

Overview of the Proposal Regarding Handling and Disposal of Solvent-Contaminated Wipers

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Within the proposal, the US EPA is seeking a conditional exemption for disposable wipes from requirements under the hazardous waste regulations; and reusables from the solid waste requirements. Within the rule, the Agency has defined any towel that is a one-use device as a disposable. This would include both woven and non-woven materials. Subsequently, reusables are defined as any towel or wipe that is cleaned and returned to the end user. Again, this would apply to both woven and non-woven towels and wipes. At this time, the rule DOES NOT cover any other type of solvent contaminated materials, such as mats, uniforms or absorbents, used by facilities.

Proposed Requirements for Disposable Towels

If disposables are to be sent offsite for incineration, and the following conditions have been met, then the towels would not have to be managed as hazardous waste:

- Towels must be kept in covered containers
- Towels must be shipped with no free liquids
- Solvent removed from the towels must be managed appropriately
- Containers must minimize releases to the environment
- Containers must be labeled "Excluded solvent-contaminated wipes."

Within the proposal, the Agency seeks to set a performance standard for the determination of no free liquids. Specifically, they state that a towel picked up must not drip, and there should be no free standing solvent left in the container.

If disposables are to be sent to a municipal landfill, the following conditions must be met to take advantage of the exclusion:

- Towels must be kept in covered containers
- Solvent removed from the towels must be managed appropriately
- Containers must minimize releases to the environment
- Containers must be labeled "Excluded solvent-contaminated wipes."
- Wipes must meet the "dry" condition
- Wipes cannot contain any of the solvents from the following table

2-Nitropropane	Methylene Chloride
Benzene	Nitrobenzene
Carbon Tetrachloride	Pyridine
Chlorobenzene	Tetrachloroethylene
Cresols (o,m,p)	Trichloroethylene
Methyl Ethyl Ketone	

The proposal states that wipes sent to landfills must contain less than 5 grams of solvents each, or must have been treated by solvent extraction. In the preamble, the Agency states that this standard can be met through the use of centrifuging or other removal technologies, such as microwave technology; calculation through business records; or through a representative sample of wipes that show that less than 5 grams of solvent remains on the wipe.

Proposed Requirements for Reusable Wipes

Under the proposal, if the generator manages wipes in the following manner, then the wipes would not have to be managed as a solid waste:

- Wipes must be kept in covered containers
- Wipes must be shipped with “no free liquids”
- Solvents removed from the wipes must be appropriately handled
- Wipes must be shipped in containers that minimize releases to the environment.

Intra-Company Transfers

The proposal also allows companies to collect used wipes for removal of free liquids to meet either the no free liquid or dry standard in one location. Under this provision, all wipes must be accumulated in non-leaking covered containers, and these containers minimize releases to the environment while in transport.

Other Issues

The Agency does clarify that the removal of solvent from the wipe would not be considered “treatment” under the rule’s proposed provisions. Also, as this rule is considered de-regulatory in nature, states are not obligated to amend their RCRA programs to adopt the final rule.

The Agency also clearly states that solvent contaminated wipes co-contaminated with another material that makes them a characteristic waste for corrosivity, reactivity, or toxicity would not be eligible for either exemption. However, those that are co-contaminated with a material that makes them characteristically hazardous for ignitability, these wipes would still be eligible for the exclusions.

Information Requested by the Agency

Within the proposal, the Agency does ask for input on a variety of issues. For reference purposes, the specific issues are listed below:

Accumulation Time Limit:

In the current proposed language, the Agency has not included any time limit for accumulation of used disposable wipes. They are requesting comment on whether or not an accumulation time limit be set. The time limit would mirror the limits applicable for a facility's generator category. A label would have to be affixed to the container indicating "excluded solvent-contaminated wipes" and the accumulation start date. However, the wipes would not have to be counted as hazardous waste.

The Agency is also seeking comment on whether or not they should defer to OSHA regulations for the storage of these materials. Specifically, they are asking whether or not Section 1910.106 would be a more appropriate management standard.

Containers Used in Transportation:

In the proposal, the Agency specifies the use of covered containers for collection and transportation. The Agency asks for comments on the use of closed containers for the transportation of either reusables or disposables.

Labeling of Containers:

In the proposal, the Agency is requesting facilities to label containers of disposable wipes destined either for an incinerator or landfill. The Agency is also requesting comment on a "no label" option. They do stress that this does not remove the facility's requirement to label under DOT shipping regulations.

Proposed "Dry" Standard:

Several issues are raised by the Agency. First, they ask comment on the solvents they have identified as posing a significant risk and cannot be disposed of in a municipal landfill. The question raised is whether or not solvents that are characteristic for toxicity be prohibited from disposal if the risk analysis did not indicate significant risk.

The Agency is also seeking more information on additional solvent removal technologies that could be used to meet the "dry" standard. They do not wish to list them specifically in the rule, however, would like information to provide additional guidance.

The Agency's risk analysis and screening did find that there were wipes contaminated with solvents that posed an insignificant risk by meeting the "no free liquid" standard rather than the "dry" standard. However, for simplification purposes, the Agency opted to have all disposables destined for landfill to meet

the more stringent standard. Should there be two standards based on significance of risk?

No Free Liquids:

Currently, the proposed language only states that wipes sent to incinerators, laundries or dry cleaners meet a no free liquid standard. EPA requests comment on whether or not this standard should be changed to “no free liquids when wrung.” This would entail a change from a simple drip test, to a test that no free liquids would drip when hand wrung.

