



Solvent-Contaminated Wipes Technical Guidance Document HW-1995-G2

This document describes how solvent-contaminated wipes are regulated in Kansas and explains an option available to Kansas hazardous waste generators for managing these wipes.

Background

Wipes (wipes, cloth towels, paper wipes, wipers, and other absorbent materials) are used by many businesses in conjunction with solvents as part of the cleaning process. These wipes are then either cleaned and reused (reusable wipes) or sent for disposal (disposable wipes). A federal rule, “Conditional Exclusions From Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes” (which will be referred to as the Solvent-Contaminated Wipes rule), was promulgated on July 31, 2013 by the United States Environmental Protection Agency (EPA). The rule became effective on January 31, 2014.

Under the Solvent-Contaminated Wipes rule, reusable and disposable wipes are excluded from regulation under RCRA Subtitle C if certain conditions are met. Generators who fail to follow the requirements of this rule will lose the conditional exclusions from the definition of solid waste or hazardous waste, and may become subject to the stricter requirements of the solid and hazardous waste regulations. This technical guidance document (TGD) will not attempt to restate the entire federal rule, but will focus on the areas of the rule that are most applicable to hazardous waste generators in Kansas and areas of the rule that may pose management challenges to those generators.

Kansas Enforcement of the Federal Rule

Although EPA’s Solvent-Contaminated Wipes rule does not become effective in Kansas until the rule is formally adopted into Kansas regulations, Kansas’ previous regulatory interpretation for solvent-contaminated wipes was not significantly different from the new federal rule. Kansas Department of Health and Environment (KDHE) Bureau of Waste Management Policy 2013-P2 allows generators of solvent-contaminated wipes to comply with the Federal Solvent-Contaminated Wipes rule starting on January 31, 2014. Any generator may continue to manage the wipes as hazardous waste if the generator so chooses.

Solvent-Contaminated Wipes

Solvent-contaminated wipes include any wipe contaminated with one or more solvents on the F001 through F005 lists in 40 CFR 261.31 or the corresponding P- or U- listed solvents found in 40 CFR 261.33. Solvent-contaminated wipes also include any wipe that exhibits only the characteristic of ignitability (flashpoint of less than 140° Fahrenheit) when contaminated with one or more non-listed solvents, and wipes that exhibit a hazardous characteristic resulting from a solvent listed in 40 CFR Part 261.

The following wipes are not eligible for the conditional exclusions under this rule:

- Wipes that contain a listed hazardous waste other than solvents;
- Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents; and
- Disposable wipes that are hazardous waste due to the presence of trichloroethylene.

Reusable Wipes

If the requirements of the Solvent-Contaminated Wipes rule are met, reusable wipes are excluded from the definition of solid waste and are therefore not subject to the definition of hazardous waste. This means that these wipes do not count toward the calculation of generator status and do not require a hazardous waste determination.

Handling Facilities for Reusable Wipes

Reusable wipes must go to a laundry or dry cleaner whose discharge is regulated under sections 301 and 402 or section 307 of the Clean Water Act (CWA) or which is a non-discharging facility. Alternatively, a generator may choose to launder their own wipes on-site if their own discharge is regulated under sections 301 and 402 or section 307 of the CWA.

Disposable Wipes

If the requirements of the conditional exclusion are met, disposable wipes are excluded from the definition of hazardous waste, but are still considered to be solid waste. This means that these wipes do not count toward the calculation of generator status and do not require a hazardous waste determination. Disposable wipes that are hazardous waste due to the presence of trichloroethylene are not eligible for the conditional exclusion from the definition of hazardous waste.

Handling Facilities for Disposable Wipes

Disposable wipes must be disposed of at one of the following types of facilities to meet the conditional exclusion:

1. A municipal waste combustor regulated under Section 129 of the Clean Air Act or a hazardous waste combustor, boiler, or industrial furnace regulated under 40 CFR Parts 264, 265, or 266 Subpart H.
2. A municipal solid waste landfill (MSWLF) regulated under 40 CFR Part 258 (including section 258.40) or a hazardous waste landfill regulated under 40 CFR Parts 264 or 265.

EPA's intent was to make it simple for generators to dispose of wipes, in a separate container from other trash, through their regular trash service. However, much of the municipal solid waste (MSW) in Kansas goes to landfills that do not have composite liners and therefore do not meet the requirements of 40 CFR 258.40. This type of landfill is called a Small Arid Landfill (SAL). Wipes going to one of these SALs would not meet the conditional exclusions and therefore would become subject to all solid and hazardous waste regulations. Therefore it is imperative that generators wishing to meet the conditional exclusions make sure that their MSW is being taken to a landfill with a composite liner.

At the end of this document the table "Kansas Municipal Solid Waste Landfills That Can Accept Disposable Wipes" lists the Kansas-permitted lined MSWLFs that can receive disposable wipes. If using landfills in other states, generators should check with the landfill to ensure that the landfill is lined and appropriately permitted.

Container Management for Reusable and Disposable Wipes

All containers of reusable and disposable wipes must be:

1. Non-leaking;
2. Closed;
3. Able to contain free liquids;
4. Labeled with the words "Excluded Solvent-Contaminated Wipes";
5. Marked with the accumulation start date (i.e., the date the first wipe is put in the container).
Alternatively, a generator may use another method to document the accumulation start date for

each container, such as a tracking log or other suitable record, as long as the method tracks each container's accumulation time.

6. Removed from the site within 180 days from the date the first wipe was put in the container. If wipes are moved from one container to another container, the earliest accumulation start date must be used for the final container.

