

7/1/91

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Dave - what follows is a

General Search Section

lists general topics. Memos
from EPA database. Topics
include by date:

NDDES

Surface Imp vs Tanks

Aggressive Biol. Treatment

Wastewater Treatment Exemption

Skinner list



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- ▶ **Petitions**
- ▼ **Petroleum Refining Wastes**

REEXAMINATION OF PROPOSED
EXCLUSION FOR OIL-BEARING RESIDUALS

10/01/97 EPA proposed to broaden the recovered oil exclusion to include all oil-bearing hazardous wastes inserted into the refining process (60 FR

57747; 11/20/95); EPA did not intend to create a loophole from hazardous waste status for residual materials left over from the recycling process (e.g., residuals generated from deoiling excluded sludges that are not themselves reinserted into the refinery) (SEE ALSO: 63 FR 42110; 8/6/98, and new F037 listing)

APPLICABILITY OF K052 WASTE CODE TO PIPELINE TERMINALS

05/01/97 K052 listing is limited to leaded tank bottoms generated at petroleum refineries; leaded tank bottoms generated at pipeline terminals that are not directly part of a refinery do not meet the K052 listing, and are only hazardous wastes if characteristic

REGULATORY STATUS OF A GASIFICATION UNIT PROPOSED BY TEXACO TO BE BUILT IN EL DORADO, KANSAS

05/25/95 syngas fuel from gasification unit at Kansas petroleum refinery is derived from F037, K022, and K051, but is exempt fuel from refining oil-bearing hazardous waste during normal refinery operations per 261.6(a)(3)(iv) (SUPERSEDED: exemption moved to 261.6(a)(3)(iii)); gasification unit exempt recycling unit; no storage permit needed for listed feedstocks prior to recycling if generator accumulation limit not exceeded; interpretation does not apply to all gasification units

ARE TANK BOTTOMS REMOVED FROM TANKS CONTAINING ONLY NAPHTHA DEEMED TO BE K052 HAZARDOUS WASTE?

05/25/95 K052 is limited to tank bottoms generated at or as part of a petroleum refinery from tanks used to store leaded gasoline or leaded blending fractions; listing applies regardless of whether waste exhibits characteristic; because naphtha is an unleaded petroleum fraction, tank bottoms from naphtha storage at a refinery are not K052

CLARIFICATION AND/OR RECONSIDERATION OF CERTAIN PROVISIONS CONTAINED IN EPA'S FINAL RULE ON RECOVERED OIL

05/03/95 exclusion for recovered oil from normal petroleum refinery operations inserted into process prior to catalytic cracking (SUPERSEDED: exclusion applies to insertion at points other than catalytic cracking, See 61 FR 13103; 3/26/96); application of exclusion to refineries and petrochemical facilities that share wastewater treatment system (SEE ALSO: 261.4(a)(18)); exclusion covers oil recovered from off-site petroleum industry activities associated with exploration, production, and transportation when returned to refinery; EPA investigating how to regulate cokers that receive hazardous waste (SEE ALSO: 63 FR 42110; 8/6/98)

REGULATORY REQUIREMENTS FOR TANKS, VEHICLES, VESSELS, PROCESS OR MANUFACTURING UNITS, OR PIPELINES WHICH HAVE BEEN SHUT DOWN

04/20/95 waste generated in a manufacturing process unit may remain in the unit for up to ninety days after the unit has been shut down, and may be stored for an additional 90 days in generator accumulation units; EPA headquarters policy does not address whether K050 is generated only through actual cleaning of heat exchanger bundles, or if regulated K050 waste is created when sludges remain in shut-down exchanger for more than 90 days or when they are discarded along with uncleaned bundle

DELISTING PETITIONS FOR HAZARDOUS WASTES FROM THE PETROLEUM INDUSTRY

11/01/94 history of "petroleum list" and "Skinner List" used in delisting hazardous wastes from petroleum

		industry, due to generator-specific nature of delisting, other constituents may need to be addressed
<u>TRANSPORTATION OF USED OIL TO LOCATIONS WHERE USED OIL CAN BE MIXED WITH CRUDE OIL</u>	06/09/94	used oil can be transported to sites where it can be mixed with crude oil (e.g., crude oil pipelines, exploration and production facilities, petroleum refineries, and aggregation points); refineries receiving off-site used oil are subject to processor rules until used oil enters refining process; oil and gas exploration and production or refining facility may transport used oil to their aggregation points; transporter and transfer facility rules apply to used oil transported off-site to pipeline or oil and gas exploration and production facility until it is mixed with crude oil and qualifies for 279.10(g)(2) exemption
<u>DEFINITION OF RCRA WASTE K050</u>	06/03/94	sludge from double-pipe heat exchange units is not K050; inside tube of double-pipe unit is not a bundle; sludge may exhibit toxicity characteristic for benzene and other heavy organics
<u>K052: BOTTOMS FROM TANKS STORING LEADED GASOLINE AT PETROLEUM REFINERIES</u>	02/01/94	K052 listing applies only to bottoms from tanks storing leaded gasoline at petroleum refineries; the listing does not apply to bottoms from refinery tanks storing other petroleum fractions
<u>REGULATORY STATUS OF A DISSOLVED AIR FLOTATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER</u>	11/01/93	Dissolved Air Flotation (DAF) float (K048) that is inserted into a petroleum coker is a solid and hazardous waste (SEE ALSO: 261.4(a)(12)); DAF float feed tank may be an exempt wastewater treatment unit (WWTU) provided it meets the criteria listed in 260.10
<u>RECYCLING PETROLEUM REFINERY OILY WASTES: REGULATORY STATUS OF SEPARATION AND RECOVERY SYSTEMS SAREX PROCESS FOR RECYCLING PETROLEUM REFINERY OILY WASTES</u>	03/05/93	effluent from petroleum recovery process that accepts hazardous waste K048-K051 returned to wastewater treatment system is not derived from listed waste if chemically equivalent to non-listed influent (SEE ALSO: RPC# 8/23/85-01); closed-loop exemption does not apply to oil being returned to a refinery where it will be used as a fuel; closed-loop exemption does not apply to reclaimed material that will be used to produce a fuel or produce a product applied to the land
<u>TC RULE HAZARDOUS WASTE DETERMINATION</u>	07/31/91	pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements
<u>APPLICABILITY OF THE "MIXTURE" RULE TO PETROLEUM REFINERY WASTEWATER SYSTEMS</u>	07/05/91	petroleum wastewater separation sludges; liquid from which F037 and F038 listed sludge is generated is not itself listed waste via mixture rule unless sludge is mixed with liquid (e.g., sludge is

DRAFT REGION VIII POLICY ON
"AGGRESSIVE BIOLOGICAL TREATMENT"

NOTIFICATION OF ERRORS IN THE
TECHNICAL AMENDMENT TO THE THIRD
THIRD LAND DISPOSAL RESTRICTIONS
(LDRS), PUBLISHED JANUARY 31, 1991

SHAM INCINERATION AND TREATMENT
OF K048-K052 WASTES IN CEMENT KILNS
AND INDUSTRIAL FURNACES

PETROLEUM REFINERY WASTEWATER
TREATMENT SLUDGE CLASSIFICATION

STANDARDS FOR AIR PATHWAY FOR
METALS AND ORGANIC CHEMICALS

REGULATION OF OILY HAZARDOUS
PETROLEUM REFINERY WASTE

K-WASTE FILTER CAKE IN THE
MANUFACTURE OF CEMENT

PETROLEUM REFINERY SLUDGE
REGULATIONS

PETROLEUM REFINING WASTES AND
EXEMPTIONS FOR WWTUS

- scoured upon introduction of waste to unit)
- 07/03/91 sludges formed in aggressive biological treatment (ABT) units are not F037 or F038; only secondary or tertiary treatment units qualify as ABT; ABT units receiving or generating toxicity characteristic hazardous waste are subject to all applicable rules; F037/F038 sludges can be formed in ABT units not operating properly
- 04/12/91 corrections to treatment standards for K048, P003, P073, U001, U003, U154 (errata sheet for 58 FR 3877; 1/31/91, Technical Amendment to the Third Third) (SEE ALSO: current 268.40)
- 03/29/91 oil cannot be added to K048-K052 treatment cake to increase fuel value above sham recycling threshold unless oil originally part of waste (SUPERSEDED: see RPC# 11/8/94-01; 266.100); all wastes derived from listed wastes subject to land disposal requirements (LDR) except for certain Bevill residues
- 02/01/91 applicability of F037 and F038 listings; primary/ secondary separation and primary/ secondary treatment
- 01/30/91 land disposal restrictions (LDR) no-migration petition uses health based level for chromium based on hexavalent chromium; information on compounds in Appendix VIII or IX, and/or the modified Skinner list relating to no-migration petitions
- 01/08/91 fuel produced (and oil reclaimed and used as fuel) from petroleum refining, production, and transportation, by processes other than normal refining operations, is eligible for 261.6(a)(3) exemptions (SEE ALSO: 261.4(a)(12)); clarification of petroleum refining process; certain fuels produced from petroleum refinery wastes that are otherwise exempt under 261.6(a)(3), are hazardous waste and must be burned in BIFs or incinerators if they do not meet the used oil fuel specifications of 266.40(e) (SUPERSEDED: See 279.11)
- 12/21/90 K048-K052 filter cake used as ingredient in cement is a solid waste and hazardous waste because it is used to produce a product that is applied to the land; legitimate recycling (sham recycling) elements; if waste contains hazardous constituents not found in raw material, not legitimate recycling unless constituents make waste function better than raw material in manufacturing process
- 10/17/90 EPA response to issues raised during Office of Management and Budget (OMB) review of petroleum refinery sludge final rule listing F037 and F038
- 09/20/90 tank treating or storing wastewater or wastewater treatment sludge can be wastewater treatment unit (WWTU); tank treating off-site hazardous waste (HW) can be WWTU if facility is designated facility to accept manifested HW; only tanks and

<u>40 CFR SECTION 261.4(C): HAZARDOUS WASTES WHICH ARE EXEMPTED FROM CERTAIN REGULATIONS</u>	05/01/90 ancillary equipment can be WWTUs; tank bottoms from fuel storage are CCPs not solid waste (SW) when used in fuel; tank bottoms from refining process units are by-products and SW when used in fuels; refinery by-product for use in lubricant is SW if listed (SEE ALSO: 261.4(a)(12) and 261.6(a)(3)) exclusion for manufacturing process units, associated non-waste treatment units, or product/raw material storage tanks does not apply to units, such as heat exchangers (K050), that are disassembled and shipped off-site for cleaning
<u>SCOPE OF THE K051 AND K052 LISTINGS</u>	08/02/89 sludges generated at bulk terminals are not typically within scope of K051 and K052 listings (SEE ALSO: F037, F038 in 261.31); if K049, K051, or K052 wastes are shipped to bulk terminal, wastes derived from their management meet the listings; discharge of residuals from K049 storage to oil-water separator could make resulting sludge listed via derived-from and mixture rules
<u>SUMMARY OF PERMIT ASSISTANCE TEAM (PAT) COMMENTS</u>	03/30/88 samples taken from turbid groundwater may not be valid; proper well development requires that wells be clay and silt free; use of polyvinyl chloride (PVC) in well construction; calculation of purge volume; Part 264, Appendix IX; accelerated groundwater monitoring schedule can be used to bring facility into compliance; maintenance of groundwater monitoring network may include redevelopment of well; well maintenance should be included as a permit condition; replacement units (e.g. landfills and surface impoundments) must be retrofitted to meet minimum technological requirements; if proposed alternative to double liner does not meet requirements of 264.221(c), location characteristics or operating practices must compensate for deficiency; redundant flexible membrane bottom liner may be equivalent to 3004(o)(5)(B) interim statutory design, thus meeting 3004(o)(1) minimum technological requirements; use of Hydrologic Evaluation of Landfill Performance (HELP) model v. Moore's Equation for calculating leachate volume when designing collection system; proposed modifications to cap design to reduce erosion potential; use of a test plot to support alternative landfill design cover; high-density polyethylene liner must be supported by a stable base; owner of petroleum refinery undertaking land treatment demonstration must fully characterize waste, including addressing Skinner List constituents in waste analysis plan; properly conducted land treatment demonstration should include evaluation of waste degradation, transformation, and immobilization, as well as a toxicity study; land treatment unit cannot accept sludges containing high concentrations of water if soil moisture conditions cause saturation of unit; selection of principal hazardous constituents for land

treatment unit; owners of land treatment units who have not demonstrated satisfactory treatment of hazardous constituents may need to close unit; presence of high water table at land treatment unit and possible responses; owner of existing interim status land treatment unit may be eligible for immediate full-scale permit if land treatment demonstration addresses all necessary requirements; in states authorized for RCRA base program but not HSWA provisions, construction cannot begin at new facility until both state and EPA permits are issued; land disposal restrictions (LDR) program is self-implementing portion of HSWA, superseding permit as shield provision; permit content should be edited for applicability, importance, clarity, and precision prior to issuance; minimum detection limit (MDL) can be used to establish background as groundwater protection standard; any component required in RCRA facility investigation (RFI), such as monitoring releases not requiring immediate response, should be included as permit condition; monitoring wells installed as part of HSWA corrective action may be designated as point of compliance wells; permits containing corrective action conditions for groundwater treatment programs must specify methods of handling groundwater containing hazardous waste, must include pumping and removal requirements; air stripping may not be appropriate treatment method for groundwater contaminated with methyl isobutyl ketone; permit or 3008(h) order should address air emissions from treatment units such as air stripper; criteria for referral of facilities to the Agency for Toxic Substances and DISEASE REGISTRY (ATSDR) UNDER 3019; emerging technologies, such as in-situ bio-reclamation, should be demonstrated as effective in pilot-scale field studies prior to approval; 264 Subpart F compliance monitoring standards should be applied to verification monitoring at solid waste management units (SWMUs) during corrective action; HSWA corrective action permit may include technical feasibility clause discontinuing program once contaminant levels can no longer be reduced; EPA discourages approval of waiver allowing disposal of nonhazardous waste in landfill that has lost interim status

