

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 260 and 261

[RCRA-2003-0004; FRL-7587-7]

RIN 2050-AE51

### Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusions From Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) today proposes to modify its hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA) for certain solvent-contaminated materials, such as reusable shop towels, rags, disposable wipes and paper towels. Specifically, EPA is proposing: to conditionally exclude from the definition of hazardous waste disposable industrial wipes that are contaminated with hazardous solvents and are going to disposal; and, to conditionally exclude from the definition of solid waste reusable industrial shop towels and rags that are contaminated with hazardous solvents and are sent for laundering or dry cleaning (hereinafter referred to as disposable industrial wipes and reusable industrial wipes, respectively). This proposal affects contaminated industrial wipes being sent to both landfill and non-landfill (e.g., laundries and combustion) facilities and is applicable to: industrial wipes exhibiting a hazardous characteristic (i.e., ignitability, corrosivity, reactivity, or toxicity) due to use with solvents; or industrial wipes contaminated with F001-F005 spent F-listed solvents or comparable P- and U-listed commercial chemical products that are spilled and cleaned up with industrial wipes.

Today's proposal would resolve, at the Federal level, long-standing issues associated with the management of solvent-contaminated industrial wipes by: facilitating pollution prevention and waste minimization opportunities, including the recycling of the spent solvents extracted from contaminated industrial wipes; fostering improved solvents management by generators and handling facilities; reducing compliance costs; increasing consistency in the regulations governing solvent-contaminated industrial wipes across the United States; clarifying existing

federal rules; and creating flexibility for generators to work with industrial laundries, as appropriate, to ensure compliance with local pretreatment standards established by Publicly Owned Treatment Works (POTWs).

Today's proposal also contains the Agency's proposed response to rulemaking petitions filed by the Kimberly-Clark Corporation and the Scott Paper Company.

**DATES:** Submit comments on or before February 18, 2004. Comments postmarked after this date will be marked "late" and may not be considered. Any person may request a public hearing on this proposal by filing a request by January 20, 2004.

**ADDRESSES:** Comments may be submitted by mail to: RCRA Information Center, Mailcode: 5305T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID Number RCRA-2003-0004. Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in section 1.B. of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For information, contact the RCRA/Superfund/EPCRA/UST Hotline at (800) 424-9346 (toll free) or TDD (800) 553-7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412-3323 or TDD (703) 412-9810. You can also contact Kathy Blanton at (703) 605-0761 or at [blanton.katherine@epa.gov](mailto:blanton.katherine@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. How Can I Get Copies of This Document and Other Related Information?

##### 1. Docket

EPA has established an official public docket for this action under Docket ID No. RCRA-2003-0004. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the OSWER Docket in the EPA Docket Center at 1301 Constitution Avenue, Washington, DC. The EPA Docket Center Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through

Friday, excluding Federal holidays. Copies cost \$0.15/page.

##### 2. Electronic Access

You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>, and you can make comments on this proposed rule at the Federal e-rulemaking portal, <http://www.regulations.gov>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket or to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Docket. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.A.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the