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2013 Solvent-Contaminated Wipes Final Rule: Frequent Questions

What does this rule do?

The Solvent-Contaminated Wipes final rule conditionally excludes wipes that are contaminated with solvents from certain hazardous waste requirements. Specifically, the rule modifies regulations under the Resource Conservation and Recovery Act (RCRA) for solvent-contaminated wipes that are cleaned and reused at industrial laundries or dry cleaners and for wipes sent for disposal to a municipal solid waste landfill or a solid waste combustor.

To be excluded, solvent-contaminated wipes must be managed in closed, labeled containers and cannot contain free liquids when sent for cleaning or disposal. Additionally, facilities that generate solvent-contaminated wipes must comply with certain recordkeeping requirements and may not accumulate wipes for longer than 180 days.

Why is EPA finalizing this rule?

The purpose of this final rule is to provide a consistent regulatory framework for solvent-contaminated wipes that is appropriate to the level of risk posed by these wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

The rulemaking effort began in the 1980s, when EPA received rulemaking petitions from industry that requested EPA exclude disposable and reusable wipes from hazardous waste regulation because these regulations were too stringent for solvent-contaminated wipes based on the risks they pose. The final rule is based on EPA's final risk analysis, peer reviewed in 2008 and published for public comment in 2009, which demonstrates that wipes contaminated with certain hazardous solvents do not pose significant risks to human

health and the environment when managed under reduced requirements.

What is a solvent-contaminated wipe?

A solvent-contaminated wipe is a wipe (ie. a shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material) that after use or after cleaning up a spill, contains a solvent that would be considered hazardous waste either because it is listed in the hazardous waste regulations, or because it exhibits the characteristic of ignitability. Solvent-contaminated wipes do not include wipes contaminated with hazardous waste other than solvents, or that exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents.

How does the rule maintain and enhance protection of human health and the environment?

Under the final rule, solvent-contaminated wipes must be managed according to specific management standards in order to be excluded from hazardous waste regulation. This includes:

- Solvent-contaminated wipes must be managed in closed containers that are labeled "Excluded Solvent-Contaminated Wipes." Managing wipes in non-leaking, closed containers ensures that the solvents are unlikely to be released to the environment. Closed and labeled containers serve to minimize emissions, prevent spills, and reduce the risk of fires, for example, by securing the solvent-contaminated wipes from potentially incompatible wastes or ignition sources.
- Generators may accumulate solvent-contaminated wipes for no longer than 180 days prior to sending the wipes. This accumulation standard ensures that free liquids are removed from the solvent-contaminated wipes and the container within the 180-day specified time frame and thus, cannot be stored indefinitely on-site.
- Solvent-contaminated wipes must not contain free liquids at the point of being sent for cleaning or disposal. Removal of free liquids prior to being sent off-site significantly reduces the potential for release of solvents into the environment, such as through leaks or spills. Free liquid solvent removed from the wipes must then be managed as hazardous waste, as

appropriate, and may be recycled to further reduce a facility's environmental footprint.

- Generators must maintain certain documentation on-site so that states and EPA can ensure the generators are maintaining compliance with the conditions of the exclusion.
- Laundries and dry cleaners, solid waste combustors, and municipal solid waste landfills that receive solvent-contaminated wipes are regulated under their respective Clean Water Act (CWA), Clean Air Act (CAA), and RCRA regulations. These statutes serve to address the risk from any potential solvent releases to the water, air, and land.

How does the rule reduce regulatory burden for facilities?

Solvent-contaminated wipes that are managed according to the conditions in the final rule are not hazardous wastes and thus generators do not need to meet the more stringent hazardous waste regulations. For example, solvent-contaminated wipes managed under the final rule exclusions no longer have to be manifested when being sent off-site and may be sent to non-hazardous waste handling facilities.

How is the exclusion for reusable wipes and the exclusion for disposable wipes different?

There are three main differences between the exclusion for reusable wipes and the exclusion for disposable wipes:

- Under the final rule, reusable wipes are not solid and hazardous wastes; however, disposable wipes are solid wastes, but not hazardous wastes.
- Disposable wipes that are hazardous waste due to the presence of trichloroethylene are not eligible for the exclusion. This is because EPA's final risk analysis demonstrates that wipes contaminated with trichloroethylene may pose a significant risk to human health and the environment when disposed in a lined landfill.
- Reusable wipes may go to laundries or dry cleaners whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act. Disposable wipes may go to 1) combustors that are regulated under section 129 of the Clean Air Act or under 40 CFR parts 264, 265, or 266 subpart H, 2) municipal solid waste landfills regulated under 40 CFR part 258 (including

§ 258.40) or, 3) hazardous waste landfills regulated under 40 CFR parts 264 or 265.

