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REGULATORY STATUS OF USED CUTTING OILS AND USED OIL COATED STEEL  
TURNINGS GENERATED DURING MACHINING

United States Environmental Protection Agency  
Washington, D.C. 20460  
Office of Solid Waste and Emergency Response

November 17, 1993

Mr. Patrick M. Snyder, P.E.  
Environmental Engineer and Attorney  
407 Cortland Savings Bank Bldg.  
1 North Main Street  
Cortland, New York 13045

Dear Mr. Snyder:

Thank you for your letter of September 29, 1993, to Ms. Rajani Joglakar requesting clarification of whether used cutting oils and used oil coated steel turnings generated during machining operations are regulated by the Environmental Protection Agency as hazardous waste under the Resource Conservation Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Generally, these materials are not regulated as hazardous waste by EPA. The remainder of this letter explains in more detail how these materials are regulated.

Used oil is regulated by EPA under the 40 CFR Part 279 standards for the management of recycled used oil (September 10, 1992 57 FR 41586-41626). However, the Federal used oil regulations will not become effective in New York until the State adopts them as State law. New York is currently in the process of adopting standards equivalent to EPA's used oil standards. In the meantime, the New York State Department of Environmental Conservation (DEC) regulates the management of used oil under recently issued State standards. You should contact Michelle Ching at (518) 485-8988 or Bill Mirabile (518) 457-8829 for information on the New York State used oil regulations.

Under the Federal used oil management standards, the cutting oils generated by the machine shop referred to in your letter would be regulated as used oil. This would include cutting oils removed

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from the steel turnings. The machine shop would be considered a used oil generator subject to regulation under the used oil generator standards (40 CFR 279.20). I have enclosed a copy of the used oil regulations for your information.

Regarding regulation of the used oil coated steel turnings, under 40 CFR 279.10(c) of the used oil standards, materials containing or otherwise contaminated with used oil would be regulated as used oil until the used oil is removed from the material. In technical amendments and corrections to the used oil rule, published on May 3, 1993, EPA clarified that "materials containing or otherwise contaminated with used oil, from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material are not considered used oil unless they are to be burned for energy recovery" (58 FR 26420). Therefore, the steel turnings referred to in your letter would be regulated as used oil if they were visibly dripping with used oil but not if all the oil had been drained off.

If the steel turnings are not regulated as used oil, it is possible that they may still be regulated as hazardous wastes under the RCRA hazardous waste regulations. Steel turnings are considered "scrap metal" and are exempt from regulations if recycled. If disposed of, the generator has to determine if the turnings exhibit any characteristics of hazardous waste (e.g. toxicity). If so, they must be managed as a hazardous waste. New York is authorized by EPA to implement the RCRA hazardous waste program. You should contact the Division of Hazardous Substance Regulation of the New York State Department of Environmental Conservation (DEC) at (518) 485-8988 to determine how the State hazardous waste regulations may apply. You may also contact the RCRA hotline at (800) 424-9346 to learn more about how the federal waste regulations may apply. Please note, however, that authorized states generally implement the RCRA hazardous waste regulations and State regulations may be more stringent than the Federal regulations.

If you have any further questions about the Federal used oil management standards, you can call Eydie Pines of my staff at (202) 260-3509.

Sincerely,  
Bruce R. Weddle  
Acting Director

Office of Solid Waste

Enclosure