

Solvent-Contaminated Wipes Questions

01/31/14

1. The EPA final rule regarding disposable solvent-contaminated wipes is less stringent than current state rules. Does FDEP plan to adopt this portion of the final rule?

Florida has adopted the entire Solvent-Contaminated Wipes Rule and it will go into effect on January 31, 2014.

2. Has current state policy on solvent-contaminated wipes being sent for laundering and recycling been superseded by this new solvent wipes rule?

For solvent-contaminated wipes that are sent for cleaning and reuse, you may continue to follow previous Department guidance until the new federal rule goes into effect on January 31, 2014. At that time, you will need to follow the conditions in the federal rule for the wipes to be excluded from the definition of solid waste.

3. Will the rule affect the management of reusable/laundered wipes that do not contain solvents but may be listed or exhibit hazardous waste characteristics (such as metals)?

Pursuant to 40 CFR 261.10, 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 at 40 CFR 261.4(a)(26) and 40 CFR 261.4(b)(18). Wipes and shop towels determined to be hazardous waste must be managed according to the applicable regulations in 40 CFR 260 through 273. Non-hazardous waste wipes and shop towels may be disposed or sent to a dry cleaner or laundry for cleaning and reuse. For nonhazardous wipes sent to the dry cleaner or laundry, we recommend that you follow similar *management practices* (labeling, containers that contain free liquids, no free liquids prior to transport, etc.) as required for solvent-contaminated wipes in the federal rule. Please see the Department's January 31, 2014 guidance document for more information.

4. Are any other states besides Florida planning to adopt the rule? Do you know what states it will become effective in on January 31?

It will also go into effect on that date in unauthorized states and territories (Alaska, Iowa, US Virgin Islands, American Samoa, Northern Mariana Islands, and Tribal lands). Other states we (EPA) have heard that plan to adopt include OH, WI, KS, MA, RI (in part), VT, and KY. We (EPA) do plan to have a map on the wipes page on our website but we'll be adding that in 2014.

5. If a wipe is used to clean out remaining solvent residuals from a container that meets the definition of RCRA-empty at 40 CFR 261.7, does the wipe need to be managed under the new rule?

First, to meet the definition of RCRA-empty, a container must have all wastes removed using practices commonly employed to remove materials from that type of container (e.g., pouring, etc.) and have no more than one inch of residue remaining. Then the residuals remaining in the container would be exempt. When these residuals are removed from the container, however, it is considered a new point of generation and they would become subject to a RCRA Subtitle C hazardous waste determination. Given that the wipes contaminated with solvent from a RCRA-

Solvent-Contaminated Wipes Questions

01/31/14

empty container would be indistinguishable from wipes contaminated with solvent from other sources, it would be prudent to manage all such wipes under the wipes exclusion.

6. The final rule requires labeling of the containers as “Excluded Solvent-Contaminated Wipes.” Will FDEP allow containers to be marked with this wording rather than using a label?

The Rule Preamble (Container Standard, p. 46456) states “Containers of reusable wipes also must be properly labeled as “Excluded Solvent-Contaminated Wipes” to ensure that facility employees, emergency response personnel, motor carrier inspectors, downstream transporters and handlers, and state and EPA enforcement are aware of the contents of these containers. This ensures that containers can be properly stored, handled, and inspected. Requiring a specific label establishes a national standard that can be easily recognized among different facilities, industries, and state programs.” The Rule adopts the same labeling standard for both disposable and reusable wipes. For consistency, any marking of containers in lieu of the label would need to include the same information required by the label.

7. Any plans for FDEP to send out stencils or stickers that say “Excluded Solvent-Contaminated Wipes”?

FDEP is planning to order stencils.

8. Can we now dispose of our soiled rags as normal trash?

Yes, once the rule becomes effective in Florida [January 31, 2014], disposal of wipes into normal trash will be permitted but they still have to meet the conditions of the rule: they have to be in a closed, sealed and labeled container and there can't be free liquids in the container when it leaves the facility.

9. I think the rule only allows excluded wipes to go to municipal solid waste landfills. Are private landfills not allowed to take them, even if constructed to meet the same standards?

Wipes have to go to either MSW landfills that are regulated under Part 258 including 258.40 (composite liner) or a HW landfill. The MSW landfill may be publicly or privately owned.

Note: HW landfills are prohibited in Florida pursuant to 403.7222, F.S.

10. How will the rule affect the management of reusable/laundried uniforms, coveralls, and textiles other than wipes that become contaminated with solvents?

In the rule definitions (40 CFR 260.10), “Wipe means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.” Since the above mentioned materials are not included in the definition of “wipe,” the rule does not apply to these materials.

11. What will FDEP expect generators to maintain to show that the solvent wipes do not contain other listed hazardous wastes nor exhibit any hazardous waste characteristics due to contaminants other than from the solvents? Must the generator analyze or document process

Solvent-Contaminated Wipes Questions

01/31/14

knowledge similar to conducting a hazardous waste determination?

It will be similar to the hazardous waste determination for other waste streams. The generator will need to have some documentation showing that the wipes were analyzed or detailing the process knowledge.

12. What will be acceptable when describing processes for meeting the “no free liquids” condition?

In the Rule definitions (40 CFR 260.10), “*No free liquids*, as used in 40 CFR 261.4(a)(26) and 40 CFR 261.4(b)(18), means that solvent-contaminated wipes may not contain free liquids as determined by Method 9095B (Paint Filter Liquids Test), included in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA Publication SW-846), which is incorporated by reference, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method as defined by an authorized state.”

