

Solvent Contaminated Wipes Rules

Presented at:
A&WMA SW OHIO CHAPTER MEETING
“BREAKFAST WITH THE REGULATORS”
APRIL 24, 2014

Regulatory Background- Wipes Rule

- 78 FR46447 Final Rule published 7/31/2013
- Effective Date: January 31, 2014
- Changes to 40CFR Part 260 & Part 261
- Previous to this ruling, USEPA delegated the regulation of wipes to the states
- Full text link-
<http://federalregister.gov/a/2013-18286>

Federal Rules Summary

- Classifies solvent contaminated wipes as either “reusable” or “wastes”
- Reusable wipes- 40CFR 261.4(a)(26) establishes the **solid waste** exclusion, provided meets the conditions
- Disposable wipes- 40CFR 261.4(b)(18) establishes the **hazardous waste** exclusion, provided meets the conditions

Solvent Contaminated Wipe (SCW)

- Containing one or more F001-F005 listed solvents (261.31) or corresponding “P” or “U” listed solvents (261.33)
- Exhibits a hazardous characteristic resulting from listed solvents
- Exhibits only ignitibility characteristic when containing one or more non-listed solvents

Wipes not included

- Contains listed hazardous waste other than solvents
- Exhibits characteristics of toxicity, corrosivity, or reactivity due to non-solvents or contaminants other than solvents
- For disposal only- hazardous waste due to presence of trichloroethylene

Storage, Labeling & Time

- Storage- accumulated, stored and transported in non-leaking, closed containers that can contain free liquids
- Label- the words “Excluded Solvent-Contaminated Wipes”
- Accumulation time: 180 days from start of accumulation

Recordkeeping, Condition of Wipes & Free Liquids

- Recordkeeping-
 - name & address of laundry, dry cleaner, landfill, or combustor;
 - docs for 180 day limit;
 - method of meeting “no free liquids”
- No free liquids from wipes- paint filter test
- All free liquids managed in accordance with hazardous waste rules

Eligible Handling Facility

- Reusable- laundry or dry cleaner whose discharge is regulated under sections 301 and 402 or 307 of the Clean Water Act
- Disposable-
 - Go to combustor (CAA section 129) or to HW combustor, boiler or industrial furnace regulated by 40 CFR 264, 265, or 266 subpart H
 - Go to municipal solid waste landfill or hazardous waste landfill

Handling Facilities

- Storage- stored in non-leaking, closed containers labelled “Excluded Solvent Contaminated Wipes; containers must be able to contain free liquid
- Free Liquids- must be managed in accordance with 40 CFR 260 through 273

Summary

- USEPA states on their web site these requirements are less stringent than existing requirements
- Ohio EPA guidance- see the attached, states the new federal rules are more stringent than current requirements

Solvent-Contaminated Wipes Final Rule

Summary Chart

This chart summarizes the federal regulations in regards to managing solvent-contaminated wipes under 40 CFR 261.4(a)(26), which conditionally excludes from the definition of solid waste solvent-contaminated wipes that are cleaned and reused (“reusable wipes”), and under 40 CFR 261.4(b)(18), which conditionally excludes from the definition of hazardous waste solvent-contaminated wipes that are disposed (“disposable wipes”).

This summary chart is a guidance document provided by the U.S. Environmental Protection Agency (EPA). This is not a regulation and, therefore, does not add, eliminate, or change any existing regulatory requirements. The statements in this document are intended solely as guidance. Additionally, state regulations may be different from the federal program.

