

management of the released material not in compliance with the applicable federal and state hazardous waste requirements could result in an enforcement action. For example, a person who spilled or released a hazardous solvent, and failed to immediately clean it up, could potentially be subject to enforcement for illegal disposal of the waste. The waste could also potentially be addressed through enforcement orders, such as orders under RCRA sections 3013 and 7003.

#### *F. Alternative Options to the Approach in Today's Proposed Rule*

The approach taken in today's proposed rule, the exclusion from the regulatory definition of hazardous waste for disposable wipes and the exclusion from the regulatory definition of solid waste for reusable wipes, is one of a few that EPA is considering. The others are described below.

##### **1. Exclusion From the Definition of Hazardous Waste for Disposable and Reusable Solvent-Contaminated Industrial Wipes**

We are considering an option that would exclude reusable industrial wipes from the regulatory definition of hazardous waste rather than exclude them from the regulatory definition of solid waste, using the same conditions as those specified in today's proposed rule. This approach would not differentiate the regulatory status of solvent-contaminated industrial wipes whether they are being sent for recycling or for disposal.

Under this approach, the provisions of the rule concerning disposable solvent-contaminated industrial wipes would remain the same as in today's proposed option. For reusable solvent-contaminated industrial wipes, the conditions for complying with the rule would be the same as in today's proposed option, but the reusable solvent-contaminated industrial wipes would remain solid wastes (though not hazardous wastes) when the conditions were met.

Some stakeholders, particularly laundries and other handlers of reusable wipes, are strongly opposed to this option. They believe that they manage a commodity rather than a waste and argue that an exclusion from the definition of hazardous waste would inappropriately classify them under the regulatory definition of solid waste. These stakeholders are also concerned that if contaminated wipes being laundered and reused were to be considered a solid waste by EPA, they may become subject to state solid waste

fees if states were to decide to collect such fees.

EPA requests comment on the appropriateness of this option relative to today's proposal.

##### **2. Exclusion From the Definition of Hazardous Waste for All Disposable Solvent-Contaminated Industrial Wipes Under a Single Set of Conditions**

An additional option we are considering would provide an exclusion from the definition of hazardous waste for all disposable wipes under the same conditions. The option affects only the exclusion from the definition of hazardous waste proposed today; all provisions for reusable solvent-contaminated industrial wipes described in Section V.C. would remain the same. Under this option, the Agency would not differentiate between wipes managed in municipal and other non-hazardous waste landfills or non-landfill facilities—the conditions necessary for industrial wipes to obtain an exclusion from hazardous waste regulations would be the same for both types of management. For example, solvent-contaminated wipes would not need to be “dry” prior to landfill disposal; rather, they would be required to contain no free liquids.

We are carefully considering this option, since it would be simpler and easier to implement and would simplify the regulations for generators of solvent-contaminated disposable industrial wipes. However, we are concerned with this option because it would allow solvents that may pose an environmental and human health risk to be placed in municipal or other non-hazardous waste landfills without meeting the 5-gram condition (*i.e.*, the “dry” condition) that would reduce risks. The Agency requests comment on this approach and on the assumptions we used in our landfill risk screening analyses. Specifically, are there assumptions or parameters that should be modified to reflect a more accurate estimate of the level of risk posed by contaminated wipes in landfills?

#### **VI. Additional Benefit of the Proposed Rule: Fostering Pollution Prevention**

In addition to regulatory reform in response to stakeholder concerns, we believe this proposed rule will foster pollution prevention and recycling opportunities by encouraging users of disposable industrial wipes who desire less stringent management requirements to use alternative solvents, use less solvent, or remove solvents to achieve the “no free liquids” or “dry” conditions. For instance, generators desiring to dispose of wipes in

municipal or other non-hazardous waste landfills must use solvents other than the 11 specified listed spent solvents and must reduce the amount of solvent which is contained in them to a “dry” state. In many instances, reduction and/or substitution can result in overall cost savings to a company. In a recent study, the Chemical Strategies Partnership found that the cost of managing chemicals ranges from \$1 to \$10 for every dollar of chemical purchased. These management costs include liability, safety training, compliance efforts, and collection and disposal costs that would not accrue to the company if they were purchasing a non-hazardous solvent.<sup>15</sup> A company could also achieve savings if they were to reduce the amount of solvent they use to meet the conditions of this proposed rule.

EPA strongly encourages companies to examine the feasibility of using less solvent and/or substituting non-hazardous solvents for hazardous solvents. Various industry and government sources might be able to assist in identifying alternative sources. (See, for instance, EPA's Design for the Environment Web site at [www.epa.gov/dfe](http://www.epa.gov/dfe) or contact your EPA region or state for technical assistance.)

This proposed rule would also have the potential to increase pollution prevention because it may increase the incentive to control the amount of solvent applied to industrial wipes. For example, the use of less solvent might make it easier to meet the conditions of either exclusion. In addition, generators using significant amounts of solvent on their disposable wipes would need to extract the solvent using solvent-extraction processes in order to meet the proposed “dry” or “no free liquids” conditions, increasing the likelihood of additional solvent reuse and recovery. Opportunities already exist in the marketplace to recover and reuse the extracted solvent by either establishing an on-site solvent-extraction process or by sending the industrial wipes to an off-site solvent-extraction facility. Technologies have emerged that primarily dry clean contaminated materials and, once dry cleaned, recover excess spent solvents through reclamation. Such technologies may offer alternatives to generators for recycling or reusing both the spent solvents and the used industrial wipes. In many instances, use of these technologies can result not only in

<sup>15</sup> See Chemical Strategies Partnership Manual, *Tools for Optimizing Chemical Management*. Copies can be obtained by e-mail at: [inquiry@csp.sfex.com](mailto:inquiry@csp.sfex.com) or [www.chemicalstrategies.org](http://www.chemicalstrategies.org).