INTERPRETATION OF RCRA HAZARDOUS WASTE DEFINITION FOR SLOP OIL EMULSION SOLIDS

07/02/87 K049 listing (slop oil emulsion solids) is not limited to skimmings from API separators

PETROLEUM FACILITIES INCLUDED IN THE K051 LISTING FOR API SEPARATOR SLUDGE

05/26/87 sludge generated in an API separator at a facility that is not a petroleum refinery is not K051; K051 covers facilities in SIC 2911 that perform distillation of crude oil and/or unfinished petroleum derivatives

STATE AUTHORIZATION TO REGULATE HAZARDOUS COMPONENTS OF RADIOACTIVE MIXED WASTES

10/20/86 until an authorized state is authorized for radioactive mixed waste, handlers of such wastes are not subject to RCRA; mixed waste is solid

		waste for purposes of corrective action; States applying for HSWA corrective action authorization must also get authorized for mixed waste
<u>LIME SLUDGE IMPOUNDMENT SLUDGE, DELISTING OF</u>	05/23/86	lime sludge surface impoundment containing K049 and K051 may be subject to permitting and closure requirements even if no waste management occurs based on Regional interpretation
<u>BY-PRODUCT CRUDE OIL TANK BOTTOMS</u>	05/01/86	fuels produced at refinery from crude oil tank bottoms are not solid wastes; recyclable materials are hazardous waste that are recycled (SEE ALSO: 261.6(a)(3)(iii)); crude oil tank bottoms are by-products (SEE ALSO: new K169 listing, added 63 FR 42110; 8/6/98); tank bottoms being refined into fuel are solid wastes, subject to regulation before recycling (SEE ALSO: 261.4(a)(12))
<u>USED OIL INTRODUCED INTO REFINERY PROCESS UNDER HAZARDOUS WASTE DERIVED REFINERY FUEL PRODUCTS EXEMPTION</u>	02/11/86	hazardous waste-derived refinery products are exempted by 261.6(a)(3)(iv) when both hazardous waste and used oil are introduced into the refining process; such derived products are not used oils; refinery products derived solely from used oil are not used oils
<u>USED OIL AND OIL BEARING HAZARDOUS WASTE-DERIVED REFINERY PRODUCTS</u>	02/11/86	hazardous waste-derived refinery products are exempted by 261.6(a)(3)(iv) when both hazardous waste and used oil are introduced into the refining process; such derived products are not used oils; refinery products derived solely from used oil are not used oils
<u>PETROLEUM REFINERY WW, MIXTURE AND DERIVED-FROM RULES</u>	08/23/85	mixture rule applies to mixture in wastewater treatment system of wastewater and derived-from listed hazardous waste (HW); dewatering supernatant from listed petroleum wastewater treatment sludge may not be derived-from HW if chemically equivalent to influent refinery wastewater where sludge initially generated (SEE ALSO: RPC# 3/5/93-02); point of generation for K048-K052
<u>"SKINNER LIST"</u>	08/01/85	explanation of "Skinner List" (SUPERSEDED: See RPC# 11/1/94-02)
<u>K051 AND HSWA; K051 SLUDGE RE-USED ON-SITE, EXEMPTION</u>	07/01/85	petroleum coke produced from on-site reuse of K051 is exempt from standards for hazardous waste fuel unless coke product exhibits characteristic per 3004(q)(2)(A) (SEE ALSO: 261.4(a)(12))
<u>REGULATORY STATUS OF WASTE-DERIVED PETROLEUM PRODUCTS</u>	03/22/85	EPA does not wish to regulate petroleum products whose production involves reintroducing hazardous waste (HW) from refinery back into refining process (SEE ALSO: 261.6(a)(3)(iv)); EPA will study issue of oils recovered from refinery HW and returned to refining process (SEE ALSO: 261.4(a)(12))
<u>SECONDARY SLUDGES FROM BIOLOGICAL TREATMENT OF REFINERY WASTEWATERS</u>	02/22/85	K048 does not apply to sludge generated by dissolved air flotation (DAF) device used in secondary (biological) wastewater treatment systems

CLASSIFICATION OF A TANK AS A STORAGE UNIT OR AN OIL RECLAMATION UNIT

02/22/85 regulated storage units where incidental reclamation of K048 and K049 takes place v. exempt oil reclamation units; emulsion storage is subject to regulation before entering and after leaving reclamation unit; recovered oil is exempt when introduced into refining process (SEE ALSO: 261.4(a)(12))

OIL/WATER EMULSIONS GENERATED BY PETROLEUM REFINERY WW SYSTEMS-K049 WASTE

12/07/84 slop oil emulsion solids (K049) are generated in first vessel where emulsion stratifies; oil reclaimed in slop oil/oil recovery systems are not hazardous waste (SEE ALSO: 261.4(a)(12)); emulsion breaking in surface impoundments/earthen devices is storage; non-reclaimed emulsion is hazardous waste even if reclaimable; storage not directly related to reclamation process needs permit

OILY WASTEWATER TREATMENT PONDS, PERMITTING COVERAGE OF

12/07/84 regulatory status of and options for permitting and managing oily sludges generated in refinery wastewater treatment ponds and surface impoundments (SUPERSEDED: see 261.31, F037 and F038 listings)

API SEPARATOR SLUDGE, EXCLUSION OF WATER FRACTION FROM K051 LISTING

05/01/84 water fraction produced when separating water from API separator sludge is not K051

LAND TREATMENT PERMIT APPLICATIONS - REFINERY WASTE ANALYSES GUIDANCE

04/03/84 Appendix VIII constituents to be used for petroleum waste delistings and land treatment unit permit applications; original

API SEPARATOR WASTEWATER AND SLUDGE

04/01/84 wastewater from API separator not hazardous if not characteristic; sludge precipitated from this wastewater in surface impoundment is K051; solids from filtering such wastewater are K051; definition of API separation system

EFFLUENT FROM API SEPARATOR

04/01/84 supernatant from API separator is not K051; separation is not mixing; EPA is reevaluating policy on run-off from active portions of hazardous waste management units

K052 LISTING FOR WASTES GENERATED BY PETROLEUM INDUSTRY

06/06/81 K052 is limited to only those leaded tank bottoms which are generated at or as part of a petroleum refinery; petroleum refinery definition; only those tanks directly part of refinery which generate leaded bottoms are listed

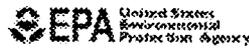
REFINERY WASTEWATER

11/13/80 non-listed refinery wastewater is hazardous waste if mixed with listed refinery waste (K048, K049, K051); storage of K048 before recycling is regulated

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- ▶ **Waste Piles**
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- ▶ **Wood Preserving Wastes**

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Office of Solid Waste

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X

- ▶ Radioactive Mixed Waste
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Search :
Class I H.W. Injection Well

MONOFILLS EXEMPT FROM THE MINIMUM TECHNOLOGICAL REQUIREMENTS

06/01/98 RCRA contains no general statutory or regulatory definition of monofill; RCRA 3004(o)(3) states that the minimum technological requirements (MTR) may be waived by the Administrator for any monofill under certain conditions; the unit must have at least one liner with no evidence of leakage, be located more than one-quarter mile from an underground source of drinking, and be in compliance with the applicable groundwater monitoring requirements (3005(j))

GENERATOR STORAGE OF USED OIL

09/01/97 containers and tanks storing used oil do not need to comply with Parts 264/265, Subparts I or J, provided the used oil has not been mixed with a hazardous waste; units other than tanks or containers (e.g., surface impoundments) storing used oil must be permitted or operating under interim status

CLARIFICATION ON USE OF FATE AND TRANSPORT MODELING DURING RCRA CLOSURE AND PUBLIC PARTICIPATION DURING RCRA CORRECTIVE ACTION

04/17/97 the Agency allows the appropriate use of fate and transport modeling to demonstrate, under clean closure, that materials contaminated with waste that are not removed do not present unacceptable risks; use of modeling to make demonstration does not affect requirement to remove all wastes (SEE ALSO: RPC# 9/24/96-01); EPA's commitment to public participation is the same whether corrective action is implemented in the context of a RCRA permit or an enforcement order; EPA expects non-RCRA cleanups will provide an appropriate level of public participation; the public has an opportunity to review and comment on whether it is appropriate for the Agency to defer RCRA corrective action to a non-RCRA program in certain instances

DELAY OF CLOSURE

02/01/97 owners and operators of hazardous waste surface impoundments, landfills, and land treatment units can delay the closure timetable beyond the 90-day period and allow the units to accept nonhazardous waste, if the units meet the conditions of 264.113(d)/265.113(d); owners or operators of tanks, containers, waste piles, and incinerators are not allowed to delay closure; these units must comply with all applicable closure standards before being able to accept nonhazardous waste

IMPLEMENTATION OF RCRA SUBPART

12/05/96 Subpart CC implementation schedule applies to

CC STANDARDS

DELAY OF CLOSURE FOR
NON-RETROFITTED HAZARDOUS WASTE
SURFACE IMPOUNDMENTS CONTINUING
TO RECEIVE NON-HAZARDOUS WASTE

facilities needing extra time to modify processes to meet exemptions; all CC final rule provisions become effective no earlier than 12/6/96; no waste determination required for waste placed in units meeting CC standards; surface impoundments used for biological treatment exempt from CC
06/01/96 surface impoundment newly subject to regulation may cease receiving hazardous waste before four-year mandatory retrofitting deadline and thus avoid minimum technological requirements (MTR); owner may continue receiving nonhazardous waste indefinitely without closing; owner of surface impoundment that ceases receiving hazardous waste does not have to begin closure activities until 90 days after final receipt of nonhazardous waste; impoundment not in compliance with 265.113(e) must begin closure within 90 days after 4-year retrofitting period (3005(j))



SURFACE IMPOUNDMENT RETROFITTING
REQUIREMENTS

05/01/96 HSWA added requirements for minimum technological requirements (MTR) (3004(o)), including double liners, leachate collection and removal systems, and groundwater monitoring for surface impoundments ; interim status surface impoundments in existence on 11/8/84 had to retrofit to meet standards or close within four years; existing impoundments newly subject to RCRA must retrofit or close in 4 years (3005(j)); HSWA provided some variances for these retrofitting requirements



CLARIFICATION OF RCRA CORRECTIVE
ACTION PROGRAM WITH REGARD TO TSD
UNITS

3008(h)

02/20/96 RCRA regulated units (surface impoundments, waste piles, land treatment units, and landfills) are solid waste management units (SWMUs); SWMUs are subject to RCRA corrective action authority (i.e., 3004(u) or 3008(h)); integrated implementation of corrective action for releases to groundwater and other media from regulated units (SEE ALSO: 264.90(f) and 63 FR 56710; 10/22/98)); dual authority required when conducting cleanup at regulated unit in state authorized for RCRA groundwater requirements but not for corrective action; changes necessary to comply with corrective action order are exempt from reconstruction limit; closure need not be delayed to perform corrective action; EPA encourages coordination between closure and corrective action activities

CLARIFICATION OF REGULATORY
LANGUAGE WITH RESPECT TO PERMITTED
HAZARDOUS WASTE CONTAINER
STORAGE FACILITIES

06/30/95 bare concrete can serve as container storage pad for secondary containment; no regulatory definition of sufficiently impervious; bare concrete insufficiently impervious for primary containment in continuous contact with waste (e.g., in surface impoundments or waste piles); secondary containment regulations are performance standards that allow for the use of materials other than concrete or asphalt

REGULATION OF SURFACE
IMPOUNDMENTS UNDER THE SEPTEMBER
10, 1992 RECYCLED USED OIL

07/22/94 de minimis used oil exemption does not apply to used oil intentionally introduced into wastewater treatment system; surface impoundments

MANAGEMENT STANDARDSCLARIFICATION OF THE REGULATORY STATUS OF A REFINERY DITCH SYSTEM

managing used oil must operate under RCRA Subtitle C permits or interim status

05/12/94 unlined trough, trench, ditch not ancillary equipment to tank or sump because not constructed of leak proof material or structural support or strength; distinction between tank and surface impoundment; can retrofit ditches to meet criteria and quality as wastewater treatment unit (WWTU)

CLARIFICATION OF "ACTIVE MANAGEMENT" IN CLOSING WASTE MANAGEMENT FACILITIES (SURFACE IMPOUNDMENTS)

04/06/94 remediation involving hazardous waste treatment triggers permitting; whether in-situ stabilization is treatment is site-specific determination; regulatory status of movement of wastes within area of contamination (AOC); unit (e.g., surface impoundment) inactive prior to effective date of applicable RCRA rules is not subject to Subtitle C unless waste is actively managed; one-time removal of waste is not active management; waste removed from unit is subject to all relevant regulations; inactive units may be solid waste management units (SWMUs) subject to 3004(u), 3008(h), and/ or 7003 corrective action authorities

SURFACE IMPOUNDMENT LEACHATE COLLECTION AND REMOVAL SYSTEMS

04/01/94 leachate collection and removal system must be in place at least 30 days prior to receipt of waste at new surface impoundment; owner/operator must carry out construction quality assurance (CQA) program certifying compliance with design specifications of permit 30 days prior to receipt of waste

REGULATORY STATUS OF SHELL OIL'S NORCO, LOUISIANA FACILITY DITCH SYSTEM

02/01/94 trough, trench, ditch connected to tank or sump is ancillary equipment; unlined conveyance systems allowing leakage or discharge not ancillary equipment; may be disposal or surface impoundment, miscellaneous, or solid waste management unit (SWMU) subject to corrective action; unlined trough, trench, ditch that is retrofitted may meet definition of ancillary equipment to tank and qualify for wastewater treatment unit (WWTU) exemption

