

subject to regulation under subtitle C. EPA strongly recommends that generators examine the feasibility of using non-hazardous solvents because of reduced risk from use of these

solvents. However, EPA also realizes that in some cases, production incompatibilities may make such a substitution infeasible.
Table 3 summarizes which industrial wipes would be excluded from the

definition of hazardous waste and which would be excluded from the definition of solid waste and the conditions each type of wipe would be required to meet.

TABLE 3.—SUMMARY OF CONDITIONS FOR GENERATORS

If you use or generate solvent-contaminated industrial wipes that will be managed at . . .	Then for your solvent-contaminated industrial wipes . . .
A combustion facility or other non-landfill disposal facility without first being sent to a handling facility for solvent removal	To be excluded from the definition of hazardous waste, you would be required to: 1. Accumulate the used wipes on site in a non-leaking, covered container; 2. Ensure that the wipes do not contain free liquids when transported off site; 3. Handle any removed solvents subject to hazardous waste regulations accordingly; 4. Package wipes for shipment off site in containers that are designed, constructed, and managed to minimize loss to the environment; and 5. Mark containers "Excluded Solvent-Contaminated Wipes."
A municipal or other non-hazardous ⁶ landfill without first being sent to a handling facility for solvent removal	To be excluded from the definition of hazardous waste, you would be required to: 1. Accumulate the used wipes on site in a non-leaking, covered container; 2. Ensure that the wipes meet the "dry" condition (contain less than 5 grams of solvent per wipe or have been processed by advanced solvent extraction) when transported; 3. Handle any removed solvents subject to hazardous waste regulations accordingly; 4. Package wipes for shipment off site in containers that are designed, constructed, and managed to minimize loss to the environment; 5. Mark the container "Excluded Solvent-Contaminated Wipes"; and 6. Ensure that the wipe does not contain the listed solvents in Table 1.
—An industrial laundry —An industrial dry cleaner —A handling facility (not intra-company) that cleans wipes for reuse or removes solvent prior to cleaning or being sent for disposal	To be excluded from the definition of solid waste, you would be required to: 1. Accumulate the used wipes on site in a non-leaking, covered container; 2. Ensure that the wipes do not contain free liquids when laundered on site or transported off site; 3. Handle any removed solvents subject to hazardous waste regulations accordingly; and 4. Package wipes for shipment off site in containers that are designed, constructed, and managed to minimize loss to the environment.
Another facility within the company (intra-company) for free liquids removal processing to meet either the "no free liquid" condition or the "dry" condition	To be excluded from the definition of solid waste or from the definition of hazardous waste, you would be required to: 1. Accumulate the used wipes on site in a non-leaking, covered container; and 2. Package wipes for shipment off site in containers that are designed, constructed, and managed to minimize loss to the environment. Note: These wipes <i>can</i> be transported with free liquids.

Notes: (1) If wipes do not meet the appropriate conditions for accumulation and transportation, they would not be excluded and, if they cannot be made to meet the conditions, must be managed as hazardous waste.
(2) For residues from combustion and industrial laundry wastewater treatment (sludges), the generator must determine if they are characteristically hazardous and, if so, must be managed as hazardous waste. If not, additional generator or transport requirements do not apply.
⁶As stated above, for the purposes of this preamble, we will use the term *other non-hazardous landfill* to denote part 257 subpart B compliant non-hazardous waste landfills. That is, if a non-hazardous landfill that is not a municipal landfill accepts this waste, it must meet the minimum standards of 40 CFR part 257 subpart B.

B. Conditions for Exclusion From the Definition of Hazardous Waste for Solvent-Contaminated Industrial Wipes Destined for Disposal

1. Why Is EPA Proposing To Conditionally Exclude Disposable Solvent-Contaminated Wipes From the Definition of Hazardous Waste?

As discussed above, stakeholders have on several occasions indicated to us that regulating disposable solvent-contaminated industrial wipes as a hazardous waste is burdensome and unnecessary to protect human health and the environment and that this results in inequitable treatment relative to reusable industrial wipes. They argue that solvents associated with wipes are in low concentrations and are not likely to pose health and environmental risks similar to those from the disposal of process wastes. EPA's risk screening

analysis, conducted to evaluate whether this contention is valid, suggests that management of these wipes under certain minimal, good management standards does not pose a substantial hazard to human health and the environment and, therefore, we are proposing the conditional exclusion from the definition of hazardous waste presented today. The conditions proposed as part of the exclusion are designed both to minimize loss of solvent into the environment and, therefore, to minimize the risk of damage to the environment from those solvents, and to encourage solvent recovery and recycling.
Unions representing workers who come into contact with these materials have also raised concerns to EPA regarding the exposure of their members, both through direct contact and through air emissions, to hazardous

solvents when handling industrial wipes. The conditions EPA would establish would also limit volatile releases and potential exposure of workers both at generator facilities and during transportation.
Finally, EPA has, where possible, designed these conditions to be performance-based and easy to understand and implement to address the concern that the Agency's current policy coupled with differing state policies, is complicated and hard to understand. Note that, as discussed in section IV of today's preamble, wipes are defined as disposable only if they will be disposed after use. If a wipe manufactured to be disposable is used and cleaned several times before disposal, it should be treated as a reusable wipe until its final use.