



**US Army Corps
of Engineers** ®

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US Army Corps of Engineers

HTRW CX Regulatory Fact Sheet FY 04 - 02

Title: Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusions From Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes	Date: November, 20, 2003
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SARS RIN#: 2050-AE51	Action Type: Proposed Rule	Cite: 68 FR 65585
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Executive Summary: This proposal would serve multiple purposes. It would not only facilitate reuse of solvent contaminated industrial wipes and encourage recovery of solvent from wipes, but it would also allow disposal of low-risk contaminated industrial wipes as non-hazardous waste.

Two conditional exclusions are proposed:

- Solvent contaminated disposable wipes meeting certain conditions would be excluded from the regulatory definition of hazardous waste. Thus they could be disposed in non-hazardous waste landfills and combustion units.
- Solvent contaminated reusable wipes meeting certain conditions would be excluded from the regulatory definition of solid waste. Thus they could be laundered or dry cleaned without meeting solid waste or hazardous waste management standards.

Both exclusions would pertain to industrial wipes contaminated with F-listed spent solvents (F001-F005) or comparable P and U listed commercial chemical products spilled and cleaned up with industrial wipes, except there are 11 solvents that are not eligible for landfill disposal under the exclusion. These are further discussed below.

Impact: This action is deregulatory in nature. No negative impacts are anticipated.

USACE POC: Beverly VanCleaf, USACE HTRW CX, 402 697 2559, or by email at Beverly.D.VanCleaf@USACE.Army.mil

Comments Due To EPA: February 18, 2004

Full Text Document Location:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28652.pdf>

Key Elements of the Proposed Rule

EPA acknowledges that industry uses terms such as shop towels, industrial wipes, industrial rags, and paper towels to distinguish different types of wipes, however, for simplicity this proposal merely used the term "industrial wipe". The proposed definition of "industrial wipe" is "non-woven wipes made of wood pulp or polyester blends; industrial shop towels, a woven textile made of cotton or polyester blends; and industrial rags, non-homogenous materials consisting of cotton or polyester blends. Industrial wipes of all kinds are used for a variety of purposes, including removing small quantities of solvents from machinery parts, hands, tools, and the

floor."

Conditional Exclusion for Disposable Wipes

EPA proposes to add a conditional exclusion from the definition of hazardous waste at 40 CFR 261.4(b)(19) for certain low-risk solvent contaminated industrial wipes sent for disposal. This applies to wipes sent to municipal waste landfills; to other non-hazardous waste landfills that meet 40 CFR 257 Subpart B; and to municipal waste combustors or other combustion facilities. The exclusion would also apply to wipes managed by industrial wipe handling facilities removing solvent prior to being sent for disposal.

The proposed exclusion would apply to wipes containing certain F-listed spent solvent (F001-F005) and corresponding spilled P or U listed commercial chemical products. Also, excluded are wipes which exhibit a hazardous characteristic that results from eligible F-listed spent solvent or corresponding P or U listed commercial chemical product. However, per preamble discussion, if co-contaminated with another material that makes them characteristically hazardous for corrosivity, reactivity, or toxicity (such as metals) they would not be eligible for the exclusion. If co-contaminated with a material that makes them characteristically hazardous for ignitability, they would remain eligible.

EPA has determined that 11 solvents may present a hazard if land disposed even if wipes are "dry". Solvents eligible and ineligible for the landfill disposal under the exclusion are listed below.

Solvents ineligible for landfill disposal exclusion are:

Benzene	Carbon tetrachloride	Chlorobenzene	Cresols (o,m,p)
Methylene chloride	Methyl ethyl ketone	Nitrobenzene	2-Nitropropane
Pyridine	Tetrachloroethylene	Trichloroethylene	

Solvents eligible for landfill disposal are:

Acetone	Butanol	Carbon Disulfide	Cyclohexanone
1,2-Dichlorobenzene	Dichlorodifluoromethane	2-Ethoxyethanol	Ethyl Acetate
Ethyl benzene	Ethyl Ether	Isobutyl Alcohol	Methanol
Methyl Isobutyl Ketone	Trichlorofluoromethane	1,1,1-Trichloroethane	Toluene
1,1,2-Trichloroethane	1,1,2-Trichlorotrifluoroethane	Xylenes	

Conditions of the exclusion are:

- Solvent contaminated industrial wipes must be accumulated, stored and managed in non-leaking covered containers. ("Covered" containers are distinguished from "closed" containers that must be sealed.)
- Solvent-contaminated industrial wipes, if transported offsite, must be transported in containers that are designed, constructed and managed to minimize loss to the environment. Per preamble discussion containers meeting DOT packaging requirements would meet the performance standard as would closed, sealed, impermeable containers. However the proposal does not require containers to be "closed". Thus properly cinched plastic or cloth bags could also meet the performance standard.
- Solvent-contaminated wipes, if transported, must be in containers labeled "Exempt Solvent-Contaminated Wipes".

