**EPA's Answers to Questions Regarding the Solvent Wipes Rule**

Marybeth Sheridan, EPA HQs co-presented during a NEWMOA webinar on the wipes rule with George Frantz of Region 1 on November 12, 2013. There were 60 state regulators on the webinar. The following are the questions that she told the attendees she would get back to them on:

1. Are walk-off mats that are placed in industrial areas and used to catch drips, etc. eligible for the wipes exclusion when sent for laundering? They are made of similar materials as listed in the definition of wipe and may be contaminated with small amounts of solvents. (I answered they are not eligible if they have caught hazardous waste other than listed solvents or exhibit a characteristic other than from a solvent but I would double check on mats contaminated with solvents.)

   Answer: In the Response to Comment background document for the final rule, EPA did respond to comments that the exclusion should be broadened to include, among other things, floor mats. EPA responded that we disagree with comments that suggest broadening the exclusion to all reusable wipes, extending the exclusion to the solvent itself, or **including materials beyond wipes**. The solvent-contaminated wipes exclusion was based on a risk analysis of solvent-contaminated wipes, and thus would not be applicable to other listed wastes or to free liquid spent solvent. Moreover, the conditions in the rule were developed after extensive study of the management practices specific to solvent-contaminated wipes, and it is beyond the scope of the rulemaking to include other types of materials, such as personal protective equipment or spray cans.

2. CT has seen plastic bags used to contain wipes from the printing industry that have enormous amounts of inks left over that could be contaminated with listed solvents. The residues may not fail the Paint Filter Liquid Test. Should (or can) they use the empty container definition?

   Answer: Assuming the plastic bags with residual ink pass the paint filter liquid test, it is appropriate to use the empty container definition in 261.7 to ensure that hazardous waste is not being improperly disposed. This means that all wastes must be removed using practices commonly employed to remove material from that type of container (e.g., pouring, etc.) and there is no more than one inch or no more than 3 percent by weight of residue remaining in the container.

**3.** Are CESQGs allowed to use the exclusions, specifically sending reusable wipes to laundries? Laundries are not specifically listed as one of the facilities where CESQGs can send their waste and the rule did not modify the 261.5 language.

   Answer: EPA would consider laundries or dry cleaners that are cleaning and sending reusable wipes back to the generators to be recycling facilities under 261.5(g)(3)(vi). Thus, CESQGs are allowed to use the conditional exclusions.

4. As part of the risk analysis, did we look at ignitable wastes and the potential for landfill fires?

   Answer: In general, EPA believes that the no free liquids condition should limit the potential for fires, but the risk analysis was specifically limited to determining the risk from landfilling solvent-contaminated wipes and laundry sludge contaminated with solvents in both lined and unlined

landfills. The technical background documents for the rule provides more details on the risk screening analysis, including the external peer review, public comments, and EPA's response to those comments. The preamble for the final rule also includes a lengthy description of the risk analysis (see pages 78 FR 46451-46454).

5. Are wipes accumulated in satellite areas included in the 180-day accumulation limit?

   Answer: Once the wipes are placed in a container, the accumulation time limit applies. The preamble of the final rule includes this language: This 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). A footnote further explains: Generators may transfer solvent-contaminated wipes between containers to facilitate accumulation, storage, off-site transportation, or removal of free liquids. For example, a generator may wish to consolidate several partially filled containers of solvent-contaminated wipes. However, the 180-day ''clock'' for accumulation does not restart if the solvent-contaminated wipes are merely transferred to another container. This is consistent with EPA's policy on generator accumulation under the hazardous waste regulations (see ''Frequently Asked Questions about Satellite Accumulation Areas'' Robert Springer, March 17, 2004). (78 FR 46456)

6. Can wipes go to a transfer facility before the final destination (either landfill or laundry)? NY noted that conditions at transfer facilities are not particularly conducive to maintaining the integrity of a container, especially plastic bags.

   Answer: A transfer facility, as defined in 40 CFR 260.10, is any transportation-related facility where shipments are held during the normal course of transportation. Hazardous secondary materials and hazardous waste stored less than 10 days are considered to be in transit (see 73 FR 64690, October 30, 2008). As long as the other conditions of the exclusions are met, there is nothing in the solvent-contaminated wipes conditional exclusions that would prevent wipes from being held during transit at a transfer facility.

Here are two additional questions that NY DEC added post-webinar:

COMMENT 1: Yesterday a commenter inquired about solvents intentionally being disposed of via the Contaminated Wipes Rule but there wasn't much discussion, so we wanted to provide a specific example. (This example is specific to the printing industry, so possibly it will be of use during the EPA webinar for printers that George mentioned would be taking place next month.)

It has been our experience that some printers place stacks of fresh wipes in the collection catch-pans of their printing presses in order to soak up their "press wash" solvent. They will then send the solvent-soaked wipes to laundries, thus avoiding the expense of manifesting and disposing of the solvent as hazardous waste. (To ensure that none of these wipes fail the 9095 Paint Filter Liquids Test, these printers simply stack as many fresh wipes as necessary into their presses' collection catch-pans.)

The Contaminated Wipes Rule does not appear to discourage this practice, and in fact the Rule's preamble refers to a document that adjusts its risk calculations to account for the increased amount of solvent soaked into printers' wipes, thereby seeming to accept the practice. (See docket's EPA-HQ-RCRA-2003-0004-0003 on page 102.) (To limit the practice EPA seems to be relying on its requirement that no free liquids be present, but printers sidestep that by simply using more wipes.)

Answer: Questions of "intent" are best left up to the implementing agency's enforcement personnel. To meet the conditions of the solvent-contaminated wipes rule, the wipes must contain no free liquids at the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning. In addition, any free liquids removed from the wipes or the container holding the wipes must be managed according to the applicable hazardous waste regulations. This is true at the generator and at the laundry or dry cleaner. Also, generators must maintain certain documentation, including a description of the process they use to ensure the wipes contain no free liquids at the point of being laundered or dry cleaned. Finally, EPA believes that there are economic incentives for generators to ensure that solvent-contaminated wipes contain no free liquids because the handling facilities (i.e., laundries and dry cleaners) will likely expect them to bear the additional costs of managing the free liquids as hazardous waste.

COMMENT 2: Yesterday it was stated that tightly "cinched" plastic bags would be acceptable under the Rule as long as the bags were non-leaking. We believe it is important to stress that DOT hazardous materials regulations must also be met during transportation, and that those regulations often have a higher standard that would preclude use of many tightly cinched bags *whenever free liquids form inside*. For example, when the wipes meet a category of materials called "Solids containing flammable liquid" (UN3175) and free liquids form inside the containers, those containers must pass a stringent leakproof test conducted underwater in which 3 psi of air is forced into the container for 5 minutes (see "special provision 47" in 49 CFR 172.102).

A cinched plastic bag is very unlikely to meet that DOT leakproof test. Hence, when the solvent in the wipes is flammable and free liquid solvent forms inside the bag after it is closed, the bag would need to pass a stringent "leakproofness" test in which 3 psi of air is applied to the bag while it is held underwater. Only when no air leaks (bubbles) appear for 5 minutes would such a cinched bag be allowable under DOT Hazardous Materials regulations. (Note that it doesn't matter whether the cinched bags had actually released free liquid solvent.)

Answer: EPA agrees that any applicable DOT hazardous materials regulations would continue to apply to the transportation of solvent-contaminated wipes.