

Conditional Exclusion from Hazardous Waste and Solid Waste for Solvent Contaminated Wipes

Final Rule
78 FR 46448
July 31, 2013

What is this Federal Register About?

This is a final federal rule. It is currently not effective in Ohio. U.S. EPA adopted changes to the hazardous waste rules to:

- Exclude reusable solvent contaminated wipes from the definition of waste, and
- Exclude disposable solvent contaminated wipes from the definition of hazardous waste.

Under the new rule, certain reusable wipes are excluded from being defined as a waste if laundered and reused according to the conditions of the rule. Also, certain solvent contaminated disposable wipes are excluded from being defined as a hazardous waste (but they are still defined as a waste) if the conditions of the exclusion are met. Wipes managed according to the exclusions do not count towards a generator's monthly hazardous waste accumulation rate. For both types of wipes, the exclusion applies at the point of generation.

Eligible Wastes

A wipe means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material. Not all contaminated wipes that meet the definition of a hazardous waste are eligible for the exclusion. An eligible wipe is:

- Contaminated with one or more of the solvents listed in the F001 to F005 spent solvent listings found in Ohio Administrative Code (OAC) rule 3745-51-31 or the corresponding P – U – listed solvent product found in OAC rule 3745-51-33; or
- Contaminated with a P – or U – listed solvent and exhibits a hazardous waste characteristic solely due to the listed solvent; or
- Contaminated with a non-listed solvent and exhibits only the characteristic of ignitability;

AND

- Does not exhibit the hazardous waste characteristic of corrosivity, reactivity or toxicity due to a contaminant other than the solvent, or
- Is not a disposable wipe contaminated with trichloroethylene.

Any free liquid spent solvent is still considered a waste and potentially subject to the hazardous waste regulations upon removal from the solvent contaminated wipe or from the container

holding the wipes. Such free liquid solvent must be evaluated to determine if it is a hazardous waste. Free liquid solvent in the wipes container does not void the exclusions for the wipes.

Conditions of the Exclusions

Under the final rules, hazardous reusable and disposable solvent contaminated wipes are excluded from regulation under the hazardous waste rules provided certain conditions are met. Specifically, both types of wipes, when accumulated, stored and transported, must be contained in non-leaking, closed containers. The containers must be able to contain free liquids (should free liquids occur) and the containers must be labeled “Excluded Solvent Contaminated Wipes.” The generator may accumulate the solvent contaminated wipes for up to 180 days prior to sending them for cleaning or disposal. At the point of transport for cleaning or disposal, the container holding the wipes must not contain free liquids. Generators need to document where the wipes are sent; that the wipes are not stored for more than 180 days; and the process the generator used to ensure no free liquids are not present in the container when transported for cleaning or disposal.

Lastly, the generator must send the solvent contaminated wipes to one of the following facilities for cleaning or disposal; these facilities are collectively referred to as “handling facilities:”

- An on-site or off-site laundry or a dry cleaner that discharges, if any, under sections 301 and 402 or section 307 of the Clean Water Act (CWA));
- A municipal solid waste landfill that is regulated under 40 CFR part 258 or a hazardous waste landfill regulated under 40 CFR parts 264 or 265; or
- A municipal waste combustor or other combustion facility that is regulated under section 129 of the Clean Air Act (CAA); a hazardous waste combustor regulated under 40 CFR parts 264 or 265, or a hazardous waste boiler or industrial furnace regulated under 40 CFR part 266 subpart H.

What does this rule mean to the regulated community?

This rule will likely affect the following industries: printers, chemical manufacturers, equipment/vehicle repair, electronic manufacturers, publishing, metal fabricating companies and plastics/rubber manufacturers. This rule will not cause any of the regulated community to be newly subject to hazardous waste permitting.

Currently, in Ohio, the policy for hazardous reusable solvent contaminated wipes is that such wipes are not considered a solid waste, and therefore, are not subject to any regulation under the hazardous waste rules, if the wipes are cleaned and reused. Hazardous solvent contaminated wipes destined for disposal are defined as a hazardous waste and subject to full regulation under Ohio’s hazardous waste rules.

Under the new federal rules, hazardous solvent contaminated disposable wipes will be subject to less stringent management and disposal requirements than currently imposed in Ohio and reusable solvent wipes will be subject to slightly more stringent management requirements as compared to Ohio’s policy for reusable wipes.

What does this mean to DHWM and/or Ohio EPA?

Ohio EPA's current policy for reusable wipes is less stringent than the newly adopted federal rule. Therefore, Ohio EPA will need to either adopt the new federal rule (and rescind our current policy) or rescind our policy and regulate solvent contaminated wipes as hazardous waste.

With regard to the conditional exemption from the definition of hazardous waste for disposable wipes, Ohio EPA is not required to adopt the exclusion. This is because the exclusion is less stringent than Ohio's current rules. Authorized states are not obligated to adopt less stringent requirements.

This rule will not increase the number of facilities subject to hazardous waste permitting. And, it is unlikely that this rule will increase the universe of generators subject to the hazardous waste rules or affect the way we do business. However, it is another set regulations targeted at a specific waste stream that inspectors will need to be knowledgeable.

When would the regulatory changes be effective in Ohio?

All of the rule changes will be effective in Ohio when Ohio EPA adopts them.

When will Ohio EPA adopt the state version of this rule?

Ohio EPA plans to adopt the new federal rule regarding solvent contaminated wipes with a target effective date in May 2014.

Federal Guidance Document and *Federal Register* notice:

[Federal Register Notice](http://www.gpo.gov/fdsys/pkg/FR-2013-07-31/pdf/2013-18285.pdf): <http://www.gpo.gov/fdsys/pkg/FR-2013-07-31/pdf/2013-18285.pdf>

[Guidance](http://www.epa.gov/wastes/hazard/wastetypes/wasteid/solvents/wipes.htm): <http://www.epa.gov/wastes/hazard/wastetypes/wasteid/solvents/wipes.htm>