How has the 2013 final rule changed compared to the 2003 proposed rule?

EPA finalized the conditional exclusions largely as proposed in November 2003, with some revisions. These revisions include:

- Elimination of the proposed "dry" standard for disposable wipes which would have required each wipe to contain less than five grams of solvent prior to being disposed in a non-hazardous waste landfill. Instead, disposable wipes must contain no free liquids, which is the same standard used for wipes going to combustors, laundries, and dry cleaners. The Paint Filter Liquids Test (Method 9095B) is used for determining whether solvent-contaminated wipes contain no free liquids.
- Expansion of the scope of solvent-contaminated wipes eligible for the disposable wipes exclusion based on EPA's final risk analysis. Only one solvent, trichloroethylene, remains ineligible for the exclusion.
- Solvent-contaminated wipes must be managed in closed containers, rather than the proposed covered container standard.
- Addition of a labeling requirement for reusable wipes.
- Addition of an accumulation time limit for solvent-contaminated wipes; wipes may be accumulated by the generator for up to 180 days prior to being sent for cleaning or disposal.
- Added recordkeeping requirements to assist in monitoring compliance with the conditional exclusions.
- Clarification that solvent-contaminated wipes may only go to laundries, dry cleaners, solid waste combustors and municipal solid waste landfills that are regulated under their respective CWA, CAA, and RCRA regulations.
- Elimination of the proposed provision allowing intra-company transfer of reusable and disposable wipes for the purpose of removing sufficient solvent to meet the "no free liquids" condition.

How did EPA conduct its risk analysis for this rule?

The Agency undertook a comprehensive risk analysis to estimate the potential risk from disposal of solvent-contaminated wipes and laundry

sludge in lined and unlined landfills. This risk analysis was subjected to external peer review, presented for public comment, and revised where appropriate. In support of this analysis, EPA: (1) collected and reviewed information from a wide variety of sources to estimate the amount of the solvents contained in the wastes of concern, (2) used a state-of-the-art landfill modeling to examine potential risks posed by possible releases from landfills to the air and groundwater, and (3) calculated the potential risks by using the most up-to-date human health toxicity values available. The risk analysis used conservative assumptions to ensure that potential risks from landfill disposal were assessed protectively.

What were the results of EPA's final risk analysis?

The results of the final risk analysis demonstrated that solvent-contaminated wipes and sludge from laundries and dry cleaners disposed in municipal solid waste landfills with composite liners do not pose significant risk to human health and the environment for all but one of the solvents of concern (trichloroethylene, which is not eligible for the exclusion for disposable wipes). The results support the conditional exclusion for discarded solvent-contaminated wipes, which requires that the wipes be disposed in municipal landfills subject to certain design criteria, including composite liners. The final risk analysis represents a comprehensive characterization of the risk posed by the solvent-contaminated wipes. Therefore, EPA concluded that this is an appropriate basis to exclude solvent-contaminated wipes from the definition of hazardous waste.

What are the estimated economic impacts of the final rule?

EPA estimates that the final rule will result in a net savings of between \$21.7 million and \$27.8 million per year. This includes a net savings of \$18.0 million per year in avoided regulatory costs and between \$3.7 million and \$9.9 million per year in other expected benefits, including: (1) pollution prevention and waste minimization benefits, (2) fire safety benefits, and (3) potential benefits to industrial laundries and dry cleaners from removal of the "waste" label for solvent-contaminated reusable wipes.

How does this rule impact existing state programs for solvent-contaminated wipes?

Under RCRA section 3006, EPA may authorize qualified states to administer the RCRA Subtitle C hazardous waste program within the state. Following authorization, the authorized state program operates in lieu of the federal regulations.

The final rule includes requirements and conditions that are less stringent than those of the base RCRA hazardous waste program. Thus, states with an authorized RCRA program, except as described below, are not required to adopt the conditional exclusions. States may, through implementation of state waiver authorities or other state laws, allow compliance with the provisions of today's rule in advance of adoption or authorization.

Of course, states cannot implement requirements that are less stringent than the federal requirements in the final rule. EPA's previous policy, that was established in the 1990s, had deferred determination of the regulatory status of solvent-contaminated wipes to the states and EPA regions (68 FR 65617). This deferral has resulted in the development of various state programs for solvent-contaminated wipes, particularly for reusable wipes.

Today's conditional exclusion for reusable wipes is generally consistent with many of the states' policies; however, some conditions required by the final rule may be more stringent than some existing state programs. As a result, authorized states whose programs include less stringent requirements than today's final rule are required to modify their programs to maintain consistency with the federal program per the provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.7. The current state requirements remain in place until the state adopts the equivalent to these federal requirements.