



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

May 12, 1992

Mr. Malcom Fox
Enviroscope, Inc.
101 N. Main Street
Suite 150-137
Ann Arbor, Michigan 48104

Dear Mr. Fox:

This letter is in response to your letter of January 22, 1992, requesting the Region's position regarding the applicability of the Resource Conservation and Recovery Act (RCRA) to solvent contaminated wipers. Initially, I wish to apologize for the delay in responding to your letter. This issue is one which has had a number of key issues affecting it both in the past and in the present. It was imperative that the Region carefully examine all of these factors before clarifying its position.

I would first like to stress that you should be aware that all of the states in Region I have been authorized to administer the base RCRA program, which includes issues associated with hazardous waste identification. Under this authorization, states enforce their own rules and regulations which have been deemed to be equivalent to those of the Federal program, but also which may be more stringent. Therefore, we encourage you to contact each state in the Region to determine their current position on the issue of applicability as well.

The Region has not previously formulated an official policy on the issue of solvent contaminated wipers. However, Region I believes that the solvent contaminated wipers are a hazardous waste and as such their handling must be in full compliance with the regulations under RCRA.

Under our interpretation of the RCRA regulations the contaminated wipers are solid waste when they are to be discarded, regardless of whether the wipers are to be laundered or thrown away, and regardless of how the solvent came in contact with the wiper.

The contaminated wipers are a spent material. (40 CFR § 261.1) If the wipers are being thrown away, then they are clearly being discarded. If the wipers are being laundered, then they are being reclaimed. Under either scenario the wipers are a solid waste as pursuant 40 CFR § 261.2.

Additionally, if the solid waste wipers are contaminated with a solvent listed in 40 CFR § 261.31, or exhibit a characteristic of a hazardous waste (40 CFR Section 261, Subpart C), they are a



hazardous waste. The basis for this decision can be found at 40 CFR § 261.3.

The real issue then becomes whether EPA is willing to create a limited exemption from the full RCRA regulatory scheme for solvent contaminated wipers that are to be reclaimed (laundered). The Region is not prepared to make such a determination at this time. We believe that any such exemption, if warranted, and the authority to do so, resides at the national level. As you are also aware, the Agency currently has two petitions on the national level pending, which seek such a regulatory exemption for contaminated solvent wipers.

If you have any further questions, please contact Richard Filosa of my staff at (617) 573-5777.

Sincerely,

Frank Cavatton

fu Merrill S. Hohman, Director
Waste Management Division

cc: RCRA Branch Chiefs
RCRA Section Chiefs
RCRA State Coordinators
Richard Filosa
John Gauthier
Robert Cianciarulo