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**EXEMPTION FOR WASTEWATER DISCHARGES AND GENERATOR  
ACCUMULATION PROVISIONS**

**OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE**

**DEC 10 1987**

Eric J. Dougherty  
8409 H. Morven Rd  
Parkville, MD 21234

Dear Mr. Dougherty:

This is in response to your November 13, 1987 letter to Robert Scarberry concerning land disposal of solvents. The answers to your questions are as follows.

First, you are correct that industrial wastewater discharges subject to the Clean Water Act (CWA) are excluded from the hazardous waste regulations, and it does not matter how the wastewater was generated. You should note, however, that only the discharge is excluded. If hazardous wastewaters are collected, stored, treated, or disposed of prior to discharge, this prior management is subject to the hazardous waste regulations (including the land disposal restrictions of 40 CFR Part 268).

Second, EPA does not have groundwater discharge guidelines per se. Facilities that have RCRA interim status or that seek a RCRA hazardous waste facility permit are subject to a number of requirements designed to protect groundwater in 40 CFR parts 264, 265, 266 and 268, as well as the corrective action provisions of RCRA Sections 3004(u) and 3008(h). Facilities that generate hazardous waste but which are exempt from interim status and permitting requirements under the accumulation provisions of 40 CFR Section 262.34 (this is likely the case for the automotive maintenance facilities you asked about) are subject to container and tank management standards designed to prevent releases to groundwater. When releases do occur, EPA or the appropriate State agency can take enforcement action under RCRA Sections 3008(a) and 7003 to require the facility owner or operator to stop the discharge and to



clean-up contaminated soil and groundwater.

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If you have further questions in this area, please contact  
Michael Petruska at 9202) 475-8551.

Sincerely,

Original Document signed

Marcia E. Williams  
Director,  
Office of Solid Waste