	Solvent-Contaminated Reusable Wipes	Solvent-Contaminated Disposable Wipes		
Regulation Citation	40 CFR 261.4(a)(26) (Solid Waste Exclusion)	40 CFR 261.4(b)(18) (Hazardous Waste Exclusion)		
Description	Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes, provided the conditions of the exclusion are met.	Solvent-contaminated wipes that are sent for disposal are not hazardous wastes, provided the conditions of the exclusion are met.		
Includes	<ul style="list-style-type: none"> ➤ Wipes containing one or more F001-F005 listed solvents listed in § 261.31 or the corresponding P- or U- listed solvents found in § 261.33, including: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> - Acetone - Benzene - n-Butanol - Chlorobenzene - Creosols - Cyclohexanone - 1,2-Dichlorobenzene - Ethyl acetate - Ethyl benzene - 2-Ethoxyethanol </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> - Isobutyl alcohol - Methanol - Methyl ethyl ketone - Methyl isobutyl ketone - Methylene chloride - Tetrachloroethylene - Toluene - 1,1,2- Trichloroethane - Trichloroethylene (<i>*For reusable wipes only.</i>) - Xylenes </td> </tr> </table> ➤ Wipes that exhibit a hazardous characteristic resulting from a solvent listed in part 261. ➤ Wipes that exhibit only the hazardous characteristic of ignitability when containing one or more non-listed solvents. 		<ul style="list-style-type: none"> - Acetone - Benzene - n-Butanol - Chlorobenzene - Creosols - Cyclohexanone - 1,2-Dichlorobenzene - Ethyl acetate - Ethyl benzene - 2-Ethoxyethanol 	<ul style="list-style-type: none"> - Isobutyl alcohol - Methanol - Methyl ethyl ketone - Methyl isobutyl ketone - Methylene chloride - Tetrachloroethylene - Toluene - 1,1,2- Trichloroethane - Trichloroethylene (<i>*For reusable wipes only.</i>) - Xylenes
<ul style="list-style-type: none"> - Acetone - Benzene - n-Butanol - Chlorobenzene - Creosols - Cyclohexanone - 1,2-Dichlorobenzene - Ethyl acetate - Ethyl benzene - 2-Ethoxyethanol 	<ul style="list-style-type: none"> - Isobutyl alcohol - Methanol - Methyl ethyl ketone - Methyl isobutyl ketone - Methylene chloride - Tetrachloroethylene - Toluene - 1,1,2- Trichloroethane - Trichloroethylene (<i>*For reusable wipes only.</i>) - Xylenes 			
Does not include	<ul style="list-style-type: none"> ➤ Wipes that contain listed hazardous waste other than solvents. ➤ Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents. 	<ul style="list-style-type: none"> ➤ Wipes that contain listed hazardous waste other than solvents. ➤ Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents. ➤ Wipes that are hazardous waste due to the presence of trichloroethylene. 		

Storage Requirements	Wipes must be accumulated, stored, and transported in non-leaking, closed containers that can contain free liquids, should they occur.	
Labeling	Containers must be labeled “Excluded Solvent-Contaminated Wipes.”	
Accumulation Time Limits	Generators may accumulate wipes up to 180 days from the start date of accumulation prior to being sent for cleaning or disposal.	
Recordkeeping	<p>Generators must maintain documentation that includes:</p> <ul style="list-style-type: none"> ➤ name and address of the laundry, dry cleaner, landfill, or combustor ➤ documentation that the 180-day accumulation time limit is being met ➤ description of the process the generator is using to meet the “no free liquids” condition. 	
Condition of Wipes Prior to Transport	<p>Wipes must contain no free liquids prior to being sent for cleaning or disposal and there may not be free liquid in the container holding the wipes.</p> <p>“No free liquids” condition is defined in 40 CFR 260.10 and is based on the EPA Methods Test 9095B (Paint Filter Liquids Test) or other authorized state standard.</p>	
Management of Free Liquids	Free liquids removed from the wipes or from the wipes container must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273.	
Eligible Handling Facilities	<p>Must go to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.</p>	<p>Must go to a combustor regulated under section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under 40 CFR parts 264, 265, or 266 subpart H.</p> <p>Must go to a municipal solid waste landfill regulated under 40 CFR part 258 (including § 258.40) or to a hazardous waste landfill regulated under 40 CFR parts 264 or 265.</p>
Storage at Handling Facilities	Must store wipes in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.” Containers must be able to contain free liquids should they occur.	
Management of Free Liquids by Handling Facilities	Free liquids removed from the wipes or from the container holding the wipes must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273.	



Interim GUIDANCE DOCUMENT

Division of Materials and
Waste Management
March 2014

Options for the Management of Solvent Contaminated Rags and Wipes

This is an interim Guidance until Ohio adopts the Federal Rule. Once adopted the conditions listed under the Federal Rule as noted in the table below will be fully in effect.

