SPENCER FANE
BRITT & BROWNE LLP

Solvent-Contaminated Rags, Industrial Wipes, and Shop Towels Rule Delayed

ATTORNEYS

Andrew C. Brought

RELATED PRACTICES

Environmental

3/21/2013

Businesses and companies that generate solvent-contaminated shop towels, rags, and industrial wipes know all too well the challenges associated with the RCRA hazardous waste management and disposal requirements of used solvent-contaminated rags. Those facilities awaiting clarity and reduced housekeeping burdens through proposed EPA exemptions (first proposed nearly 10 years ago) are going to have to wait a little longer, at least until October 2013. The final rule was originally slated to be released in fall 2012.

According to recent notices posted on EPA and OMB websites, the final rule is now not expected until October 2013. The final rule has been under OMB review since April 2012.

Although many states have guidance on the proper management and disposal of solvent-contaminated rags, such as Missouri and Kansas here in Region 7 EPA, large complex manufacturing facilities can nevertheless face challenges with the requirements given the potential number of points of generation and high turnover in the workforce. Disposal of contaminated rags and wipes is frequently among the most commonly cited violations in RCRA hazardous waste inspections and can potentially trigger a daisy chain of other common RCRA violations, such as failure to make an adequate waste characterization, unlawful disposal, and failure to properly manifest. Indeed, some regulators may attempt to assert that careless air-drying of solvent-contaminated rags constitutes unlawful "treatment" under the RCRA regulations.

In the meantime, pending the rule's finalization, manufacturing facilities and industrial operations should carefully evaluate the RCRA regulations and applicable guidance so as to understand the management options available, including laundering (onsite or off-site) and disposal, and whether rags and wipes exhibit hazardous characteristics or contain listed hazardous wastes.