- When transported to a municipal waste landfill or other non-hazardous waste landfill:
 - Solvent contaminated wipes must contain less than 5 grams of solvent each or must have been treated by solvent extraction. Per preamble discussion, this can be demonstrated using records regarding the amount of solvent used per month for wiping operations divided by the number of wipes used per month; by sampling to measure the amount of solvent applied per wipe before use; or by measuring the amount of solvent remaining on wipes after use. Alternatively the "dry" standard can also be met by putting wipes through an advanced solvent-extraction process capable of removing sufficient solvent to meet the 5-gram condition.
 - Wipes must not contain any of the 11 listed spent solvents that may pose adverse risks to human health and the environment when disposed of in a landfill, even if "dry". These are 2-nitropropane, nitrobenzene, methyl ethyl ketone, methylene chloride, pyridine, benzene, cresols (o, m, p), carbon tetrachloride, chlorobenzene, tetrachloroethylene, or trichloroethylene.
- When transported to a municipal waste combustor, other combustion facility, or industrial wipes handling facility, solvent contaminated wipes must not contain free liquids (except when being transported intra-company for the purpose of removing free liquids) or must have been treated by solvent extraction. "No free liquids" means no liquid solvent may drip from industrial wipes, and that there is no liquid solvent in the container holding the wipes.
- Intra-company transfer of wipes containing free liquids is allowed if the transfer must occur in order to remove sufficient solvent to meet the 5 gram standard or "no free liquids" standard and the receiving facility manages the extracted solvent according to applicable hazardous waste regulations.
- Combustion and industrial wipes handling facilities must manage solvent-contaminated industrial wipes in non-leaking covered containers or in containers designed, constructed, and managed to minimize loss to the environment before the wipes enter the handling process.
- If free liquids are in containers that arrive at combustion and industrial wipe handling facilities, the receiving facility must remove free liquid and manage them as hazardous waste or return the closed container with the wipes and free liquid to the generator as soon as reasonably practicable, but no later than the next scheduled delivery.
- Combustion facilities may dispose of residuals from combustion of wipes in solid waste landfills if residuals do not exhibit a hazardous waste characteristic.

Conditional Exclusion for Reusable Wipes

EPA proposes to add a conditional exclusion from the definition of solid waste at 40 CFR 261.4(a)(22) for reusable wipes. It would apply to industrial wipes sent to an industrial laundry, to a dry cleaner or to an industrial wipe handling facility when they contain an F-listed spent solvent (F001-F005), a corresponding spilled P or U listed commercial chemical product, or when they exhibit a hazardous characteristic that results from the F-listed spent solvent or corresponding P or U listed commercial

chemical product.

Conditions for the exclusion are:

- Solvent contaminated industrial wipes must be accumulated, stored and managed in non-leaking covered containers.
- Solvent-contaminated industrial wipes, if transported offsite, must be transported in containers that are designed, constructed and managed to minimize loss to the environment.
- When laundered or dry cleaned on site or transported off site to a laundry, dry cleaner, or industrial wipes handling facility, solvent contaminated industrial wipes must contain no free liquids or must have been treated by solvent extraction. (There is an exception allowing intra-company transfer of wipes for purposes of removing solvent to meet the "no free liquids" standard.)
- Intra-company transfer of solvent contaminated industrial wipes containing free liquids may occur provided the transfer must occur in order to remove sufficient solvent to meet the "no free liquids" condition and the receiving facility manages the extracted solvent according to hazardous waste regulations.
- Laundries, dry cleaners, and industrial wipes handling facilities must manage the solvent-contaminated industrial wipes in non-leaking covered containers or in containers that are designed, constructed, and managed to minimize loss to the environment before the industrial wipes enter the handling process.
- If free liquids are in containers arriving at a laundry, dry cleaner, or industrial wipes handling facility, the receiving facility must either remove the free liquids and manage them according to hazardous waste regulations or must return the closed container to the generator.
- Sludge from cleaning wipes may be disposed in solid waste landfills if the sludge does not exhibit a hazardous waste characteristic.

Note, the 11 solvents that were not eligible for disposal under the conditional exclusion for disposal of wipes, are eligible to be managed under provisions of the exclusion for reusable wipes.

Other Options Under Consideration

EPA welcomes comments on all elements of this proposal. In addition, they also request comments on options not proposed, but under consideration. These include, but are not limited to the following:

- Whether to impose limits on accumulation amounts or times on wipes going to disposal.
- Regarding intra-company transfers, whether to require a one-time notification to the state; maintenance of appropriate business records that identify where the industrial wipes are managed and where the recovered solvent is sent; whether to require compliance with RCRA's employee training and emergency response requirements in 40 CFR Part 262; and whether to require transfer of the industrial wipes with free liquids in closed (i.e., sealed) containers.
- Whether to require wipes to be transported in impermeable, closed

containers.

- Whether to allow wipes containing less than 5 gram of solvent to be transported without any specific RCRA conditions.
- Whether to use a “no free liquids when wrung” standard in lieu of a “no free liquid” standard.
- Whether “exotic solvents” should be allowed to contain free liquids due to safety concerns associated with flammability characteristics present when not wetted.
- Whether to allow inter-company (as opposed to limiting to intra-company) transfer of wipes containing free liquids.

