

c. Request for Comment

We request comment on our approach of allowing solvent-contaminated wipes to be managed in Municipal Waste Combustors and other non-hazardous waste combustors provided they meet the other conditions described in today's Preamble.

13. Disposal of Treatment Residuals From Municipal Waste and Other Combustion Facilities

Under today's proposed rule, when solvent-contaminated industrial wipes meet the conditions of the exclusion from the definition of hazardous waste before being combusted, they would not be considered a hazardous waste. Therefore, the mixture- and derived-from rule does not apply to the ash derived from the burning of these materials. In other words, the ash generated by a MWC or other combustion facility is a newly-generated waste and is subject to the waste identification requirements of 40 CFR parts 261 and 262. Owners and operators of MWCs and other combustion facilities must determine whether or not the ash generated at their facilities exhibits one or more of the characteristics of hazardous waste. They may do so by knowledge of the wastes they receive and/or generate, coupled with knowledge of the capability of their combustor facility or by testing. If they determine that MWC ash exhibits the hazardous characteristic, the ash must be managed as a hazardous waste in compliance with all applicable subtitle C management requirements, including the land disposal restrictions.

C. Conditions for the Exclusion From the Definition of Solid Waste for Reusable Industrial Wipes

1. Why Is EPA Proposing To Exclude Reusable Solvent-Contaminated Industrial Wipes From the Definition of Solid Waste?

EPA is proposing today to conditionally exclude reusable solvent-contaminated industrial wipes from the regulatory definition of solid waste. One of the reasons EPA is proposing an exclusion from solid waste for these materials, as opposed to the definition of hazardous waste exclusion proposed for disposable industrial wipes, is that the Agency believes that reusable solvent-contaminated industrial wipes are commodity-like. (See Section IV.B.2 for a detailed explanation of the Agency's basis for this.) Those wipes that have had free liquids removed are similar to partially-reclaimed materials because solvent removal, reclamation, laundering or dry cleaning of wipes

removes solvent from the wipe. EPA believes that the conditions for the exclusion from solid waste are appropriate because they ensure that the manner in which generators and laundries manage these materials is consistent with how companies would manage a valuable commodity. For these reasons, today's proposed exclusion from the definition of solid waste is applicable only to industrial wipes that are being reclaimed for reuse through a cleaning or laundering process. EPA does not consider other types of recycling or reclamation, such as blending wipes into a fuel, as being eligible for this proposed exclusion from solid waste. Note, however, that as discussed in Section IV of today's preamble, any solvent-contaminated industrial wipe which will be reused as a wipe can be managed under the conditions for reusable wipes even if it was manufactured for one-time use. Likewise, any solvent-contaminated industrial wipe not being sent for reuse must be managed as a disposable industrial wipe.

EPA believes that the conditions proposed for management of disposable solvent-contaminated industrial wipes, described in detail above, in addition to ensuring that wipes don't pose a substantial hazard, are what generators and handlers would do in handling valuable commodities. Because of this, EPA is proposing many of the same conditions for the exclusion from the definition of solid waste for reusable wipes as we are proposing for the exclusion from the definition of hazardous waste for disposable industrial wipes. Nevertheless, in several places where it is appropriate, as described below, we are proposing different conditions for reusable wipes.

This section details a number of proposed conditions that specifically would ensure that reusable solvent-contaminated industrial wipes are handled as valuable commodities, such as the condition that industrial wipes must not contain free liquids and the container conditions for accumulation, transportation, and handling of solvent-contaminated industrial wipes. Solvent spillage from free liquids or leaking containers would increase the costs of managing industrial wipes incurred by laundries both during transportation and at the cleaning plant, thus devaluing the overall worth of reusable industrial wipes. In addition, free liquids arriving with the wipes would require laundries to incur the increased costs of disposing or otherwise managing the contaminated solvents, again reducing the overall value of the reusable industrial wipes. Additionally,

because of the flammable nature of many of the solvents to which this proposal applies, proper containers and the reduction of free liquids reduces the fire hazard posed by industrial wipes. We believe that companies which value their industrial wipes would be likely to manage them in a manner that protects their facility from fire damage and that protects them from loss of value, which would occur if the wipes were to catch on fire.

Some laundries recover solvents from the industrial wipes, but their economic interest lies principally in the wipes themselves. Management of free liquids to ensure compliance with pretreatment standards established by local sewer authorities and to guard against fire hazards could increase overall operating costs. However, conditions that ensure the use of appropriate containers and that restrict the amount of solvents coming into the laundries, as described above, always enhance the value of solvent-contaminated industrial wipes to the laundries.

2. Applicable Solvents

Unlike the proposed exclusion from the definition of hazardous waste for industrial wipes sent for disposal in municipal or other non-hazardous waste landfills, which is not applicable to 11 of the listed solvents, the proposed exclusion from the definition of solid waste is applicable to wipes contaminated with all hazardous solvents. The central question in solid waste determinations is whether the material has been discarded and, therefore, because EPA believes reusable industrial wipes containing solvents would be commodity-like when generators meet the proposed conditions, the conditional exclusion from the definition of solid waste would apply to wipes contaminated with all hazardous solvents. Therefore, wipes containing the solvents in Table 4, which are not eligible for the exclusion from the definition of hazardous waste, would be eligible for the exclusion from the definition of solid waste.

3. Proposed Conditions for Initial Storage and Accumulation

a. Proposed Condition

The proposed conditional exclusion from the regulatory definition of solid waste would apply to solvent-contaminated industrial wipes at the point where the generator ceases using them. If the wipes are managed according to the proposed conditions, they are not considered solid waste.

The first condition the industrial wipes must meet is an accumulation