



SOLVENT-CONTAMINATED RAGS & WIPES

What You Need to Know

This fact sheet is intended to clarify the status of solvent-contaminated rags and wipes under Maryland's hazardous waste regulations in light of recent changes to federal regulations on this topic. Certain elements of the revised federal regulations are considered less stringent than previous requirements.

The less-stringent federal provisions will not take effect in Maryland unless the Maryland Department of the Environment (the "Department") modifies Maryland's hazardous waste regulations to incorporate the changes. Other provisions in the revised federal regulations are more stringent than current Maryland requirements. Maryland is required to revise its hazardous waste regulatory program to be consistent with the more stringent provisions. This revision is expected to be made in 2019. Until State regulations are revised, guidance provided by this fact sheet should be followed.

Changes to Federal Regulations

On July 31, 2013, the U.S. Environmental Protection Agency (EPA) published, in the Federal Register, a final rule that modified federal hazardous waste regulations concerning solvent-contaminated rags and wipes (78 FR 46477). The rule had an effective date of January 31, 2014.

The rule revised federal regulations by:

- excluding solvent-contaminated rags/wipes that are sent for cleaning and reuse from being regulated as solid waste and hazardous waste if certain conditions are met; and
- excluding some solvent-contaminated rags/wipes that are being sent for disposal from being regulated as hazardous waste if specified conditions are met.

More details on the revisions to the federal regulations are available at

< <https://www.epa.gov/hwgenerators/final-rule-2013-conditional-exclusions-solid-waste-and-hazardous-waste-solvent> >

Maryland Regulatory Requirements

Solvent-contaminated rags and wipes being laundered and reused

Previously, Maryland had considered a rag or wipe that was being sent for laundering and reuse to be a commodity rather than a waste, provided that the item was not capable of releasing liquids under typical handling conditions. Under this interpretation, a rag or wipe being sent for laundering and subsequent reuse was not a solid waste, and therefore not a hazardous waste. No special consideration was given to the nature of any contaminants that may have been present on the item.

The revised federal regulations add additional restrictions on the eligibility of laundered, reusable rags and wipes for the exclusion from being regulated as solid waste and hazardous waste. Under the revised federal regulations, the following are **not** eligible for the laundering exclusion:

- rags/wipes that contain listed hazardous waste other than solvents; and
- rags/wipes that exhibit the characteristic of toxicity, corrosivity or reactivity due to the presence of non-listed solvents or contaminants other than solvents.

These revised federal limitations on eligibility are more restrictive than the policy that Maryland had been following for solvent-contaminated rags/wipes being laundered for reuse. Consequently, **Maryland has changed its previous policy in order to maintain consistency with a basic element of the federal regulatory program.**

Maryland now considers rags/wipes that contain listed hazardous waste other than solvents, and rags/wipes that exhibit the characteristic of toxicity, corrosivity or reactivity due to non-listed solvents or contaminants other than solvents to **not** be eligible for the exclusion from being regulated as solid waste and hazardous waste for rags/wipes being laundered and reused. **A person who generates such a rag or wipe would have to characterize the item as hazardous waste and manage it in accordance with Maryland’s hazardous waste regulations. Such items should not be commingled with other rags/wipes that are being laundered and reused, and that are being handled as materials still in commerce rather than wastes.**

The revised federal regulations also add some additional management standards that must be met in order for rags/wipes that are destined for laundering and reuse to be excluded from being regulated as waste. The additional requirements address such things as packaging and labeling, storage time limits, and record keeping. Maryland believes that some of these provisions can be enforced as general requirements that should be met in order to support a claim that particular rags/wipes, though dirty, are still a usable material rather than waste. Other provisions of the federal regulations are not enforceable until the Department formally incorporates them into the State’s regulations, but the Department suggests that, in the meantime, the provisions be implemented as best-management practices. The following table provides guidance on some of these.

Federal Provision – Solvent-contaminated rags/wipes destined for laundering and reuse	Guidance for Maryland Facilities
Accumulate, store and transport in a non-leaking, closed container. Container must seal to prevent leaks and emissions. (40 CFR 261.4(a)(26)(i))	Comply with federal provision as a best-management practice (BMP).
Label container “Excluded Solvent Contaminated Wipes” (40 CFR 261.4(a)(26)(i))	Comply with federal provision as a BMP.
Accumulate for no more than 180 days (40 CFR 261.4(a)(26)(ii))	Comply with federal provision as a BMP. (Note: even in the absence of a specific State regulatory limit of 180 days, accumulation for an excessive period of time may be taken as an indication that rags/wipes are being held in lieu of disposal rather than being legitimately held for laundering and reuse, and are therefore a waste, forming the basis for a potential enforcement action.)
Assure that rags/wipes being accumulated or being sent for laundering do not have free liquids (40 CFR 261.4(a)(26)(iii))	Comply – Maryland requirement. (Under current State regulations, if a releasable liquid solvent is being carried on a rag/wipe that is no longer going to be used in its current condition, and the rag/wipe is going to be laundered, the rag/wipe is considered to contain a waste, and must be characterized as to whether it is a hazardous waste and managed accordingly.)

Federal Provision – Solvent-contaminated rags/wipes destined for laundering and reuse	Guidance for Maryland Facilities
<p>Manage any free liquids removed or released from rags/wipes in accordance with applicable hazardous waste requirements.(40 CFR 261.4(a)(26)(iv))</p> <p>Keep records documenting length of time container has been accumulated and information on party providing laundering services. (40 CFR 261.4(a)(26)(v)(A) and (B))</p>	<p>Comply – MD requirement – manage in accordance with applicable waste regulations.</p> <p>Recommended for use as information to support claim that rags/wipes are not waste because they are still usable materials. Such records on accumulation time, if they show that the rags/wipes have not been held for an inordinate amount of time, can support a claim that rags/wipes are not being held in lieu of disposal rather than being legitimately held for laundering and reuse, and are therefore a not waste.</p>
<p>Maintain documentation that describes the process that the generator is using to assure that the solvent-contaminated rags/wipes contain no free liquids before laundering (40 CFR 261.4(a)(26)(v)(C))</p>	<p>Recommended for use as information in support of generator’s claim that rags/wipes should be considered to be a material still in use rather than a waste.</p>
<p>Send rags/wipes for laundering to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act. (40 CFR 261.4(a)(26)(vi))</p>	<p>Comply with federal provision as a best-management practice (BMP). (Laundry/dry cleaner is independently subject to Clean Water Action requirements.)</p>

Solvent-contaminated rags and wipes being disposed

The revised federal regulations are less stringent than the previous federal hazardous waste regulatory program with respect to solvent-contaminated rags and wipes that are being disposed. The revised federal regulations grant an exclusion from being regulated as hazardous waste to some solvent-contaminated rags and wipes if certain conditions are met. **This less-stringent federal regulatory provision is currently not effective in Maryland. A person who generates a solvent-contaminated rag or wipe that is destined for disposal is required to characterize the item as to whether it meets the definition of hazardous waste, and manage the item in accordance with applicable Maryland hazardous waste regulations.**

Maryland is evaluating whether to adopt the less stringent federal provision. A determination will be made as part of the regulatory development process to adopt the more-stringent federal provisions concerning laundered solvent-contaminated rags/wipes.

For More Information

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