

December 8, 1999

Ms. Micki Schultz, P.E.
Senior Environmental Engineer
Durel Corporation
2225 West Chandler Boulevard
Chandler, AZ 85224

Dear Ms. Schultz:

Thank you for your letter of June 24, 1998 requesting an interpretation of the RCRA ignitability characteristic (D001) with respect to acetone wipes generated in Durel's screen printing process. The questions you raised in your letter and their responses are summarized here:

1. Does the EPA consider the acetone wipes as described above (that is, in Durel's correspondence to EPA) to be a D001 ignitable waste? If so, what are the criteria for it being hazardous and where can I (*that is, Durel's Engineer, Ms. Schultz*) obtain such references?

As a matter of long-standing policy, the Office of Solid Waste at EPA Headquarters has maintained that regulatory determinations or interpretations regarding contaminated wipes should be made by the regulatory agency (that is, the EPA region or State) implementing the RCRA program for a particular State. See Memorandum from Michael Shapiro, Director, Office of Solid Waste to Waste Management Division Directors, Regions I-X, Industrial Wipers and Shop Towels under the Hazardous Waste Regulations, dated February 14, 1994 (copy enclosed). The primary reason for this policy is that regulatory determinations regarding shop towels or wipes are dependent on site-specific factors.

However, we are developing a proposed rule for solvent-contaminated shop towels, wipes and rags. The objectives of this rule are to increase pollution prevention, improve environmental protection and make compliance by the regulated community more practicable. Our current schedule is to have a proposed rule in the Federal Register in early 2000.

2. Is ASTM method D4982-89, Method A an appropriate test to determine all of the criteria listed in 261.21(a)(2)? If not, then why are state agencies recommending this test?

ASTM Method D4982-89 (Standard Test Methods for Flammability Potential Screening Analysis of Waste) is not an appropriate method to determine if a waste is ignitable

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under the current Federal RCRA rules. Your letter correctly noted that we have no standardized or required test for evaluating the ignitability of solid materials under current RCRA rules.

Based upon the information stated in your letter, your spent wipes are a solid (that is, not a liquid) in the context of 261.21(a)(2). Paraphrasing this citation, a solid is ignitable if: (1) it is capable of causing fire through friction, absorption of moisture or spontaneous chemical changes, and, (2) when ignited, burns so vigorously and persistently that it creates a hazard.

In a 1992 letter we recommended ASTM Method D4982-89, Method A to assess solids ignitability; this letter has been part of the Permit Policy Compendium, document number 9443.1992(04). We no longer recommend this method because it does not adequately assess either of the two solids ignitability criteria discussed in the preceding paragraph. Thus, the 1992 letter is being withdrawn from the Permit Policy Compendium with this letter to you.

Some solids can be assessed for their tendency to burn vigorously and persistently by SW-846 Method 1030, Ignitability of Solids. Method 1030 does not address the mode of ignition, part (1) of 40 CFR 261.21(a)(2). Without this assessment, the ignitability of the solid (that is, both parts 1 and 2) cannot be assessed.

Finally, note that liquids may escape from the wipes as sometimes happens when wipes are stored in containers. To assess if a liquid is ignitable according to 261.21(a)(1), you must determine the flash point with a Pensky-Martens Closed Cup Tester or a Setaflash Closed Cup Tester.

3. If this test method is appropriate, then how should it be performed to determine if a material can cause fire through friction, absorption of moisture, or spontaneous chemical changes at standard temperature and pressure?

For your acetone wipes, their capability of causing fire through friction, absorption of moisture or spontaneous chemical changes must be assessed by the waste generator, that is Durel, using generator knowledge, per 262.11(c)(2). We believe that waste generators can best assess hazardous waste characteristics, since it is the generator who is most knowledgeable of the waste.

