

solvent-contaminated industrial wipes to transport them in impermeable closed containers. By *closed containers*, we specifically mean containers with a lid that screws on to the top and must be sealed to be considered *closed*. Some stakeholders have expressed concern that those transporting industrial wipes would not be able to determine if the industrial wipes met the “no free liquids” or the “dry” condition without having to further handle the container and wipes. Unsealing these containers each time a wipe is placed into the container and to make the no free liquids determination would be time consuming and would expose more of the solvents to the air than opening a covered container. In addition, stakeholders argue that, if the transporters of the wipes are unable to determine at the time of pick-up whether there are free liquids in the container, this may result in an unnecessary burden falling on the handlers if noncompliant wipes arrive at their site. We believe the approach taken in today’s proposed regulation addresses these concerns and will ensure protection of human health and the environment.

#### c. Request for Comment

We request comment on our proposed performance standard and on the other option described above for containers used for transporting reusable solvent-contaminated industrial wipes.

#### 4. Proposed Labeling Condition for Containers Used To Transport Disposable Wipes

##### a. Proposed Condition

EPA is proposing as a condition of the exclusion from the definition of hazardous waste that generators must appropriately label containers used to transport disposable industrial wipes containing hazardous solvents. This condition is meant to alert anyone handling the materials of what is enclosed in the container so that proper handling (or inspection) may occur. We are proposing to impose a labeling condition that would require the containers used to transport solvent-contaminated industrial wipes for disposal to be marked “Excluded Solvent-Contaminated Wipes.” This condition is comparable to the used oil designation labeling requirement in 40 CFR part 279.

This is a simple, straight-forward approach for labeling and would indicate the status of the materials to generators, workers, and downstream handlers. In addition, a label on containers of disposable industrial

wipes stating that they are excluded from the definition of hazardous waste may benefit the generators of these wastes by eliminating questions from facilities receiving the waste, such as landfills or combustors, who may recognize that there are solvents in the waste and may be reluctant to accept the excluded industrial wipes before getting an assurance that they are not hazardous waste.<sup>10</sup>

A labeling condition would not add significant burden as existing regulatory programs administered by EPA, DOT, and OSHA already prescribe labeling requirements for containers, both in storage and transportation. Environmental Protection (40 CFR parts 260 through 265), Transportation (49 CFR parts 171 through 173), and Labor (29 CFR 1910.1200) regulations all contain sections pertaining to the management of hazardous waste, including labeling requirements. Most of these labeling requirements refer to the DOT regulations found in 49 CFR 172. A variety of hazardous solvents may be used with industrial wipes, so DOT has a number of specific hazardous waste regulations, including labeling requirements, that apply to them.

##### b. Other Option

##### No RCRA-Specific Labeling Condition

Another option we are considering is not imposing a specific labeling condition. Under this approach, designation of the disposable industrial wipes as hazardous materials under DOT regulations might still require placarding or other marking for transportation of some fraction of these materials, as described previously. However, for the reasons explained above, we do not expect that the DOT provisions would apply to all solvent-contaminated industrial wipes covered by today’s proposal and, therefore, would not be applicable to all industrial wipes covered by today’s proposed rule.

##### c. Request for Comment

The Agency requests comment on today’s proposal and the non-RCRA labeling condition. In particular, is a labeling requirement necessary, and, if so, is there a label that is more appropriate, easier to understand, and/or easier to implement than that being proposed?

<sup>10</sup> As will be noted later in today’s preamble, a similar labeling requirement is not being proposed for reusable industrial wipes that are sent for reclamation/laundry or dry cleaning. The Agency believes such a requirement is not necessary for reusable industrial wipes. For further discussion, see Section V.C.5.

#### 5. Proposed Condition for Transportation to a Municipal or Other Non-Hazardous Landfill

##### a. Proposed Condition

The conditional exclusion from the definition of hazardous waste for disposable industrial wipes proposed today would allow generators to transport certain disposable solvent-contaminated industrial wipes to municipal or other non-hazardous waste landfills<sup>11</sup> for disposal instead of to hazardous waste landfills when the conditions of the exclusion are met. EPA does not believe that other forms of land management, such as management in a waste pile or surface impoundment, are being applied to this waste stream. We, therefore, limited this proposed hazardous waste exclusion to land disposal of wipes in municipal or other non-hazardous waste landfills. A condition for disposal is that the industrial wipes contain no more than five grams of solvent per wipe, as explained in detail below.

Because of risk concerns, EPA is also proposing that industrial wipes contaminated with the specified F- or U-listed solvents in Table 4 or that are characteristically hazardous for other hazardous constituents, such as metals, cannot be disposed in municipal or other non-hazardous waste landfills. EPA has tentatively concluded that the solvents listed in Table 4 below may pose a substantial hazard to human health and the environment if wipes containing them were disposed in such landfills. If land disposed, industrial wipes contaminated with these solvents would have to continue to be managed in full compliance with the RCRA subtitle C hazardous waste management standards. Because of the risk concerns, this condition applies to any blends that contain a percentage of these solvents.

TABLE 4.—LISTED SOLVENTS NOT ALLOWED IN MUNICIPAL LANDFILLS

Benzene*	2-Nitropropane
Carbon tetrachloride*	Nitrobenzene
Chlorobenzene*	Pyridine
Cresols (o,m,p)*	Tetrachloroethylene*
Methyl ethyl ketone (MEK)	Methylene chloride
Trichloroethylene	

Nine of the solvents in Table 4 are characteristically toxic (TC), as defined in 40 CFR 261.24. Of these nine, six (as noted by an asterix: “\*”) are ineligible for disposal in a municipal or other non-hazardous waste landfill because they

<sup>11</sup> See footnote to Table 3 for explanation of the use of *non-hazardous waste landfill* in today’s Preamble.