DISCUSSION PAPER ON POSSIBLE UNIVERSAL WASTE

04/19/93 EPA evaluating applicability of household hazardous waste (HHW) exclusion to lead-based paint abatement wastes (SEE ALSO: 63 FR 70233, 70241; 12/18/98); Part 279 prohibits storage of used oil in unlined surface impoundments and applying used oil to roads; fluorescent bulbs may be conditionally exempt in future; EPA does not believe F001-F005 solvents should be included as universal wastes; EPA is currently studying other solvent wastes to determine if they merit listing (SEE ALSO: 61 FR 42318; 8/14/96); spent antifreeze may exhibit toxicity characteristic for lead and/or benzene; EPA is evaluating toxicity characteristic levels for lead and pentachlorophenol (PCP); new MCLs could affect future toxicity characteristic levels; sandblast grit from removal of lead-based paint may be D008

LINERS AND LEAK DETECTION SYSTEMS FOR HAZARDOUS WASTE LANDFILLS

07/01/92 summary of minimum technological standards (3004(o)) for new, replacement, and lateral

<p><u>SURFACE IMPOUNDMENTS, AND WASTE PILES</u></p> <p><u>SUBTITLE D AND PULP AND PAPER MILL SLDGE</u></p> <p><u>REMOVAL OF TOXICITY CHARACTERISTIC WASTES FROM A SURFACE IMPOUNDMENT</u></p> <p><u>POTENTIALLY CONFLICTING REGULATION OF INFILTRATION GALLERIES BY THE OGWDW AND OSW</u></p> <p><u>TC RULE HAZARDOUS WASTE DETERMINATION</u></p> <p><u>NO-MIGRATION PETITION FOR ROBINSON, IL</u></p> <p><u>SLUDGES WITHIN SURFACE IMPOUNDMENTS, NEWLY REGULATED DUE TO TC RULE</u></p> <p><u>LDR REQUIREMENTS DURING NATIONAL CAPACITY VARIANCES (NCVS)</u></p>	<p>expansions of landfills, surface impoundments, and waste piles completed after 7/29/92</p> <p>11/08/91 no additional regulations are warranted under Subtitle D for landfills and surface impoundments receiving unlisted, dioxin-containing sludge from chlorine and chlorine derivative bleached pulp and paper mills</p> <p>11/01/91 one-time removal of toxicity characteristic (TC) waste from a surface impoundment on or after TC rule's (55 FR 11798; 3/29/90) effective date does not subject unit to regulation; unit can then be used to manage nonhazardous waste; surface impoundment holding toxicity characteristic (TC) waste that is left in place and not actively managed (active management) after the toxicity characteristic effective date is not subject to regulation</p> <p>08/27/91 injection wells and infiltration galleries are not mutually exclusive; units that are both infiltration galleries and injection wells were included in 4/2/91 extension of TC compliance date for certain injection wells (56 FR 13406; units that are infiltration galleries (e.g., leaking surface impoundments) but not injection wells were not included in the extension</p> <p>07/31/91 pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements</p> <p>05/01/91 guidance on revision of existing petition or withdrawal and resubmission of new petition after EPA denial of land disposal restrictions (LDR) no-migration petition for land treatment unit and surface impoundment</p> <p>03/08/91 toxicity characteristic sludges generated in surface impoundments are solid waste (discarded by being abandoned); sludges are solid waste subject to regulation not only when surface impoundment is cleaned or closed, but when sludge is generated (sludges are generated at moment of deposition at bottom of unit)</p> <p>12/01/90 restricted wastes granted a national capacity variance are still subject to recordkeeping and analysis requirements and any applicable California list restrictions (3004(h)(2)) (SUPERSEDED: California list removed, see 62 FR 25997; 5/12/97); any landfill or surface impoundment holding such waste must meet</p>
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LDR DETERMINATION OF WASTE
STREAM DILUTION

minimum technology requirements

10/14/90 aggregation of wastes followed by legitimate centralized treatment is permissible dilution; biological treatment inappropriate for metals; waste with land disposal restrictions (LDR) national capacity variance can be disposed in a surface impoundment that has met minimum technical requirements

MULTI-SOURCE LEACHATE AND
TREATMENT STANDARDS OF LAND
DISPOSAL RESTRICTIONS

07/31/90 waste codes not required on manifest; TSDF may rely on waste analysis data from generator, but must periodically test representative samples; lab may certify for land disposal restrictions (LDR) as representative of waste handler; waste analysis parameters; stabilization of cyanide to reduce leachability inappropriate treatment and generally impermissible dilution; no dilution of toxicity characteristic wastes if land disposed; generators must determine characteristics; if listed treatment standard addresses characteristic, operates in lieu of characteristic (even if less stringent); prohibited waste only placed in a minimum technological requirement (MTR) surface impoundment if meets treatment standards, variance or extension, or 268.4; notice and certification for de-characterized waste sent to implementing agency; F039 HSWA; permitted TSDFs with F039 submit Class 1 modification by 8/8/90; lab packs must be burned in Subpart O incinerator, not cement kilns

PERSONAL PROTECTIVE GEAR DISPOSAL

06/14/90 lead-contaminated personal protective equipment (PPE) or gear subject to land disposal restrictions (LDR); hazardous waste eligible for national capacity variance may be disposed without treatment in a minimum technological requirement (MTR) landfill or surface impoundment if waste is below California list prohibition levels (SUPERSEDED: California list removed, see 62 FR 25997; 5/12/97)

REGULATORY INTERPRETATION OF
OBJECTION TO CLEAN-CLOSURE
EQUIVALENCY PETITION FOR STEEL
ABRASIVES, INC.

06/04/90 all landfills, surface impoundments, waste piles, and land treatment units that received waste after 7/26/82 are subject to post-closure permitting and 264 Subpart F standards unless owner demonstrates that closure under previous 265 standards met 264 closure by removal standards (SUPERSEDED: See 63 FR 56711; 10/22/98); under 3005(i), EPA has the authority to revisit interim status clean closures and require post-closure permits if closure does not meet closure by removal standards of 264; in order to demonstrate clean closure, owner generally should remove "hot spots" of contamination

D001 CHARACTERISTIC WASTES - LAND
DISPOSAL RESTRICTIONS

02/22/90 waste cannot be disposed unless treated to land disposal restrictions (LDR) treatment standard, disposed in no-migration unit, or subject to exemption or variance from treatment standard; D001 ignitable waste must be treated to treatment standard before disposal; special requirements for ignitable wastes placed in surface impoundment, landfill, waste pile, and land treatment unit

DELAY OF CLOSURE PERIOD FOR HWM

05/16/89 under limited circumstances landfills, surface

FACILITIESINTERIM STATUS VS. PERMIT
MODIFICATION FOR NEWLY REGULATED
UNITSSUMMARY OF ASSISTANCE BRANCH
PERMITTING COMMENTS

impoundments, and land treatment units may remain open after the final receipt of hazardous waste in order to receive nonhazardous waste

05/01/89 units managing newly regulated wastes at fully permitted facilities do not qualify for interim status under 3005(e); permittee should modify the facility's RCRA permit; surface impoundments requiring permit modification due to new listing or characteristic have four years from date of promulgation to comply with 3005(j)(6)(A) retrofitting requirements

03/14/89 automatic waste feed shut-off design for munitions deactivation (popping) furnaces; fugitive emissions control from popping furnaces; pits used for dewatering and open burning are surface impoundments, not miscellaneous units; EPA can use omnibus provisions to impose additional controls on open burning in surface impoundments; waste explosives that do not have the potential to detonate cannot be destroyed in open burning/open detonation (OB/OD) units; solvents contaminated with explosives that have potential to detonate can be open burned; because open burning/open detonation (OB/OD) of waste explosives is treatment, not disposal, land disposal restrictions (LDR) do not apply; treatment residues may be subject to LDR; clarification of when disposal of explosives requires a permit and when unused explosives become wastes (SEE ALSO: 62 FR 6622; 2/12/97); burning commercial fuel in fire training exercises is not regulated under RCRA; methods of determining soil background levels for clean closure of surface impoundments and waste piles; circumstances in which unit type can be redesignated during interim status; cleanup standards for corrective action; compliance points for soil and groundwater cleanup; timing of corrective action cleanup activities and site monitoring; termination of groundwater corrective action; use of institutional controls; use of trial burn data from one facility at other incinerators; evaluation of trial burn plans for popping furnaces; use of in-place hydraulic conductivity testing during liner installation for surface impoundments and landfills; landfill's clay layer component of final cover must be completely below average frost depth; use of natural material (calcium carbonate) and cement kiln dust in waste stabilization; use of RCRA corrective action plan (CAP) in HSWA permit preparation; use of 261.4(f)(2) authority to implement Subpart X standards in RCRA authorized states; permitting deadlines for Subpart X facilities

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INTERIM STATUS SURFACE
IMPOUNDMENTS & CLEAN CLOSED WASTE
PILES, CODIFICATION RULE 12/01/87

11/30/88 owner of surface impoundment or waste pile that received hazardous waste after 7/26/82 and clean closed per 265 standards must submit post-closure permit application within 6 months of EPA request (SUPERSEDED: See 63 FR 56711; 10/22/98); owner of waste pile clean closed per 265 should submit equivalency demonstration before Part B

permit application is requested; submitting equivalency demonstration does not exempt owner from having to submit post-closure permit application

SURFACE IMPOUNDMENT RETROFITTING AND TIME ALLOWED FOR CLOSURE 10/15/88

surface impoundment in existence on 11/8/84 must meet minimum technological requirements by 11/8/88 or cease receiving waste and close unless given approved exemption; permit as a shield not applicable to 3005(j)

SUMMARY OF ASSISTANCE BRANCH PERMITTING COMMENTS 09/02/88

above ground bolted flange joints that are inspected daily do not need secondary containment; joints where waste may contact thread must meet secondary containment requirement for tank ancillary equipment; trench below tank waste lines may qualify as secondary containment if sized to contain release and if trench is dry so leaks can be detected; status of new tank systems at facilities permitted between 7/14/86 and 1/12/87; to meet definition of boiler, combustion chamber and energy recovery section must be of integral design; unit with "post-combustion" chamber between combustion and energy recovery sections is not a boiler; unit with combustion section connected to energy recovery unit by a duct and a control system is not a boiler; unit with innovative insulation installation does not qualify as boiler under variance petition if insulation does not provide significantly better performance; determination of boiler efficiency should be conducted under controlled conditions following method specified by American Society of Mechanical Engineers; thermal relief vents can be used in design of new incinerator, but permit should require backup systems to minimize their use; application of minimum technology requirements (3004(o)) to vertical and lateral expansions of surface impoundments and landfills; minimum technology waiver petition granted due to alternate design and operational factors; 3004(o)(2) waiver petition that would prevent migration of contaminated groundwater beyond waste management area (e.g. surface impoundment) is inadequate because it does not prevent all groundwater contamination; incinerators may be eligible for research, development, and demonstration (RDD) permits; guidance on duration of Research, Development, and Demonstration (RDD) permits beyond a calendar year; criteria for renewing RDD permits; applicability of new tank system regulations in authorized v. unauthorized states; guidance on selection of principal organic hazardous constituent (POHCs); use of surrogate v. actual wastes during incinerator trial burn; actual waste can be spiked during trial burn to raise principal organic hazardous constituent levels; sampling frequency during trial burn ; mass feed rate of principal organic hazardous constituent (POHC) input used for destruction and removal efficiency (DRE) calculations must equal mass feed rate in

waste stream only; when sampling for particulates and semi-volatile POHCs during incinerator trial burn, two separate Modified Method 5 (MM5) trains should be used; only one confirmatory sampling event is necessary to trigger compliance monitoring; disposal of purged water generated during groundwater sampling and analysis; owner of landfill or surface impoundment submitting no migration waiver petition must use worst-case soil permeability factor in groundwater modeling; constituent concentration, retardation factors, and constituent half-life must be evaluated when developing model for no migration waiver petition for a surface impoundment or landfill (3004(o)(2)); owner of site with complex hydrogeology should use 2 or 3-dimensional model to support no migration demonstration; criteria for evaluating landfill composite bottom liner equivalency; evaluation of final cover slope using soil loss equation; EPA recommends use of glass vessels when performing compatibility testing on high-density polyethylene (HDPE) liner; scarifying and remolding do not meet minimum technological requirements for landfill secondary soil liner; contingency plan must designate sufficient number of emergency coordinators to provide 24-hour and vacation coverage; federal regulations require compressive strength test for stabilized wastes (going to a landfill) that pass the paint filter test only if true chemical stabilization has not occurred

SURFACE IMPOUNDMENT SAMPLING
PLAN FOR HOLLOWMAN AIR FORCE BASE

06/20/88 guidance on delisting petition sampling plan at facility with large-volume surface impoundments, drainage ditch, and lakes

LAND BAN ISSUES - 1988 UPDATE

06/16/88 surface impoundment not meeting minimum technical requirements (MTR) may continue to receive restricted wastes if has waiver under 3005(j); units receiving waste subject to national capacity variance or case by case extension must meet MTR; criteria for case-by-case extensions; discussion of soft hammer provisions; guidance on treatment of soil; treatment capacity information; lack of capacity due to surface impoundment closure