They also request comment on how the no free liquid condition be met. The Agency suggests a simple test of holding a wipe up or transfer a wipe from one container to another. Is this sufficient?

They also request comment on the printing industry’s suggestion that the final rule specify a list of technologies that would be considered to meet the conditions of this rule. At this point, I have to state that the suggestion was meant to apply across the board to meet the standards for both disposables and reusables, regardless of their final destination. Also the printing industry supports the use of performance based language, with inclusion of a variety of technologies in the preamble. Our goal is to incorporate non-mechanical means as appropriate technologies, i.e., gravity draining, etc.

Exotic Solvents:

The Agency is seeking information on how these solvents, such as terpenes and citric acids, are handled. They have received reports that these solvents, while not classified as hazardous wastes, can spontaneously combust. It has been suggested that for these solvents, free liquids be allowed when shipping off site.

Intra-Company Transfers:

In the current proposed language, there are very few conditions surrounding the intra-company transfers of shop towels. The Agency requests comments on the following conditions that they are considering:

- Requirement of a one-time notification by the company to the state that the facility is taking advantage of this opportunity;
- Maintaining records that identify where the wipes are being managed and where the recovered solvent is being sent;
- Compliance with RCRA’s employee training and emergency response requirements in 40 CFR Part 262;
- Transfer of industrial wipes with free liquids must be in closed (sealed) containers.

Under this scenario, EPA also requests comment as to whether or not the transfer provision should contain a distance limit; should EPA consider parent companies, subsidiaries and affiliates as eligible for intra-company transfer

provision; and whether or not it should be expanded to allow shipment of contaminated wipes with free liquids to third party solvent extraction facilities.

EPA also requests comment on whether intra-company transfers of reusables be allowed under the exclusion of solid waste.

Inter-Company Transfers

While the Agency seeks comments on the ability to conduct inter-company transfers, this activity seems to be an issue that would be covered under the Definition of Solid Waste proposal.

Conditions for Management at Handling Facilities

Under this provision, facilities, i.e., municipal waste combustors, laundries, dry cleaners, receiving disposable towels that fail to meet the no free liquid standard, would be required to return the container to the generator, or recover and properly manage any free liquids recovered. Both activities would continue to enjoy the exclusion from the hazardous waste and/or solid waste requirements.

Are these conditions suitable? Should the facility that receives containers with free liquids be required to notify the state or EPA region that the no free liquid condition has not been met?

Speculative Accumulation for Reusable Wipes

Since reusables are being excluded from the definition of solid waste, then speculative accumulation applies to these materials. So for any given calendar year, 75% of the material accumulated for recycling must actually be recycled.

EPA is considering not requiring a RCRA specific condition to be met for accumulation of reusable wipes, but relying, once again, on the OSHA regulations found in 29 CFR 1910.106.

Transportation of Reusables

Current proposed language states that wipes must be transported in containers that minimize releases to the environment. The issue is the use of plastic or cloth bags. In the proposal, EPA states that the use of bags meets this requirement. They request comment on the feasibility and use of cloth and plastic bags to meet this transportation requirement.

Other alternatives under consideration include use of closed containers or the addition of a provision that wipes meeting the dry standard can be transported without any management standards in place.

No Free Liquid Standard

As with the request for comment under the proposed requirements for disposables destined for incineration, EPA requests whether or not the use of “no free liquids when wrung” should be adopted.

They also request comment on whether or not containers of wipes destined for a laundry or dry cleaning facility be labeled in a manner similar to containers of disposable wipes. EPA specifically requests comments on information submitted by the Nonwoven industry trade association and their request to place a specific limit on the number of towels a laundry or dry cleaning facility can accept on an annual basis or place a maximum allowable amount of solvent on a wipe sent for cleaning.

Handling Facilities of Reusable Wipes

Similar to the request for comment for incinerators accepting disposables, EPA asks if a condition should be added that would require laundries and dry cleaners to notify the state if they accept a shipment of wipes that contains free liquids.

Recordkeeping

The current proposal does not contain any recordkeeping provisions. However, EPA is considering including provisions and asks for comment on the following.

Whether or not EPA should require generators to keep records on the number or volume of wipes generated, where the wipes were sent, and how many off site shipments occurred for each calendar year.

Whether or not EPA should require generators to certify that their wipes meet either the dry or no free liquid standard and maintain these records for three years.

Whether or not EPA should require that generators certify that employees are adequately trained to manage wipes handled on site through required RCRA training and maintain these records for three years. EPA requests information as to the feasibility of attaching this certification onto regular business records, such as shipping papers.

For those accepting reusable or disposable wipes, EPA requests comment on whether or not they should be required to certify the condition of the wipes upon receipt. If the wipes contain free liquid, EPA asks if the handling facility should be required to document the steps they took to rectify this situation, and maintain these records for three years. If the handling facility returns wipes with free liquids to the generator, EPA asks whether or not these facilities should be required to use a streamlined manifest reflecting the types of solvents, weight or volume of free liquid, and acknowledged receipt by the generator.

Alternate Options to Proposed Language

The following options are also out for comment.

Exclude from the definition of hazardous waste BOTH disposable and reusables. Under this proposal, all the provisions outlined would apply. The main difference is that reusables would only be excluded from hazardous wastes and would remain a solid waste.

Exclude from the definition of hazardous waste all disposables under one set of conditions. Under this option, all disposable wipes, regardless of destination, would be required to meet the “dry” standard. The requirements for reusables would remain as outlined in the current proposal.