

under RCRA and such operations, whether they were conducted at generating or handling facilities, would not be considered to be treating hazardous waste and would not require a RCRA permit.

8. Proposed Conditions for Intra-Company Transfers

a. Proposed Condition

EPA is proposing that wipes can qualify for the exclusion from the definition of solid waste when transferring solvent-contaminated reusable industrial wipes containing "free liquids," provided the transfer is between facilities within the same company, and the receiving facility has a solvent-extraction and/or -recovery process that removes enough solvent from industrial wipes for them to meet the "no free liquid" condition. Generators must transport the industrial wipes in containers that are designed, constructed, and managed to minimize loss to the environment. This provision encourages use of technologies that remove more solvent than processes such as hand wringing would; it is an effort to increase solvent recovery and resource conservation, as well as a way to minimize solvent going into laundries' wastewater or into landfills. As we are proposing a similar condition for conditionally-excluded industrial wipes going to disposal, more detailed discussion of this provision, as well as other options EPA is considering can be found above in Section V.B.9. Note, however, that reusable solvent-contaminated wipes would not be required to meet the labeling requirement described in that section, as labels are not required for reusable wipes elsewhere.

b. 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 solid waste and whether this provision would be likely to facilitate the recovery of hazardous solvents. EPA also seeks comment both on whether the additional conditions should be included and on whether we should expand the provision to allow industrial wipes, under the conditional exclusion from the definition of solid waste, to be sent with free liquids to third-party solvent-extraction facilities. Both options are discussed in Section V.B.9.

9. Proposed Conditions for Management at Handling Facilities

a. Proposed Condition

As described for disposable industrial wipes, generators would have the primary responsibility for assuring that their industrial wipes meet the conditions for the proposed exclusion from the definition of solid waste. Additionally, handling facilities which receive and process reusable industrial wipes, such as industrial laundries, would also need to meet certain minimum conditions for the wipes to remain excluded from the definition of solid waste. The first condition is a container standard for the time between when the industrial wipes arrive on site and when the facility first introduces them into their process. The laundry's process begins when the laundry begins to handle the wipes. For example, at many laundries, the wipes are sent through a counting machine first, before they are cleaned, to record how many wipes the generator has sent to be cleaned. In this example, wipes would enter the handling process when they are counted.

We are proposing today that, to qualify for the exclusion from the definition of solid waste for industrial wipes, the wipes would have to be stored either (a) in containers that are designed, constructed and managed to minimize loss to the environment that would meet the transportation condition in today's proposal, or (b) in non-leaking covered containers that would meet the generator accumulation conditions in today's proposal. From site visits, we expect that at the laundries, the solvent-contaminated industrial wipes will generally remain in the containers in which they were transported. However, in the case where a facility chooses to transfer the industrial wipes into another container before the wipes enter the handling process, we are proposing that industrial wipes meeting the generator condition, placement in a non-leaking covered container, would also maintain the exclusion from the definition of solid waste.

Handling facilities would also not be allowed to mismanage free liquids. For example, an industrial laundry may not introduce free liquids into their laundering process. A shipment of industrial wipes would be considered to contain free liquids either if solvent drips from the wipes or if there are free liquids in the bottom of the container of wipes. Facilities that happen to receive solvent-contaminated industrial wipes in containers with free liquids (unless they are being transported intra-

company) would be required to either (a) return the container (with the wipes and liquid) to the user as soon as practicable (e.g., with the next scheduled delivery), or (b) recover and properly manage any liquid solvent that arrives at the facility under federal or state hazardous waste regulations if applicable. When returning the wipes and liquids to the user, the laundry would have to transport them in the containers that meet the original shipment conditions, but would not be required to use a hazardous waste manifest.

The conditions of this proposal would require a laundry or handling facility to take necessary steps to return the wipes to compliance with the conditions of the exclusion, as described above. The mismanagement of free liquid solvents by the laundry, either by illegal disposal, by adding them to the wash, or other means, would be a violation of the conditions of the exclusion. If the exclusion is not maintained by either of the ways described above, we would consider the wipes and solvent to be a solid waste and possibly a hazardous waste and would consider the laundry to be mismanaging the wipes and/or free liquids. In addition, because the generator is originally responsible for the existence of the free liquids in wipes, it would also be potentially responsible for wipes having lost the exclusion at the handler despite the wipes being out of the generator's control at that moment.

The objective of this condition is to address situations where free liquids arrive at a handling facility such as an industrial launderer, either (a) because of percolation and gravity effects during transportation, causing the solvents to sink and saturate the wipes at the bottom of any given container; or (b) because of mismanagement of the wipes by the generator. We believe that over time this approach will ensure that wipes are handled in the most efficient manner possible to minimize the need to return wipes and free liquids to users' facilities.

b. Request for Comment

EPA seeks comment on the above conditions for reusable industrial wipes managed at handling facilities to be excluded from the definition of solid waste. EPA also requests comment on whether laundries receiving shipments of wipes that contain free liquids should be required to submit a notification to the state or EPA region implementing RCRA to inform them that the "no free liquids" condition, and therefore a condition of the exclusion, had not been met.