

NMED

New
Mexico
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Department



NEW SOLVENT-CONTAMINATED WIPES EXCLUSION

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What Changed?

- Wipes containing hazardous waste solvents are now conditionally excluded from many waste management requirements.
- The EPA created the Excluded Solvent-Contaminated Wipes Rule with the stated purpose of “...reducing overall compliance costs for industry, many of which are small businesses” [78 FR 46448].
- This rule will particularly benefit the auto body and printing industries.
- The rule was adopted by the State of New Mexico, effective December 1, 2018.
- Regulatory exclusions found in 40 CFR 261.4, (a)(26) and (b)(18)





What's Changed for my Facility?

- Allows facilities to send solvent-contaminated wipes for cleaning and reuse without having to identify it as hazardous waste.
- Expands range of disposal facilities/companies for facilities needing to dispose of wipes.
- Streamlined storage requirements.
- May reduce paperwork requirements for your facility, reduced compliance costs.

What hasn't changed?

- Facilities must be in control of/knowledgeable concerning each waste stream and their hazards
- Facilities must prevent pollution of the environment from releases and/or improper disposal of solvents and other hazardous chemicals.
- Solvent-contaminated wipes subject to this exemption must be managed responsibly.
- Does not impact status of other wastes.



A Conditional Exclusion

To take advantage of the rule, you must meet **all** conditions.

Here is your checklist:

- ❑ The type of wipe and how it's used
- ❑ Storage requirements
- ❑ Accumulation time limits
- ❑ Recordkeeping requirements
- ❑ Transport requirements
- ❑ Destination facility



What is a Wipe?

The final rule provides a definition for ‘**wipe**’ and ‘**solvent-contaminated wipe**’ in 40 CFR 260.10.

- **Wipe** means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.



Does the Rule Apply to Your Wipes?

‘Solvent-contaminated wipe’ means

A wipe that, after use or after cleaning up a spill, either:

- Contains one or more of the F001 through F005 listed* solvents;
- Exhibits a hazardous characteristic* when that characteristic results from those solvents; or
- Exhibits only the hazardous waste characteristic of ignitability due to the presence of unlisted solvents.

Listed

- Wastes from specific industrial processes.
- Unused commercial chemicals

Characteristic

- Ignitable
- Corrosive
- Reactive
- Toxic



Does the Rule Apply to Your Wipes?

Some of the most common F001-F005 listed solvents (not a complete list: see 40 CFR 261.31, F001-F005 listings):

- **Xylene**
- **Acetone**
- **Methyl Isobutyl Ketone**
- **Toluene**
- **Methyl Ethyl Ketone**

Trichloroethylene wipes are only eligible on a reusable wipe. Trichloroethylene contaminated wipes may not be disposed of in the trash and must be disposed of hazardous waste.



Are you sure the Rule Applies to Your Wipes?

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusion.



Example: Wipes contaminated with heavy metals above TCLP levels must be managed as Hazardous Waste:

- D006 Cadmium 1.0 mg/L
- D007 Chromium 5.0 mg/L
- D008 Lead 5.0 mg/L
- D011 Silver 5.0 mg/L



The Rule Applies to my Wipes, Now What?

To take advantage of the Rule, you must meet all conditions.

So far we have ‘checked-off’ the first requirement:

- ✓ The type of wipe and how it is used
- ☐ Storage requirements
- ☐ Accumulation time limits
- ☐ Recordkeeping requirements
- ☐ Transport requirements
- ☐ Destination facility



Storage Requirements - Container

- Solvent-contaminated wipes must be accumulated, stored, and transported in non-leaking, closed containers.
- The containers must be able to contain free liquids, if they occur (for example, from compression of the wipes).
- Containers do not need to be sealed during accumulation (must be closed except when adding or removing wipes).
- A container must be sealed when the container is full, when the wipes are no longer being accumulated, and during transportation.



Storage Requirements - Container

Standard is performance-based; facilities have flexibility in determining how to meet the standard.

- **Wipes accumulated in an open-head drum or container would be considered closed when the cover makes complete contact between the fitted lid and the rim.**
- **After accumulation and during transport, this same container must be sealed to meet this standard; thus, the rings must be clamped or bolted to the container.**

Note: These examples are consistent with EPA's closed container guidance (RCRA online 14826,12/3/09).



