March 6, 1987

MEMORANDUM

SUBJECT: Hazardous Waste Status of Automotive Fluids

FROM: Marcia E. Williams
       Director, OSW

TO: Michael J. Sanderson
    Chief, RCRA Branch
    EPA Region VII

This is to provide guidance on the questions raised in your
February 19, 1987 memo. First, no automotive fluids have been
listed as hazardous under Subtitle C of RCRA; therefore, the
question of whether these fluids are subject to the hazardous
waste regulations depends on whether the fluid in question
exhibits one or more of the RCRA hazardous waste characteristics.
Although we do not have studies in this area, we have been
informed that some brake fluids and automatic transmission fluids
are ignitable under 40 CFR §261.21. Used crankcase oils may also
be ignitable (because smaller amounts of gasoline are added during
or after use), and may exhibit E.P. toxicity for lead.

However, for those automotive fluids that are used oils and
are recycled, the hazardous waste regulations would not currently
apply, even if the fluid exhibits a characteristic; rather all
used oils that are recycled are subject to 40 CFR Part 226,
Subpart E (See 40 CFR §261.6 (a)(2)(iii).) Currently, Part 266,
Subpart E only regulates the recycling of used oil as fuel. All
other recycling methods are exempt from regulation. Those
automotive fluids that are either not a used oil, or are used oil
that is disposed of, are subject to the hazardous waste
regulations if they exhibit one or more of the characteristics.
Currently, we define "used oil" in 266.40(b) very broadly.
Brake fluid, power steering fluid, and automatic transmission
fluid would all be considered used oils. On the other hand,
antifreeze and windshield washer fluid, because they are not
"oils" as the term is commonly used, would not be used oils.

As a practical matter, our understanding is that brake,
steering, and transmission fluids are typically mixed with
crankcase oils and recycled. Therefore, the hazardous waste
characteristics are not relevant and Part 266, Subpart E applies
if the oils are recycled as fuel. Used anti-freeze is not a used
oil and is not likely to exhibit any of the hazardous waste
characteristics; consequently, it may be disposed of as a solid
waste in Subtitle D facilities. Similarly, windshield washer
fluid is not used oil, and is not likely to exhibit a
characteristic; thus, it may also be disposed of as solid waste.
Please feel free to call Mr. Mike Petruska at 8-382-7737 if you have any further questions.

cc: Regional Branch Chiefs (EPA Regions I-IV and VII-X)