

Hazardous Waste Program

Oregon's Conditional Exclusions for Solvent-Contaminated Wipes Rule Training

August 30 & September 26, 2017
Portland HQ Room 610

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Conditional Exclusions from
Solid Waste and Hazardous Waste
for Solvent-Contaminated Wipes
Rule

Introduction

The July 31, 2013 ***Conditional Exclusions for Solvent Contaminated Wipes Rule*** conditionally excludes some laundered wipes from the definition of solid waste and excludes some disposed wipes from the definition of hazardous waste.

EPA proposed this rule is to provide a consistent regulatory framework for solvent wipe management

Conditional Exclusions for Solvent Contaminated Wipes Rule

2013 Rule, effective federally Jan 2014

Revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed.

State Adoption

Authorized states have the option of whether or not to adopt the exclusions into their regulations. (States operating under policies that are less stringent than the federal exclusions will need to incorporate the federal rule into their regulations.)

Adopted in Oregon July 12, 2017 with amendments., effective in state same day.

Applicability

Applies to wipes with:

- One or more listed hazardous waste solvents and hazardous waste wipes that only exhibit the characteristic of ignitability.
- Reqs: 180-day storage, labeling, records, no free-liquid



Two Parts to federal rule (note OR Change for Disposal):

1. Reusable: allows laundering if discharged under CWA
2. Disposable: allows disposal in municipal waste combustor and, with the exception of TCE contaminated wipes allows disposal of solvent contaminated wipes in municipal landfills.

What is a wipe?

EPA defines *Wipe* as a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material. CFR section 260.10)
Example Kim Wipes, Paper Towels, shop rags, etc.

EPA does not consider mops, floor mats, sponges, aprons, gloves, uniforms and PPE to be wipes.

What is a solvent-contaminated wipe?

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions.

- Federal rule Reusable: allows laundering if discharged under Clean Water Act
- Federal rule Disposable: Allows disposal in municipal waste combustor and, with the exception of TCE contaminated wipes allows disposal of solvent contaminated wipes in municipal landfills. Oregon has amend and does not allow disposal in municipal waste landfills or combustors.

Excluded Solvents

Includes F001 – F005 (§261.31) and P- or U- (§261.33):

- Acetone, Benzene, n-Butanol, Chlorobenzene, Creosols, cyclohexanone, 1,2-Dichlorobenzene, Ethyl acetate, ethyl benzene, 2-Ethoxyethanol, Isobutyl alcohol, Methanol, Methyl ethyl ketone, Methyl isobutyl ketone, Methylene chloride, Tetrachloroethylene, Toluene, 1,1,2-Trichloroethane, Xylenes
- Trichloroethylene (reuse only)
- Exhibit ignitability because of solvents

Does not include: those exhibiting toxicity, corrosivity or reactivity due to other contaminants

What solvents are included?

Wipes contaminated with solvents listed under hazardous waste numbers or “hazardous waste codes” F001 through F005 are eligible for the Wipes Rule exclusions (40 CFR part 261 subpart D).

Some solvents are listed under both F001 through F005 in 40 CFR section 261.31 and on the P- or U-list in 40 CFR section 261.33. For example, tetrachloroethylene is listed as F001 or F002 and

is also listed on the U-list as U210. Wipes contaminated with solvents listed under F001 through F005 that also appear on the P- or U-list in 40 CFR section 261.33 are eligible for the Wipes Rule exclusion.

Wipes that are contaminated with solvent may also be co-contaminated with oil and are eligible for the exclusions as long as: (1) the oil is not listed hazardous waste and (2) the wipe only exhibits

the characteristic of ignitability (and thus, does not exhibit the characteristic of corrosivity, toxicity, or reactivity).

Not included?

Wipes contaminated with trichloroethylene are only eligible for the exclusion at 40 CFR 261.4(a)(26) for solvent-contaminated wipes being sent for cleaning. These wipes are not eligible for the exclusion at 40 CFR 261.4(b)(18) for solvent-contaminated wipes being sent for disposal, based on EPA's risk analysis. No pre-dosed, unused solvent or alcohol-containing wipes or pads (e.g., nail polish remover pads), such as those discarded by the retail industry are eligible.