Storage Requirements - Container

- Open



- Closed



Storage Requirements - Container

- Open



- Closed



Storage Requirements - Container

- **Examples that may meet the standard:**
 - Containers with covers opened by a foot pedal (e.g., flip-top or spring-loaded lid) or with a self-closing swinging door; or
 - Bags, provided the neck of the bag is tightly bound and sealed, the bag is able to contain liquids, and is non-leaking.
- **Examples that do not meet the standard:**
 - Bags leaving a trail of liquid on the ground; and
 - Cardboard boxes.



Storage Requirements - Labeling

- Containers of solvent-contaminated wipes must be labeled **“Excluded Solvent-Contaminated Wipes.”**
- Containers must be labeled during accumulation, storage, and transportation.
- **Any free liquids found by handling facilities must be removed and managed as hazardous waste.**



To take advantage of the Rule, you must meet all conditions.

We have ‘checked-off’ the first two requirements:

- ✓ **The type of wipe and how it is used**
- ✓ **Storage requirements**
- ❑ **Accumulation time limits**
- ❑ **Recordkeeping requirements**
- ❑ **Transport requirements**
- ❑ **Destination facility**



Accumulation Time Limits

- **Solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container.**
- **Generators must keep documentation that the 180-day accumulation time limit is being met.**

Reusable

Receipts from the laundry service should be retained to demonstrate a shipment every 180 days.

VS.

Disposable

Accumulation time may be documented either by dating the container or maintaining a log.



To take advantage of the Rule, you must meet all conditions.

We have ‘checked-off’ the first three requirements:

- ✓ **The type of wipe and how it is used**
- ✓ **Storage requirements**
- ✓ **Accumulation time limits**
- ❑ **Recordkeeping requirements**
- ❑ **Transport requirements**
- ❑ **Destination facility**



Recordkeeping

Generators must maintain the following documents:

- **Name and address of the destination facility(s) (laundry, combustor, or landfill) that have received the solvent-contaminated wipes, for 3 years.**
- **Documentation that the 180-day accumulation time limit is being met, which could include:**
 - **A service contract specifying frequency of pick-up,**
 - **A log that lists the start date of each container,**
 - **Pickup receipts, or**
 - **Container labels with the start date.**
- **Description of the process the generator is using to meet the “no free liquids” condition.**



To take advantage of the Rule, you must meet all conditions.

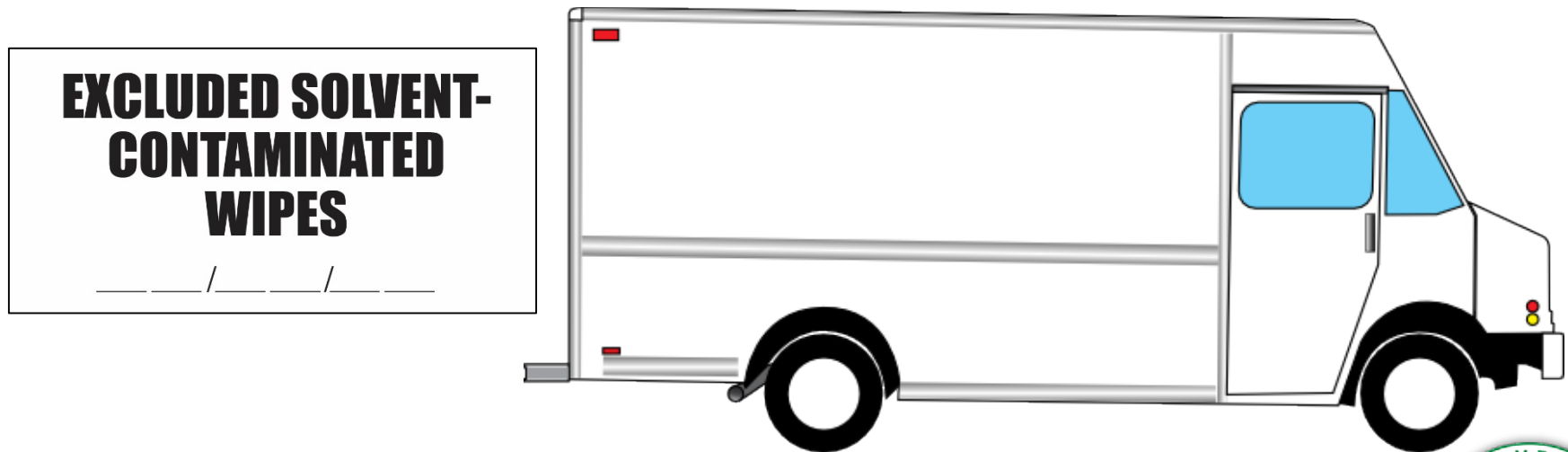
We have ‘checked-off’ the first four requirements:

