

regulatory agencies responsible for implementing the RCRA regulations. In addition, manufacturers, marketers and users of non-reusable wipers (*i.e.*, wipers that are not laundered, such as paper or other on-textile products) have been requesting clarification on the status of these materials as well. The purpose of this memorandum is to update you on this issue, and to reaffirm our policy regarding the regulatory status of these materials.

Ongoing Efforts

There are currently several activities within EPA that may affect wipers. The Definition of Solid Waste Task Force, as part of their dialogue with industry, environmental groups, State agencies, and EPA Regions, has been evaluating the RCRA regulations affecting launderable and disposable wipers. In addition, OSW has been dealing with the issue of wipers as we continue our efforts with the Hazardous Waste Identification Rule. As you may recall, EPA requested and received comment on alternative approaches for addressing wipers contaminated with listed solvent (May 20, 1992 **Federal Register**; 57 FR 21474); this proposal was later withdrawn. Finally, the Office of Water will be gathering data to support the development of effluent guidelines for industrial launderers, which handle certain types of reusable wipers.

Status of Used Wipers

Whether or not the used wipers are hazardous waste under the RCRA regulations has been a recurring question. Because there are many applications of wipers, we cannot at this time make any generic statements that all wipers are hazardous waste, or that all are not. A material that is a solid waste is by definition hazardous waste if it either (1) meets one of the listings in 40 CFR part 261, subpart D, or (2) exhibits one or more of the characteristics described in 40 CFR part 261, subpart C. Because there are no explicit listings for "used wipers" in part 261, subpart D, a wiper can only be defined as listed hazardous waste if the wiper either contains listed waste, or is otherwise mixed with hazardous waste. Whether or not a used wiper contains listed hazardous waste, is mixed with listed hazardous waste, only exhibits a characteristic of hazardous waste, or is not a waste at all, is dependent on site-specific factors; this is not a new policy. As a result, any determinations or interpretations regarding this diverse and variable wastestream should be made by the regulatory agency (*i.e.*, EPA Region or State) implementing the RCRA program for a particular State. This has been our long-standing policy.

One of EPA's concerns in determining whether the hazardous waste regulations apply to wipers in specific cases should be to prevent situations where someone is improperly disposing of spent solvents (or other hazardous wastes) by mixing them in with wipers, and then sending the wipers to a laundering facility or municipal landfill. This activity is clearly not allowed under the federal regulations. However, wipers that merely pick up incidental amounts of solvents may be handled in a number of

ways. I have enclosed policy documents from several States and one EPA Region regarding the identification and/or management of wipers, that provide examples of how some implementing agencies have developed workable approaches to this issue. If you have additional information, or have questions, please contact Charlotte Mooney or Ross Elliott at (202) 260-8551.

Enclosures (4)

cc: RCRA Enforcement Branch Chiefs,
Regions I-X
Regional Counsel, Regions I-X

List of Subjects

40 CFR Part 260

Environmental Protection,
Administrative practice and procedure,
Confidential business information,
Hazardous materials, Recycling,
Reporting and recordkeeping, Waste
treatment or disposal.

40 CFR Part 261

Environmental protection, Hazardous
waste, Recycling, Reporting and record
keeping requirements, Waste treatment
and disposal.

Dated: November 10, 2003.

Michael O. Leavitt,
Administrator.

For the reasons set out in the
preamble, title 40, Chapter I of the Code
of Federal Regulations, parts 260 and
261, are proposed to be amended as
follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260
continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–
6927, 6930, 6934, 6935, 6937, 6938, 6939,
and 6974.

Subpart B—Definitions

2. Section 260.10 is amended by
adding in alphabetical order the
definitions of *Disposable industrial
wipe*, *Industrial wipe*, *Industrial wipes
handling facility*, *Intra-company
transfer of industrial wipes*, *No free
liquids*, *Reusable industrial wipe*, and
Solvent extraction to read as follows:

§ 260.10 Definitions.

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Disposable industrial wipe means an
industrial wipe that is disposed after
use without being sent to a laundry or
dry cleaner for cleaning and reuse.

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Industrial wipe means non-woven
industrial wipes made of wood pulp or
polyester blends; industrial shop towels,
a woven textile made of cotton or
polyester blends; and industrial rags,
non-homogenous materials consisting of

cotton or polyester blends. Industrial
wipes of all kinds are used for a variety
of purposes, including removing small
quantities of solvents from machinery
parts, hands, tools, and the floor.

* * * * *

Industrial wipes handling facility
means a facility that removes solvents
from industrial wipes prior to them
being sent either to a laundry or dry
cleaner for cleaning or to a municipal or
other non-hazardous waste landfill that
meets the standards under 40 CFR part
257, subpart B, municipal waste
combustor, or other combustion facility.

* * * * *

*Intra-company transfer of industrial
wipes* means the off site transportation
of industrial wipes from a generator
facility to another generator-owned
facility that has a solvent extraction
and/or recovery process for the purpose
of removing sufficient solvent to ensure
that the wipes contain no free liquids or
less than 5 grams of solvent, as
appropriate.

* * * * *

No free liquids, as used in 40 CFR
261.4(a)(24) and 40 CFR 261.4(b)(19),
means that no liquid solvent may drip
from industrial wipes, and that there is
no liquid solvent in the container
holding the wipes. Wipes that have been
subjected to solvent extraction are
presumed to contain no free liquids.

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Reusable industrial wipe means an
industrial wipe that after being used is
sent to a laundry or dry cleaner for
cleaning and reuse.

* * * * *

Solvent extraction, as used in 40 CFR
261.4(a)(24) and 40 CFR 261.4(b)(19),
means an advanced extraction process
such as mechanical wringers,
centrifuges, or any other similarly
effective method to remove solvent from
industrial wipes.

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PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

3. The authority for part 261
continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921,
6922, 6924(y), and 6838.

Subpart A—General

4. Section 261.4 is amended by
adding new paragraphs (a)(22) and
(b)(19) to read as follows:

§ 261.4 Exclusions.

(a) * * *

(22) Industrial wipes that are sent to
an industrial laundry, to a dry cleaner
for cleaning, or to an industrial wipes