DEADLINES APPLICABLE TO PROPOSED
DELAY OF CLOSURE REGULATION,
GUIDANCE

05/31/88 proposed delay of closure rule (53 FR 20738; 6/30/88) would allow owners and operators of landfills and certain surface impoundments to delay closure to receive nonhazardous waste; units which have lost interim status are not eligible for delay of closure; owners of units who wish to delay closure must obtain permit or permit modification; surface impoundments not retrofitted to meet minimum technological requirements are subject to special requirements if owner wishes to delay closure; units that delay closure remain subject to Subtitle C; units remain subject to closure plan submission deadlines despite proposed delay of closure rule (53 FR 20738; 6/30/88); because the proposed rule is less stringent than existing closure regulations, authorized States are not

required to adopt new provisions; interim status units that cease receiving hazardous waste on 11/8/88 may continue to receive nonhazardous wastes until closure plan is approved as well as during closure period provided it does not impede closure

SOIL BACKGROUND LEVELS AS CLEAN CLOSURE STANDARDS, USE OF

05/27/88 clean closure levels for surface impoundments, waste piles, and land treatment units must be based on EPA-recommended exposure levels or factors that have undergone peer review by EPA; where no health-based levels exist, clean closure levels are based on background or exposure levels submitted by owner based on toxicity data; recommendations for clean closure levels for lead and cadmium; lead background levels should be established by taking soil samples at uncontaminated area of facility or by using published literature data on lead levels in similar soils (SUPERSEDED: see RPC# 5/7/90-01)

DEMONSTRATING EQUIVALENCE OF PART 265 CLEAN CLOSURE WITH PART 264 REQUIREMENTS

05/12/88 under 270.1(c) owners of interim status surface impoundments and waste piles who clean closed under old Part 265 closure standards may demonstrate equivalency with 264 closure standards; contents of demonstration equivalency and procedures for submittal; if attempt at closure equivalency demonstration does not meet 264 standards, owner must submit a Part B permit application; acceptability of specific information supporting equivalency demonstrations; owner of an interim status landfill where waste was removed at closure can reclassify it as a waste pile and demonstrate clean closure equivalency, or owner may request shortened post-closure care period (SEE ALSO: 63 FR 56711; 10/22/98)

REDESIGNATION OF SURFACE IMPOUNDMENTS AS LANDFILLS DURING INTERIM STATUS

05/11/88 interim status surface impoundment that does not meet minimum technological requirements must be retrofitted or closed by 11/8/88 pursuant to 3005(j); redesignation of unit as a landfill does not meet either criterion in 270.72(c) for changes during interim status

RETROFITTING INTERIM STATUS SURFACE IMPOUNDMENTS

05/01/88 conversion of an interim status surface impoundment into landfill without triggering permitting would have to be approved under 270.72(c) (SUPERSEDED: See 270.72(a)(1)), and could not amount to "reconstruction" under 270.72(e) (SUPERSEDED: See 270.72(b)) under changes during interim status; impoundment converted to landfill in these circumstances would be existing unit; if waste removed and replaced then unit would be replacement unit and would have to meet minimum technology requirements (MTR) (3004(o)); if waste addition exceeded level in Part A then unit would be expansion subject to MTR

LAND DISPOSAL RESTRICTIONS - DISPOSAL OF WASTES GRANTED A VARIANCE

05/01/88 restricted wastes granted a capacity variance may be disposed of in landfills or surface impoundments only if the facility is in compliance with the minimum technological requirements (MTR); these wastes may also be disposed of in

MINIMUM TECHNOLOGICAL
REQUIREMENTS WAIVER PETITION
SECTION 3004(O)(2) (SHELL OIL)

land treatment facilities not in compliance with MTR (SUPERSEDED: 268.8 removed, see 61 FR 15599; 4/8/96)

04/28/88 facility's proposed alternative to double liner and leachate collection system requirement cannot be approved if it allows the migration of hazardous constituents into the groundwater, since this is not as effective as the standards outlined in 3004(o)(1)(A)(i)

EFFECTIVE DATES FOR CHARACTERISTIC
& LISTED WASTES PER 03/19/87 CLEAN
CLOSURE REGULATION

04/01/88 clarification of applicability of "Clean Closure Conforming Changes Rule" (52 FR 8704; 3/19/87) in authorized and unauthorized states; HSWA 3005(i) states that all units (e.g. surface impoundments) clean closed pursuant to 265 standards are not relieved of post-closure care obligation until owner demonstrates equivalency with 264 standards

SUMMARY OF PERMIT ASSISTANCE
TEAM (PAT) COMMENTS

03/30/88 samples taken from turbid groundwater may not be valid; proper well development requires that wells be clay and silt free; use of polyvinyl chloride (PVC) in well construction; calculation of purge volume; Part 264, Appendix IX; accelerated groundwater monitoring schedule can be used to bring facility into compliance; maintenance of groundwater monitoring network may include redevelopment of well; well maintenance should be included as a permit condition; replacement units (e.g. landfills and surface impoundments) must be retrofitted to meet minimum technological requirements; if proposed alternative to double liner does not meet requirements of 264.221(c), location characteristics or operating practices must compensate for deficiency; redundant flexible membrane bottom liner may be equivalent to 3004(o)(5)(B) interim statutory design, thus meeting 3004(o)(1) minimum technological requirements; use of Hydrologic Evaluation of Landfill Performance (HELP) model v. Moore's Equation for calculating leachate volume when designing collection system; proposed modifications to cap design to reduce erosion potential; use of a test plot to support alternative landfill design cover; high-density polyethylene liner must be supported by a stable base; owner of petroleum refinery undertaking land treatment demonstration must fully characterize waste, including addressing Skinner List constituents in waste analysis plan; properly conducted land treatment demonstration should include evaluation of waste degradation, transformation, and immobilization, as well as a toxicity study; land treatment unit cannot accept sludges containing high concentrations of water if soil moisture conditions cause saturation of unit; selection of principal hazardous constituents for land treatment unit; owners of land treatment units who have not demonstrated satisfactory treatment of hazardous constituents may need to close unit; presence of high water table at land treatment unit and possible responses; owner of existing interim status land

treatment unit may be eligible for immediate full-scale permit if land treatment demonstration addresses all necessary requirements; in states authorized for RCRA base program but not HSWA provisions, construction cannot begin at new facility until both state and EPA permits are issued; land disposal restrictions (LDR) program is self-implementing portion of HSWA, superseding permit as shield provision; permit content should be edited for applicability, importance, clarity, and precision prior to issuance; minimum detection limit (MDL) can be used to establish background as groundwater protection standard; any component required in RCRA facility investigation (RFI), such as monitoring releases not requiring immediate response, should be included as permit condition; monitoring wells installed as part of HSWA corrective action may be designated as point of compliance wells; permits containing corrective action conditions for groundwater treatment programs must specify methods of handling groundwater containing hazardous waste, must include pumping and removal requirements; air stripping may not be appropriate treatment method for groundwater contaminated with methyl isobutyl ketone; permit or 3008(h) order should address air emissions from treatment units such as air stripper; criteria for referral of facilities to the Agency for Toxic Substances and Disease Registry (ATSDR) UNDER 3019; emerging technologies, such as in-situ bio-reclamation, should be demonstrated as effective in pilot-scale field studies prior to approval; 264 Subpart F compliance monitoring standards should be applied to verification monitoring at solid waste management units (SWMUs) during corrective action; HSWA corrective action permit may include technical feasibility clause discontinuing program once contaminant levels can no longer be reduced; EPA discourages approval of waiver allowing disposal of nonhazardous waste in landfill that has lost interim status

CLEANUP LEVELS FOR LEAD AND CADMIUM IN SOILS FOR CLEAN CLOSURE

03/02/88 VERIFIED REFERENCE DOSES (RFDS) AND Carcinogenic Potency Factors (CPF's) can be used to set soil cleanup levels during clean closures of surface impoundments, waste piles, and land treatment units; where no EPA-recommended health-based limit exists for a contaminant, soil cleanup level may be based on background or data developed by owner to support health-based limit; if cleanup level cannot be established, clean closure cannot be achieved, unit (i.e. surface impoundment, waste pile, or land treatment unit) must close as landfill; guidance for determining background levels for lead in soil for clean closures of surface impoundments, waste piles, and land treatment units; how to determine background levels of lead in soil

CLOSURE PERFORMANCE STANDARD

02/08/88 EPA may use closure performance standards,

CLEAN CLOSURE OF INTERIM STATUS SURFACE IMPOUNDMENT AND WASTE PILE

post-closure permits, or 3008(h) orders to ensure effective closure; closure performance standard can be used to require source control at leaking surface impoundment; closure must be consistent with future corrective action

02/01/88 surface impoundments, waste piles, landfills, and land treatment units which received waste after 7/26/82 or certified closure after 1/26/83 must either have post-closure permits or demonstrate that clean closure was equivalent to Part 264 closure (270.1(c)) (SEE ALSO: 63 FR 56711; 10/22/98); post-closure permits for these units would include Part 264 groundwater monitoring, vadose zone monitoring, corrective action and post-closure care

CLOSURE AND POST-CLOSURE ISSUES FOR INTERIM STATUS SURFACE IMPOUNDMENTS

12/17/87 EPA may extend time allowed for closure of a surface impoundment to allow groundwater corrective action so owner can achieve clean closure; units closing by removal under Part 265 (e.g. surface impoundments, waste piles, and land treatment units) must obtain post-closure permits unless owner demonstrates equivalence with 264.228, 264.280(e), or 264.258 closure by decontamination standards (SEE ALSO: 63 FR 56711; 10/22/98); owner of interim status landfill that has closed by removal and has not triggered groundwater assessment does not have to monitor groundwater for full list of Appendix VIII or IX constituents; groundwater evaluation conducted as part of 265 clean-closure demonstration should establish constituents that could reasonably be expected to exist at the impoundment; surface impoundment that has triggered groundwater assessment may not be able to clean close

TREATMENT SURFACE IMPOUNDMENTS, REGULATORY OPTIONS AVAILABLE TO WOOD PRESERVERS

11/25/87 wood preserving treatment surface impoundment not hazardous waste experiment unit; wood preservative surface impoundment must obtain permit, close, or convert to land treatment unit

UCAPCO APPLICATION FOR A VARIANCE UNDER 3004(C)(2) OF RCRA

10/29/87 variances from minimum technological requirements (MTR) may be obtained if an alternate system can prevent migration of any hazardous constituents into the groundwater; term groundwater is not limited to only groundwater beyond the waste management area (surface impoundment, waste pile, landfill)

SURFACE IMPOUNDMENT DELISTING PETITIONS, USE OF VHS MODEL

10/26/87 vertical horizontal spread (VHS) model is used to evaluate wastes in landfills and surface impoundments for purposes of delisting petitions; organic leachate model (OLM) is also used

SUPERNATANT FROM TREATMENT OF SPENT PICKLE LIQUOR (K062)

10/23/87 supernatant from lime-stabilization of waste pickle liquor is derived from K062; supernatant portion does not qualify for 261.3(c)(2)(ii) exclusion, which applies only to sludge generated from treatment process; surface impoundment holding supernatant is subject to regulation

SUPERNATANT FORMED IN LIME STABILIZATION OF WASTE PICKLE LIQUOR AS HAZARDOUS WASTE

10/23/87 supernatant from lime-stabilization of waste pickle liquor is derived from K062; supernatant portion does not qualify for 261.3(c)(2)(ii) exclusion,

<u>OPERATING DAY DEFINED FOR TANKS AND SURFACE IMPOUNDMENTS</u>	<p>which applies only to sludge generated from treatment process; surface impoundment holding supernatant is subject to regulation</p> <p>10/16/87 once each operating day for tanks means once each day manufacturing operations conducted; operating day for surface impoundments means each day waste is placed in surface impoundments; leak detection and visual inspection required whether or not manufacturing operations occur</p>
<u>DECISION DEADLINES FOR RETROFITTING WAIVER REQUESTS</u>	<p>10/08/87 interim status surface impoundment retrofit waivers are not necessary for units holding Bevill exempt mining and mineral processing wastes</p>
<u>SURFACE IMPOUNDMENTS HOLDING ONLY K-WASTES GENERATED UNDER A TEMPORARY EXCLUSION</u>	<p>10/05/87 waste disposed in surface impoundment during temporary delisting exclusion not subject to Subtitle C after final denial decision unless actively managed (removed, excavated, shipped, mixed, or treated); units are solid waste management units (SWMUs) for purposes of corrective action</p>
<u>APPLICABILITY OF THE §261.4(A)(2) EXCLUSIONS</u>	<p>10/01/87 wastewater diverted from outfall to surface impoundment that does not mix with U.S. waters does not qualify for industrial wastewater discharge exclusion, discharge to impoundment is illegal operation of unit; CWA definitions of "discharge of pollutant" and "waters of the United States"</p>
<u>MTR COMPLIANCE DATES FOR SURFACE IMPOUNDMENTS (THERMEX ENERGY)</u>	<p>08/07/87 loss of temporary exclusion same as being newly listed for purpose of complying with minimum technical requirements (MTR) for surface impoundments (SIs); conflict between 3005(j)(1) and 3005(j)(6) MTR dates; part B permit applications for interim status facility due when requested by State or Regional office; initiate closure either 90 days after SI stops receipt of waste or when closure plan approved; time for closure implementation or completion may be extended</p>
<u>PERMIT REQUIREMENTS, THERMEX ENERGY/RADIAN</u>	<p>08/07/87 loss of temporary exclusion same as being newly listed for purpose of complying with minimum technical requirements (MTR) for surface impoundments (SIs); conflict between 3005(j)(1) and 3005(j)(6) MTR dates; part B permit applications for interim status facility due when requested by State or Regional office; initiate closure either 90 days after SI stops receipt of waste or when closure plan approved; time for closure implementation or completion may be extended</p>
<u>ALTERNATE CONCENTRATION LIMIT (ACL) POLICY FOR HSWA PROVISIONS</u>	<p>07/24/87 3005(j) aggressive biological treatment surface impoundment retrofitting exemption requires interim status facilities to be in compliance with a permitted facility groundwater monitoring program; alternate concentration limits (ACLs) can be used to determine which groundwater monitoring program, compliance or corrective action, should be added to the permit</p>
<u>WASTES GENERATED BY COKE AND COAL TAR PLANTS</u>	<p>07/24/87 no solids or organics content or % water limits for "primarily aqueous" wastewater streams; industrial</p>