What is the Purpose of this Guidance?

On July 31, 2013, the US EPA published the Final Rules titled “Conditional Exclusion from Hazardous Waste and Solid Waste for Solvent Contaminated Wipes. Ohio’s current guidance on the management of solvent contaminated wipes is less stringent than the new federal regulation. U.S. EPA is requiring states that have less stringent rules or guidance to adopt rules that are as stringent as the new federal regulation.

Ohio EPA expects to adopt these Federal rules by August 2014. However, in the interim, Ohio EPA will allow the generator to choose which rule they will follow. Businesses that generate solvent contaminated rags may opt to comply with either the Federal Rule or they may opt to comply with Ohio EPA’s existing guidance until the Federal rule is adopted. The table below lists the conditions of each program. However, in either case the business who generates solvent contaminated rags must have conducted a thorough evaluation of the solvent contaminated wipes to ensure they meet the requirements. The one thing a business that generates solvent contaminated rags cannot do is to choose selected conditions from both options. A generator must select and follow all of the requirements under the new Federal rule or continue to follow Ohio guidance or rules.

Solvent Contaminated Rags Program Requirement

FEDERAL SOLVENT <i>CONTAMINATED WIPES RULE</i> VS Ohio EPA’s DMWM GUIDANCE		
	FEDERAL RULE	STATE GUIDANCE
GENERAL	<p>Wipes and solvent contaminated wipes</p> <p>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.</p>	No Definitions
	<p>No Free Liquids</p> <p>Wipes pass a <i>paint filter liquid test</i>.</p> <p>Therefore, no free liquids can be found in the container</p>	<p>Definition of free liquid in 3745-50-10. Not specified in guidance.</p> <p>“Free liquids” means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.</p>

Options for the Management of Solvent Contaminated Rags and Wipes

	<p style="color: #0070C0;">40 CFR 261.4(a)(26) (Solid Waste Exclusion) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes provided the following conditions of the exclusion are met:</p>	<p>Current guidance states that wipes destined for laundering are not wastes because they are intended to continue to be used. There are no restrictions on the types of contamination present on the wipes.</p>
	<ul style="list-style-type: none"> • Wipes that contain one or more F001-F005 listed solvents listed in § 261.31 or the corresponding P- or U- listed solvents. The solvents found in § 261.33, including: <ul style="list-style-type: none"> - Acetone - Isobutyl alcohol - Benzene - Methanol - n-Butanol - Methyl ethyl ketone - Chlorobenzene - Toluene - Creosols - Methylene chloride - Cyclohexanone - Xylenes - Tetrachloroethylene - 1,2-Dichlorobenzene - Methyl isobutyl ketone - Ethyl acetate - 1,1,2- Trichloroethane - Ethyl benzene - 2-Ethoxyethanol - Trichloroethylene * <p>(*For reusable wipes only.)</p> • Wipes that exhibit a hazardous characteristic resulting from a solvent listed in part 261. • Wipes that exhibit only the hazardous characteristic of ignitability when containing one or more non-listed solvents. 	<p>Current guidance states that wipes destined for laundering are not wastes because they are intended to continue to be used. There are no restrictions on the types of contamination present on the wipes.</p>
<p>THIS DOES NOT INCLUDE:</p>	<ul style="list-style-type: none"> • Wipes that contain listed hazardous waste other than solvents. • Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents. 	<p>Current guidance states that wipes destined for laundering are not wastes because they are intended to continue to be used. There are no restrictions on the types of contamination present on the wipes.</p>

