

June 19, 2008

Charlotte Head, P.E.
6 Prospect Ave.
North Kingstown, RI 02852-5719

RE: Letter of 5/20/2008 to Director Sullivan Regarding Contaminated Rags Policy

Dear Ms. Head:

This Department is in receipt of the above referenced correspondence. You are correct that the 1992 Rags Policy was withdrawn. As of August 31, 2006 the Department required issued guidance regarding how policies are to be formally reviewed and published. Hazardous Waste Policies in existence at that time, including this one, were withdrawn unless and until they had undergone appropriate development as per our **Draft Standard Operating Procedure for Developing and Approving Policies** as published on our web site at the address below:

(<http://www.dem.ri.gov/pubs/sops/poldev.pdf>)

In the absence of written policy, a determination would default back to the **Rules and Regulations for Hazardous Waste Management** effective 9 February 2007. Obviously if the material absorbed by the rags is not a hazardous waste, its RCRA Status is not an issue. In the case of rags contaminated with hazardous materials, our current interpretation of these rules, as they relate to this particular issue are as follows:

1. In the event the rags were **disposed** of:
 - A. If free liquids are present in the container of rags, then a determination must be made by the generator if that liquid is a hazardous waste or a used oil. If it is, the material must be managed appropriately and may not be sent off-site except by a permitted hazardous transporter to a permitted treatment, storage and disposal facility.
 - B. If no free liquids are present, then we would view the rags as a solid material. If the rags are contaminated with a characteristic hazardous waste or used oil, then the rags would be a hazardous waste if they exhibit the characteristic of the waste. If no free liquids are present and the rags are contaminated with a listed hazardous waste, than the rags are subject to the listing.

2. If the event the rags were **laundered** at a commercial facility:

A piece of equipment may become contaminated with a hazardous material. When that equipment is cleaned, the cleaning process that extracts the hazardous material may generate a hazardous waste. In this case, the equipment would not be considered a hazardous waste. However if the equipment was disposed of, it is subject to both Rhode Island Hazardous Waste Regulations and the Federal RCRA Land Ban (as per item 1 above). As such, if a hazardous waste is contained in the equipment that is disposed, the equipment is considered a hazardous waste. Furthermore, to avoid violations or air and

water standards, laundering facilities that wash these rags must meet appropriate state and local criteria to handle such material

I hope that this sheds some light on the issue. The Department is considering the merits and drawbacks of defining used rags destined for commercial laundering as a universal waste. We would welcome your input on that issue. If you have any questions, or would like to discuss the matter further, please contact me at (401) 222-2797 extension 7112.

Sincerely,

Mark M. Dennen, Principal Environmental Scientist
Office of Waste Management

cc: Sean Carney, RIDEM/Office of Compliance and Inspection
Robert Nero, RIDEM/Office of Compliance and Inspection
Laurie Grandchamp/Office of Waste Management