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Atlanta Environmental Management, Inc.

Regulatory Newsletter

Update: RCRA Exclusion of Solvent-Contaminated Wipes and Paper Towels

On November 20, 2003, EPA proposed to modify its hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA) for certain solvent-contaminated materials such as reusable shop towels, rags, disposable wipes, and paper towels. Comments were received during 2004, and a risk analysis is currently undergoing peer review. EPA expects to publish a Notice of Data Availability on the risk analysis some time in 2008.

Currently, disposables are regulated as a hazardous waste and reusables are regulated under the various state programs. The view of industry has been that the lack of consistency between the states and between disposables vs. reusables is problematic. Also, industry has maintained that the risk posed by these materials does not merit Subtitle C regulation.

The EPA proposal is to conditionally exclude from the defini-

tion of hazardous waste disposable industrial wipes that are contaminated with hazardous solvents and will be disposed and to conditionally exclude from the definition of solid waste reusable industrial shop towels and rags that are contaminated with hazardous solvents and are sent for laundering or dry cleaning. This proposal affects contaminated industrial wipes that are sent to landfills and non-landfills (e.g., laundries and combustion facilities) and is applicable to the following:

- industrial wipes exhibiting a hazardous characteristic (i.e., ignitability, corrosiveness, reactivity, or toxicity) due to use with solvents.
- industrial wipes contaminated with F001-F005 spent F-listed solvents or comparable P- and U-listed commercial chemical products that are spilled and cleaned up with industrial wipes.

The proposal seeks to resolve issues associated with the management of solvent-contaminated industrial wipes by allowing pollution prevention and waste minimization opportunities, including the recycling of the spent solvents extracted from industrial wipes, and fostering improved solvents management by generators and handling facilities. Because of risk concerns, EPA has proposed that industrial wipes that are contaminated with specified F- or U-listed solvents or that are characteristically hazardous for other hazardous constituents, such as metals, cannot be disposed in municipal or other nonhazardous waste landfills. These are benzene, carbon tetrachloride, chlorobenzene, cresols (o, m, p), methyl ethyl ketone (MEK), trichloroethylene, 2-nitropropane, nitrobenzene, pyridine, tetrachloroethylene, and methylene chloride.

The proposal requires that generators accumulate wipes

in non-leaking, covered containers and transport the wipes in containers that minimize releases to the environment. There can be no free liquids in wipes or in containers when transported, except when transferred intra-company for solvent extraction. Wipes cannot contain more than 5 grams of solvent or, if they do, they must be treated using solvent extraction procedures.

Proposed handling facilities must manage wipes in containers that meet conditions set by the generator, and containers found to contain free liquids must be returned to the generator or managed as hazardous waste.

EPA expects to publish a Notice of Data Availability on the risk analysis some time in 2008. If you have any questions regarding the proposal, you may contact Teena Wooten at 703-308-8751, or you can contact AEM and we will be glad to help with any questions.

User Friendly Reference for Hazardous Waste Generator Regulations

If you are like many environmental professionals involved with RCRA programs, you may have a tattered copy of 40 CFR Part 262 by your desk with yellow sticky notes and important sections highlighted. This is our regulatory guide and something that we reference with some regularity. However, there is another option. In 2006 EPA developed an electronic document, updated in 2007, designed to be web-based and to serve as a user-friendly reference to assist EPA and state staff, industrial facilities generating and managing hazardous wastes, as well as the general public, in locating and understanding the current RCRA hazardous waste generator regulatory requirements, primarily those in Title 40 CFR Part 262. This document al-

lows fast access to regulations and, unlike a paper copy, allows you to cut-and-paste text to other documents.

One problem with using regulations from the Internet, or any other document for that matter, is that you must know that they are current. When a link regarding a specific regulation is selected in this document, you are taken to the Government Printing Office Electronic Code of Federal Regulations. A date at the top of the page shows that the regulations are current as of that date. Several were checked during the preparation of this article and were current at that time.

The web-based document is not a substitute for the CFR itself, which should be consulted regarding compliance or legal require-

ments. Additionally, this reference document presents only the federal requirements. Most states are authorized to manage their regulatory programs and may have their own regulations. Although most state hazardous waste regulations are based on the federal requirements, some states have developed more stringent regulations.

Although this document is not designed to replace your copy of 40 CFR, it is a handy reference tool. You will find a copy at http://www.epa.gov/osw/gen_trans/tool.pdf or you may contact AEM and we will be more than happy to e-mail a copy to you. Please send your request to keith-foster@aem-net.com.

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Contact Us:



2580 Northeast Expressway
Atlanta, Georgia 30345
Phone: (404) 329-9006
Fax: (404) 329-2057

E-mail: janet-hart@aem-net.com

Please visit us on the web:

www.aem-net.com

Hazardous Waste—Pre-Transport Regulations

Regulations regarding pre-transportation requirements for off-site transportation of hazardous waste are contained in 40 CFR Part 262. Briefly, these requirements are as follows:

262.30: Packaging

Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must package the waste in accordance with the applicable Department of Transportation regulations on packaging under 49 CFR Parts 173, 178, and 179.

262.31: Labeling

Before transporting or offering hazardous waste for transportation off site, a generator must label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR Part 172.

262.32: Marking

(a) Before transporting or offering hazardous waste for transportation off site, a generator must mark each package of hazardous waste in ac-

cordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR Part 172;

(b) Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304:

“HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency. Generator’s Name and Address _____. Generator’s EPA Identification Number _____. Manifest Tracking Number _____.”

262.33: Placarding

Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F.

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2580 Northeast Expressway

Atlanta, Georgia 30345

