

Missouri Department of  
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**Overview of Exclusions for  
Solvent Contaminated Wipes**

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**Rule**

- Final rule July 31, 2013 (78 FR 46448)
  - modifies RCRA hazardous waste regulations for solvent-contaminated wipes
- 40 CFR 261.4
  - (a)(26) reusable wipes- conditional exclusion from the definition of solid waste
  - (b)(18) disposable wipes – conditional exclusion from the definition of hazardous waste

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**History**

- 1980s-Industry petitions hazardous waste regulation of solvent-contaminated wipes
- 1994-EPA policy defers determinations to authorized states
- 2003-EPA publishes proposed rule for conditional exclusion of reusable wipes and disposable wipes
- 2009-EPA requests comment on revised risk analysis for rule

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### Purpose

- provide consistent regulatory framework appropriate to risk level posed by solvent-contaminated wipes
  - maintain protection of human health and the environment
  - reduce overall compliance costs for industry

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### Impacts

- EPA estimates
  - 90,549 generators impacted
  - 3,730 solid waste management facilities
  - 359 industrial laundries and dry cleaners
- EPA estimates total annual benefits to be between \$21.7 - \$27.8 million per year.
  - \$18 million net annual savings from reduced RCRA regulation
  - \$3.7 – \$9.9 million in annual benefits from pollution prevention, fire prevention and removal of “waste” label for reusable wipes

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### Risk Analysis

- EPA published their final risk analysis with final rule
  - demonstrates that 19 of the 20 listed solvents evaluated do not pose significant risk when disposed in a landfill with a composite liner
  - Trichloroethylene (TCE) was found to exceed target risk criteria for disposal in a landfill with a composite liner

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### Adoption

- Not effective in authorized states until adopted
  - Rule is considered less stringent than the base federal program
  - Authorized states have the option of whether or not to adopt the exclusions into their regulations
- Watch for future Missouri activity –
  - tentatively plan to include in the current rulemaking package

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### Environmental Protection

<b>Laundered Wipes</b>	<b>Disposed Wipes</b>
<ul style="list-style-type: none"><li>• Federal container management requirements are <u>more</u> stringent than existing DNR policy for laundered wipes</li></ul>	<ul style="list-style-type: none"><li>• Less stringent</li><li>• On-site storage requirements are similar to hazardous waste</li><li>• Municipal Solid Waste disposal is only new disposal option</li></ul>

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### New Definitions

- **Wipe** -woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.
- **Solvent-contaminated wipe**-wipe that, after use or after cleaning up a spill
  - Contains one or more of the F001 through F005 solvents;
  - Exhibits a hazardous characteristic when that characteristic results from a listed solvent; or
  - Exhibits only the hazardous waste characteristic of ignitability due to the presence of solvents that are not listed.

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### Wipes that Don't Qualify

- Wipes (laundered or disposable) not excluded if contaminated with:
  - corrosives
  - reactives
  - non-solvent TCLP materials
    - Examples: Cr, Cd, Pb, Hg, Ag
    - Will disqualify wipes used on some wet coatings, inks & sealants
- Disposable Wipes only
  - cannot contain TCE

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### Accumulation Requirements

- Solvent contaminated wipes may be accumulated by the generator for up to 180 days prior to being sent for cleaning or disposal.
- Non-leaking closed container, that can contain free liquids, should they occur
- Marked "Excluded Solvent-Contaminated Wipes"
- No free liquids in container prior to being sent for cleaning or disposal

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### Disposal/Laundry Requirements

<b>Disposable Wipes—</b>	<b>Reusable Wipes</b>
<ul style="list-style-type: none"><li>• As long as no TCE; can go to:<ul style="list-style-type: none"><li>– Regulated municipal (MSW) or hazardous waste landfill or</li><li>– Hazardous waste combustor, boiler, or industrial furnace or combustor regulated under section 129 CAA</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Can go to laundry or dry cleaning facility<ul style="list-style-type: none"><li>– Any wastewater discharge must be CWA-regulated</li><li>– Consistent with 2006 MDNR "Solvent-Contaminated Rags" guidance</li></ul></li></ul>

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### Records Required

- Generators must maintain documentation that includes:
  - 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

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### Records Not Required

- No requirements for
  - employee training records
  - training plan
  - biennial reports
  - contingency plans
  - no hazardous waste manifest required

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### Closed Containers

- During accumulation
  - container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes.
- Containers full, no longer accumulating wipes or being transported
  - must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions

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### Closed Container Questions

- Can the closed container requirement be maintained in bulk waste hauling environment?
- Will bags taped or bound shut (i.e. drawstring trash bag) be sufficiently closed?
- What about trash compactors?

