

condition. For the exclusion from the definition of solid waste, EPA is proposing the same performance-based on site management condition as for the exclusion of disposable industrial wipes from the definition of hazardous waste: For reusable industrial wipes, the user must place them in a non-leaking, covered container. This condition is more fully described above in Section V.B.2.

One point that would differ for reusable solvent-contaminated industrial wipes is that under an exclusion from the definition of solid waste, speculative accumulation would apply for these materials. This means that in any calendar year, 75 percent of the material accumulated for recycling must actually be recycled. If this percentage of recycling is not fulfilled, the material becomes classified as a solid waste. The speculative accumulation provision ensures that materials that have been excluded from the definition of solid waste, such as solvent-contaminated industrial wipes, are not collected indefinitely under that exclusion instead of being recycled. However, because of the business practices between industrial launderers and users of reusable industrial wipes described above, we believe that excluded reusable industrial wipes will be traveling between users and the laundries often enough that the speculative accumulation provision will not be a concern.

Currently, management standards for accumulation of reusable industrial wipes differ from state to state due to varying state policies. Some states require that the reusable wipes be handled as hazardous waste prior to laundering, some require the use of best management standards or the use of closed containers, and other states simply exclude reusable industrial wipes from meeting any requirements. However, some trade associations and industrial laundries already encourage their members and customers to use closed or sealed containers during storage and transportation of solvent-contaminated wipes.

EPA believes that the proposed condition, designed to minimize loss of solvents into the environment, ensures responsible management of the wipes in a manner that is commodity-like by preventing the loss of wipes, preventing the loss of solvent which could be recovered and reused, and protecting against risks from fires. At the same time, by being performance-based, this approach allows for a wide variety of containers to be acceptable for accumulation of reusable wipes.

#### b. Other Option

As with disposable industrial wipes, EPA is considering not requiring a RCRA-specific condition to be met for accumulation of reusable solvent-contaminated industrial wipes and instead relying on OSHA regulations and any other applicable statutes. This option is fully described above in section V.B.2.b.

#### c. Request for Comment

We request comment on our proposed condition for accumulating reusable solvent-contaminated industrial wipes in covered containers while at the generator's facility, as well as the option of not proposing a RCRA standard, but relying on the OSHA regulations.

#### 4. Proposed Conditions for Containers Used for Transportation

##### a. Proposed Condition

For transportation of reusable industrial wipes, we are proposing that facilities that transport reusable solvent-contaminated industrial wipes off site to an industrial laundry, a dry cleaner, or a facility that removes solvents from industrial wipes prior to cleaning must do so in containers that are designed, constructed and managed to minimize loss to the environment; this is the same condition we are proposing for disposable industrial wipes that are conditionally excluded from the definition of hazardous waste. We believe this condition reflects the manner in which a commodity would be transported because it minimizes the possibility that valuable material would be spilled, lost or damaged during transportation.

This condition is more fully described above in Section V.B.3. Its main advantage is that it allows for flexibility while assuring that losses are minimized.

##### b. Plastic and Cloth Bags

Used reusable wipes are often transported from the generator to the laundry in either plastic or cloth bags and throughout the development of this proposal, there has been much discussion with stakeholders about the use of such bags for transportation of industrial wipes and for management of them once they arrive at the laundry. Stakeholders have asked whether these bags could continue to be used under the proposed exclusion from the definition of solid waste.

EPA has chosen to propose a performance standard for this condition because it provides industry the ability to be creative in developing less expensive ways to reach a desired

outcome. A performance standard allows for use of a wide variety of containers so many generators could continue with current practices. For example, while we would consider closed, sealed, impermeable containers to meet this condition, plastic or cloth bags that were cinched shut could also potentially meet this condition. Cinched bags would reduce exposed surface area and evaporative loss and, provided no free liquids were present, might not allow liquid solvents to leak. However, at any time that hazardous solvents are spilled or leaked during transportation, we would consider this to be disposal of a hazardous waste and those managing the industrial wipes at the time the spill occurred would be responsible for cleaning up the spill and returning the wipes to compliance with the conditions of the exclusion (*i.e.*, the performance standard).

##### c. Other Options

For reusable industrial wipes, EPA is considering two alternatives during transportation: (1) requiring transportation of the industrial wipes in impermeable closed containers, or (2) the addition of a provision that allows wipes containing less than five grams of solvent to be transported without any management standards.

EPA initially considered proposing that all generators of reusable industrial wipes would be required to transport them in impermeable, "closed" containers (*e.g.*, containers with the lids screwed on). Representatives of the industrial laundries (the Uniform Textiles Trade Association) questioned the need to require closed containers because they believe it would require them to purchase new and larger trucks for storage during transit. In addition, they expressed concern that those transporting industrial wipes would not be able to determine if free liquids were present within a closed container with a lid screwed on without further handling of the container and wipes. Unlike checking the bottom of a bag for liquids, unsealing these containers would be time consuming and would expose more of the solvents to the air. In addition, they 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 were free liquids to arrive at their site. Based on these concerns, we are not proposing this alternative, but believe the approach taken in today's proposed regulation addresses these concerns and will ensure protection of human health and the environment.