

Coming Clean: EPA Finally Adopts Industrial Wipes Standard

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On July 31, EPA issued final rules that clarify how companies handle disposable and reusable solvent contaminated industrial wipes. This change will affect many businesses, from auto repair shops to large manufacturing facilities by identifying requirements for handling solvent contaminated wipes in order to avoid hazardous waste rules, which would otherwise apply. While significantly easier than the hazardous waste requirements, the rules still impose a high level of management in handling industrial wipes.

The industrial wipes issue arises from the draconian nature of EPA hazardous waste rules under Subtitle C of the Resource Conservation and Recovery Act ("RCRA"). Most industrial and commercial facilities use paper or cloth towels to clean parts, products or equipment. Yet if the facility uses the wipes to apply cleaning solutions that can be characterized as hazardous waste when disposed (which accounts for many industrial solvents and other commercial products), the wipes themselves become hazardous wastes. Industry and EPA have recognized this problem for many years but EPA originally deferred this to state regulators, leading to a patchwork of requirements. EPA finally issued proposed rules in 2002 and these final rules generally mirror the original proposal.

The rules only apply to wipes contaminated with solvents that would be characterized as hazardous wastes if disposed. These include certain specific listed solvents as well as solvents that meet EPA's test for hazardous characteristics such as ignitability, corrosivity or toxicity. Facilities can avoid handling solvent-contaminated industrial wipes as hazardous waste if they:

- Store wipes for a limited time in leak-proof containers
- Ensure that free liquid is removed from the wipes before disposal or reuse
- Use an appropriate disposal facility, and
- Document that they followed these steps

The rules allow the presence of free liquids to be determined either by the user's knowledge of the wipes or by the use of a paint filter test that measures the ability of liquid to freely flow from another material.

The rules separate solvent-contaminated wipes into two categories: reused and disposed. EPA exempts wipes sent for cleaning and reuse from the definition of “solid waste” (and as a result from being a hazardous waste) because they are not “disposed” and have commercial value that encourages reuse. EPA excludes wipes sent for disposal from the definition of hazardous waste, because they present no significant risk of allowing a release of the solvents they contain so long as they are managed and disposed according to the regulations. The only exceptions to the disposable wipes rule are wipes contaminated with trichloroethylene (TCE), which EPA deems too risky even if managed consistent with the requirements.

Despite the different categories, the waste management requirements are identical. Used solvent-contaminated wipes must be stored in leak-proof, labeled containers with close-fitting but not locking covers. Wipes can only be stored on site for 180 days, with the accumulation date beginning when the first wipe is placed in the container. When the wipes are removed from the containers for reuse or disposal, the facility must take steps to ensure that the wipes contain no free liquid before being transported for disposal or reuse. These methods can include centrifuges, mechanical wringing, screen bottom containers, etc.

EPA also ties the exemptions to the means of reuse and disposal to ensure that the solvent contained in the wipes is properly managed and not released to the environment. Reusable wipes can only go to industrial laundries or other cleaning operations that discharge to a publicly owned treatment works. Disposable wipes can only go to a permitted municipal solid waste landfill, a hazardous waste landfill or to a permitted solid waste or hazardous waste incinerator.

Finally, EPA requires facilities to document that these requirements are being met. While facilities are not required to submit reports, they must maintain documents showing compliance with accumulation time, efforts to ensure removal of free product and the facility to which the wipes were sent for reuse and disposal.

Compliance won't necessarily be difficult but it will require effort and management systems. One would expect most laundries and disposal companies to set up programs for their customers to address all of these issues as solvent recycling companies have done for on-site parts cleaning baths. Yet the rules stretch EPA's reach further than usual and require compliance from facilities that are not used to EPA regulation. As a result, every facility that uses wipes and solvents must examine their practices. The simplest approach may be to use solvents that would not require compliance with the rules.

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