

Are Your Solvent-Contaminated Wipes & Shop Towels Considered HAZARDOUS WASTE?

by Renee Lesjak Bashel and John B. Tweddale

For the thousands of businesses using disposable or reusable wipes, rags, or towels for solvent cleaning, the US Environmental Protection Agency (USEPA) finalized a rule on July 23, 2013 that may save money by reducing the cost to comply with waste disposal requirements. Historically, auto body shops would need to determine if their wipes were considered hazardous waste, potentially incurring laboratory costs to test the wipes and/or paying higher fees to dispose of wipes through a licensed hazardous waste transporter.

The long-awaited amendments to 40 CFR Parts 260 and 261 that provide conditional exclusions from solid waste and hazardous waste for solvent-contaminated wipes will be effective nationwide on January 31, 2014, but the USEPA rules must be adopted in Wisconsin Department of Natural Resources (WDNR) policy or regulations to be applicable here. Until changes in policy or regulations are finalized, the current WDNR guidance policy applies. You can find a copy on the WDNR website here: <http://dnr.wi.gov/files/PDF/pubs/wa/WA1207.pdf>.

History of the Rules on Solvent-Contaminated Wipes

The Resource Conservation and Recovery Act (RCRA) was first established to regulate waste management in 1976. As early as 1985, various industries were petitioning USEPA to exclude disposable wipes (typically used one time to apply or remove solvent) from the definition of hazardous waste under RCRA. In addition, USEPA was petitioned in 1987 to remove reusable wipes (typically laundered or dry-cleaned solvent/shop towels) from the definition of solid waste since they were not intended for disposal. USEPA did not change the rules; however, they established a policy that left the final decision up to individual states. Many states did offer regulatory relief for certain types of wipes, but the extent of that relief differed between states.

For several years, Wisconsin's guidance policy has been that:

- Reusable wipes handled properly are not considered hazardous waste; and
- Disposable wipes must be evaluated to determine if they are hazardous unless the wipes are sent out to be burned for energy recovery, in which case they are only considered hazardous if they have the characteristic of ignitability or toxicity.

A waste is considered hazardous if it is a **Listed** or a **Characteristic** waste. A Listed waste is one included on certain lists created by USEPA and given designated codes starting with F, K, P, or U and found on the USEPA's List of Lists. Wipes could be considered hazardous if they contain listed solvents or exhibit a characteristic such as ignitability (flash point less than 140°F). Common listed solvents on wipes include acetone, methyl ethyl ketone (2-butanone), methyl isobutyl ketone, benzene, toluene, ethylbenzene, xylenes, ethyl acetate, methanol, isobutyl alcohol, methylene chloride, tetrachloroethylene and trichloroethylene (TCE). Typical cleaning fluids, such as mineral spirits/naphtha, may contain one or more listed solvents.

What Does This Mean for My Shop?

For shops that use either disposable or reusable wipes, how your operations are affected will depend on how quickly your state adopts the USEPA rule changes. If your state automatically follows USEPA standards, you can follow the amendments immediately. Your wipes can meet the exclusions from the waste definitions so long as you meet the criteria shown here.

Either type of wipe is excluded from handling as a waste if you follow these steps:

- Store and ship in non-leaking, closed containers
- Ensure that the container lid fits tightly and contacts the rim of the container completely
- Open the container to add more wipes or condense multiple containers
- Seal the container prior to shipping to prevent leaks and emissions
- Label any wipe storage container "Excluded Solvent-Contaminated Wipes"
- Ensure there are no free liquids in the container
- Handle any free liquid as a waste/hazardous waste prior to shipping
- Record the process followed to make sure there are no free liquids
- Accumulate wipes in a container for up to 180 days from the date the first wipe was placed in the container
- Document that wipes were accumulated for less than 180 days

Reusable wipes are not considered **solid waste** so long as you follow these additional steps:

- Keep records of the name and address of the industrial laundry or dry cleaner where wipes are shipped
- Use a laundry or dry cleaner whose wastewater discharge, if any, is regulated by the Clean Water Act

Disposable wipes are not considered **hazardous waste** so long as you follow these additional steps:

- Verify that the wipes do not contain TCE (wipes with this specific solvent are not exempt under the USEPA rules)

- Keep records of the name and address of the landfill or combustor where wipes are shipped
- Make sure the wipes are shipped to a:
 - Licensed **municipal** solid waste landfill;
 - Licensed **hazardous waste** landfill;
 - Licensed or permitted municipal waste combustor or other combustion facility meeting federal clean air standards; or
 - Licensed or permitted hazardous waste combustor, boiler, or industrial furnace regulated as a waste treatment facility.

Reusable or disposable wipes that contain **non-solvent** based materials that are listed or characteristic **hazardous wastes**, such as heavy metals, are still considered hazardous waste.

Wisconsin's current guidance policy is similar enough to the new USEPA rules that there may be little change if you were already following the policy. If Wisconsin adjusts their policy or adopts the USEPA rules in place of the state policy, the main difference would be that shops will not need to manage disposable wipes as a hazardous waste so long as the wipes are handled according to the management practices listed above and do not contain TCE or other non-solvent based listed or characteristic hazardous contaminants.

For more information on USEPA's final rule: www.epa.gov/osw/hazard/wastetypes/wasteid/solvents/wipes.htm

SCS Engineers is a full-service environmental consulting firm. For more information or assistance with determining whether your wipes are hazardous waste, please feel free to contact us at (608) 224-2830.

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