

hazardous waste if the generator transfers solvent-contaminated industrial wipes containing free liquids between their own facilities and if the receiving facility has a solvent-extraction and/or -recovery process that will remove sufficient solvent to ensure the wipes meet either the “dry” condition or the “no free liquids” condition. Generators taking advantage of this part of the rule could then use one piece of solvent-extraction equipment to serve industrial wipes from several of the company’s generators. EPA hopes that allowing intra-company transfers of free liquid under these conditions would encourage companies to obtain advanced solvent recovery equipment that they would not purchase for use at just one of their facilities.

Of course, to be eligible for the exclusion from the definition of hazardous waste, the industrial wipes must meet the other conditions described in this notice. Specifically, the generators would be required to manage the wipes and free liquids in the same way as they would when they are under the hazardous waste exclusion. They would be required to accumulate the wipes and solvents in non-leaking covered containers and to transport the industrial wipes in containers that are designed, constructed and managed to minimize loss to the environment and labeled “Excluded Solvent-Contaminated Wipes.” EPA is proposing the same performance standards as for wipes meeting the “dry” and the “no free liquids” conditions, but note that because of the free liquids transported with these wipes, not all types of containers are likely to be appropriate (e.g., cloth bags are not likely to minimize loss for wipes containing free liquids). The solvent, once extracted, would have to be managed as a RCRA hazardous waste if going to disposal. In the end, we believe this option would result in substantial savings for generators of solvent-contaminated industrial wipes, as well as in increased solvent recovery by generators.

As stated above, generators can only take advantage of this condition when the handling facility is in the same company as the generator. EPA is seeking comment on whether intra-company transfers should include affiliates, subsidiaries, and parent companies as eligible for this provision.

EPA is making this condition applicable to just intra-company transfers because the Agency believes the management of the free liquids in transportation to prevent loss or spills is likely to be more comprehensive when the whole transaction occurs within one

company. Communication is likely to be better between the entities transporting and receiving the waste if they are in one company, as would oversight over the entire generation, transportation, and recovery system to ensure that solvents are being recovered.

Several potential benefits to allowing such shipments under the conditional exclusion from hazardous waste include the additional opportunities for increased recycling because some generating facilities would find recycling solvent more convenient when not having to meet the “no free liquids” condition. As stated elsewhere in this proposal, several technologies already exist to extract and/or recover the spent solvent contained on industrial wipes both economically and safely. In addition, there are likely to be environmental benefits because solvent that would have been sent to combustion or disposal in a landfill would be recovered and reused.

#### b. Other Options

##### *Additional Conditions for Intra-Company Transfers*

On the basis of discussions with state implementors and stakeholders, EPA is considering adding conditions to this provision in the proposed rule. Specifically, we are considering:

(i) Requiring a one-time notification to the state to alert the state that the generator is taking advantage of the intra-company transport allowed under this exclusion;

(ii) Maintenance of appropriate business records that identify where the industrial wipes are being managed and where the recovered solvent is being sent;

(iii) Compliance with RCRA’s employee training and emergency response requirements in 40 CFR part 262, and

(iv) Transfer of the industrial wipes with free liquids in closed (*i.e.*, sealed) containers.

##### *Inter-Company Transfers*

Some stakeholders have also suggested that EPA propose to allow transfers of solvent-contaminated industrial wipes with free liquids between companies for solvent extraction. This option would allow generators to ship solvent-contaminated industrial wipes with free liquids to any facility if the receiving facility uses solvent extraction to remove enough solvent from the industrial wipes for them to meet the “no free liquids” condition required for shipment to a laundry. This option would allow more facilities to take advantage of this

provision than the intra-company provision would allow and may encourage more use of advanced solvent-extraction technologies on these materials resulting in more potential recovery and reuse of solvents. EPA did not propose this option because it believes currently that intra-company transfers would maintain better control of the industrial wipes during transportation and would better prevent releases than transfers between different companies. However, we request comment on this premise and this option for transfer of industrial wipes.

#### c. Request for Comment

EPA seeks comment on whether intra-company shipments of industrial wipes containing free liquids should be allowed under the conditions of the exclusion from the definition of hazardous waste and whether this provision would be likely to facilitate the recovery of hazardous solvents.

As stated above, we seek comment on whether EPA should consider parent companies, subsidiaries, and affiliates as eligible for the intra-company transfer provision. EPA also seeks comment on whether the intra-company transfer provision should include a distance limit, such that only facilities shipping their wipes and solvents the prescribed distance or less would be eligible for the intra-company transfer option.

EPA also seeks comment both on whether the additional conditions discussed in Section V.B.9.b. should be included and also on whether we should expand the provision to allow industrial wipes, under the conditional exclusion from hazardous waste, to be sent with free liquids to third-party solvent-extraction facilities.

#### 10. Proposed Conditions for Management at Handling Facilities

##### a. Proposed Conditions

Of all the handlers, generators have the primary responsibility for assuring that the industrial wipes they transport off site meet the conditions for the hazardous waste exclusion, but non-landfill facilities which receive disposable industrial wipes, such as combustors or handling facilities that perform further solvent removal, would also need to meet certain minimum conditions for the wipes to remain excluded from the definition of hazardous waste. First, during the time between when the wipes arrive on site and when the facility first introduces them into their process (e.g., when the wipes are removed from their container and placed in a solvent-extractor), these facilities must store solvent-