

transferred from one container to another? One way a facility or an inspector could test for compliance with this condition would be to place two containers adjacent to one another and to transfer wipes from one container to the other. If they drip liquid during transfer, or if there are free liquids in the bottom of the container, they would not meet the "no free liquids" condition. Generators and inspectors would have to make sure they are checking the industrial wipes at the bottom of containers, as well as at the top for release of free liquids because percolation could cause solvents to sink and saturate the wipes at the bottom of any given container. Facilities could also check for compliance with the condition by using screen-bottomed drums and checking the bottom portion of the drum for liquid solvent.

As stated above, rather than checking all wipes for free liquids, generators could hand wring wipes before placement in containers or send wipes through a mechanical wringer, centrifuge, or use any other effective method as a way to ensure that free liquids are not present. Stakeholders from the printing industry have recommended to EPA that we specify a list of acceptable technologies that would meet the "no free liquids" condition for the proposed exclusion from the definition of hazardous waste, and that we also specify the above performance standard as a catch all to account for new technologies that are developed in the future. Printing industry stakeholders believe this option would clarify for them and other industrial sectors those technologies that would pass the "no free liquids" performance standard so that no uncertainty exists on the part of either generators or EPA and state inspectors.

While understanding generator concerns, EPA is not proposing in today's **Federal Register** specific regulatory language which identifies those technologies that would presumptively meet the "no free liquids" condition. Nevertheless, the Agency provides some discussion of the specific technologies EPA has examined that can reduce the amount of solvents in industrial wipes to meet the "no free liquid" condition both in this Preamble and in the Technical Background Document for this proposal.

Generators also have the option to use their knowledge of their processes to determine that their wipes contain no free liquids. For example, a generator may know that a certain process requires only small amounts of solvent on each wipe and, therefore, free liquids are unlikely to be present.

e. Request for Comment

EPA is taking comment on our proposed approach to determining if the "no free liquids" condition is met. Are there other approaches EPA should have considered in this proposal? The Agency also solicits comment on the printing industry's suggestion that the final rule should specify a list of technologies that would be considered to meet the condition to assist in the implementation of and compliance with this rule.

7. "Exotic" Solvents

In the process of developing this proposed rulemaking, the Agency has learned that there are new, "exotic" solvents on the market, such as terpenes and citric acids, that, while labeled as non-hazardous, could actually be flammable. Although the solvents do not exhibit the ignitability characteristic in 40 CFR 261.21, stakeholders have told us that, under certain conditions that have yet to be determined, oxygen can mix with the industrial wipes that contain these exotic solvents and spontaneously combust. According to some representatives of industrial laundries and fire marshals, resulting fires have caused major damage to facilities. Some stakeholders have suggested that EPA propose that generating facilities be allowed to transport their industrial wipes off site with free liquids if the facility is using one of these "exotic" solvents that could react or spontaneously combust, so that generators can wet down the wipes with water prior to sending them off site. They explain that this is consistent with what laundries do now with their customers.

We request information and comments on these "exotic" solvents and how they are presently managed. We would like to know which solvents that would currently be considered hazardous wastes are viewed as "exotic" and for which solvents commenters believe a "no free liquids" condition would be problematic. We request information on documented cases of combustion caused by a lack of free liquids. We also request comments on whether the final rule should give containers with wipes contaminated with exotic solvents special consideration, particularly, allowing the solvents to be wetted down with water during accumulation and transportation and, further, what other conditions should be placed on management of these materials if special consideration were to be given.

8. Generators That Remove Solvent From Industrial Wipes

a. Regulatory Status of Removed Solvent

Any solvent removed from an industrial wipe by a generator may be subject to regulation as a hazardous waste. Therefore, the generating facility would be required to determine whether the solvent removed from the industrial wipe, if it is not reused, is listed as a hazardous waste or exhibits a characteristic of a hazardous waste as defined in 40 CFR part 261, and, if so, manage the solvent according to prescribed RCRA regulations under 40 CFR parts 260–268 and 270.

b. Regulatory Status of Solvent Removal Technologies

Under today's proposed exclusion from the definition of hazardous waste, the solvent-contaminated wipes would not be hazardous waste at the time they undergo solvent-removal. Therefore, solvent removal technologies would not be considered treatment of hazardous waste under RCRA and such operations, whether they be conducted by generators or handling facilities, would not be considered to be treating hazardous waste and would not require a RCRA permit. Because under today's proposed rule solvent extraction would not trigger RCRA treatment standards, generators may be more likely to recover solvent for reuse and reduce the amount of solvent that they purchase.

9. Proposed Conditions for Intra-Company Transfers

a. Proposed Condition

Several stakeholders, particularly those who use large numbers of wipes daily with large amounts of solvent on each wipe, would like the flexibility of not having to meet the "no free liquids" condition when transferring their wipes off site to an intra-company facility that would extract the solvents from the wipes. Several states already allow these kinds of transfers to be made when both the generating facility and the extracting facility are part of the same company. Under the proposed condition, the extracted solvent at this point could either be returned to the originating customer or sold to another manufacturer for reuse as a feedstock in a manufacturing or service operation. Alternatively, when the economics of solvent recycling are not favorable, the extracted solvents could be disposed of as a hazardous waste.

To encourage reclamation and recycling of the solvents in the wipes, today we are proposing to allow industrial wipes to qualify for the exclusion from the definition of