



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Management of Contaminated Wipes and Reusable Cloth Items

Office of Land Quality, Hazardous Waste Compliance Section

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Introduction

This document provides hazardous waste generators, handlers and other interested parties in Indiana with an overview of the federal *Solvent-Contaminated Wipes Rule* (codified at 40 CFR 260.10, 40 CFR 261.4(a)(26), and 40 CFR 261.4(b)(18)), as well as the Indiana Department of Environmental Management's (IDEM's) current policy for the management of wipes, gloves, clothing, cloth items, etc., that are contaminated with other hazardous waste. A wipe is a shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

Provisions of the United States Environmental Protection Agency's (U.S. EPA's) new *Solvent-Contaminated Wipes Rule*, which went into effect on January 31, 2014, conditionally exclude solvent-contaminated wipes from the federal definitions of solid waste and hazardous waste. Indiana's hazardous waste rules have been updated to incorporate all of the requirements of the *Solvent-Contaminated Wipes Rule*, with a slight change in the requirements for labeling. Indiana's final rule was published in the Indiana Register on July 1, 2015, and became effective on July 3, 2015.

The IDEM Non-Rule Policy Document "*Management of Contaminated Wipes*" (WASTE-0010-NPD), which was adopted on June 27, 1997 and updated on January 10, 2000, is no longer in effect, as U.S. EPA's *Solvent-Contaminated Wipes Rule* has negated that Non-Rule Policy Document. Hazardous waste generators, handlers and other interested parties may refer to this document for current guidance on:

- the management of solvent-contaminated wipes (*including, but not limited to, storage, labeling, eligible handling facilities, record keeping and managing free liquids for reusable and disposable solvent-contaminated wipes*);
- the management of other contaminated wipes; and
- the management of other contaminated cloth items.

The guidance contained in this document does not replace applicable regulations and, where this guidance may conflict with laws or rules, the laws and rules shall control. Hazardous waste generators, handlers and other interested parties can find Indiana's current rules on hazardous waste under Title 329, Article 3.1 of the Indiana Administrative Code (329 IAC 3.1). Extensive federal hazardous waste regulations are contained in the Code of Federal Regulations, including 40 CFR 261, 40 CFR 262, and 40 CFR 268.

Management of Solvent-Contaminated Wipes

The *Solvent-Contaminated Wipes Rule* applies to:

- wipes that are contaminated with one or more of the F001-F005 listed solvents (40 CFR 261.31), or the corresponding P- or U- listed solvents (40 CFR 261.33);
- wipes that exhibit a hazardous characteristic resulting from one of these listed solvents; and
- wipes that exhibit only the characteristic of ignitability when containing one or more non-listed solvents.

A solvent-contaminated wipe is a wipe that, after use or after cleaning up a spill, contains a solvent that would be considered hazardous waste; exhibits a hazardous characteristic (see 40 CFR part 261 subpart C) when that characteristic results from a listed solvent; and/or exhibits the hazardous characteristic of ignitability. Solvent-contaminated wipes that are contaminated with hazardous waste other than solvents, or that exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions from the federal definitions of solid waste (40 CFR 261.4(a)(26)) and hazardous waste (40 CFR 261.4(b)(18)).

Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes, provided certain conditions are met. The conditions are described below. These wipes must go to a laundry or drycleaner whose discharge, if any, is regulated under the federal Clean Water Act.

Solvent-contaminated wipes that are sent for disposal are still considered solid waste but are not regulated as hazardous waste, provided certain conditions are met. These conditions are described below. These wipes must be disposed at a permitted municipal solid waste landfill or a permitted hazardous waste landfill, or be sent to a combustor that is regulated under the Clean Air Act or a permitted hazardous waste combustor, boiler, or industrial furnace. *Wipes contaminated with Trichloroethylene are regulated as a hazardous waste and may not be managed under the Solvent-Contaminated Wipes Rule if sent for disposal.*

These are the conditions that must be met to manage solvent-contaminated wipes under this rule:

- Wipes must be accumulated, stored, and transported in non-leaking, closed containers that can contain free liquids.
- Containers must be labeled with the words “Excluded Solvent-Contaminated Wipes” or with other words indicating the contents of the container.
- Generators may accumulate wipes on site for up to 180 days.
- Wipes must contain no free liquids prior to being sent for cleaning or disposal, and there may not be free liquid in the container holding the wipes.
- Generators must maintain the following documentation:
 - Name and address of the laundry, drycleaner, landfill, or combustor,
 - Records showing the 180-day accumulation limit is being met, and
 - Description of the process used to meet the “no free liquid” condition.

Free liquids removed from the wipes or container must be managed according to the applicable hazardous waste regulations.