		wastewater discharge exclusion (261.4(b)(2)); "commonly defined by the industry as wastewaters"; examples provided; wastewater treatment unit (WWTU) exemption not for surface impoundments; discusses "trigger" levels for possible coke by-product K-listings; listing will be based on 261.11 criteria, which are based on potential hazard and mismanagement, but not directly on waste minimization
<u>CASE-BY-CASE EXTENSION PETITION, INFORMATION REQUIRED</u>	07/16/87	overview of requirements that facilities must meet to receive a case-by-case extension to effective date of land disposal restrictions (LDR); surface impoundment or landfill managing waste during extension must meet minimum technological requirements (MTR)
<u>SURFACE IMPOUNDMENT (IS) RETROFITTING WAIVER REQUEST (OCCIDENTAL CHEMICAL)</u>	07/14/87	surface impoundment located within 1/4 mile of public water system aquifer is disqualified from 3005(j)(2) retrofitting waiver
<u>ACLS APPLIED TO SURFACE IMPOUNDMENT RETROFITTING PROVISION 3005(J)(3)</u>	07/14/87	alternate concentration limits (ACLs) are part of groundwater monitoring requirements for permitted facilities; applicability of ACLs to exemption request is governed by State law and regulations (3005(j)(3) and 3005 (j)(7)) for surface impoundment retrofitting
<u>RETROFITTING FOR PERMITTED SURFACE IMPOUNDMENTS</u>	07/01/87	owner of surface impoundment under interim status on 11/8/84 must comply with minimum technological requirements by 11/8/88, even if facility receives a permit before 11/8/88; EPA must issue or deny permits by 11/8/88 for all land disposal units under interim status on 11/8/84
<u>ADJACENT WASTE PILES INTO REGULATED SURFACE IMPOUNDMENT, PLACEMENT OF (CIBA-GEIGY)</u>	06/26/87	placement of adjacent waste soil piles in regulated surface impoundment as part of closure is permissible; placement of hazardous waste beyond boundary of regulated unit constitutes lateral expansion and must meet minimum technological requirements (3004(o)(1))
<u>SURFACE IMPOUNDMENT CLOSURE, APPLICABILITY OF 3005(I) OF RCRA TO</u>	06/09/87	owner who closes interim status surface impoundment but does not demonstrate compliance with 265.228(a) closure by removal standards is subject to post-closure permit, including groundwater monitoring and corrective action (SEE ALSO: 63 FR 56711; 10/22/98)
<u>SURFACE IMPOUNDMENT RETROFITTING WAIVER REQUEST (UNION CARBIDE)</u>	06/08/87	most recent, best available data should be used to determine compliance with CWA for purposes of waiver from minimum technological requirements for a surface impoundment under 3005(j)(3); full Part 261 Appendix VIII analysis of groundwater not needed for waiver under 3005(j)(3)(C)(ii)
<u>CLEAN CLOSURE</u>	06/01/87	EPA interprets contaminated subsoils to include contaminated groundwater; contaminated groundwater must be removed or decontaminated to achieve clean closure at surface impoundment
<u>SECONDARY LEACHATE COLLECTION AND REMOVAL SYSTEMS - FML TOP LINERS</u>	04/30/87	summary of actual field information on design and performance of top flexible membrane liners (FML) and leachate collection and removal systems between liners for surface impoundments
<u>SURFACE IMPOUNDMENT RETROFITTING</u>	04/15/87	permits issued to existing surface impoundments

REQUIREMENTS

must require retrofitting within four years; regulations force closure of all impoundments that do not retrofit; permitted impoundments forced to close follow closure plan in permit, interim status impoundments follow 265.113

CLOSURE OF INTERIM STATUS SURFACE IMPOUNDMENTS

04/01/87 difference between clean-closure standards prior to and after 3/19/87, ruling (52 FR 8704); wastes from clean-out must be managed as hazardous wastes unless they no longer meet the definition of hazardous waste; impoundments which held characteristic waste may be required to clean below characteristic levels

SUMMARY OF PERMIT ASSISTANCE TEAM (PAT) COMMENTS

03/30/87 native soil foundation does not constitute liner for purposes of 3005(j)(2) waiver; 264.282 compatibility demonstration applies to both hazardous and nonhazardous waste; HSWA waste minimization requirements (3002(b)) and application of sludge to land treatment units; identification of principal hazardous constituents for land treated wastes must include all constituents that may enter waste stream; land treatment unit performance evaluation must include unit's ability to treat and degrade organic constituents as well as ability to immobilize heavy metals ; guidance on frequency of soil pore liquid sampling frequency at land treatment units (unsaturated zone monitoring); guidance on screening groundwater monitoring wells; QA/QC methodology at land treatment unit should include verification of organic constituent analysis by gas chromatography/mass spectroscopy (GC/MS); guidance on content of construction quality assurance plans; person who conducts quality assurance measures for surface impoundments, waste piles, and landfills should be independent of construction contractor; use of Method 9090 for compatibility testing of liner materials with waste, leachate; all man-made materials that contact waste or leachate should be subjected to immersion test portion of 9090; sample of waste or leachate used in compatibility testing must be representative of actual waste or leachate managed in the surface impoundment, waste pile, or landfill; concrete pad cannot be; if design slope of final landfill cover exceeds 3-5%, applicant must demonstrate that soil erosion will not be excessive, may need to perform slope stability analysis; waste and soil settlement must be included in calculations for final landfill cover design substituted for a waste pile liner as equivalent protection under 3015(a); flexible membrane liner should not be used in final cover when landfill is unusually deep and slopes are steep; clean, not contaminated, soil should be used for final cover; leachate collection system design should be based on realistic infiltration rates; geogrid and geotextile materials used in place of conventional drainage materials for a landfill must have equivalent drainage capacity of one-foot layer of compacted sand; berms constructed of

		264.113(d), 265.113(d), and 54 FR 33376; 8/14/89)
<u>CASE-BY-CASE EXTENSION UNDER THE LAND DISPOSAL RESTRICTIONS, INFORMATION REQUIRED</u>	08/11/86	overview of information that EPA requires for receiving case-by-case extensions of land disposal restrictions (LDR) effective date under 3004(h)(3); facilities can opt to use treatment surface impoundment exemption under 3005(j)(11)
<u>LINER/LEACHATE COLLECTION SYSTEM COMPATIBILITY</u>	08/07/86	HDPE (high density polyethylene) not universal material for liner and leachate collection system for surface impoundments, waste piles and landfills; different HDPE material varies in physical and chemical properties; liner and leachate collection system must be chemically resistant to waste in landfill; provides suggestions for testing landfill components
<u>INTERIM STATUS CORRECTIVE ACTION</u>	07/01/86	3008(h) corrective action can apply to interim status surface impoundments that have certified clean closure, because facility remains in interim status; certification of clean closure does not terminate interim status; list of four ways interim status can be terminated
<u>LIME SLUDGE IMPOUNDMENT SLUDGE, DELISTING OF</u>	05/23/86	lime sludge surface impoundment containing K049 and K051 may be subject to permitting and closure requirements even if no waste management occurs based on Regional interpretation
<u>DEIONIZATION ACID REUSED, NOT A WASTE</u>	05/12/86	corrosive materials (deionization acid) that are beneficially reused as effective substitutes for a virgin material, meet relevant specifications for contamination levels, and used under controlled conditions are not solid waste; retroactive application of exclusions from the definition of solid waste; surface impoundment holding waste which has never been solid waste need not be closed
<u>NEUTRALIZATION SURFACE IMPOUNDMENTS, RETROFITTING VARIANCES</u>	04/21/86	interim status surface impoundment may be exempt from retrofitting if neutralize waste and demonstrate no migration of constituents; 3005(j)(4) exemption similar to 265.90(e); 3005(j)(2) may apply to neutralization impoundment; impoundment exempt from groundwater monitoring must comply with 270.14(c)
<u>NEUTRALIZATION SURFACE IMPOUNDMENTS, GROUNDWATER MONITORING FOR CLOSURE OF INTERIM-STATUS</u>	04/09/86	interim status surface impoundments may close per 265.228(b) without groundwater wells but remain subject to post-closure permit (SEE ALSO: 63 FR 56711; 10/22/98), close per 265.288(c) and install wells when post-closure permit called, or close per 265.228(b) with wells and show closure by removal (SUPERSEDED: see 3/19/87; 52 FR 8704)
<u>CLOSURE OF A DOE SURFACE IMPOUNDMENT THAT LOST INTERIM STATUS</u>	04/02/86	waste from surface impoundment that lost interim status may be removed, treated, and placed back in unit at closure; replacement of waste from same surface impoundment for closure does not constitute reuse; when unable to remove all constituents from unit follow 265.310 closure as a

DELISTING OF K051 WASTE AT
PETROLEUM REFINERY - EFFECT ON
INTERIM STATUS

REPLACEMENT UNIT, DEFINITION, FOR
SURFACE IMPOUNDMENT

TORPEDO PROPULSION UNITS SHIPPED
FOR RECYCLING, REGULATION OF

RCRA CORRECTIVE ACTION
PROCEDURES AND AUTHORITIES

LAND DISPOSAL UNIT CLOSURE -
CLARIFICATION OF PROPOSED AND
PROMULGATED RULES

SURFACE IMPOUNDMENT RECEIVING
LEACHATE, REGULATION OF

PERSONNEL TRAINING DURING
POST-CLOSURE

landfill

- 04/01/86 explanation of temporary and informal exclusions; impoundment holding informally excluded waste was subject to 11/8/85 loss of interim status; effect of temporary exclusion on facility's interim status; 11/8/86 expiration date for temporary exclusions
- 03/26/86 replacement surface impoundment unit must retrofit to meet liner and leachate collection system standards; replacement unit means unit out of service, waste removed, unit reused; surface impoundment is out of service if normal flow of waste ceases; 95% removal is substantial removal; receipt of new waste is reuse
- 02/25/86 metal torpedo components which must be decontaminated before reuse not exempt under 261.2(e); components are scrap metal, exempt when reclaimed; sump defined as tank can be wastewater treatment unit (WWTU); hazardous waste (HW) surface impoundments not WWTUs; if storing HW prior to neutralization and not part of WWTU or other exempt unit, sump subject to 262.34 or Parts 264/Part 265
- 01/31/86 procedures for terminating interim status; applicability of corrective action to land disposal units receiving hazardous wastes after 7/26/82; applicability of and authorities for corrective action and monitoring requirements for facilities undergoing closure with continuous releases; fuels as hazardous wastes (SEE ALSO: 59 FR 55778; 11/8/94)
- 12/13/85 land disposal unit that closes prior to effective date of any regulation listing or characterizing a waste in the unit as hazardous is not regulated under Subtitle C (active management); same unit located at interim status facility or facility seeking a permit may be subject to portions of HSWA; under 3004(o)(1)(A), landfill and surface impoundment permits must require installation of liners, leachate collection systems, and groundwater monitoring systems (minimum technological requirements (MTR)); 3005(j) requires interim status surface impoundments in existence on 11/8/84 to be in compliance with MTR (3004(o)) by 11/8/88; surface impoundment that becomes regulated after 11/8/84 due to new listing or characteristic is subject to minimum technological requirements (MTR) four years from date of new listing or characteristic (3005(j) and 3004(o)(1)); land disposal unit that is not required to obtain a RCRA permit and not otherwise subject to HSWA does not have to be retrofitted under 3004(o)
- 11/14/85 surface impoundment accepting landfill leachate exhibiting a characteristic is hazardous waste facility
- 10/01/85 personnel training may not be required during post-closure if owner or operator of interim status surface impoundment or landfill is no longer actively managing hazardous waste; owner must

		address all information requirements of 270.14 and 270.17 in post-closure permit application
<u>GROUNDWATER QUALITY AT CLOSURE</u>	08/27/85	groundwater quality is an integral part of closure for surface impoundments and waste piles; post-closure permits, 3008(h) corrective action orders, and 3004(u) corrective action can be used to supplement interim status regulations; approval and completion of closure by removal does not preclude use of 3008(h) or 3004(u); summary of 3005(i), 3004(u), and 3008(h) authorities as they pertain to surface impoundments and waste piles
<u>LEAK NOTIFICATION</u>	08/01/85	while 264.221 and 265.221 do not require notification when leak is detected in surface impoundment's secondary leachate collection system, EPA will include notification requirement in the draft permit, including notification of leakage rate and concentrations of hazardous constituents
<u>MINIMUM TECHNOLOGICAL REQUIREMENTS</u>	08/01/85	design, construction, and operation of surface impoundment and landfill liners meeting interim statutory design of 3004(o)(5)(B) should prevent migration of hazardous constituents as long as unit remains in operation, including post-closure (SUPERSEDED: See 264.221(c), 265.221(c))
<u>INTERPRETATION OF 3005(J)(1)</u>	07/25/85	interim status surface impoundment not meeting 3005(j) minimum technical requirements by 11/8/88 must certify closure or demonstrate that technical closure requirements are met
<u>SULFIDE REACTIVITY CHARACTERISTIC</u>	07/16/85	no approved test method for reactivity characteristic (D003); 500 mg/kg available sulfide adopted as interim action level (SUPERSEDED: see RPC# 4/21/98-01); surface impoundment which is neutralization pond receiving only corrosive waste (D002) exempt from groundwater monitoring
<u>HSWA MINIMUM TECH REQUIREMENTS FOR LINERS AND LEACHATE COLLECTION SYSTEMS</u>	04/01/85	existing land-based units (surface impoundments, waste piles, and landfills) must be upgraded to meet minimum technological requirements (MTR) for double liners and leachate collection systems
<u>WASTE PILE LINERS - MTR (264.251)</u>	03/01/85	3004(o) minimum technological requirements apply to landfills and surface impoundments, not to waste piles; 3015(a) imposes liner, leachate collection requirements on new interim status waste piles, lateral expansions, and replacements; expansions of interim status waste piles must be lined if they exceed boundaries of existing unit (3015(a))
<u>TREATMENT SURFACE IMPOUNDMENTS LOSING INTERIM STATUS BECAUSE OF NON-COMPLIANCE WITH GWM AND FINANCIAL RESPONSIBILITY REQUIREMENTS</u>	01/01/85	owners and operators of interim status land treatment units were required to submit Part B application, certify compliance with groundwater monitoring, and obtain financial assurance by 11/8/85 (3005(e)(2)); land disposal units include all land-based hazardous waste management systems
<u>FINANCIAL REQUIREMENTS FOR INACTIVE SURFACE IMPOUNDMENTS</u>	01/01/85	owner of TSDf with inactive surface impoundment must maintain both sudden and nonsudden liability insurance until closure is certified, even if unit is not currently used to store