What about the other ten solvents listed in F001 through F005?

The other ten listed solvents in F001 through F005 are not widely used on wipes. Five of the solvents are ozone-depleting or present other serious hazards and are, therefore, banned or restricted from use. The other five solvents may have been used on wipes in the past; however, EPA's research found that these solvents are currently not used or are used only in very limited quantities in conjunction with wipes but they are eligible for the exclusions. (78 FR 46452, July 31, 2013)

What about wipes contaminated with listed solvents that also exhibit Toxicity Characteristic?

There are six solvents listed under F001 through F005 in 40 CFR section 261.31 that are also listed on EPA's Toxicity Characteristic found in 40 CFR section 261.24. This includes: Benzene (F003 and D018), Chlorobenzene (F002 and D021), Creosols (F004 and D023, D024, and D025), Methyl ethyl ketone (F005 and D035), Tetrachloroethylene (F001/F002 and D039), and Trichloroethylene (F001/F002 and D040).

The one exception is that wipes contaminated with trichloroethylene are only eligible for the reusable wipes exclusion at 40 CFR section 261.4(a)(26). Wipes contaminated with trichloroethylene are not eligible for the disposable wipes exclusion at 40 CFR section 261.4(b)(18), based on EPA's risk analysis.

DEQ's Long Standing Rag Policy

Reusable:

Oregon's 1996 *Contaminated Rags Destined for Laundry* Policy covered all laundered hazardous waste wipes, not just solvent wipes.

- This rule does not exclude other hazardous waste wipes such as metal contaminated wipes that formerly could be laundered.
- DEQ also cannot expand the rule it adopts to include other hazardous wastes, as this would be less stringent. States can never be less stringent than EPA.
- DEQ's policy is null, superseded by this wipes rule.

State Policies

Many states have been operating under policies articulated through guidance, rather than regulation. EPA issued a policy memorandum in 1994 that deferred determinations and interpretations regarding the regulation of solvent-contaminated wipes to the authorized states and EPA regions. However, EPA subsequently determined that a nationally consistent framework for the proper management of solvent-contaminated wipes would provide the necessary certainty and clarity for the regulated community. Therefore, utilizing sound science and through notice-and-comment rulemaking, EPA was able to establish such a framework with the Wipes Rule.

The Wipes Rule, however, supersedes the 1994 memorandum. In the preamble to the rule, we state that "any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR section 271.7." (78 FR 46480) Thus states with existing policies that are less stringent than the rule likewise had until July 1, 2015, to modify their programs to be at least as stringent as the federal program.

DEQ's long-standing rag policy has been removed and superseded by this rule.

What was DEQ's former Rag Policy Requirements?

The former DEQ policy for rags destined for laundering, a May 3, 1996 DEQ letter to UNIFORM & TEXTILE SERVICE ASSOCIATION is no longer available. The policy formerly had these requirements:

- The used wipers contain no free liquids as identified by the paint filter test (EPA SW-846, Method 9095);
- The used wipers are stored and transported in fire resistant DOT closed containers (lidded drums), away from sources of ignition;
- Containers holding used wipers are labeled to identify the contents (e.g., "Dirty Rags Destined For Laundering");
- No other wastes are mixed with the used wipers;
- The used wipers are either laundered on-site or sent to a commercial off-site laundry facility that meets the appropriate state and local requirements to handle such material. In most cases, this would
- mean that the laundry is regulated under a municipal sewer pretreatment permit;

DEQ policy was not limited to solvent rags.

Adopted with Amendments

- Wipes going for laundering
 - Only solvent contaminated wipes
 - Metal wipes or with other characteristics will need to be managed as a hazardous waste
- Adopted landfilling
 - But excludes municipal facilities, can only go to TSD or HW Incinerator as solid waste, or as hazwaste
 - If sent to TSD, do not have to count toward generator status.
- Adds equivalent label wording to describe contents of container (ex. Rags destined for laundering)

Landfilling Oregon Change

Note, however, DEQ did not adopt the municipal facilities part of the rule and only allows disposal at HW TSDs or incinerators as solid waste.

