

May 21, 2014

To: Waste Generators, Industrial Laundries, Solid and Hazardous Waste Managers

From: David Haldeman, Waste Management Division Administrator
Nebraska Department of Environmental Quality

Re: Regulation Changes on Solvent-Contaminated Wipes

The Nebraska Department of Environmental Quality (NDEQ), Waste Management Division, intends to propose regulation changes concerning the management and disposal of solvent-contaminated shop wipes, such as reusable shop towels, rags, disposable wipes and paper towels. This letter is being sent to notify you of the proposed changes and seek your participation in an outreach meeting on Wednesday, June 4, 2014, from 2:00pm -3:30pm at NDEQ Headquarters in Lincoln, NE.

The proposed regulations would amend Title 128-*Nebraska Hazardous Waste Regulations*. The NDEQ plans to propose these amendments to the Environmental Quality Council (EQC) at its October 2014 meeting. The changes will make Nebraska consistent with new federal standards for these wipes, which came into effect on January 31, 2014 (78 Federal Register 46448). The proposed regulations affect two types of solvent-contaminated wipes: 1) disposable, paper wipes and 2) reusable, cloth wipes.

Disposable Wipes

Under current Nebraska requirements, NDEQ does not allow **disposable** solvent-contaminated wipes which would otherwise be classified as a listed or characteristic hazardous waste to be landfilled by small- or large-quantity generators. Under the proposed rules, disposable solvent-contaminated wipes which are properly managed would be excluded from regulation as hazardous waste and could be disposed of in lined, municipal solid waste landfills.

Since the proposed change would allow for the landfill disposal of materials which formerly could only be managed as hazardous waste, the proposed regulation change for disposable wipes would be less stringent than is currently required in Nebraska.

Reusable Wipes

Under current Nebraska requirements, NDEQ does not consider **reusable** solvent-contaminated wipes to be a solid or hazardous waste if they are being laundered and the launderer is complying with Clean Water Act regulations. Under the proposed rules, reusable solvent-contaminated wipes would be considered a solid waste, but excluded from regulation if management requirements are followed. Excluded wipes could continue to be laundered, but as a solid waste, reusable wipes would first be subject to a hazardous waste determination. Hazardous waste determinations frequently require laboratory testing for hazardous constituents. The cost of this testing ranges from approximately \$150 per sample to several hundred dollars per sample. This testing is, however, a one-time expense which does not need to be repeated unless the industrial process is changed.

Since the proposed change would now require generators to conduct a hazardous waste determination as a precondition of laundering and reuse, the proposed regulation change for reusable wipes would be more stringent than is currently required in Nebraska.

NDEQ Seeks Your Input

NDEQ seeks input on the impact of the proposed regulations to your business operations. In providing input, please consider the following questions:

- 1) Do you currently use disposable or reusable solvent-contaminated wipes in your business and, if so, for what purposes and in what amounts?
- 2) Do you launder your cloth wipes on-site, send them to a laundry service, or dispose of them as hazardous waste?
- 3) If the rule were adopted, how do you imagine your current management of solvent wipes would change?

If you have input or experience to share, please join an outreach meeting on Tuesday, June 4th, 2014, from 2:00pm – 3:30pm. The meeting will be held at NDEQ offices, 1200 ‘N’ St., Lincoln, in Room 424. If you are not able to attend the meeting in person, you may participate by telephone conference call at (888) 820-1398. Please connect prior to 2:00pm and enter attendee code 9932065# when prompted. The meeting will begin with a brief summary of the proposed change by NDEQ Waste Division staff, followed by discussion of any comments or questions. The attached slide presentation will be used during the introductory remarks and is provided for your reference.

If you are not able to attend the outreach meeting, you may provide comments to ndeq.waste@nebraska.gov or call Brian McMullen at 402-471-0270. When the proposed amendments to Title 128 have been drafted, we will make these available on the NDEQ website and contact you again for comments on the draft language. All comments provided prior to and during the outreach meeting on Tuesday, June 4th, 2014, are considered preliminary and are not a substitute for formal written comments provided during the public notice period prior to an Environmental Quality Council hearing on possible adoption of the regulation changes.

In addition to the regulations proposed above, the regulation package may also include typographical corrections in sections unrelated to solvent-contaminated wipes.

Additional Resources

EPA’s website on the solvent-contaminated wipes final rule:

<http://www.epa.gov/epawaste/hazard/wastetypes/wasteid/solvents/wipes.htm>

NDEQ Guidance Document on solvent-contaminated wipes as they are currently regulated:

<http://deq.ne.gov/> → "Publications & Forms" → "Waste Management" → "Guidance Documents" → "Solvent Contaminated Shop Towels, Rags, and Wipes"