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Subject: Talking Points for our discussion with TRSA and UTSA

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Here are the points that I think we should make in tomorrow's meeting with the laundry associations:

- OSW management asked us to investigate possible approaches to the wipers rule that would address the laundry industry's concern over the reusable wipers being identified as a solid waste.
- We have been doing that analysis and want to share with you our current thinking on this issue.
- We believe that we can establish RCRA C jurisdiction over reusable wipers without expressly declaring the wipers to be "solid waste" because the wipers contain the hazardous waste solvent. Thus, we believe we can extend the "contained-in" principle to the reusable wipers.
- We also believe that the conditional exemption from Subtitle C regulation should be from the definition of hazardous waste (261.4(b) as opposed to (a) because the solvent (the substance that is the source of our concern) is not re-used or recycled, but is indisputably discarded.
- However, placing the exemption in (b) does not preclude us from placing a provision in the exemption that states that laundered wipers are not "solid waste". [I would expect that the industry's attorneys will quickly pick up on the inference that the wipers may be considered solid waste until laundered. Do we want to go further and suggest that we might propose language that wipers destined for laundering are never a solid waste (similar to the approach we have taken with empty containers)?]

Please feel free to add/modify/delete. I guess you will be talking with Bob D. tomorrow morning about what we should be discussing at our meeting on Friday and I assume we are still on for meeting at 2:30 tomorrow to finalize our preparations for the Friday meeting.

Thanks.