<u>OIL/WATER EMULSIONS GENERATED BY PETROLEUM REFINERY WW SYSTEMS-K049 WASTE</u>	12/07/84	hazardous waste slop oil emulsion solids (K049) are generated in first vessel where emulsion stratifies; oil reclaimed in slop oil/oil recovery systems are not hazardous waste (SEE ALSO: 261.4(a)(12)); emulsion breaking in surface impoundments/earthen devices is storage; non-reclaimed emulsion is hazardous waste even if reclaimable; storage not directly related to reclamation process needs permit
<u>OILY WASTEWATER TREATMENT PONDS, PERMITTING COVERAGE OF</u>	12/07/84	regulatory status of and options for permitting and managing oily sludges generated in refinery wastewater treatment ponds and surface impoundments (SUPERSEDED: see 261.31, F037 and F038 listings)
<u>ADDITION OF A SURFACE IMPOUNDMENT AT AN INTERIM STATUS FACILITY</u>	12/01/84	adding a new surface impoundment is increase in design capacity requiring owner or operator of interim status facility to submit revised Part A permit application; increase in design is subject to reconstruction limit of changes during interim status
<u>IMPROVEMENTS TO SURFACE IMPOUNDMENTS UNDER INTERIM STATUS</u>	09/10/84	rebuilding existing storage surface impoundments at interim status facility is a permissible change provided capacity of impoundments is not enlarged and no new units are added, and provided changes do not exceed reconstruction limit
<u>TANK V. SURFACE IMPOUNDMENT</u>	05/01/84	explanation of difference between tanks and surface impoundment; tanks are self-supporting, while surface impoundments require supporting earthen materials (SEE ALSO: RIL 110, 4/15/83 Weddle to Devine)
<u>NO LINER REQUIREMENT FOR EXISTING SURFACE IMPOUNDMENTS</u>	05/01/84	owners of existing surface impoundments are not required to install liners; existing surface impoundments with liners are not required to describe them in Part B permit application, although EPA recommends otherwise
<u>ZERO DISCHARGE FROM WASTEWATER TREATMENT FACILITIES</u>	05/01/84	scope of 261.3(a)(2)(iv) mixture rule exemption parenthetical phrase on eliminated discharge; surface impoundment subject to zero discharge guidelines may qualify for exclusion
<u>API SEPARATOR WASTEWATER AND SLUDGE</u>	04/01/84	wastewater from API separator not hazardous if not characteristic; sludge precipitated from this wastewater in surface impoundment is K051; solids from filtering such wastewater are K051; definition of API separation system
<u>TANKS AND SURFACE IMPOUNDMENTS HOLDING DE MINIMIS SPILLS</u>	03/01/84	tank or surface impoundment used to contain de minimis spills of commercial chemical products (CCPs) prior to promulgation of 261.3(a)(2)(iv)(D) mixture rule exemption is subject to interim status until 11/17/81, including closure
<u>POST-CLOSURE REQUIREMENTS FOR SURFACE IMPOUNDMENTS LOCATED IN A 100 YEAR FLOOD PLAIN</u>	01/01/84	floodplain requirement under 264.18(b) applies even during post-closure of surface impoundment; if dikes are lowered to reduce height of closure cap, owner or operator must demonstrate design will be protective
<u>PROTECTIVE COVER REQUIREMENT FOR PERMITTED SURFACE IMPOUNDMENTS</u>	01/01/84	Part 264, Subpart K, indirectly addresses protective covers for surface impoundments

<u>CIRCUMSTANCES FOR OBTAINING INTERIM STATUS FOR UNITS AT AN INTERIM STATUS FACILITY</u>	through performance standards in 264.221 and 264.226; RCRA guidance recommends protective cover 01/01/84 surface impoundment storing nonhazardous waste on 8/18/80, may still qualify for interim status if owner or operator retests waste after 11/19/80, and discovers waste is hazardous; impoundment meets intent of "existing portion" and does not need liner
<u>DEFINITION OF SURFACE IMPOUNDMENT</u>	11/01/83 ditch constructed primarily of earthen materials would meet definition of surface impoundment; diluting hazardous waste in ditch until no longer hazardous is treatment
<u>QUALIFIED VS. PROFESSIONAL ENGINEER</u>	05/01/83 under 264.226(c), "qualified" engineer does not have to be registered professional engineer, but can include others whose training or background would qualify them to certify that the surface impoundment's dike has structural integrity
<u>TANK AND SURFACE IMPOUNDMENT DEFINITIONS</u>	04/08/83 evaluate units as free standing and filled to design capacity; tanks have walls or shells that provide sufficient structural support to maintain structural integrity of unit; surface impoundments will not retain structural integrity without supporting earthen materials
<u>CLOSURE & POST-CLOSURE REQUIREMENTS REGARDING HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES</u>	01/11/83 recontouring final cover, adjusting in-place waste not considered receipt of hazardous waste at closed facility; closure and post-closure plans to account for vegetation and liquid inputs; landfill closure standards require final cover to minimize migration of liquids through closed landfill; addition of liquids during versus after closure (may be allowed during closure, including leachate recirculation, if part of closure plan); recirculation of leachate during operation is not closure activity; receipt of hazardous waste after 1/26/83 causes impoundment or landfill to be a regulated unit, but redeposit of treated waste during closure does not make unit regulated unit; if landfill is series of separately lined trenches, each trench is separate waste management unit
<u>REGULATORY STATUS OF UNIT AND WASTE IF NONHAZARDOUS WASTE BECOMES REACTIVE WHEN DEWATERED</u>	01/01/83 nonhazardous wastewater that becomes reactive (D003) when dewatered may cause surface impoundment to be subject to regulation unless waste is immediately removed
<u>LAND DISPOSAL PERMIT STRATEGY</u>	12/29/82 historical priorities for permitting land disposal units (surface impoundments, waste piles, land treatment units, and landfills)
<u>EXEMPTION FROM LINER REQUIREMENTS FOR EXISTING PORTIONS</u>	12/01/82 exemption from liner requirements for existing portions of landfills, surface impoundments, and waste piles applies to bottom and side liners
<u>AUTHORIZING FOR WRITING PERMITS FOR SURFACE IMPOUNDMENTS</u>	10/01/82 guidance on issuing permits for surface impoundments when State has limited interim authorization
<u>SURFACE IMPOUNDMENT SUBMITTING PART B</u>	10/01/82 Part B permit application for surface impoundment that does not accept hazardous wastes after 1/26/83, does not have to address 264 Subpart F; impoundment would be subject to Part 265,

Subpart F (SUPERSEDED: see current
264.90(a))

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- ▶ **Toxicity Characteristic**
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- ▶ **Universal Waste**
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<input type="checkbox"/> EXEMPTION FROM PERMITTING REQUIREMENTS FOR WASTE WATER TREATMENT UNITS	01/16/92	wastewater treatment system must be subject to the Clean Water Act (CWA) in order to be eligible for wastewater treatment unit (WWTU) exemption, but not required to actually have CWA permit; zero discharge system eligible for exemption (SEE ALSO: RPC# 3/20/89-03); wastewater treatment facility that never had a discharge to surface water is not eligible for WWTU exemption because it was never subject to NPDES permitting or CWA requirements

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  <u>FILTER PRESS IN WASTEWATER TREATMENT UNIT, EXCLUSION FOR</u> 	05/01/84	tank-like portable filter press used in wastewater treatment facility is excluded from regulation if filter press meets 260.10 criteria for wastewater treatment unit (WWTU)
  <u>CLARIFICATION OF THE TERM "DESIGNATED FACILITY" AS IT RELATES TO WASTEWATER TREATMENT UNITS</u> 	03/26/98	definition of designated facility; wastewater treatment units (WWTUs) operating lawfully under federal and state law (even without a RCRA permit) qualify as designated facilities and can receive hazardous wastewater from off-site; wastes shipped from a state where the waste is considered hazardous to a state where the waste is not yet regulated can go to a designated facility that is not permitted or in interim status, as long as the facility is allowed by the state to receive such waste
  <u>PERMIT REQUIREMENTS RELATING TO ON-SITE TREATMENT AND WASTEWATER TREATMENT UNIT EXEMPTIONS</u> 	11/02/88	262.34 unit permit exemption not relevant to exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 2/1/95-01); for WWTU exemption, wastewater is less than 1% total organic carbon (TOC) and less than 1% total suspended solids (TSS) (SUPERSEDED: see RPC# 2/11/91-01 and RPC# 6/23/93-04); generator in compliance with 262.34 is exempt from permitting for hazardous waste treatment or storage; accumulation time begins at moment waste first enters unit
  <u>APPLICABILITY OF WASTEWATER TREATMENT UNIT EXEMPTION</u> 	06/01/90	wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other <u>CWA effluent limit</u>
  <u>WASTEWATER TREATMENT UNIT EXEMPTION</u> 	07/31/81	off-site hazardous waste management facilities can be wastewater treatment units (WWTUs); actual permit or effluent limit not needed for discharge to be considered subject to CWA; wastewater does not include concentrated chemicals or nonaqueous waste; presses, filters, and sumps may be WWTU
  <u>SLUDGE DEHYDRATION EQUIPMENT AS A WASTEWATER TREATMENT UNIT</u> 	08/03/87	sludge dehydration equipment that is part of a wastewater treatment system is exempt

- from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION 09/26/89 wastewater treatment units (WWTUs) receiving off-site wastewater meets the WWTU exemption provided prior shipment or treatment does not violate NPDES or pretreatment requirements; tank storage or treatment prior to shipment is not exempt
 - ☒ APPLICABILITY OF THE WASTEWATER TREATMENT UNIT EXEMPTION TO A GROUNDWATER TREATMENT SYSTEM 06/27/84 State or Region must determine applicability of wastewater treatment unit (WWTU) definition to groundwater treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
 - ☒ MOBILE WASTEWATER TREATMENT UNITS 06/01/87 mobile treatment unit can be tank; mobile tank can be used as part of exempt wastewater treatment unit (WWTU) provided it is stationary when in operation
 - ☒ DEFINITION OF TANK/DEFINITION OF WASTEWATER TREATMENT UNIT 03/01/88 wheeled tank would meet the definition of tank under 260.10 because it is stationary during operation; devices used as part of storage/treatment system and directly connected by piping to wastewater treatment unit (WWTU) are stationary units; wheeled tank part of WWTU
 - ☒ PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT UNITS 08/01/97 facilities that discharge a pollutant covered under CWA section 307(b) to a publicly owned treatment works (POTW) are considered to be subject to the CWA; tanks or tank systems that treat hazardous wastewaters before discharging them to a POTW can qualify as exempt wastewater treatment units (WWTUs) because they are subject to the CWA
 - ☒ WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION 12/24/84 wastewater treatment unit (WWTU) must be tank receiving influent hazardous wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs
 - ☒ WASTEWATER TREATMENT UNITS: REGULATORY STATUS OF WASTE 06/01/92 regulatory status of waste generated in a wastewater treatment unit (WWTU); exempt only while in unit; residues from treatment of a listed waste in a WWTU remain listed due to derived-from rule
 - ☒ WASTEWATER TREATMENT UNITS ARE NOT DESIGNATED FACILITIES AND MAY NOT RECEIVE OFF-SITE HAZARDOUS WASTES 02/24/87 facility with exempt wastewater treatment unit (WWTU) usually not designated facility and cannot accept manifested off-site waste; POTW with permit-by-rule is designated facility; designated facility is facility permitted, interim status, or recycler (SUPERSEDED: See RPC #3/26/98-01)
 - ☒ STATE INTERPRETATIONS OF THE 02/11/91 States and Regions determine what is