4. Can an opinion obtained from a local fire department which uses the words "hazardous" and "flammable" and "waste" as a description force a waste material, specifically the acetone wipes described above (that is, in the letter), to be categorized as an ignitable hazardous waste D001 even though it does not meet the definitions listed in 40 CFR 261.21 for D001?

No, hazardous waste definitions correspond strictly to Federal and state definitions. This does not, however, exempt Durel from the requirement to comply with local fire safety codes.

Should you need further information about Durell's management of its spent acetone wipes, please contact my office or call Bob Maxey of my staff at 703-308-7273.

Sincerely,

David Bussard, Director
Hazardous Waste Identification Division

Enclosure

9441.1994(02)

February 14, 1994

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

MEMORANDUM

SUBJECT: Industrial Wipers and Shop Towels under the Hazardous Waste Regulations

FROM: Michael Shapiro, Director
Office of Solid Waste

TO: Waste Management Division Directors
Regions I-X

We have received numerous questions about the regulatory status of used industrial wipers and shop towels ("wipers") under the Resource Conservation and Recovery Act (RCRA) regulations from the users and launderers of these wipers, and the regulatory agencies responsible for implementing the RCRA regulations. In addition, manufacturers, marketers and users of non-reusable wipers (i.e., wipers that are not laundered, such as paper or other non-textile products) have been requesting clarification on the status of these materials as well. The purpose of this memorandum is to update you on this issue, and to reaffirm our policy regarding the regulatory status of these materials.

Ongoing Efforts

There are currently several activities within EPA that may affect wipers. The Definition of Solid Waste Task Force, as part of their dialogue with industry, environmental groups, State agencies, and EPA Regions, has been evaluating the RCRA regulations affecting launderable and disposable wipers. In addition, OSW has been dealing with the issue of wipers as we continue our efforts with the Hazardous Waste Identification Rule. As you may recall, EPA requested and received comment on alternative approaches for addressing wipers contaminated with listed solvent (May 20, 1992 Federal Register; 57 FR 21474); this proposal was later withdrawn. Finally, the Office of Water will be gathering data to support the development of effluent guidelines for industrial launderers, which handle certain types of reusable wipers.

Status of Used Wipers

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Whether or not the used wipers are hazardous waste under the RCRA regulations has been a recurring question. Because there are many applications of wipers, we cannot at this time make any generic statements that all wipers are hazardous waste, or that all are not. A material that is a solid waste is by definition hazardous waste if it either 1) meets one of the listings in 40 CFR Part 261, Subpart D, or 2) exhibits one or more of the characteristics described in 40 CFR Part 261, Subpart C. Because there are no explicit listings for "used wipers" in Part 261, Subpart D, a wiper can only be defined as listed hazardous waste if the wiper either contains listed waste, or is otherwise mixed with hazardous waste. Whether or not a used wiper contains listed hazardous waste, is mixed with listed hazardous waste, only exhibits a characteristic of hazardous waste, or is not a waste at all, is dependent on site-specific factors; this is not a new policy. As a result, any determinations or interpretations regarding this diverse and variable wastestream should be made by the regulatory agency (i.e., EPA Region or State) implementing the RCRA program for a particular State. This has been our long-standing policy.

One of EPA's concerns in determining whether the hazardous waste regulations apply to wipers in specific cases should be to prevent situations where someone is improperly disposing of spent solvents (or other hazardous wastes) by mixing them in with wipers, and then sending the wipers to a laundering facility or non-hazardous landfill. This activity is clearly not allowed under the federal regulations. However, wipers that merely pick up incidental amounts of solvents may be handled in a number of ways. I have enclosed policy documents from several States and one EPA Region regarding the identification and/or management of wipers, that provide examples of how some implementing agencies have developed workable approaches to this issue. If you have additional information, or have questions, please contact Charlotte Mooney or Ross Elliott at (202) 260-8551.

Enclosures (4)

cc: RCRA Enforcement Branch Chiefs, Regions I-X
Regional Counsel, Regions I-X

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