

FEDERAL SOLVENT-CONTAMINATED WIPE RULE PROVIDES REGULATORY RELIEF

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After more than fifteen years of effort on the part of the printing industry, the U.S. Environmental Protection Agency (EPA) passed the Federal Solvent-Contaminated Wipe Rule on July 31, 2013. The rule is effective as of January 23, 2014, and the EPA estimates that the final rule will result in a net savings of between \$21.7 million and \$27.8 million per year.

This rule is significant in that it provides a consistent regulatory framework for the handling of solvent-contaminated disposable and reusable wipes, which presently is addressed by individual state policies that differ from state to state. The rule was developed to maintain protection of human health and the environment while reducing overall compliance costs for industry by allowing wipes that are managed according to the rule to be excluded from hazardous waste regulations.

In addition, since the rule is “de-regulatory,” each state must adopt the rule in order for it to become effective. What this means is that until a facility’s state agency formally adopts the rule, they must continue to follow the current state policy until such time as the state regulation is changed. However, several states have already stated they will be adopting the rule in 2014 and are allowing printing operations to follow the EPA’s regulation until they adopt the rule.

Background

The rulemaking effort began in the 1980s when the EPA received rule-making petitions from several industry groups requesting that disposable and reusable wipes be excluded from hazardous waste regulations, as the requirements were too stringent for solvent-contaminated wipes based on the risks they pose. Part of the delay in the rule development was the requirement that the EPA had to examine the risks posed by the fate of the solvent in the towels. The EPA performed a formal risk assessment and visited a wide variety of industries, including Printing Industries members, to gain an understanding of how solvents are used with wipes and how the solvent-contaminated wipes are subsequently managed.

The final rule is based on the EPA’s risk analysis, which demonstrates that wipes contaminated with certain hazardous solvents do not pose significant risks to human health and the environment when managed under reduced regulatory requirements.

Exclusion Eligibility

The rule modifies hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude

solvent-contaminated wipes that are cleaned at industrial laundries or dry cleaners and reused, as well as wipes sent for disposal to a municipal solid waste landfill or solid waste combustor. In order to be excluded, the wipes must only be contaminated with certain hazardous wastes, and specific procedures must be followed in the management of solvent-contaminated wipes during generation and disposal.

The EPA defined a solvent-contaminated wipe as a shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material that after use or after cleaning up a spill, contains a solvent that would be considered hazardous waste either because it is specifically identified or “listed” in the hazardous waste regulations or because it exhibits the characteristic of ignitability, which means it has a flashpoint of less than 140°F. The rule also covers cloths that are commonly used in some automatic blanket wash systems.

Wipes contaminated with hazardous waste other than solvents, or that exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents—or a disposable wipe contaminated with a hazardous chemical containing trichloroethylene—are not considered solvent-contaminated wipes and not eligible for the exclusion. There are three main differences between the exclusion for reusable wipes and the exclusion for disposable wipes:

- Disposable wipes that are hazardous waste due to the presence of trichloroethylene are not eligible for the exclusion because trichloroethylene may pose a significant risk to human health and the environment when disposed in a lined landfill.
- Reusable wipes, because they are sent off-site for laundering and returned for reuse are not classified as a solid waste, which means they cannot be classified as a hazardous waste. Since disposable wipes are thrown away, they are classified as a solid waste, but under the exclusion they are not classified as a hazardous waste.
- Reusable wipes need to be sent to laundries or dry cleaners whose discharge, if any, is regulated under the Clean Water Act (CWA). Disposable wipes need to be sent to regulated combustors (e.g., incinerators that burn garbage), municipal solid waste landfills, or hazardous waste landfills.