Management of Other Contaminated Wipes

Wipes that are contaminated with materials other than the F001-F005 solvents listed in 40 CFR 261.31 or the corresponding P- or U- solvents listed in 40 CFR 261.33 are subject to a proper waste determination, in accordance with 40 CFR 262.11. Wipes that are contaminated with a listed hazardous waste, or exhibit one or more of the hazardous waste characteristics, must be managed as a hazardous waste.

If the generator is a small or large quantity generator, the wipes must be recycled or disposed at a permitted hazardous waste facility. *It is no longer permissible to send these wipes off-site to a laundry or drycleaner, nor can these wipes be laundered on site.*

Management of Other Contaminated Cloth Items

The *Solvent-Contaminated Wipes Rule* does not address management of other similar items such as gloves, coveralls, or other types of clothing, that may be contaminated with solvents or other hazardous wastes.

IDEM maintains that **contaminated clothing that is sent to an industrial laundry or drycleaner**, and subsequently reused, is not discarded. Since these cloth items are not discarded, they are not solid wastes and are not subject to regulation under the federal Resource Conservation and Recovery Act (RCRA).

IDEM adopted this policy based on the philosophy that, historically, laundering has not been a waste management activity and that the amounts of contaminants normally present would be adequately regulated through the pretreatment requirements under the federal Clean Water Act. By the same reasoning, the exemption from RCRA regulation may extend to clothing items that are laundered by the generator, so long as the clothing items are reused and the laundering waste is discharged to a publicly owned wastewater treatment system that is subject to the federal Clean Water Act, or is an industrial wastewater point source discharge subject to Section 402 of the federal Clean Water Act (NPDES permit). This exemption would not apply if the discharge is not regulated under the federal Clean Water Act, such as discharge into a septic system/leach field or unpermitted direct discharge.

Soiled clothing items that will be sent to a laundry or are laundered by the generator and satisfy the RCRA exclusions specified in 40 CFR 261.4(a)(1) and (2) are not subject to RCRA accumulation requirements. Wipes and other cloth items should be accumulated appropriately and safely (e.g., accumulated in containers that are in good condition) to prevent release of any contaminants to the environment. Even though reusable cloth items being laundered are not regulated as a hazardous waste, any release or contamination due to mismanagement would be a violation of Indiana law.

Contaminated clothing items that are intended for disposal are subject to a proper waste determination and must be managed accordingly.

Clothing items contaminated with a listed hazardous waste, including the F001-F005 solvents and the corresponding P- or U- solvents identified in the *Solvent-Contaminated Wipes Rule*, must be managed as a hazardous waste when disposed, or when accumulated or treated prior to disposal, regardless of how the clothing became contaminated. The “mixture rule” says that when a solid waste is mixed with a listed hazardous waste, the entire amount of waste becomes that listed hazardous waste (40 CFR 261.3(a)(2)(iv)). An exception to this is a mixture of solid waste and listed hazardous waste that has been listed solely because it exhibits a hazardous characteristic; the mixture is not a listed waste if the characteristic is no longer exhibited.

Clothing items contaminated with a characteristic waste are hazardous only if the clothing item exhibits the characteristic. If the clothing exhibits the characteristic, it must be managed and disposed as a hazardous waste. Example: Gloves are contaminated with a paint that contains Methyl Ethyl Ketone (MEK) as a constituent of the paint. The paint is not a listed hazardous waste, because the MEK is an ingredient in the paint and not being used as a solvent. The gloves could, however, exhibit the characteristic of toxicity for MEK and thus would have to be analyzed to determine if the characteristic is exhibited.

Please note that all land disposal restrictions of 40 CFR 268 apply to wipes or clothing items that are disposed as a hazardous waste; and to wipes or clothing items that are contaminated with listed hazardous waste that has been listed solely because it exhibits a hazardous characteristic, even if the wastes no longer exhibit a characteristic at the point of land disposal (40 CFR 261.3(g)(3)).

Hazardous waste may not be improperly disposed by mixing with wipes or clothing to be sent to laundering facilities. Hazardous waste may not be disposed at a commercial laundry simply because it is contained in an absorbent that is to be laundered. Absorbents specifically designed to contain releases and absorb significant amounts of contaminants (e.g., pigs or booms), and wipes used to contain spills or releases, do not meet the above laundering exemption and are solid wastes subject to RCRA regulation.

More Information

Because every site is unique, some factors or situations concerning management of contaminated wipes or clothing may not be addressed in this guidance document.

Hazardous waste generators, handlers, and interested parties who have questions or need assistance with unique issues are encouraged to contact the Hazardous Waste Compliance Section of IDEM’s Office of Land Quality at (317) 234-6923 or (800) 451-6027, ext. 4-6923 (toll free).