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

September 27, 1993

Catherine A. Marshall
Capitoline International Group, Ltd.
1615 L Street, N.W.
Washington, D.C. 20036

Dear Ms. Marshall:

Thank you for your letter of March 22, 1993, to Sylvia K. Lowrance concerning the used oil regulations, and the management of rags and wipers under the Resource Conservation and Recovery Act (RCRA). I apologize for the delay in responding to your questions.

In your letter, you requested concurrence from the Environmental Protection Agency (EPA) regarding your interpretation of the status under RCRA of disposable and launderable industrial wipers, based upon specific preamble language from the September 10, 1993, final rule on used oil management (57 FR 41566), and subsequent conversations with EPA staff. The specific preamble you referred to (57 FR 41585) stated:

After separating used oils from other materials or solid wastes, the remaining materials or solid waste must be managed in accordance with any and all applicable RCRA requirements. The generator must determine whether or not the materials that previously contained used oil exhibit a characteristic of hazardous waste...and, if so, manage them in accordance with RCRA controls. If the material does not exhibit a hazardous characteristic (and is not mixed with a listed hazardous waste) then the material can be managed a solid waste.

In your letter you stated that our interpretation of this preamble language was that "if either a wiper or a rag exhibited a hazardous characteristic after used oil (that exhibited a hazardous characteristic) was removed, the wiper or rag would have to be

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managed in accordance with applicable Subtitle C regulations." (Emphasis original). (It is our understanding that you are using the term "wiper" to mean disposable items and "rag" to mean launderable items.) I would like to clarify that in this preamble language, EPA was describing the regulatory status under RCRA of any material or waste (see footnote 1) that at one point is mixed with (or otherwise contains) used oil, but which has subsequently been separated from the used oil. In this preamble language, EPA was trying to clarify that when a material is no longer regulated as used oil, the generator has a continuing responsibility to determine a material's status under the RCRA hazardous waste regulations. In other words, just because a material was once regulated as used oil does not mean it cannot subsequently become subject to the hazardous waste regulations. On the other hand, materials do not automatically become regulated as hazardous waste simply because they once contained used oil and now exhibit a characteristic. The materials must first meet the definition of solid waste, which may not include materials, for example, that are immediately reusable after used oil has been removed from them, or certain by-products or sludges that are going to be reclaimed.

With regard to the regulatory status of wipers and rags, whether or not a used wiper or rag 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. There are currently several ongoing activities within EPA that may affect wipers or rags. In the Office of Solid Waste (OSW), the Definition of Solid Waste Task Force is examining the definition of solid waste regulations. As part of our ongoing dialogue with industry, environmental groups, State agencies, and EPA Regions, the Task Force has been evaluating the RCRA regulations affecting launderable wipers, as well as 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, but OSW is continuing work on health-based criteria for "entry" and "exit" to the RCRA requirements. 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. Information obtained from

this effort may provide OSW with a better understanding of the laundering associated with reusable wipers.

Your discussion about the domestic sewage exclusion, in the context of whether or not RCRA permits are required by industrial laundries receiving launderable wipers, was not entirely clear. You stated in your letter that the domestic sewage exclusion applies "only at the point a waste is generated." In fact, the domestic sewage exclusion applies to domestic sewage, and to hazardous waste that mixes with domestic sewage and is conveyed by a sewer system to a Publicly-Owned Treatment Works (POTW). The domestic sewage exclusion could potentially apply to wastewater discharges from an industrial laundry (or any facility) that are conveyed through a sewer system to a POTW. Alternatively, because industrial laundries are not defined as POTWs, hazardous waste mixed with domestic sewage conveyed by a sewer system to an industrial laundry would not be excluded.

I hope that this information has been helpful. If you have any additional questions on the used oil regulations, please call Ross Elliott at (202) 260-3152. If you have any questions on the issue of industrial wipers/towels, please contact Charlotte Mooney at (202) 260-8551. Thank you for your interest in the safe management of hazardous waste.

Sincerely,
Jeffery D. Denit
Acting Director
Office of Solid Waste

1 In other words, not solely rags or wipers.