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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.

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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)