The Preamble (No Free Liquids, p. 46457 & 46459) states: “In order to meet the performance standard, generators may use any of a range of methods to remove solvent from the wipe such as centrifuging, mechanical-wringing, screen-bottom drums, microwave technology, and vacuum extractors. To ensure that the solvent-contaminated wipes meet the standard, generators may conduct sampling or use knowledge regarding how much solvent is present in each wipe. Solvent-contaminated wipes that have been subject to advanced solvent extraction processes, such as centrifuges, or any other similarly effective method to remove solvent from the wipes, are likely to meet this standard.”

The generator must document how they are meeting the “no free liquids” condition. The Preamble (Recordkeeping, p. 46457 & 46459) discusses the purpose of documenting the process the generator is using to meeting the “no free liquids” condition and that the documentation should include a description of the technologies, methods, sampling, or knowledge the generator is using. It further states that State and EPA regulators may use this information to assess whether the generator is meeting the condition.

13. Would the removal of free liquids before transport establish a new point of generation for purposes of hazardous waste accumulation/storage (allowance for SAA management, start of 90 day time limit if applicable)?

The Rule Preamble (Scope and Applicability, p. 46455 & 46458) states: “Free liquid spent solvent itself remains solid waste and thus, is subject to the applicable hazardous waste regulations under RCRA Subtitle C upon removal from the solvent-contaminated wipe and/or from the container holding the wipes.” The free liquids must be collected and managed according to the applicable hazardous waste regulations found in 40 CFR parts 260 through 273 and may count towards determining monthly generator status (Preamble, No Free Liquids, p. 46456 & 46459).

14. Does FDEP plan to require the use of a free liquids test method other than the Paint Filter Liquids Test (SW-846, Method 9095B)?

No.

Solvent-Contaminated Wipes Questions

01/31/14

15. Does the free liquid test need to be performed weekly as each container is being sent out?

According to the Rule Preamble (p. 46457, 46459, 46467), generators do not have to conduct the Paint Filters Test for every solvent-contaminated wipe, rather they must ensure that if the Paint Filters Test was performed, the wipe would pass. See #15 above for additional information.

16. How will FDEP enforce the “closed container” requirement? Per the final rule, a container is closed when the cover makes complete contact with the rim but the container is not required to be sealed. This would permit wipes (and possibly free liquids) to spill from the container if tipped over.

“The Rule Preamble (Container Standard, p. 46455-46456) states: “During accumulation of solvent-contaminated wipes, a closed container does not necessarily mean a sealed container. Instead, when solvent-contaminated wipes are being accumulated, the container is considered closed when there is complete contact between the fitted lid and the rim. However, 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 and all openings tightly bound or closed. The object of this is to prevent the release of any volatile organic emissions and to prevent a spill if the container is tipped over. “The Preamble further states: “The closed container condition in today’s rule is a performance-based standard and, thus, facilities have flexibility in determining how best to meet this standard based on their specific processes.” The Preamble goes on to describe several types of containers that may be used if the conditions are met. It also references EPA’s guidance on closed containers. It seems clear that the intent is to prevent spills and releases from the container during accumulation and transport.

17. How will FDEP require generators to track the 180-day accumulation time limit?

The rule allows wipes to be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning or disposal.

When the wipes are being sent for cleaning [261.4(a)(26)(v)], “Generators must maintain at their site the following documentation: (A) Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes; (B) Documentation that the 180-day accumulation time limit in 40 CFR 261.4(a)(26)(ii) is being met;” The Preamble (Recordkeeping, p. 46457) states: “This documentation can take one of many forms, such as a service contract or invoice from the laundry or dry cleaner 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.)”

When the wipes are being sent for disposal [261.4(b)(18)(v)], “Generators must maintain at their site the following documentation: (A) Name and address of the landfill that is receiving the solvent-contaminated wipes; (B) Documentation that the 180-day accumulation time limit in 40 CFR 261.4(b)(18)(ii) is being met;” The Preamble (Recordkeeping, p. 46459) states: “This

Solvent-Contaminated Wipes Questions

01/31/14

documentation can take one of many forms, such as a service contract or invoice from the combustor or landfill, or other transporter which describes the frequency of scheduled pick-up of solvent-contaminated 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.)”

18. The conditional exclusion for disposable wipes requires the wipes to be managed in closed labeled containers during accumulation, transport (sealed), and at the handling facility prior to processing. Solid wastes from industry are generally placed into dumpsters, or other like receptacles, and hauled to a local landfill by a contracted solid waste management company. How would the conditional exclusion work in this situation? Can the wipes be containerized in sealed impermeable bags, labeled per the rule, and placed in a dumpster with other solid wastes? There would be no assurance that the bag would arrive at the landfill intact, especially if the transporter was combining wastes from many locations. Would this require separate accumulation, storage, and transportation to account for the wipes?

See response to #10 above. According to the Rule Preamble (Container Standard, p. 46456): “Bags can be used, provided they meet today’s closed container 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. (Of course, a bag leaving a trail of liquid on the ground does not meet today’s container standard.)” Disposable wipes must be transported in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.” However, these containers do not need to be transported separately to the landfill and, thus, generators may dispose of containers of solvent-contaminated wipes (that contain no free liquids) in the same dumpster as their other solid waste trash.