



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEBRUARY 11, 1991

Regina J. Mahoney
Heritage Environmental Services, Inc.
7901 West Morris Street
Indianapolis, IN 46231

Dear Ms. Mahoney:

Thank you for your December 28 letter that describes how different states (that are authorized to implement the RCRA hazardous waste program, and that have adopted portions of the federal hazardous waste regulations verbatim) interpret the same regulatory text differently.

Although my staff has not researched individual states' regulations on the matter of the wastewater treatment unit exemption, we recognize that individual states can and do interpret the same regulations differently. States that are authorized to implement the RCRA hazardous waste program, as Indiana is, are not bound by EPA's interpretation of the federal regulations. Although they usually follow federal interpretations, authorized states may interpret the regulations more strictly than EPA does.

Your letter referred to Indiana's interpretation of the wastewater treatment unit exemption's applicability to off-site wastewater treatment facilities. The wastewater treatment unit exemption regulations are part of the regulatory program that Indiana is authorized to implement. Thus, the state of Indiana's interpretations govern, rather than EPA Region 5's, or the interpretations of EPA headquarters. Specifically, since EPA has not defined the term "wastewater" as it is used in interpreting the wastewater treatment unit exemption, the state of Indiana may either define the term "wastewater" in its regulations, or by policy.

Please contact Becky Cuthbertson of my staff at (202) 475-8551 if you have questions concerning the wastewater treatment unit exemption; if you have questions regarding the ability of authorized states to interpret the regulations differently, contact Susan Abshe??? at (202) 382-2210.

Sincerely,

Sylvia Lowrance, Director
Office of Solid Waste

cc: David Ullrich, Region S
George Oliver, Indiana Department

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of Environmental Management