the waste contained?

Loose  Sacks  Skip  Drum

Other

[Redacted]

A3 How much waste? For example, number of sacks, weight

[Redacted]

### Section B – Current holder of the waste – Transferor

By signing in Section D below I confirm that I have fulfilled my duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011 Yes

B1 Full name

[Redacted]

Company name and address

[Redacted]

[Redacted]

[Redacted]

[Redacted]

B2 Name of your unitary authority or council

[Redacted]

B3 Are you:

The producer of the waste?

The importer of the waste?

The local authority?

The holder of an environmental permit?

Permit number [Redacted]

Issued by [Redacted]

Registered waste exemption?

Details, including registration number [Redacted]

A registered waste carrier, broker or dealer?

Registration number [Redacted]

Details (are you a carrier, broker or dealer?) [Redacted]

[Redacted]

### Section C – Person collecting the waste – Transferee

C1 Full name

[Redacted]

Company name and address

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Postcode [Redacted]

C3 Are you:

The holder of an environmental permit?

Permit number [Redacted]

Issued by [Redacted]

Registered waste exemption?

Details, including registration number [Redacted]

A registered waste carrier, broker or dealer?

Registration number [Redacted]

Details (are you a carrier, broker or dealer?) [Redacted]

[Redacted]

### Section D – The transfer

D1 Address of transfer or collection point

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

D2 Broker or dealer who arranged this transfer (if applicable)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Transferor's signature [Redacted]

Transferee's signature [Redacted]

Name [Redacted]

Name [Redacted]

Representing [Redacted]

Representing [Redacted]



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