Management Requirements

To use the exclusions provided by the rule, the following requirements must be met when managing both types of solvent-contaminated wipes:

- **Labeled and Non-Leaking Containers** must be used during collection, storage, and disposal of solvent-contaminated wipes. The words: “Excluded Solvent-Contaminated Wipes” must be present on all containers. Managing wipes in non-leaking and labeled containers ensures that the solvents are unlikely to be released into the environment and serve to minimize solvent emissions, prevent spills or cross contamination (of collected wipes), and reduce risk of fires by spontaneous combustion or external ignition sources.
- **Closed Containers** must be used during the collection or accumulation of the towels in the production, maintenance, or other areas where they are being used. The EPA defined “closed container” as a lid being in complete contact with the container except when adding or removing wipes. The container does not need to be “sealed” until the container is full and waiting to be removed from the facility or during transport to the laundry, combustor, or landfill.
- **Sealed Containers** must be used when accumulation containers are full, when wipes are no longer being accumulated, and during transportation. This would include a container with a locked lid, a non-leaking laundry bag for reusables, or a garbage bag for disposables. Keep in mind that these containers must also be labeled as “Excluded Solvent-Contaminated Wipes.”
- **Accumulation Time** is the time a facility has to send a container of solvent-contaminated wipes for cleaning or disposal after the first wipe enters the container and is limited to 180 days. Records must be maintained to document compliance with this condition.
- **No Free Liquids** may be present in solvent-contaminated wipes at the point they are being sent for cleaning on site or being sent off site for cleaning or disposal. In order to meet the performance standard, printing operations may use methods to remove solvent from the wipe such as having operators wring the wipes prior to being placed in a container, gravity draining using a drum with a false bottom screen, centrifuging, mechanical wringing, microwave technology, and vacuum extraction.
- **Documentation** must be kept on the name and address of the destination facility (laundry, combustor, or landfill) that is receiving the wipes, how the 180-day accumulation time limit is being met (e.g., service contract with laundry or other service provider, log, or labels with start date), and a description of the process used to meet the “no free liquids” condition (e.g., technologies, methods, sampling, knowledge).

No Free Liquids Test

The majority of states use the “Paint Filter Liquids Test” (Method 9095B) for determining whether solvent-contaminated wipes contain free liquids. The test is simple and inexpensive to perform and typically produces clear results. The testing for “free” liquids is straightforward. Solvent-contaminated wipes, taken from the lowest point of the collection container, are placed in a suspended paint filter. If no solvent drips from the filter after five minutes, the contaminated wipes have passed the “no free liquids” test.

This does not mean that generators must conduct this test for every wipe. Rather, generators must ensure that if the Paint Filter Liquids Test was performed, the solvent-contaminated wipe would pass.

Impacts on Industry

Under the federal rule, solvent-contaminated wipes managed under conditional exclusion do not count toward a generator’s hazardous waste regulatory status, and generators do not need to meet the more stringent hazardous waste regulations. For example, solvent-contaminated wipes managed under the final rule exclusions no longer have to be manifested when being sent off site and may be sent to non-hazardous waste handling facilities.

However, solvent removed from the solvent-contaminated wipes and/or from the container holding the wipes must be managed according to the applicable hazardous waste regulations found in 40 CFR 260-273, which would include counting toward determining monthly generator status.

Implementation of the Rule

The final rule includes requirements and conditions that are less stringent than those of the base RCRA hazardous waste program, which means that states with an authorized RCRA program are not required to adopt the conditional exclusions unless a state’s program is less stringent than the Federal requirements. States may, through implementation of state waiver authorities or other state laws, allow compliance with the provisions of the federal rule in advance of adoption or authorization.

This federal rule for reusable wipes is generally consistent with many of the states’ policies; however, some conditions required by the final rule may be more stringent than some existing state programs. As a result, authorized states whose programs include less stringent requirements than the 2013 final rule are required to modify their regulations or policies to maintain consistency with the federal program. The current state requirements remain in place until the state adopts the equivalent to these federal requirements.

Additional Information

Email EHS@printing.org or call 1-800-910-4283 x 794 for more information.