

The EPA Provides RCRA Exclusions for Solvent-Contaminated Wipes



On July 31, 2013, the U. S. Environmental Protection Agency (EPA) published as a final rule in the Federal Register modification of its hazardous waste management regulations for solvent-contaminated wipes, providing conditional exclusions to the definitions of solid waste or hazardous waste. This resolves, at least at the federal level, long-standing issues associated with the management of wipes contaminated with listed (F001-F005) solvents. The intent of the final rule is to achieve greater consistency across the U.S. and encourage recycling and reuse. In addition to wipes contaminated with the certain F-listed solvents, the exclusions include wipes containing a corresponding P- or U-listed solvent, or that exhibit a hazardous characteristic resulting from a solvent listed in 40 CFR 261.

What are the Exclusions?

- **Reused solvent-contaminated wipes** are excluded from the definition of solid waste, provided that certain conditions are met. Reusable wipes tend to be standardized in composition (e.g., cotton) and size, and are part of a systematic handling system that cleans them for reuse.
- **Disposed solvent-contaminated wipes** are excluded from the definition of hazardous waste, provided that certain conditions are met. Disposable wipes are diverse in composition and size (e.g., paper towels, cloth rags) and are discarded after use.



What are the Conditions?

There are many specifics regarding the exclusions, and they include storage requirements, labeling, accumulation time limits, and recordkeeping. The EPA has provided a summary of these in its [Summary Chart](#).

Who Does it Affect?

At this point, the exclusions (which become effective on January 31, 2014) are only applicable in states that do not have EPA authorization to administer their own program. Most states, including Louisiana, have this authorization. The EPA is encouraging states with such authorization to adopt the conditional exclusions. Until a state adopts the EPA's exclusions, facilities in an authorized state are still subject to the state's regulations.

In Louisiana, these exclusions do not currently exist. Providence has consulted the Louisiana Department of Environmental Quality (LDEQ) about this issue, and a representative has indicated that LDEQ intends to adopt the EPA's exclusions in its regulations, but it may not be until early 2014 that such a rule is proposed. Until Louisiana adopts the EPA's exclusions, they are not applicable.

Why did the Exclusions Take So Long?

Issues about solvent-contaminated wipes began almost as soon as the Resource Conservation and Recovery Act (RCRA) regulations were promulgated by the EPA in 1980. Questions, policies, interpretations, and petitions followed, and the situation only became more complicated as states began to receive authorization. Most industries argued that the federal regulations were too stringent for contaminated wipes compared to risks they pose. By the mid-1980s, the EPA was receiving petitions that the materials were being over-regulated. After years of differing opinions, the EPA began a risk analysis that essentially substantiated industry's initial concerns, leading to the recent rule. Exclusions were thus allowed, provided certain conditions were met.

Where can I Get More Information?

The [Federal Register's Final Rule](#) and the [EPA's Overview](#) provide the best sources of information. For how these exclusions affect you, contact Providence's Waste Services Director, Yolunda Righteous (yolundarighteous@providenceeng.com), for site-specific regulatory analysis.

