



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

JAN 21 1992

Mr. Thomas Herod  
Compliance Technologies  
49 South Street  
Woodstock, VT 05091

Re: Regulatory Interpretation of used  
Industrial Sorbents

Dear Mr. Herod:

Thank you for your letter of December 26, 1991 requesting guidance regarding the handling and disposal of solvent contaminated rags (solvent wipers). Although the U.S. Environmental Protection Agency (EPA), Region II has never formally prepared an issue paper on this subject, I will present our position.

The Region has always viewed the mixture rule (see 40 C.F.R. §§ 261.3(a)(2)(iii) & 261.3(a)(2)(iv)) and the Agency's contained-in policy as the elements of the hazardous waste regulations which control the handling and disposal of solvent contaminated rags and wipers. The mixture rule states the following:

- A solid waste is a hazardous waste if it is a mixture of a solid and a hazardous waste that is listed solely because it exhibits a characteristic (see 40 C.F.R. Part 261 Subpart C) and the mixture continues to exhibit a characteristic. This mixture would not be a hazardous waste if it no longer exhibited a characteristic.
- A solid waste is a hazardous waste if it is a mixture of a solid and a listed hazardous waste (see 40 C.F.R. Part 261 Subpart D).

The contained-in policy asserts the following:

- A matrix which contains a listed hazardous waste is considered hazardous until that listed waste is removed from the matrix.

The New York State Department of Environmental Conservation has adopted the following position regarding sorbents:

1. That industrial rags and soiled clothing, contaminated with listed or characteristic substances do not have to be managed as hazardous waste when sent to a commercial or non-commercial laundry (or dry cleaner) to be cleaned and then returned to the owner, while rags or soiled clothing that is disposed of or intended for disposal are not excluded from regulation. This position is based upon the following conditions:
  - (a) There is no exemption for rags or soiled clothing contaminated beyond saturation (i.e., containing free liquids). Saturation will be determined by the paint

filter liquids test (EPA SW 846 Method 9095). Any rags or soiled clothing containing free liquids will be subject to full regulation.

- (b) Until such materials are laundered on-site or sent off-site for laundering, they must be accumulated and managed in accordance with all the relevant provisions of Part 372 and Subpart 373-1.
2. All used rags and soiled clothing must be stored and transported in fire-proof or fire-resistant containers.
  3. Rags and soiled clothing must be transported in accordance with all USDOT requirements for transportation of hazardous materials.

As long as the above conditions are met, on-site or off-site laundries will not require TSD permits, and laundry trucks will not have to be licensed as waste transporters. Shipments of used rags or soiled clothing would not have to be manifested or transported by authorized transporters unless intended for disposal.

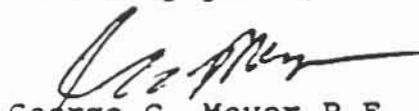
Consistent with this approach, rags and soiled clothing that meet the definition of hazardous waste would be counted as hazardous waste generated, and would be subject to annual reporting and waste minimization planning.

The New Jersey Department of Environmental Protection and Energy has adopted a similar position as that of New York. The Puerto Rico Environmental Quality Board has not formalized its position on rags and wipers that are reused, therefore it must be contacted directly for their its current policy. The Puerto Rico Environmental Quality Board can be reached at (809) 767-8181.

Be advised that EPA recommends that facilities which generate hazardous rags and wipers use alternative non-hazardous waste solvents (i.e., dilute solvent solutions, detergents or biodegradables) as part of a waste minimization program.

Should you have any further questions regarding this matter, please contact Abdool Jabar of my staff at (212) 264-9591.

Sincerely yours,



George C. Meyer P.E., Chief  
Hazardous Waste Compliance Branch