This matches neighboring state regulations. This will be a savings for disposal as hazardous wastes.

Oregon's Rule Amendments

DIVISION 101 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

[340-101-0004](#)

Exclusions

- (3) The phrase “or labeled with equivalent wording describing the contents of the container and recognizing the exclusion” is added to the end of the first sentence in 40 C.F.R. 261.4(a)(26)(i) and 40 C.F.R. 261.4(b)(18)(i).
- (4) The phrase “To a municipal solid waste landfill regulated under 40 C.F.R. part 258, including 40 C.F.R. 258.40, or” is deleted from 40 C.F.R. 261.4(b)(18)(vi)(A).
- (5) The phrase “To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or” in 40 C.F.R. 261.4(b)(18)(vi)(B) is deleted.

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The Five Steps to Meet State and Federal Requirements

Five Steps for Managing Wipes

Step 1.

Contract with an eligible laundry or HW landfill

Laundry: excluded wipes must be cleaned for reuse by a laundry or dry cleaner with discharge subject to the clean water act (CWA). This rule also allows laundering on site if discharge is covered under the CWA.

Disposal: In Oregon excluded wipes must be sent to hazardous waste landfill or hazardous waste incinerator & insure facility is following applicable regulations.

Step 1. Contract with an Eligible Laundry or RCRA Permitted Facility

For your solvent-contaminated wipes to be excluded from solid and hazardous waste regulation, they must be cleaned for reuse by a laundry or dry cleaner whose discharge is regulated under the Clean Water Act. A generator may also launder its wipes for reuse if this discharge is permitted under the Clean Water Act.

In order for solvent-contaminated wipes sent for disposal to be excluded from the definition of hazardous waste in Oregon, they must be sent as solid waste to a hazardous waste landfill or hazardous waste incinerator combustor. Generators will need to make sure the Resource Conservation and Recovery Act permitted facility is following the applicable regulations.

Five Steps for Managing Wipes

Step 2.

Follow management requirements for accumulation, storage and transportation

Labelled: “Excluded solvent-contaminated wipes,” or with equivalent wording “rags destined for recycling.” Containers must be labeled during accumulation, storage, and transportation

Start Date: document when first wipe goes in, starts 180-day clock

Free liquid: container capable to contain free liquids

Containers: non-leaking, closed but not sealed in accumulating (must be closed except when adding or removing wipes).

Sealed: lids securely affixed to prevent leaks and emissions when any of following occur:

Container is full; accumulation stops; when transporting

Step 2. Set Up Containers

Follow these instructions for containers used to accumulate, store, and transport solvent-contaminated wipes.

- The containers must be labeled “Excluded Solvent-Contaminated Wipes”, or with equivalent wording describing the contents of the container and recognizing the exclusion.
 - Note: An accumulation date on the container is advised, but not required.
- The containers must be able to contain free liquids, should free liquids occur.
- The wipes must be contained in non-leaking, closed containers.
- The container 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 when any of the following occur:

The container is full;

- When the solvent-contaminated wipes are no longer being accumulated; *or*
- When the container is being transported.

New Requirements

Step 2.

Wipes must be accumulated, stored, and transported in non-leaking, closed containers that can contain free liquids, should they occur.

Containers must be labeled "Excluded Solvent-Contaminated Wipes." In Oregon we added or equivalent wording such as "dirty rags going for laundering".

When is a container considered "closed" for accumulation?

During accumulation of solvent-contaminated wipes, the container is considered closed when there is complete contact between the fitted lid and the rim, even though the rings are not clamped or bolted.

