

2. Proposed Conditions for Initial Storage and Accumulation

a. Proposed Condition

The proposed conditional exclusion from the definition of hazardous waste would apply to solvent-contaminated disposable industrial wipes at the point when the wipes are discarded by the generator. If the wipes were managed according to the proposed conditions, they would not be considered hazardous waste subject to subtitle C regulation.

The first condition the industrial wipes would have to meet is an accumulation standard. When an industrial wipe is contaminated with a hazardous solvent and is being disposed, generators would be required to place the hazardous solvent-contaminated wipe in a non-leaking, covered container. This performance standard leaves room for flexibility because a non-leaking covered container can range from a spring-operated safety container to a drum with its opening covered by a piece of plywood.

Generators would not need to seal, secure, latch, or close the container every time a wipe is placed inside; rather, they would only need to ensure that the container was covered. EPA recognizes that many generators use a large number of wipes daily, so to require unsealing and sealing a container each time a wipe is placed inside would be impractical. This condition would reduce fugitive air emissions, maximizing the ability to capture free liquids for reuse or recycling. It would also be among good management practices for generators to have regardless of this proposal to minimize worker exposure to solvents.

Under the exclusion from the definition of hazardous waste, there would be no limit on accumulation time of wipes under federal regulations if the accumulation condition is being met—that is, the wipes are kept in a non-leaking covered container. Because the wipes would be solid waste but not hazardous waste, RCRA hazardous waste accumulation times would not apply.

This condition is designed to prevent releases of solvent while wipes are being accumulated for shipment. EPA believes that accumulating solvent-contaminated industrial wipes in covered containers is a responsible way to manage them to prevent loss of wipes and solvent, and represents good management practices for this material, as well as good housekeeping. The condition may also help to prevent the risk of fires, the most common damage reported from mismanagement of solvent-contaminated wipes, and would

help reduce volatile organic compounds (VOCs) being emitted to the work environment and the atmosphere. It would also prevent the intentional air drying of wipes as a way to reduce free liquids.

One advantage of establishing a performance standard such as the one described above is that the generator may take innovative approaches to meet the performance standard being sought rather than having to use a specific design. A performance standard also provides a degree of flexibility in terms of allowing different approaches that minimize the length of time required for workers to place a used wipe in a storage container.

This condition would reduce requirements for generators of solvent-contaminated disposable industrial wipes. Currently, all states regulate disposable industrial wipes as a hazardous waste. 40 CFR part 265, subpart I describes the current federal requirements for the proper storage of hazardous waste in containers at generator facilities. These standards require generators of hazardous wastes to accumulate such wastes in units meeting certain technical requirements. The unit-specific requirements for generator accumulation units are found in 40 CFR part 265. In addition to requiring that containers are in good condition and that they are made of a material that is compatible with the wastes being contained, subpart I requires that containers be closed (*i.e.*, sealed) during accumulation. In addition, hazardous waste containers are subject to weekly visible inspections to locate potential deterioration, corrosion, or leaks. In addition, containers storing ignitable or reactive hazardous wastes are required to be located at least 50 feet from the facility's property line and special requirements exist for incompatible wastes.

b. Other Options

Accumulation Time Limit

EPA is also considering including a condition that establishes a time limit for accumulation of solvent-contaminated disposable wipes at a generator facility, so they cannot be kept on site indefinitely without management. This condition would be that solvent-contaminated disposable wipes being accumulated at the generator under the conditions proposed today must also follow the accumulation time limits in 40 CFR 262.34 that are applicable for their generator category (*i.e.*, 90 days for large quantity generators (LQGs) and 180 days for small quantity generators (SQGs)). In

addition to following the time limits in 262.34, generators would have to mark any container in which solvent-contaminated disposable industrial wipes were being accumulated with a label stating that it holds excluded solvent-contaminated wipes and stating the date accumulation started.

Although this option would require generators to follow the appropriate time limit for their generator size, because the industrial wipes are excluded from the definition of hazardous waste from the point of generation, they would not have to be added to the generators counting of hazardous waste. In other words, generating solvent-contaminated wipes under the conditions of the proposal would not cause a facility to move from being an SQG to being an LQG.

No RCRA-Specific Condition

The Agency also is considering not establishing a specific accumulation condition, but relying on other regulatory statutes, like the Occupational Safety and Health Act (OSHA). The Occupational Health and Safety Standards of part 1910 provide both general and specific requirements for containers used to accumulate and store certain types of materials. Subpart H of part 1910 may be applicable for the storage of industrial wipes prior to solvent removal or recovery. Section 1910.106 contains standards for the management of hazardous materials, including requirements for the management of flammable⁷ and combustible⁸ liquids; facilities which either generate or launder solvent-contaminated industrial wipes may be subject to these standards. According to these standards, flammable liquids must be stored in approved containers which meet the requirements of § 1910.106(d). Metal containers and portable tanks meeting Department of Transportation standards (*see* 49 CFR parts 173 and 178) are acceptable. Section 1910.106 also specifies standards for the areas where containers holding flammable liquids are to be kept. The requirements for industrial plants may apply to generators or launderers of solvent-contaminated industrial wipes because the regulations apply to the portions of an industrial plant where the “use and

⁷ Flammable liquids are defined as any liquid having a flash point below 100° F (37.8° C) or higher, the total of which make up 99 percent or more of the total volume of the mixture. Several solvents that are either listed or characteristic hazardous wastes and are used in conjunction with wipes also meet the definition of a *flammable liquid* (such as acetone, ethyl acetate, ethyl benzene, methyl ethyl ketone, petroleum naphtha).

⁸ Combustible liquids are any liquids having a flash point at or above 100° F (37.8° C). In