Options for the Management of Solvent Contaminated Rags and Wipes

LAUNDERING		
CONDITION 1	They must be stored in containers that are: <ul style="list-style-type: none"> • closed; • non-leaking; and • containers capable of holding free liquids. A closed plastic can liner will qualify as a container.	No container requirement specified
CONDITION 2	LABELING: Containers must be labeled “Excluded Solvent-Contaminated Wipes.”	No labeling requirements specified
CONDITION 3	180 day accumulation limit	No time limit specified, however, must be prepared to demonstrate they are being laundered.
CONDITION 4	Must not contain free liquids at the point they are sent off-site. The paint filter liquid test is specified	No free liquids, however, no compliance point is not specified
CONDITION 5	Free liquids must be managed according to hazardous waste rules	Not addressed, however, because free liquids are not contained in the wipes, they would need to be managed according to the hazardous waste rules
Documentation required		
CONDITION 6	1. Name and address of the laundry, dry cleaner, landfill, or combustor 2. Documentation that the 180-day accumulation time limit is being met 3. Description of the process the generator is using to meet the “no free liquids” condition.	None
CONDITION 7	Laundry or dry cleaner discharge regulated under Clean Water Act	Laundry or dry cleaner discharge regulated under Clean Water Act
Disposal		
	40 CFR 261.4(b)(18) (Hazardous Waste Exclusion) Exemption includes ignitable and F001 through F005 listed solvents-except those containing TCE and corrosive, reactive or TCLP toxic (does not include constituents found in the listed solvent)	Does not disqualify TCE containing wipes Does not discuss disposal in Municipal Solid Waste Landfill The Hazardous Waste Listings found in OAC Rule 3745-51-30 to 33 do not apply The Hazardous Waste Characteristics OAC Rule 3745-51-21 to 24 do apply This would include organics listed as TCLP constituents and metals.

Options for the Management of Solvent Contaminated Rags and Wipes

THIS DOES NOT INCLUDE:	<ul style="list-style-type: none"> Wipes that contain listed hazardous waste other than solvents. Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents. Wipes that are hazardous waste due to the presence of trichloroethylene (TCE) 	The conditions are the same as stated above.
CONDITION 1	<p>They must be stored in containers that are:</p> <ul style="list-style-type: none"> Closed; non-leaking; and containers capable of holding free liquids. <p>A closed plastic can liner will qualify as a container.</p>	No container conditions specified
CONDITION 2	Labeling: Containers must be labeled "Excluded Solvent-Contaminated Wipes"	No labeling requirements specified
CONDITION 3	180 day accumulation limit	No time limit
CONDITION 4	<p>Must not contain free liquids at the point they are sent off-site</p> <p>"No free liquids" condition is defined in 40 CFR 260.10 and is based on the EPA methods test 9095b (paint filter liquids test) or other authorized state standard.</p>	Implied: Containers sent off-site must not contain any free liquids. These free liquids must be managed according to hazardous waste rules.
CONDITION 5	Free liquids must be managed according to hazardous waste rules.	Implied: Free liquids must be managed according to hazardous waste rules.
CONDITION 6	Documentation required	No documentation required
	<ol style="list-style-type: none"> Name and address of landfill or combustion facility Documentation of 180 day limit is met Description of process used to ensure no free liquids are present. 	No documentation required

Options for the Management of Solvent Contaminated Rags and Wipes

<p>CONDITION 7</p>	<p>Disposal In a Municipal Solid Waste Landfill regulated under 40 CFR Part 258, including 40 CFR Part 258.40, or</p> <p>A Hazardous Waste Landfill regulated under 40 CFR Parts 264 or 265; or</p> <p>A Municipal Waste Combustor or other Combustion Facility regulated under Section 129 of the Clean Air Act or</p> <p>A Hazardous Waste Combustor, Boiler, or Industrial Furnace regulated under 40 CFR Parts 264, 265 or 266 Sub part H under 40 CFR parts 264 or 265</p>	<p>Not addressed but implied by operation of state solid waste law.</p>
	<p>If you choose to use this option the Ohio equivalent landfill types are :</p> <p>Subtitle D, Municipal Waste or Industrial Waste Landfill that meets the requirements of rule 3745-27-08 or 3745-29-08 of the Administrative Code, and</p> <ul style="list-style-type: none"> -Is permitted, licensed, or otherwise authorized by Ohio, or -Is permitted, licensed, or otherwise authorized by another state that has this exemption; or -Disposal in a hazardous waste landfill unit subject to or that otherwise meets, the requirements of rule 3745-57-03 or 3745-68-05 of the Administrative Code; or -Disposal in a municipal waste landfill unit subject to, or that otherwise meets, the requirements of 40 CFR 258.40. 	

Contact

For more information, contact the Hazardous Waste Compliance and Inspection Support Unit of the **Division of Materials and Waste Management** at 614-644-2621.