<u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations
☒ <u>INTERPRETATION OF WASTEWATER TREATMENT UNIT EXEMPTION</u>	04/09/98 tanks satisfying the wastewater treatment unit (WWTU) exemption must be dedicated solely for on-site wastewater treatment at all times and for no other purpose; EPA did not intend for the exemption to apply in either a dual use or alternating use scenario; the generator accumulation provision can be used in such instances
☒ <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	04/01/85 tank holding but not treating hazardous waste (HW) prior to off-site transfer is not wastewater treatment unit (WWTU) but could be generator accumulation unit; off-site WWTU can only receive HW if a designated facility (permitted or interim status facility) (SUPERSEDED: See RPC #3/26/98-01); WWTU exemption does not attach to waste removed from unit
☒ <u>DEFINITION OF WASTEWATER TREATMENT UNIT</u>	10/01/88 removal of wastewater treatment sludges or tank bottoms for off-site disposal does not disqualify tanks from being wastewater treatment units (WWTUs)
☒ <u>PRIVATELY OWNED SEWERS AND WASTEWATER TREATMENT UNITS WHICH DISCHARGE TO A POTW</u>	10/01/82 privately-owned sewers and wastewater treatment units (WWTU) up-stream from point where CWA 307(b) pretreatment standards apply are not considered part of the "sewer system," domestic sewage exclusion does not apply; RCRA does not define "sewer system"
☒ <u>PERMIT-EXEMPT STATUS OF SLUDGE DRYERS ADDED TO WASTEWATER TREATMENT UNITS</u>	01/02/86 sludge dryer that meets wastewater treatment unit (WWTU) definition is exempt from permitting; sludge drying is treatment; presses, filters, and sumps may be tanks under definition of WWTU; tanks not discharging under 402 or 307(b) of CWA that are part of the wastewater treatment system meet exemption; WWTU tanks may volatilize their contents and retain exemption; sludge dryers can be used to meet 3002(b) waste minimization requirements; while WWTU is exempt from permitting, hazardous waste sludge removed from unit is subject to regulation
☒ <u>REQUEST FOR GUIDANCE/CLARIFICATION OF WASTEWATER TREATMENT UNIT DEFINITION</u>	12/26/84 wastewater treatment unit (WWTU) definition does not require tanks at facility to be connected; wastewater can be piped, trucked, otherwise conveyed between components of WWTU's
☒ <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	09/10/84 States or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC#

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- ☒ WASTEWATER TREATMENT UNIT/GENERATOR ACCUMULATION TANK 07/01/88 wastewater treatment units (WWTUs) must be dedicated for use with an on-site wastewater treatment facility; tanks occasionally or routinely used to store or treat wastewaters before off-site transfer are not WWTUs
- ☒ SLUDGE DRYER ADDED TO WASTEWATER TREATMENT UNIT-EFFECT ON WWTU EXEMPTION 01/02/86 addition of sludge dryer to wastewater treatment unit (WWTU) does not jeopardize unit exemption as long as sludge dryer meets unit definition; tanks include presses, filters, sumps, processing equipment; WWTU include covers, sludge digesters, thickeners, dryers; unit meets WWTU definition even if discharge not subject to CWA; other tanks in system must have discharge subject to CWA; tanks that volatilize contents can be exempt as WWTU; sludge removed from unit is subject to RCRA
- ☒ TRUCK TRANSPORT OF WASTEWATER FOR PURPOSES OF SECTION 261.3(A)(2)(IV)(A) 07/01/91 solvent-wastewater mixture transported to wastewater treatment unit (WWTU) by truck qualifies for 261.3(a)(2)(iv) exemption provided WWTU is subject to 402 or 307(b) of CWA, and wastewater meets the de minimis levels specified in 261.3(a)(2)(iv)
- ☒ MIXTURE RULE - DISCHARGES TO WASTEWATER 12/01/87 incidental spills of virgin solvent at manufacturing site that are collected and discharged to wastewater treatment unit (WWTU) are exempt from mixture rule as de minimis losses of commercial chemical products (CCP) (261.3(a)(2)(iv)(D)), not as spent solvents
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION 07/19/84 if tank treats wastewater to comply with POTW pretreatment requirements, tank is
- ☒ DE MINIMIS WASTEWATER MIXTURES SENT OFF SITE 03/01/98 the mixture rule exclusion at 261.3(a)(2)(iv)(D) applies only to mixtures of wastewaters and de minimis amounts of commercial chemical products that are sent to a facility's on-site wastewater treatment system discharging under CWA 307(b) or 402; if the wastewater mixture is shipped off-site by truck, the shipment must be delivered by a hazardous waste transporter and accompanied by a manifest; the manner in which the wastewater mixture is transported to an on-site wastewater treatment unit does not affect the exemption
- ☒ REGULATORY STATUS OF SPENT GRANULATED ACTIVATED CARBON AND ION EXCHANGE COLUMNS 03/18/99 ion exchange filters meeting the definition of spent material and sludge are considered sludges since the definition of sludge is

- narrower; spent filters used within an electroplating process may be F006; the fate of the effluent does not affect the status of the filters (i.e., the effluent can be returned to the process or can be passed on to other processes) (SEE ALSO: RPC# 7/21/94-02); wastewater treatment unit (WWTU) does not have to be subject to the CWA to generate a sludge, but must be subject to CWA to be an exempt unit
- 03/07/88 wastewater treatment unit (WWTU) exclusion does not apply to conventional incinerators even when they are part of wastewater treatment system; sludge dehydration equipment (i.e., sludge dryers) qualifies for WWTU exclusion provided equipment meets the definition of WWTU and is used to evaporate water from sludge; most sludge dryers meet the definition of tank; sludge dryers not eligible for WWTU exclusion are subject to either 265 Subpart P or 264 Subpart X
- 10/22/93 EPA statement in Letter, Lowrance to Fisher (RPC# 6/2/93-01) that evaporation units at dry cleaners that do not discharge wastewaters pursuant to CWA are wastewater treatment units (WWTU) is specific to units used in dry cleaning; unit receiving concentrated wastes is generally not WWTU
- 10/27/88 tanks with no discharge because effluent is recycled or otherwise handled cannot be wastewater treatment units (WWTU); tanks that have eliminated discharge of effluent as direct result of CWA rules and limits (zero dischargers) can qualify as WWTUs; reclaimed wastewaters are generally not products; in certain cases, treated wastewater that is legitimately reused is considered
- 03/27/89 flue dust generated by air pollution control device in brass mill is characteristic sludge; metal hydroxide sludge generated in wastewater treatment unit at brass mill is characteristic sludge; characteristic sludges from air and water pollution control devices are not solid wastes from point of generation forward if sludges are destined for reclamation in a manner not involving placement on land; generator must document claim that sludge is excluded from solid waste definition
- 08/27/92 refinery benzene stripper is hazardous waste treatment unit, not tank ancillary equipment; benzene stripper could be fully regulated, wastewater treatment unit (WWTU), or generator accumulation unit
- 02/25/86 metal torpedo components which must be decontaminated before reuse not exempt
- SLUDGE DEHYDRATION EQUIPMENT THAT IS PART OF A WASTEWATER TREATMENT FACILITY
- REGULATORY STATUS OF SEPARATOR WATER AND THE USE OF SEPARATOR WATER EVAPORATORS AT DRY-CLEANING FACILITIES
- PESTICIDE RINSEATE TREATMENT/RECYCLING SYSTEM
- FLUE DUST AND METAL HYDROXIDE SLUDGE RECYCLING/RECLAMATION
- RCRA REGULATORY INTERPRETATION ON BENZENE STRIPPERS AT WRC REFINERY
- TORPEDO PROPULSION UNITS SHIPPED FOR RECYCLING. REGULATION OF

- under 261.2(e); components are scrap metal, exempt when reclaimed; sump defined as tank can be wastewater treatment unit (WWTU); hazardous waste (HW) surface impoundments not WWTUs; if storing HW prior to neutralization and not part of WWTU or other exempt unit, sump subject to 262.34 or Parts 264/Part 265
- 08/03/87 sludge dehydration equipment that is part of a wastewater treatment system is exempt from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- 11/01/93 Dissolved Air Flotation (DAF) float (K048) that is inserted into a petroleum coker is a solid and hazardous waste (SEE ALSO: 261.4(a)(12)); DAF float feed tank may be an exempt wastewater treatment unit (WWTU) provided it meets the criteria listed in 260.10
- 07/21/92 Region determines whether floor sump that collects hazardous waste after point of generation and conveys it to treatment unit is exempt as ancillary equipment connected to wastewater treatment unit (WWTU) or elementary neutralization unit (ENU)
- 03/22/94 wastewater that contains used oil meets the definition of used oil and is subject to Part 279; used oil-containing residues and sludges from wastewater treatment units (WWTUs) are subject to Part 279; on-site separation of used oil and water to meet CWA requirements does not constitute used oil processing, provided that the recovered used oil is not sent to an off-site used oil burner
- 07/24/87 no solids or organics content or % water limits for "primarily aqueous" wastewater streams; industrial wastewater discharge exclusion (261.4(b)(2)); "commonly defined by the industry as wastewaters"; examples provided; wastewater treatment unit (WWTU) exemption not for surface impoundments; discusses "trigger" levels for possible coke by-product K-listings; listing will be based on 261.11 criteria, which are based on potential hazard and mismanagement, but not directly on waste minimization
- 05/22/84 tanks that produce no effluent as direct result of CWA requirements (i.e., zero dischargers) can qualify as exempt wastewater treatment unit (WWTU)
- 10/08/92 desulfurization process to remove sulfur and chloride from slurried baghouse dust is exempt recycling process; desulfurization
- SLUDGE DEHYDRATION EQUIPMENT
- REGULATORY STATUS OF A DISSOLVED AIR FLOTATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER
- FLOOR SUMPS AT HAZARDOUS WASTE SITES
- CLARIFICATION OF RECYCLED USED OIL MANAGEMENT STANDARDS AS THEY APPLY TO WASTEWATER TREATMENT ACTIVITIES
- WASTES GENERATED BY COKE AND COAL TAR PLANTS
- DEFINITION OF "WASTEWATER TREATMENT UNIT"
- RECOVERY OF SULFUR AND CHLORIDE FROM SLURRIED BAGHOUSE DUST

- units are either exempt recycling units or wastewater treatment units (WWTUs)
- 06/01/94 facilities that are required to submit a Biennial Report should include wastes treated in exempt units (such as wastewater treatment units (WWTUs)), even if waste is not subject to substantive regulation
- 02/01/84 no regulatory definition of wastewater; reasonable interpretation would be industrial process waste containing 1 percent or less contaminants; treatment tanks for leachate, liquid wastes should not be exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 8/15/90-01; RPC# 2/11/91-01)
- 03/01/84 tank storing sludge piped from wastewater treatment unit (WWTU) qualifies for WWTU exemption, even if storage tank does not discharge under CWA
- 05/01/97 hazardous waste that becomes nonhazardous because of an exclusion from the definition of solid waste is subject to a one-time notification requirement; land disposal restrictions (LDR) requirements apply only to wastes that are hazardous at the point of generation; nonhazardous sludges removed from a wastewater treatment unit require no LDR notification; the requirement to identify and treat for underlying hazardous constituents (UHCs) is not applicable to wastewaters managed in centralized wastewater treatment systems subject to the CWA or to sludges that are not hazardous at the point of generation
- 05/01/96 drip pad sumps can satisfy the wastewater treatment unit (WWTU) exemption if they are part of the facility's wastewater treatment system, even though the wood preserving regulations require sumps to meet Subpart J tank standards; if a wood preserving facility qualifies as a CESQG, it is conditionally exempt from Parts 264/265, Subparts W and J requirements
- 05/09/94 oxygen breathing apparatus (OBA) used by firefighters could qualify as exempt scrap metal when recycled; no need to determine if recycled scrap metal is hazardous waste (HW); emptying steel OBA canister could be exempt scrap steel recycling process if canisters are to be recycled (SEE ALSO: 261.4(a)(13) exclusion for processed scrap metal); emptying canisters to render them nonhazardous prior to disposal may be regulated treatment; HW canisters may be accumulated on-site without a permit under 262.34; tanks meeting wastewater treatment unit definition are exempt from permitting requirements
- ☒ BIENNIAL REPORTING FOR WASTES TREATED IN EXEMPT UNITS
- ☒ TREATMENT TANKS FOR LEACHATE OR LIQUID WASTES
- ☒ STORAGE TANKS THAT ARE PART OF WASTEWATER TREATMENT SYSTEM ARE EXCLUDED
- ☒ LDR NOTIFICATION REQUIREMENTS FOR WASTEWATERS AND SLUDGES
- ☒ RESOLUTION OF RCRA ISSUES RELATING TO THE WOOD PRESERVING INDUSTRY
- ☒ REGULATORY REQUIREMENTS FOR ON-SITE TREATMENT OF OXYGEN BREATHING APPARATUS (OBA) CANISTERS

☒ REGULATORY STATUS OF LABORATORY
WASTEWATER

01/15/92 mixture rule exemptions
(261.3(a)(2)(iv)(A) - (E)) are oriented
toward mixtures of wastewaters and listed
wastes, not characteristic wastes; exemption
does not apply until wastewater passes
through headworks of wastewater treatment
unit; laboratory wastewaters contaminated
with toxic (T) listed wastes are exempt if
the mixture, after passing through the
system headworks, does not exceed the
concentration specified in the exemption
(SEE: 261.3(a)(2)(iv)(E))

50 Documents found.

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Title	Date	Description
<input type="checkbox"/> <u>ALTERNATE CONCENTRATION LIMIT (ACL) POLICY FOR HSWA PROVISIONS</u>	07/24/87	3005(j) aggressive biological treatment surface impoundment retrofitting exemption requires interim status facilities to be in compliance with a permitted facility groundwater monitoring program; alternate concentration limits (ACLs) can be used to determine which groundwater monitoring program, compliance or corrective action, should be added to the permit
<input type="checkbox"/> <u>TC RULE HAZARDOUS WASTE DETERMINATION</u>	07/31/91	pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements
<input type="checkbox"/> <u>DRAFT REGION VIII POLICY ON "AGGRESSIVE BIOLOGICAL TREATMENT"</u>	07/03/91	sludges formed in aggressive biological treatment (ABT) units are not F037 or F038; only secondary or tertiary treatment units qualify as ABT; ABT units receiving or generating toxicity characteristic hazardous waste are subject to all applicable rules; F037/F038 sludges can be formed in ABT units not operating properly
<input type="checkbox"/> <u>ACLs APPLIED TO SURFACE IMPOUNDMENT RETROFITTING PROVISION 3005(J)(3)</u>	07/14/87	alternate concentration limits (ACLs) are part of groundwater monitoring requirements for permitted facilities; applicability of ACLs to exemption request is governed by State law and regulations (3005(j)(3) and 3005 (j)(7)) for surface impoundment retrofitting
<input type="checkbox"/> <u>PETROLEUM REFINERY SLUDGE REGULATIONS</u>	10/17/90	EPA response to issues raised during Office of Management and Budget (OMB) review of petroleum refinery sludge final rule listing F037 and F038
<input type="checkbox"/> <u>DETERMINATION OF EQUIVALENT TREATMENT UNDER §268.42(B)</u>	11/01/96	EPA approving determination of equivalent treatment (DET) per 268.42(b) for wastewater sludges from bulk liquid storage tank washings, line cleanings, shipboard ballast water and other wastes because combustion not

