

The second alternative, regarding allowing wipes that contain less than five grams of solvent to be transported without management controls, is more fully described above in section V.B.3.b.

d. Request for Comment

We request comment on the proposed transportation condition, the alternatives considered, and on the ability of cloth bags to meet the proposed performance standard.

5. Proposed Condition for Transportation to Laundry, Dry Cleaner, or Handler

a. Proposed Condition

Today, we are proposing that generators meet the “no free liquids” condition prior to solvent-contaminated reusable industrial wipes being transported off site to be cleaned for reuse or being laundered on site. This is the same as the condition for disposable industrial wipes being transported for disposal at a non-land disposal facility, such as a municipal solid waste combustor, and is consistent with what state programs have required for their exclusions for reusable industrial wipes. For wipes to meet the federal “no free liquid” condition, no liquid solvent could drip from the wipes when sent off site. In addition, no free liquids could be present in the bottom of the container in which the wipes are transported.

EPA has tentatively concluded that the “dry” condition, proposed as a condition for disposable industrial wipes going to municipal or other non-hazardous waste landfills, is overly-stringent for the management of reusable industrial wipes. We believe this to be the case because, throughout the solvent removal and cleaning process, the conditions established for eligibility for the exclusion from the definition of solid waste are already consistent with the existing hazardous waste regulations. For example, solvents removed prior to cleaning at a laundry must be managed as hazardous waste. In addition, solvent discharges to POTWs are allowed under the wastewater exclusion found at 40 CFR 261.4(a)(2). Local POTWs have the authority to set limits applicable to individual indirect dischargers to prevent releases and to prevent interference with operations at the POTW; solvent discharges are often subject to these limits.

We believe the “no free liquids” condition helps ensure that reusable industrial wipes that are saturated with solvent are partially reclaimed before they are shipped for cleaning or laundry and helps ensure that they are handled as valuable commodities by reducing

the risk of losing valuable wipes as the result of fires caused by ignitable solvents. Therefore, it may lead to resource conservation by encouraging recovery of solvent by the generator.

The “no free liquids” condition is more fully described above in Section V.B.6. As mentioned in that section, solvents removed from wipes are solid wastes and may be characteristic or listed hazardous wastes and must be managed accordingly.

For reusables going to laundries, dry cleaners and industrial wipes handlers, we are not proposing a labeling condition that parallels the one described in Section V.B.4. for disposable industrial wipes. EPA decided not to propose a labeling condition in this case because the commodity-like nature of reusable wipes means that, in general, laundries have agreements with their customers and already know what is in the containers of wipes that arrive. Therefore, containers of reusable industrial wipes do not require a label to provide this information or to notify the transporters or laundries how the wipes should be handled. EPA believes that because these materials are managed as commodities by the generators and the handlers, previously existing business documents should provide sufficient information to ensure proper handling.

b. Other Option

EPA is also considering a “no free liquids when wrung” condition instead of the “no free liquids” condition. This condition would differ from what we are proposing in that it would require that each wipe, when hand wrung at any time after its use until it is laundered, could not drip solvent. See section V.B.6.b. for further description of this option.

c. Request for Comment

We request comment on the “no free liquids” condition and the “no free liquids when wrung” option, as well as on whether EPA should include a labeling requirement as a condition for sending reusable wipes to laundries or industrial wipes handlers. In addition, we also specifically request comment on the information submitted by the Association of Nonwoven Fabrics Industry and the Secondary Materials and Recycled Textiles Association (which is available in the docket to this proposal) regarding whether to place a specific limit on either the maximum amount of solvent or the concentration of solvent on reusable wipes sent to a laundering or dry cleaning facility or a numerical limit on the number of shop

towels launderers or dry cleaners can accept on an annual basis for cleaning.

d. How Can Generators Meet the “No Free Liquids” Condition?

The measures that a generator can take to meet a “no free liquids” condition are the same for reusable wipes as for disposable wipes. For more information on these measures, see Section V.B.6.d. above.

e. Request for Comment

EPA is taking comment on our proposed approach to determining if the “no free liquids” condition is being met. Additionally, we request comment on whether there are other approaches EPA should have considered in this proposal.

6. “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. Some stakeholders have suggested that we propose to allow generating facilities to add water to the containers used to transport their industrial wipes off site when these facilities are using one of these “exotic” solvents. For more information on this issue see Section V.B.7. above. In that section, we also request information and comments on these solvents, and on whether special conditions should be established for “exotic” solvents.

7. Generators That Remove Solvent From Industrial Wipes

a. Regulatory Status of Removed Solvent

Any solvent removed from an industrial wipe by a generator when using solvents in conjunction with industrial wipes may be subject to regulation as a hazardous waste. Therefore, the generating facility must determine whether the solvent removed from the industrial wipe 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 it 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 solid waste, the solvent-contaminated wipes would not be a solid or a hazardous waste at the time they undergo solvent-removal. Therefore, as discussed in Section V.B.8.b., solvent removal technologies would not be considered treatment