

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JANUARY 23, 1991

Lance L Miller, Director
Division of Hazardous Waste Management (CN 028)
New Jersey Department of Environmental Protection
Trenton, New Jersey 08625-0028

Dear Mr. Miller:

Thank you for your letter of December 3, 1990 inquiring about the regulatory status of solvent-contaminated rags and wipers. As you note, over the course of the hazardous waste program's development, EPA has previously dealt with RCRA's applicability to solvent-contaminated rags and wipers in a number of different factual contexts. As a result, our interpretation of how the RCRA regulations apply has been updated at several points, depending in part on the factors involved.

Currently, the Agency has pending a regulatory petition requesting an exemption for contaminated wipers from hazardous waste status under the mixture rule. We believe that the best course of action is to make a more comprehensive interpretation in this rulemaking context. However, given our current resource levels and competing high-priority projects, we cannot select a particular target date for final evaluation of this petition. In the meantime, Regions and States will continue to use the current case-by-case approach on this subject.

The Agency is aware of the differing interpretations currently being implemented across the nation, under the current case-by-case approach. However, we believe that this results, in part, from careful Regional or State evaluation of important case-specific factors in determining how RCRA hazardous waste regulations apply to these materials. These factors may include the degree of hazard posed, when a spent solvent is generated, and whether the mixture rule applies. Absent any definitive interpretation that may result from our action on the rulemaking petition, we believe that the Regions and authorized States remain in the best position to determine the hazardous waste regulations' applicability in specific cases. You may wish to contact George C. Meyer of Region II's Hazardous Waste Compliance Branch at (212) 264-8356 to discuss the use of various factors for determining applicability of the hazardous waste regulations.

With regard to your additional questions, the scope of the U.S. Department of Transportation's regulations for the transport of all hazardous materials is found at 49 CFR 171.1. If the material is not a RCRA hazardous waste, it is then evaluated on its own merit and regulated in accordance with 49 CFR Parts 171-177. If you have specific questions on the DOT rules, we suggest you contact Edward

Mazzullo, Director of DOT's Office of Hazardous Materials Standards, at (202)366-4488. Finally, the laundry's wash waters, if discharged to a navigable water or publicly-owned treatment works, would appear to be subject to regulation under the Clean Water Act.

Should your staff have additional questions or if they would like to discuss related issues further, I suggest that they contact either Region II or Michele Anders, of my staff, at (202) 475-8551.

Sincerely,

Sylvia K. Lowrance, Director
Office of Solid Waste