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EMCX Center of Expertise Information - Fact Sheets

Fact Sheet 14-01

Conditional Exclusions for Certain Solvent-Contaminated Wipes

Purpose of this Fact Sheet

This summarizes the final rule entitled, “Conditional Exclusions From Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes” published in the Federal Register on 31 Jul 2013 and which has the effective date of 31 Jan 2014. This rule provides two exclusions under the Resource Conservation and Recovery Act (RCRA). One is newly established in 40 CFR 261.4(a)(26) and pertains to certain solvent-contaminated wipes sent for cleaning and reuse. These reusable solvent-contaminated wipes are not solid waste, and therefore are also not regulated as hazardous waste. The second exclusion, newly established in 40 CFR 261.4(b)(18), pertains to certain solvent-contaminated wipes sent for disposal. Disposable wipes are solid waste, but are excluded from regulation as hazardous waste.

Effective Date of Rule

The effective date of this federal rule is 31 Jan 2014, but it is not effective in all states on that date. For specific details, see 78 FR 46479-46480, 31 Jul 2013, regarding “Applicability of Rules in Authorized States”. Generally, RCRA-authorized states must first adopt the regulation before it becomes effective in those states. According to the preamble discussion (78 FR 46450), there are already 45 states with regulatory relief in place for reusable wipes within their state regulations. The intent of this rule is to provide national consistency, and EPA encourages state adoption, but it is not mandated.

Summary

Who Should Read this Rule?

This rule is of interest to persons generating solvent-contaminated wipes including, but not limited to rags and paper towels.

What is a Wipe?

A wipe is defined as “a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.”

What is Excluded Under this Rule?

- (1) This rule excludes reusable solvent-contaminated wipes. Solvent-contaminated wipes sent for cleaning and reuse are not solid waste (not discarded). Since they are not solid waste, they are also not hazardous waste.
- (2) This rule excludes disposable solvent-contaminated wipes. Solvent-contaminated wipes sent for disposal are solid waste, but are excluded from regulation as hazardous waste.

The Reusable Wipe Exclusion, 40 CFR 261.4(a)(26)

Which Types of Solvent-Contamination are Eligible for the Reusable Wipe Exclusion?

Reusable wipes with the following types of contamination are eligible for the exclusion:

- Listed wastes F001 through F005 or the corresponding P- or U- listed solvents (commercial chemicals). These include 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; 1,1,2-Trichloro-1,2,2-trifluoroethane; ortho-Dichlorobenzene; 2-Ethoxyethanol; 2-Nitropropane; Acetone; Benzene; n-Butyl alcohol; Carbon disulfide; Carbon tetrachloride; Chlorinated Fluorocarbons; Chlorobenzene; Cresols; Cyclohexanone; Ethyl acetate; Ethyl benzene; Ethyl ether; Isobutanol; Methanol; Methyl ethyl ketone; Methyl isobutyl ketone; Methylene chloride; Nitrobenzene; Pyridine; Tetrachloroethylene; Toluene; Trichloroethylene; Trichlorofluoromethane; and Xylene.
- Characteristic hazardous wastes when that characteristic results from a solvent listed in 40 CFR part 261.
- Waste hazardous only for the characteristic of ignitability due to the presence of one or more solvents that are not listed in 40 CFR 261.

It is important to note the following:

- The following are not eligible for the reusable wipe exclusion: Listed hazardous waste other than solvents, or that exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents. [Example: If an oily rag is ignitable, but the oil was used as a lubricant, then it is not eligible for the exclusion. However if the oil was used as a solvent, then the rag is eligible for the exclusion.]
- TCE contaminated wipes are eligible for the reusable wipe exclusion, but are NOT eligible for the disposable wipe exclusion.
- Reusable wipes are not counted when determining generator status, however, any hazardous waste liquid removed from the wipes or containers would count toward generator status.

What are the Conditions for the Reusable Wipe Exclusion?

Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided the following conditions are met:

- Contain solvent-contaminated wipes in non-leaking, closed containers that are labeled as “Excluded Solvent-Contaminated Wipes”.
- Containers must be able to contain free liquids, should free liquids occur.
- When the containers are full, or wipes are no longer being accumulated, or when the containers are being transported, the containers must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficient to prevent leaks and emissions.
- The generator may accumulate reusable wipes for no more than 180 days prior to being sent for cleaning.
- At the point sent for cleaning, either on or off-site, the containers must have no free liquids. Free liquids removed from the wipes or containers must be managed according to hazardous waste regulations (40 CFR 260-273).
- Generators must maintain the following documentation:
 - Name and address of laundry or dry cleaner.
 - Documentation that the 180 accumulation time limit was met.
 - Description of the process the generator used to ensure no free liquids at the point of being laundered or dry cleaned onsite or at the point of being transported offsite.
- The solvent contaminated wipes are sent to an industrial laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 (NPDES effluent limits and permit) or section 307 (pretreatment standards) of the Clean Water Act.

The Disposable Wipe Exclusion, 40 CFR 261.4(b)(18)

Which Types of Solvent-Contamination are Eligible for the Disposable Wipe Exclusion?

The list of solvents eligible for the disposal wipe exclusion is the same as for reusable wipe exclusion except for trichloroethylene (TCE). TCE is not eligible for the disposable wipe exclusion and must continue to be managed as listed and/or characteristic hazardous waste when disposed.