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### Shipping Questions

- No hazardous waste manifest required
- DOT uncertainty:
  - Do used solvent wipes need shipping papers? Are they “solids containing flammable liquids, n.o.s.”?
  - Virgin pre-moistened wipes generally shipped as ORM-D Consumer Commodity.

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### Other Considerations

- Free liquids removed from wipes or containers are fully RCRA-regulated.
- Most solvent wipe generators will also generate conventional hazardous waste.
- 180 day time limit may be less than a generator’s present satellite area accumulation times.

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### More Considerations

- Not all wipes qualify.
- Consider risk of employee confusion if an additional type of waste management is introduced in the same work area as ordinary hazardous waste.
- Will the landfill accept the waste?

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### Other Options

- Generators are also allowed to:
  - Continue managing qualifying wipes on-site and off-site as fully regulated hazardous waste
  - Manage wipes on-site under conditionally excluded waste rules, but send them to a RCRA TSD facility

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### Useful Links

- [EPA webpage-Solvent-Contaminated Wipes Rulemaking](#)
- [Solvent Wipes Summary Chart](#)
- [Solvent-Contaminated Rags- HWP factsheet](#)

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Questions?

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# 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
<b>Regulation Citation</b>	40 CFR 261.4(a)(26) (Solid Waste Exclusion)	40 CFR 261.4(b)(18) (Hazardous Waste Exclusion)
<b>Description</b>	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.
<b>Includes</b>	<ul style="list-style-type: none"> <li>➤ 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: <ul style="list-style-type: none"> <li>- Acetone</li> <li>- Benzene</li> <li>- n-Butanol</li> <li>- Chlorobenzene</li> <li>- Creosols</li> <li>- Cyclohexanone</li> <li>- 1,2-Dichlorobenzene</li> <li>- Ethyl acetate</li> <li>- Ethyl benzene</li> <li>- 2-Ethoxyethanol</li> <li>- Isobutyl alcohol</li> <li>- Methanol</li> <li>- Methyl ethyl ketone</li> <li>- Methyl isobutyl ketone</li> <li>- Methylene chloride</li> <li>- Tetrachloroethylene</li> <li>- Toluene</li> <li>- 1,1,2- Trichloroethane</li> <li>- Trichloroethylene (<i>*For reusable wipes only.</i>)</li> <li>- Xylenes</li> </ul> </li> <li>➤ Wipes that exhibit a hazardous characteristic resulting from a solvent listed in part 261.</li> <li>➤ Wipes that exhibit only the hazardous characteristic of ignitability when containing one or more non-listed solvents.</li> </ul>	
<b>Does not include</b>	<ul style="list-style-type: none"> <li>➤ Wipes that contain listed hazardous waste other than solvents.</li> <li>➤ Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Wipes that contain listed hazardous waste other than solvents.</li> <li>➤ Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents.</li> <li>➤ Wipes that are hazardous waste due to the presence of trichloroethylene.</li> </ul>

<b>Storage Requirements</b>	Wipes must be accumulated, stored, and transported in non-leaking, closed containers that can contain free liquids, should they occur.	
<b>Labeling</b>	Containers must be labeled “Excluded Solvent-Contaminated Wipes.”	
<b>Accumulation Time Limits</b>	Generators may accumulate wipes up to 180 days from the start date of accumulation prior to being sent for cleaning or disposal.	
<b>Recordkeeping</b>	<p>Generators must maintain documentation that includes:</p> <ul style="list-style-type: none"> <li>➤ name and address of the laundry, dry cleaner, landfill, or combustor</li> <li>➤ documentation that the 180-day accumulation time limit is being met</li> <li>➤ description of the process the generator is using to meet the “no free liquids” condition.</li> </ul>	
<b>Condition of Wipes Prior to Transport</b>	<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>	
<b>Management of Free Liquids</b>	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.	
<b>Eligible Handling Facilities</b>	<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>
<b>Storage at Handling Facilities</b>	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.	
<b>Management of Free Liquids by Handling Facilities</b>	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.	