The Solvent-Contaminated Wipes rule establishes that the closure of these containers is performance based. This is consistent with the Kansas interpretation of closed containers found in TGD HW-2005-G1, "Container Management for Hazardous Waste Generators." The TGD describes a performance-based standard for closed containers of non-liquid waste with volatiles and parallels EPA's descriptions in the Solvent-Contaminated Wipes rule published in the July 2013 Federal Register (Vol. 78, No. 147).

It is important to note that the wipes must meet these container management requirements from the point of generation inside the facility, through transportation, and throughout management by the handling facility (i.e., laundry, dry cleaner, combustor or other disposal facility).

Free Liquids

All efforts must be made to ensure that reusable and disposable wipes do not contain free liquids. Kansas recognizes the Paint Filter Liquids Test described in the Solvent-Contaminated Wipes rule if a test needs to be conducted for determining that no free liquids are present.

If free liquids occur at any time inside a container at the generating facility, the liquids must be removed from the container. Free liquids removed from any container must be managed according to all applicable federal and state hazardous waste regulations. These free liquids count toward the generator status of the generator facility, if applicable.

If free liquids occur in any container at an off-site handling facility, the liquids must be removed and managed according to all state and federal hazardous waste regulations. These free liquids count toward the generator status of the handling facility, if applicable.

Recordkeeping Requirements for Reusable and Disposable Wipes

Generators must maintain the following records for all reusable and disposable wipes:

1. Documentation of the name and address of all handlers receiving the wipes, including laundries, dry cleaners, landfills, or combustors. This requirement can be met by keeping copies of invoices or contracts. This documentation only needs to be updated if the handling facility information changes.
2. Date accumulation began. This requirement can be met by putting the accumulation start date on each container. Alternatively, service contracts or invoices, logs, or other documentation showing that the wipes are picked up at least every 180 days is sufficient to meet this requirement.
3. A description of how the "no free liquids" condition is being satisfied. This documentation is used for the sole purpose of ensuring that generators are not illegally transporting liquid hazardous waste off-site. A generator must maintain a written description of all technologies, methods, sampling, or knowledge that the generator is using to ensure that wipes sent to handlers contain no free liquids. This documentation only needs to be updated if the generator changes processes.

An example form, which may be used to meet some of the recordkeeping requirements, is included at the end of this document. However, facilities are not required to use this form.

Wipes Contaminated with Used Oil

These wipes are not part of the new federal rule and are discussed here only to clarify how they are regulated in Kansas.

Wipes contaminated with used oil are not subject to the used oil regulations if they have been wrung out to the extent that no visible sign of free-flowing oil remains (40 CFR 279.10(c)). However, a hazardous waste determination must be made for the wrung-out wipes so that they can be disposed of in the proper manner.

Kansas Municipal Solid Waste Landfills That Can Accept Disposable Wipes

Facility Name	City	County
Allen County	La Harpe	Allen
Barton County	Great Bend	Barton
Butler County Sanitary Landfill	El Dorado	Butler
Clay County	Clay Center	Clay
Coffey County	Burlington	Coffey
Oak Grove	Arcadia	Crawford
Finney County Landfill, Inc. dba Western Plains Regional Landfill	Garden City	Finney
Ford County	Dodge City	Ford
Plumb Thicket	Runnymede	Harper
N. R. Hamm Quarry, LLC	Lawrence	Jefferson
Johnson County	Shawnee	Johnson
McPherson County	McPherson	McPherson
Resource Recovery, Inc.	Cherryvale	Montgomery
City of Chanute	Chanute	Neosho
Reno County	Hutchinson	Reno
City of Salina	Salina	Saline
Seward County	Liberal	Seward
Rolling Meadows	Topeka	Shawnee

For additional information regarding the proper management of solid or hazardous waste in Kansas, you may visit the Bureau of Waste Management website at www.kdheks.gov/waste/ or contact the Bureau at: (785) 296-1600, bwm_web@kdheks.gov, or the address at the top of this document.

Solvent-Contaminated Wipes Exclusion Documentation Form

Facility Name: _____

Check One (complete a separate form for each type of wipe if both are used at this facility):

Disposable Solvent-Contaminated Wipes

Reusable Solvent-Contaminated Wipes

Pounds of waste wipes generated each month: _____

Explain how you know that the wipes are not characteristic for reactivity, toxicity, or corrosivity.

Through knowledge of the process generating these wipes, I know that no metals are used at this facility so that the characteristic of toxicity, as well as corrosivity and reactivity, are not a concern. See attached safety data sheet(s), if applicable.

The wipes were analyzed by a KDHE certified laboratory to ensure that they are not a characteristic hazardous waste. See attached analytical results.

Other. _____

Explain how you will meet the "no free liquids" requirement.

I will visually check each container weekly to ensure that there are no free liquids. If free liquids are present, they will be removed and placed in the hazardous waste container located _____

Other. _____

List the name and address of all handlers receiving the wipes, including laundries, dry cleaners, landfills, or any other facility. Continue list on a separate page if necessary.

Name	Street Address	City	State	Zip Code

Describe the method that will be used to document that these wipes are on-site for no longer than 180 days.

A date is placed on each container.

A contract is in place with a laundry facility scheduled to remove the wipes once each month. A copy of the contract (or invoices) is attached.

Each collection container has a designated number and a log is kept of when each collection container is emptied into the storage container. Also recorded in the log is the date each storage container is removed from the site.

Other. _____

List the name and title of the person who completed this form.

Date