Thus the following solvents are eligible for the disposable wipe exclusion:

- Listed wastes F001 through F005 or the corresponding P- or U- listed solvents (commercial chemicals) except for TCE. These include 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; 1,1,2-Trichloro-1,2,2-trifluoroethane; ortho-Dichlorobenzene; 2-Ethoxyethanol; 2-Nitropropane; Acetone; Benzene; n-Butyl alcohol; Carbon disulfide; Carbon tetrachloride; Chlorinated Fluorocarbons; Chlorobenzene; Cresols; Cyclohexanone; Ethyl acetate; Ethyl benzene; Ethyl ether; Isobutanol; Methanol; Methyl ethyl ketone; Methyl isobutyl ketone; Methylene chloride; Nitrobenzene; Pyridine; Tetrachloroethylene; Toluene; Trichlorofluoromethane; and Xylene.

- Characteristic hazardous wastes when that characteristic results from a solvent listed in 40 CFR part 261, except for TCE (D040).
- Waste hazardous only for the characteristic of ignitability due to the presence of one or more solvents that are not listed in 40 CFR 261.

Again, not eligible for the reusable wipe exclusion: Listed hazardous waste other than solvents, or that exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents.

What are the Conditions for the Disposable Wipe Exclusion?

Solvent-contaminated wipes (other than TCE contaminated wipes) sent for disposal are not hazardous waste from the point of generation provided the following conditions are met:

- Contain solvent-contaminated wipes in non-leaking, closed containers that are labeled as “Excluded Solvent-Contaminated Wipes”.
- Containers must be able to contain free liquids, should free liquids occur.
- When the containers are full, or wipes are no longer being accumulated, or when the containers are being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficient to prevent leaks and emissions.
- The generator may accumulate disposable wipes for no more than 180 days prior to being sent for disposal.
- At the point of being transported for disposal, the containers must have no free liquids. Free liquids removed from the wipes or container must be managed according to hazardous waste regulations (40 CFR 260-273).
- Generators must maintain the following documentation:
 - Name and address of landfill or combustor receiving the solvent-contaminated wipes.
 - Documentation that the 180 accumulation time limit was met.
 - Description of the process the generator used to ensure no free liquids at the point transported for disposal.
- The solvent contaminated wipes are sent for disposal:
 - To a municipal solid waste landfill (MSWLF) regulated under 40 CFR 258. (Note: Wipes cannot be disposed at landfills without liners such as at non-hazardous industrial landfill regulated under 40 CFR 257.)
 - To a hazardous waste landfill regulated under 40 CFR 264 or 265.
 - To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act.
 - To a hazardous waste combustor, boiler, or industrial furnace regulated under 40 CFR 264, 265, or 266 subpart H.

What Does “No Free Liquids” Mean?

There is more than one way to make this determination. It can be made using the Paint Filter Liquid Test (Method 9095B, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA SW-846). This test involves placing a predetermined amount of material in a paint filter and if any portion of the material passes through and drops from the filter within five minutes, the material is deemed to contain free liquids. No free liquids may also be determined using another standard or test method as defined by an authorized state. See 40 CFR 260.10 for the detailed definition.

What Does Closed Container Mean?

During accumulation of wipes, containers must be “closed”, but as explained in the preamble to the rule (78 FR 46455-46456), this does NOT mean the container must be sealed. The closed container condition is a performance based standard. Containers are “closed” when there is “complete contact between the fitted lid and the rim even though the rings are not clamped or bolted”. Containers with covers opened by a foot pedal (e.g., fliptop or spring loaded lid) or with a self-closing swinging door or even bags may be able to meet the closed container standard.

Though containers need only be “closed” during accumulation, they must be “sealed” when the containers are full, or wipes are no longer being accumulated, or when the containers are being transported. “Sealed” means the lid is securely affixed to the container and all openings are tightly bound or closed sufficiently to prevent leaks and emissions.

For more information on EPA’s closed container standard, refer to “Guidance on 40 CFR 264.173(a) and 265.173(a): Closed Containers” Robert Dellinger, December 3, 2009, and “Closed Container Guidance: Questions and Answers” Betsy Devlin, November 3, 2011 (RCRA Online 14826)).

If Wipes are Consolidated into Another Container, Does the 180-Day Clock Re-Start?

No. Though the 180-day clock begins at the start date of accumulation for each container (*i.e.*, the date the first solvent-contaminated wipe is placed in the container), the clock does not restart if wipes are transferred to another container. For example, a generator may decide to consolidate several partially filled containers of solvent contaminated wipes into a single container. If the partially filled containers had different accumulation start dates, the consolidated container would need to be transferred for cleaning or disposal within 180 days of the earliest accumulation start date on the original containers. The mere transfer to a new container does not restart the clock.

What Documentation is Acceptable?

Regarding documentation of name and address of the cleaning or disposal facility, EPA is not requiring a specific template or format. Business records, such as contracts or

invoices, containing the appropriate information can be used to meet the documentation requirement.

Regarding documentation of the 180-day accumulation time limit, this documentation can take one of many forms, such as a service contract or invoice from the cleaning or disposal facility which describes the frequency of scheduled delivery and pick-up of wipes; a log that lists the start date of accumulation for each container of solvent-contaminated wipes; or labels on each container which include the start date of accumulation (*i.e.*, the date the first solvent-contaminated wipe is placed in the container).

Regarding documentation of the process the generator is using to meet the “no free liquids” condition, this documentation should include a description of any technologies, methods, sampling, or knowledge that a generator is using to ensure that solvent – contaminated wipes sent to a cleaning or disposal facility contain no free liquids.

Conclusion

This rule puts in place a national regulatory framework to address solvent-contaminated wipes. It is expected to significantly reduce the cost and regulatory burden associated with management of solvent-contaminated rags commonly generated during maintenance activities.

Technical Assistance

For questions regarding this Fact Sheet, contact the USACE Environmental and Munitions Center of Expertise at (402) 697-2559.