

4/14/93

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Dear Mr. Knych:

This letter is in response to your February 10, 1993 letter on behalf of Coyne Textile Services. In your letter you requested that EPA Region I consider withdrawing or modifying its position regarding the regulatory status of soiled textiles. Region I has considered your request.

First, Region I calls to your attention that all of the states in Region I have been authorized to administer the base Resource Conservation and Recovery Act (RCRA) hazardous waste program, which includes issues associated with hazardous waste identification. Under this authorization, states enforce their own rules and regulations in lieu of the Federal program. Region I believes that this effectively renders the regulatory status of solvent contaminated wipers a state issue.

Secondly, as we discussed in our January 20, 1993 meeting, the issue as presented to us, is 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 maintains that under its RCRA authority, any such Federal waste stream exemption can only be developed, if at all, on a national level. As you are also aware, there are currently at least two pending petitions on the national level which seek such a regulatory exemption for solvent contaminated wipers. As your letter notes, there may in fact be compelling reasons why such an exemption should exist. Your letter also points out, however, the compelling need to have this issue decided on a national level, mainly to reconcile the seemingly divergent state and Regional positions.

Further, you should note that it is our understanding that solvent contaminated wipers have been raised in conjunction with the universal waste stream discussions ongoing in Washington.

Finally, the Region's position regarding its regulatory interpretation of the status of solvent contaminated wipers, when queried directly of their status, as was the case in the Malcom Fox letter of January 22, 1992, remains unchanged. Region I maintains that contaminated wipers are solid waste when they are to be discarded. The contaminated wiper's are a spent material. 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 must be characterized as a solid waste as per 40 CFR 261.2.

Additionally, if the solid waste wipers are contaminated with a listed hazardous waste or are characteristic of a hazardous waste then they are a hazardous waste. (40 CFR 261.3)

If you have any further questions, please contact me at (617) 573-5700 or Richard Filosa of my staff at (617) 573-5777.

Sincerely,

Merrill S. Hohman, Director
Waste Management Division

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