



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
JOHN F. KENNEDY FEDERAL BUILDING  
BOSTON, MASSACHUSETTS 02203-0001

November 4, 1996

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Thomas M. Coyne  
President, Coyne Textile Services  
P.O. Box 4854  
Syracuse, NY 13221

Re: Request for Change of EPA-New England's Interpretation Regarding Textiles  
Containing Hazardous Constituents

Dear Mr. Coyne:

Thank you for your letter of September 19, 1996 regarding EPA-New England's interpretation regarding textiles (rags or wipers) contaminated with hazardous constituents. Your letter requests that this region reconsider our view that current regulations require wipers contaminated with listed hazardous wastes to be handled as hazardous wastes or at least, agree not to enforce when there are less stringent state determinations regarding these textiles. A request for reconsideration of our interpretation by Mr. Peter Kynch of O'Hara & Hanlon, representing Coyne Textile Services, was answered on April 14, 1993. Our view has not changed from that presented in that response.

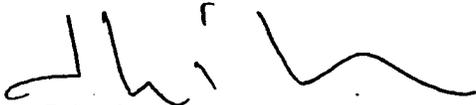
Whether soiled rags or wipers are to be disposed of or recycled (laundered), they are solid wastes (40 CFR 261.2). When solid waste wipers are contaminated with a listed hazardous waste (Sec. 261, Subpart D), the mixture is a hazardous waste (Sec. 261.3(2)(iv)). When solid waste wipers are contaminated with a listed hazardous waste or exhibit any of the characteristics of a hazardous waste (Sec. 261, Subpart C), they are subject to regulation under 40 CFR Parts 262 through 266, 268, 270 and 124.

We recognize that the current regulations have a significant impact on your business. EPA Headquarters currently is examining options for reducing the regulatory burden, including in the case of wipers heading for laundering, replacing the current full RCRA requirements with simplified handling requirements. Until this occurs, we must abide by what seems clearly evident in the current RCRA regulations. Moreover, in light of the need for careful handling of these materials and to guard against improper disposal, we are reluctant to reinterpret our current regulations so as to eliminate regulation from these materials entirely.

Finally, we note that we are encouraging the States in this Region to apply to administer the Universal Waste Rule. Under this Rule, certain widespread wastes will be subject to a reduced level of regulation. Also under this Rule, the States will be allowed to add wastes to the group of Universal Wastes (subject to approved criteria) without being considered less stringent than the EPA program. We hope that the issues regarding contaminated rags and wipers soon will be resolved nationally. However, if you remain dissatisfied with the timing of action in Washington, you may have the option of petitioning the States to partially deregulate these materials under their Universal Waste Rules.

Thank you for your interest in this matter. If you have any further questions or comments, please contact me or Michael J. O'Brien at (617) 565-3523.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. DeVillars". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

John P. DeVillars  
Regional Administrator

cc: Robert B. Schaffer, CTS Director of Environmental Affairs  
Edward K. McSweeney, Associate Director for Waste Policy

4/14/93

Peter Knych, Esquire  
O'Hara & Hanlon  
Attorneys at Law  
One Park Place  
Syracuse, New York 13202

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 wipers 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

cc: Larry Brill  
David Webster  
Matthew Hoagland  
Bob Cianciarullo  
Ken Rota  
Charlotte Mooney (EPA-HQ)  
Richard Filosa



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 Cavotien*

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Merrill S. Hohman, Director  
Waste Management Division

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