Exclusion for Disposable Solvent Contaminated Wipes

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Regulations

• Final Environmental Protection Agency (EPA) rule July 31, 2013 (78 FR 46448)

• 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

• Adopted by reference in Missouri’s recent 10-CSR 25 “no stricter” package- effective Dec. 30, 2015
History/Impacts

- **History**-
  - 1980s: Industry petitioned for changes
  - 1994: EPA deferred decision to states
  - 2003: EPA proposed a rule
  - 2013: EPA finalized rule

- **Impacts**- (EPA estimates)
  - 3730 solid waste management facilities
  - total annual benefits to be between $21.7 - $27.8 million per year
Risk Analysis

• EPA published their final risk analysis with final rule
  – demonstrates 19 of 20 listed solvents evaluated do not pose significant risk when disposed in a landfill with a composite liner
  – Trichloroethylene (TCE) exceeded target risk criteria for disposal in a landfill with a composite liner
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 has at least one of the following:
    • contains one or more of the F001 through F005 solvents
    • exhibits a hazardous characteristic when that characteristic results from a listed solvent
    • exhibits only the hazardous waste characteristic of ignitability due to the presence of solvents not listed
Solvent-Contaminated Disposable Wipes

- **Description:** Solvent-contaminated wipes sent for disposal are not hazardous wastes, provided the conditions of the exclusion are met.

- **Includes wipes which:**
  - Contain listed solvents *except TCE* (F001-F005 or corresponding P- or U- listed solvents found in § 261.33)
  - Exhibit a hazardous characteristic resulting from a listed solvent
  - Exhibit only the ignitability characteristic when containing non-listed solvent(s)
Disposable Wipes (cont.)

• Does not include wipes which:
  – contain listed hazardous waste other than solvents
  – exhibit the characteristic of toxicity, corrosivity or reactivity due to non-listed solvents or contaminants other than solvents
  – are hazardous waste due to the presence of TCE
Disposable Wipes – Generators

• 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.”

• Recordkeeping
  – Generators must maintain documentation that includes: name and address of landfill or combustor
Disposable Wipes - Generators

• Condition of Wipes Prior to Transport
  – 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.
  – Free liquids removed from wipes or wipes container must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273

• “No free liquids” defined in 40 CFR 260.10 and based on the EPA Methods Test 9095B (Paint Filter Liquids Test)
Disposable Wipes – Handling Facilities

• Eligible Handling Facilities
  – 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 or
  – Must go to a municipal solid waste landfill regulated under 40 CFR part 258 (including § 258.40) (subtitle D) or to a hazardous waste landfill regulated under 40 CFR parts 264 or 265
Disposable Wipes – Handling Facilities

• Storage and Labeling at Handling Facilities
  – Must store wipes in non-leaking, closed containers 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 wipes or container holding wipes must be managed according to applicable hazardous waste regulations
Closed Containers

• When container full, no longer being added to or being transported:
  – The container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed
  – The objective of this is to prevent the release of any volatile organic emissions and to prevent a spill if the container is tipped over
Closed Containers-Examples

- Open-head drum or open top container
  - properly secured with snap rings tightly bolted, bungholes capped and, where appropriate, pressure-vacuum relief valves to maintain the container’s internal pressure to avoid explosions

- Bags can be used if they meet standard
  - EPA considers bags closed when the neck of the bag is tightly bound and sealed to the extent necessary to keep the solvent-contaminated wipes and associated air emissions inside the container
  - The bag must be able to contain liquids and must be non-leaking.
Useful Links

- EPA webpage-Solvent-Contaminated Wipes Rulemaking
- Solvent Wipes Summary Chart
- Closed Container Guidance-Questions and Answers
Questions?