



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Michael R. Pence**  
Governor

**Thomas W. Easterly**  
Commissioner

To: All Hazardous Waste Generators and Other Interested Parties

From: Bruce Palin, Assistant Commissioner, Office of Land Quality  
Indiana Department of Environmental Management

Re: Solvent Contaminated Wipes Rule

Our office has received numerous inquiries regarding IDEM's plans for implementation of the new Solvent Contaminated Wipes Rule that was promulgated by the U.S. Environmental Protection Agency (EPA). Specifically, this rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude disposable solvent-contaminated wipes. Additional details on the final rule can be found at: [Solvent-Contaminated Wipes Rulemaking](#).

Under current State rules and IDEM policy, solvent contaminated wipes that will be cleaned and reused are fully excluded from regulation as a hazardous waste, and solvent contaminated wipes that will be disposed are fully regulated. IDEM is planning to adopt the new EPA rule, which has conditions that must be met by generators in order for wipes (either to be laundered or disposed) to be excluded from regulation. For example, wipes will need to be placed in containers that are closed, labeled, non-leaking, and are subject to time limits. Wipes must not contain free liquids prior to being sent for cleaning or disposal and there may not be free liquid in the container holding the wipes. It is also important to note that wipes that are disposed and are contaminated with TCE (trichloroethylene) will continue to be fully regulated.

The provisions of the new EPA rule will go into effect at the Federal level on January 31<sup>st</sup>, 2014. After that date, IDEM will begin the process to adopt rules consistent with the federal program. It is expected that this process will be completed sometime in 2014. Until new State rules are adopted, the current State rule and IDEM policy regarding contaminated wipes that will be cleaned and reused will remain in effect. In other words, until new State rules are adopted, solvent contaminated wipes that will be cleaned and reused will continue to be fully excluded from regulation as a hazardous waste. However, we recommend that all generators begin the transition to the new EPA rules.

Also, after January 31<sup>st</sup>, 2014 and until new State rules are adopted, IDEM will use enforcement discretion to allow facilities to follow the new EPA rule for solvent contaminated wipes that will be disposed. In other words, if the wipes are properly managed in containers prior to disposal and meet all other conditions in the new EPA rule, they will not be considered hazardous waste.

We hope this helps answer questions regarding implementation of the new rule. Also attached is an EPA summary chart of the new rule. Please direct any response to this letter and any questions to John Naddy, (317) 233-0404, or [jnaddy@idem.IN.gov](mailto:jnaddy@idem.IN.gov).

# Solvent-Contaminated Wipes Final Rule

## Summary Chart

This chart summarizes the federal regulations in regards to managing solvent-contaminated wipes under 40 CFR 261.4(a)(26), which conditionally excludes from the definition of solid waste solvent-contaminated wipes that are cleaned and reused (“reusable wipes”), and under 40 CFR 261.4(b)(18), which conditionally excludes from the definition of hazardous waste solvent-contaminated wipes that are disposed (“disposable wipes”).

This summary chart is a guidance document provided by the U.S. Environmental Protection Agency (EPA). This is not a regulation and, therefore, does not add, eliminate, or change any existing regulatory requirements. The statements in this document are intended solely as guidance. Additionally, state regulations may be different from the federal program.

	<b>Solvent-Contaminated Reusable Wipes</b>	<b>Solvent-Contaminated Disposable Wipes</b>
<b>Regulation Citation</b>	40 CFR 261.4(a)(26) (Solid Waste Exclusion)	40 CFR 261.4(b)(18) (Hazardous Waste Exclusion)
<b>Description</b>	Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes, provided the conditions of the exclusion are met.	Solvent-contaminated wipes that are sent for disposal are not hazardous wastes, provided the conditions of the exclusion are met.
<b>Includes</b>	<ul style="list-style-type: none"> <li>➤ Wipes containing one or more F001-F005 listed solvents listed in § 261.31 or the corresponding P- or U- listed solvents found in § 261.33, including:               <ul style="list-style-type: none"> <li>- Acetone - Isobutyl alcohol</li> <li>- Benzene - Methanol</li> <li>- n-Butanol - Methyl ethyl ketone</li> <li>- Chlorobenzene - Methyl isobutyl ketone</li> <li>- Creosols - Methylene chloride</li> <li>- Cyclohexanone - Tetrachloroethylene</li> <li>- 1,2-Dichlorobenzene - Toluene</li> <li>- Ethyl acetate - 1,1,2- Trichloroethane</li> <li>- Ethyl benzene - Trichloroethylene (<i>*For reusable wipes only.</i>)</li> <li>- 2-Ethoxyethanol - Xylenes</li> </ul> </li> <li>➤ Wipes that exhibit a hazardous characteristic resulting from a solvent listed in part 261.</li> <li>➤ Wipes that exhibit only the hazardous characteristic of ignitability when containing one or more non-listed solvents.</li> </ul>	
<b>Does not include</b>	<ul style="list-style-type: none"> <li>➤ Wipes that contain listed hazardous waste other than solvents.</li> <li>➤ Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Wipes that contain listed hazardous waste other than solvents.</li> <li>➤ Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents.</li> <li>➤ Wipes that are hazardous waste due to the presence of trichloroethylene.</li> </ul>

<b>Storage Requirements</b>	Wipes must be accumulated, stored, and transported in non-leaking, closed containers that can contain free liquids, should they occur.	
<b>Labeling</b>	Containers must be labeled "Excluded Solvent-Contaminated Wipes."	
<b>Accumulation Time Limits</b>	Generators may accumulate wipes up to 180 days from the start date of accumulation prior to being sent for cleaning or disposal.	
<b>Recordkeeping</b>	<p>Generators must maintain documentation that includes:</p> <ul style="list-style-type: none"> <li>➤ name and address of the laundry, dry cleaner, landfill, or combustor</li> <li>➤ documentation that the 180-day accumulation time limit is being met</li> <li>➤ description of the process the generator is using to meet the "no free liquids" condition.</li> </ul>	
<b>Condition of Wipes Prior to Transport</b>	<p>Wipes must contain no free liquids prior to being sent for cleaning or disposal and there may not be free liquid in the container holding the wipes.</p> <p>"No free liquids" condition is defined in 40 CFR 260.10 and is based on the EPA Methods Test 9095B (Paint Filter Liquids Test) or other authorized state standard.</p>	
<b>Management of Free Liquids</b>	Free liquids removed from the wipes or from the wipes container must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273.	
<b>Eligible Handling Facilities</b>	Must go 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.	Must go to a combustor regulated under section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under 40 CFR parts 264, 265, or 266 subpart H. Must go to a municipal solid waste landfill regulated under 40 CFR part 258 (including § 258.40) or to a hazardous waste landfill regulated under 40 CFR parts 264 or 265.
<b>Storage at Handling Facilities</b>	Must store wipes in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." Containers must be able to contain free liquids should they occur.	
<b>Management of Free Liquids by Handling Facilities</b>	Free liquids removed from the wipes or from the container holding the wipes must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273.	