- ✓ **The type of wipe and how it is used**
- ✓ **Storage requirements**
- ✓ **Accumulation time limits**
- ✓ **Recordkeeping requirements**
- **Transport requirements**
- **Destination facility**



Transporting - Labeling

Remember...storage/labeling requirements continue to apply during transport.



Transporting – No Free Liquids

The Heart of the Rule

- Solvent-contaminated wipes **may not** contain free liquids **at the point of being sent** for cleaning or disposal.
- “No free liquids” is defined in 40 CFR 260.10 and is determined using the Paint Filter Liquids Test.
- Paint Filter Liquids Test consists of placing a portion of the solvent-contaminated wipe into a paint filter, and if any of the material passes through and drops from the filter within five minutes, the material is deemed to contain free liquids.
- Generators may either perform this test, or use acceptable knowledge to demonstrate that the standard is met at the point of being sent.
- Generators must document the process they are using to meet the “no free liquids” condition.

Free liquid spent solvent that is removed from the wipes is subject to hazardous waste regulation.



To take advantage of the Rule, you must meet all conditions.

We have ‘checked-off’ the first five requirements:

- ✓ **The type of wipe and how it is used**
- ✓ **Storage requirements**
- ✓ **Accumulation time limits**
- ✓ **Recordkeeping requirements**
- ✓ **Transport requirements**
- ❑ **Destination facility**



Acceptable Destination Facilities

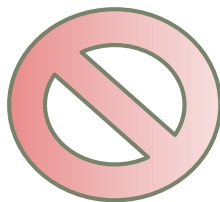
Reusable

- Must be sent to a laundry or drycleaner whose discharge, if any, is regulated under of the Clean Water Act.
- These facilities will have a permit issued either by the NMED, or by the local wastewater utility authority.

VS.

Disposable

- A combustor regulated under the Clean Air Act or a hazardous waste combustor, boiler, or industrial furnace, or
- A solid waste landfill (must be a special waste landfill in the State of NM) or a hazardous waste landfill.



Do not dispose of wipes in
C & D or municipal waste
dumpsters.



To take advantage of the Rule, you must meet all conditions:

Now we have checked all the boxes!

- ✓ The type of wipe and how it is used
- ✓ Storage requirements
- ✓ Accumulation time limits
- ✓ Recordkeeping requirements
- ✓ Transport requirements
- ✓ Destination facility



Excluded Solvent-Contaminated Wipes do not count towards your hazardous waste generator status.



Disposable solvent-contaminated wipes are still subject to Solid Waste regulations as Special Waste

- Disposable solvent-contaminated wipes have “unique handling, transportation, or disposal requirements to assure protection of the environment and the public health” these rags, though excluded from hazardous waste regulation, fall under the category of “Special Waste” under NM solid waste regulations.
- Special Waste requirements are in 20.9.8 NMAC, includes:
 - ❑ Labeling (name + address of generator, date in storage, hazards, “Exempt Solvent-Contaminated Wipes”)
 - ❑ 90 days max. storage for full/unused containers
 - ❑ Special Waste manifest
 - ❑ Registered haulers, state-permitted disposal facilities



The Rule doesn't Apply to my Wipes, Now What?

- ☐ The generator must make a hazardous waste determination as required in 40 CFR 262.11.
- ☐ Non-hazardous waste wipes and shop towels may be disposed or sent to a drycleaner or laundry for cleaning and reuse.
- ☐ Hazardous waste wipes and shop towels must be managed according to the applicable regulations in 40 CFR 260 through 270.

**You may also choose to
manage your wipes as
Hazardous Waste**



QUESTIONS?

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Future Webinars

Definition of Solid Waste:

March 26, 2019 at 10:00 am

Generator Improvement Rule:

April 9, 2019 at 10:00 am

April 18, 2019 at 1:30 pm

RCRA 101:

May 10, 2019 at 10:00 am

Powerpoints will be located on website at:

<https://www.env.nm.gov/hazardous-waste/>