Note, covered, rather than closed, containers are *not* acceptable. A tight seal minimizes emissions of volatile organic compounds (VOCs) (however, generators should be aware that the seals on containers

can erode because of time and use, and should be checked periodically for wear and replaced as necessary). For example, solvent-contaminated wipes can be accumulated in an open-head drum or open

top container (e.g., where the entire lid is removable and typically secured with a ring and bolts or a snap ring). Containers with covers opened by a foot pedal (e.g., flip-top or spring loaded lid) or with a

self-closing swinging door could also be appropriate. Bags can be used, provided they meet the closed container standard. Cardboard boxes would most likely not meet the definition of a closed container

because the boxes would not contain free liquids, should they occur.

After accumulation, when the container is full, or when the solvent-contaminated

wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container (rings clamped or bolted to the container) and all openings tightly bound or closed sufficiently to prevent leaks and emissions.

Five Steps for Managing Wipes

Step 3.

Observe time limits for accumulation

As generator, you may accumulate wipes for up to 180 days from the start date of accumulation for each container before being sent for cleaning or disposal.



Step 3. Observe Time Limits for Accumulating Solvent-Contaminated Wipes

As a generator of solvent-contaminated wipes, you may accumulate the wipes for up to 180 days from the start date of accumulation for each container before being sent for cleaning or disposal.

Generators must keep documentation that the 180-day accumulation time limit is being met.

Note: Since wipes may not be accumulated for more than 180 days from the start date, including a start date on the accumulation container would add a degree of certainty to that process.

However, that is not required. There are other methods to document that the 180-day accumulation is being met, such as an established schedule for pickups, a log of container dates, etc.

Five Steps for Managing Wipes

Step 4.

Say No to free liquids



Solvent contaminated wipes must contain no free liquids at the point of being sent for cleaning or disposal

Any free liquids removed from containers must be managed according to applicable hazardous waste rules

Step 4. Say No to Free Liquids

The solvent-contaminated wipes must contain no free liquids at the point of being sent for cleaning or disposal.

Note: Any free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable hazardous waste regulations.

“No Free Liquids”

Step 4.

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.

“No free liquids” condition is defined in 40 CFR 260.10 and is based on the Paint Filter Liquids Test.

No free liquids

Generators must document how they are meeting the “no free liquids” condition. ... “[t]his documentation should include a description of any technologies, methods, sampling, or knowledge that a generator is using to ensure that solvent-contaminated wipes...contain no free liquids.” [78 FR 46457 (for reusable solvent-contaminated wipes); 78 FR 46460 (for disposable solvent-contaminated wipes)]

Description of the process the generator is using to meet the “no free liquids” condition.

Description of technologies, methods, sampling, or knowledge that a generator is using to ensure wipes contain no free liquids at the point of transport.

Five Steps for Managing Wipes

Step 5.

Keep good records



Must maintain documentation at your site:

1. Name and address of receiving facility (launderer, TSD)
2. Documentation 180-day accumulation is being met
3. Describe process generators are using to meet the “no free liquids” condition at point of laundering/disposal

Step 5. Keep Good Records

As the generator of the solvent-contaminated wipes, you must maintain at your site documentation that contains:

- Name and address of the laundry, dry cleaner, hazardous waste landfill, or hazardous waste incinerator combustor that is receiving the solvent-contaminated wipes as solid waste;
- Documentation of the 180-day accumulation time limit is being met; *and*
- Description of the process you are using to ensure the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal.

Managing Wipes

What is not included:

- Wipes containing listed hazardous waste other than F001- to F005-listed solvents, or
- Exhibit characteristic of toxicity, corrosivity, or reactivity
- Hazardous waste due to presence of trichloroethylene

Because non-listed solvents or contaminants other than solvents, *are not eligible* for either of the rule's conditional exclusions and must be managed as a hazardous waste.

Note: Solvent-contaminated wipes that contain listed hazardous waste other than F001- to F005-listed solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity because of non-listed solvents or contaminants other than solvents, *are not eligible* for either of the rule's conditional exclusions. In addition, wipes that are hazardous waste due to the presence of trichloroethylene are not eligible for the *hazardous waste exclusion*—they must be managed as a hazardous waste.

Any Questions?

Contact Information

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HW Rules Page

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