- TC RULE HAZARDOUS WASTE DETERMINATION
- 07/31/91 appropriate
pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements
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- LDR DETERMINATION OF WASTE STREAM DILUTION
- 10/14/90 aggregation of wastes followed by legitimate centralized treatment is permissible dilution; biological treatment inappropriate for metals; waste with land disposal restrictions (LDR) national capacity variance can be disposed in a surface impoundment that has met minimum technical requirements
- PETROLEUM REFINERY WASTEWATER TREATMENT SLUDGE CLASSIFICATION
- 02/01/91 applicability of F037 and F038 listings; primary/ secondary separation and primary/ secondary treatment
- SURFACE IMPOUNDMENT RETROFITTING REQUIREMENTS
- 05/01/96 HSWA added requirements for minimum technological requirements (MTR) (3004(o)), including double liners, leachate collection and removal systems, and groundwater monitoring for surface impoundments ; interim status surface impoundments in existence on 11/8/84 had to retrofit to meet standards or close within four years; existing impoundments newly subject to RCRA must retrofit or close in 4 years (3005(j)); HSWA provided some variances for these retrofitting requirements
- APPLICABILITY OF THE "MIXTURE" RULE TO PETROLEUM REFINERY WASTEWATER SYSTEMS
- 07/05/91 petroleum wastewater separation sludges; liquid from which F037 and F038 listed sludge is generated is not itself listed waste via mixture rule unless sludge is mixed with liquid

(e.g., sludge is scoured upon introduction of waste to unit)

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<input type="checkbox"/> <u>FILTER PRESS IN WASTEWATER TREATMENT UNIT, EXCLUSION FOR</u>	05/01/84	tank-like portable filter press used in wastewater treatment facility is excluded from regulation if filter press meets 260.10 criteria for wastewater treatment unit (WWTU)
<input type="checkbox"/> <u>CLARIFICATION OF THE TERM "DESIGNATED FACILITY" AS IT RELATES TO WASTEWATER TREATMENT UNITS</u>	03/26/98	definition of designated facility; wastewater treatment units (WWTUs) operating lawfully under federal and state law (even without a RCRA permit) qualify as designated facilities and can receive hazardous wastewater from off-site; wastes shipped from a state where the waste is considered hazardous to a state where the waste is not yet regulated can go to a designated facility that is not permitted or in interim status, as long as the facility is allowed by the state to receive such waste
<input type="checkbox"/> <u>PERMIT REQUIREMENTS RELATING TO ON-SITE TREATMENT AND WASTEWATER TREATMENT UNIT EXEMPTIONS</u>	11/02/88	262.34 unit permit exemption not relevant to exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 2/1/95-01); for WWTU exemption, wastewater is less than 1% total organic carbon (TOC) and less than 1% total suspended solids (TSS) (SUPERSEDED: see RPC# 2/11/91-01 and RPC# 6/23/93-04); generator in compliance with 262.34 is exempt from permitting for hazardous waste treatment or storage; accumulation time begins at moment waste first enters unit
<input type="checkbox"/> <u>APPLICABILITY OF WASTEWATER TREATMENT UNIT EXEMPTION</u>	06/01/90	wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other CWA effluent limit
<input type="checkbox"/> <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	07/31/81	off-site hazardous waste management facilities can be wastewater treatment units (WWTUs); actual permit or effluent limit not needed for discharge to be considered subject to CWA; wastewater does not include concentrated chemicals or nonaqueous waste; presses, filters, and sumps may be WWTU
<input type="checkbox"/> <u>SLUDGE DEHYDRATION EQUIPMENT AS A WASTEWATER TREATMENT UNIT</u>	08/03/87	sludge dehydration equipment that is part of a wastewater treatment system is exempt

- from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION 09/26/89 wastewater treatment units (WWTUs) receiving off-site wastewater meets the WWTU exemption provided prior shipment or treatment does not violate NPDES or pretreatment requirements; tank storage or treatment prior to shipment is not exempt
 - ☒ APPLICABILITY OF THE WASTEWATER TREATMENT UNIT EXEMPTION TO A GROUNDWATER TREATMENT SYSTEM 06/27/84 State or Region must determine applicability of wastewater treatment unit (WWTU) definition to groundwater treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
 - ☒ MOBILE WASTEWATER TREATMENT UNITS 06/01/87 mobile treatment unit can be tank; mobile tank can be used as part of exempt wastewater treatment unit (WWTU) provided it is stationary when in operation
 - ☒ DEFINITION OF TANK/DEFINITION OF WASTEWATER TREATMENT UNIT 03/01/88 wheeled tank would meet the definition of tank under 260.10 because it is stationary during operation; devices used as part of storage/treatment system and directly connected by piping to wastewater treatment unit (WWTU) are stationary units; wheeled tank part of WWTU
 - ☒ PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT UNITS 08/01/97 facilities that discharge a pollutant covered under CWA section 307(b) to a publicly owned treatment works (POTW) are considered to be subject to the CWA; tanks or tank systems that treat hazardous wastewaters before discharging them to a POTW can qualify as exempt wastewater treatment units (WWTUs) because they are subject to the CWA
 - ☒ WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION 12/24/84 wastewater treatment unit (WWTU) must be tank receiving influent hazardous wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs
 - ☒ WASTEWATER TREATMENT UNITS: REGULATORY STATUS OF WASTE 06/01/92 regulatory status of waste generated in a wastewater treatment unit (WWTU); exempt only while in unit; residues from treatment of a listed waste in a WWTU remain listed due to derived-from rule
 - ☒ WASTEWATER TREATMENT UNITS ARE NOT DESIGNATED FACILITIES AND MAY NOT RECEIVE OFF-SITE HAZARDOUS WASTES 02/24/87 facility with exempt wastewater treatment unit (WWTU) usually not designated facility and cannot accept manifested off-site waste; POTW with permit-by-rule is designated facility; designated facility is facility permitted, interim status, or recycler (SUPERSEDED: See RPC #3/26/98-01)
 - ☒ STATE INTERPRETATIONS OF THE 02/11/91 States and Regions determine what is

<u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations
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 - ☒ MIXTURE RULE - DISCHARGES TO WASTEWATER 12/01/87 incidental spills of virgin solvent at manufacturing site that are collected and discharged to wastewater treatment unit (WWTU) are exempt from mixture rule as de minimis losses of commercial chemical products (CCP) (261.3(a)(2)(iv)(D)), not as spent solvents
 - ☒ WASTEWATER TREATMENT UNIT EXEMPTION 07/19/84 if tank treats wastewater to comply with POTW pretreatment requirements, tank is
 - ☒ DE MINIMIS WASTEWATER MIXTURES SENT OFF SITE 03/01/98 the mixture rule exclusion at 261.3(a)(2)(iv)(D) applies only to mixtures of wastewaters and de minimis amounts of commercial chemical products that are sent to a facility's on-site wastewater treatment system discharging under CWA 307(b) or 402; if the wastewater mixture is shipped off-site by truck, the shipment must be delivered by a hazardous waste transporter and accompanied by a manifest; the manner in which the wastewater mixture is transported to an on-site wastewater treatment unit does not affect the exemption
 - ☒ REGULATORY STATUS OF SPENT GRANULATED ACTIVATED CARBON AND ION EXCHANGE COLUMNS 03/18/99 ion exchange filters meeting the definition of spent material and sludge are considered sludges since the definition of sludge is

- narrower; spent filters used within an electroplating process may be F006; the fate of the effluent does not affect the status of the filters (i.e., the effluent can be returned to the process or can be passed on to other processes) (SEE ALSO: RPC# 7/21/94-02); wastewater treatment unit (WWTU) does not have to be subject to the CWA to generate a sludge, but must be subject to CWA to be an exempt unit
- 03/07/88 wastewater treatment unit (WWTU) exclusion does not apply to conventional incinerators even when they are part of wastewater treatment system; sludge dehydration equipment (i.e., sludge dryers) qualifies for WWTU exclusion provided equipment meets the definition of WWTU and is used to evaporate water from sludge; most sludge dryers meet the definition of tank; sludge dryers not eligible for WWTU exclusion are subject to either 265 Subpart P or 264 Subpart X
- 10/22/93 EPA statement in Letter, Lowrance to Fisher (RPC# 6/2/93-01) that evaporation units at dry cleaners that do not discharge wastewaters pursuant to CWA are wastewater treatment units (WWTU) is specific to units used in dry cleaning; unit receiving concentrated wastes is generally not WWTU
- 10/27/88 tanks with no discharge because effluent is recycled or otherwise handled cannot be wastewater treatment units (WWTU); tanks that have eliminated discharge of effluent as direct result of CWA rules and limits (zero dischargers) can qualify as WWTUs; reclaimed wastewaters are generally not products; in certain cases, treated wastewater that is legitimately reused is considered
- 03/27/89 flue dust generated by air pollution control device in brass mill is characteristic sludge; metal hydroxide sludge generated in wastewater treatment unit at brass mill is characteristic sludge; characteristic sludges from air and water pollution control devices are not solid wastes from point of generation forward if sludges are destined for reclamation in a manner not involving placement on land; generator must document claim that sludge is excluded from solid waste definition
- 08/27/92 refinery benzene stripper is hazardous waste treatment unit, not tank ancillary equipment; benzene stripper could be fully regulated, wastewater treatment unit (WWTU), or generator accumulation unit
- 02/25/86 metal torpedo components which must be decontaminated before reuse not exempt
- SLUDGE DEHYDRATION EQUIPMENT THAT IS PART OF A WASTEWATER TREATMENT FACILITY
- REGULATORY STATUS OF SEPARATOR WATER AND THE USE OF SEPARATOR WATER EVAPORATORS AT DRY-CLEANING FACILITIES
- PESTICIDE RINSEATE TREATMENT/RECYCLING SYSTEM
- FLUE DUST AND METAL HYDROXIDE SLUDGE RECYCLING/RECLAMATION
- RCRA REGULATORY INTERPRETATION ON BENZENE STRIPPERS AT WRC REFINERY
- TORPEDO PROPULSION UNITS SHIPPED FOR RECYCLING, REGULATION OF

- under 261.2(e); components are scrap metal, exempt when reclaimed; sump defined as tank can be wastewater treatment unit (WWTU); hazardous waste (HW) surface impoundments not WWTUs; if storing HW prior to neutralization and not part of WWTU or other exempt unit, sump subject to 262.34 or Parts 264/Part 265
- SLUDGE DEHYDRATION EQUIPMENT 08/03/87 sludge dehydration equipment that is part of a wastewater treatment system is exempt from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- REGULATORY STATUS OF A DISSOLVED AIR FLOATATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER 11/01/93 Dissolved Air Flotation (DAF) float (K048) that is inserted into a petroleum coker is a solid and hazardous waste (SEE ALSO: 261.4(a)(12)); DAF float feed tank may be an exempt wastewater treatment unit (WWTU) provided it meets the criteria listed in 260.10
- FLOOR SUMPS AT HAZARDOUS WASTE SITES 07/21/92 Region determines whether floor sump that collects hazardous waste after point of generation and conveys it to treatment unit is exempt as ancillary equipment connected to wastewater treatment unit (WWTU) or elementary neutralization unit (ENU)
- CLARIFICATION OF RECYCLED USED OIL MANAGEMENT STANDARDS AS THEY APPLY TO WASTEWATER TREATMENT ACTIVITIES 03/22/94 wastewater that contains used oil meets the definition of used oil and is subject to Part 279; used oil-containing residues and sludges from wastewater treatment units (WWTUs) are subject to Part 279; on-site separation of used oil and water to meet CWA requirements does not constitute used oil processing, provided that the recovered used oil is not sent to an off-site used oil burner
- WASTES GENERATED BY COKE AND COAL TAR PLANTS 07/24/87 no solids or organics content or % water limits for "primarily aqueous" wastewater streams; industrial wastewater discharge exclusion (261.4(b)(2)); "commonly defined by the industry as wastewaters"; examples provided; wastewater treatment unit (WWTU) exemption not for surface impoundments; discusses "trigger" levels for possible coke by-product K-listings; listing will be based on 261.11 criteria, which are based on potential hazard and mismanagement, but not directly on waste minimization
- DEFINITION OF "WASTEWATER TREATMENT UNIT" 05/22/84 tanks that produce no effluent as direct result of CWA requirements (i.e., zero dischargers) can qualify as exempt wastewater treatment unit (WWTU)
- RECOVERY OF SULFUR AND CHLORIDE FROM SLURRIED BAGHOUSE DUST 10/08/92 desulfurization process to remove sulfur and chloride from slurried baghouse dust is exempt recycling process; desulfurization

- units are either exempt recycling units or wastewater treatment units (WWTUs)
- 06/01/94 BIENNIAL REPORTING FOR WASTES TREATED IN EXEMPT UNITS facilities that are required to submit a Biennial Report should include wastes treated in exempt units (such as wastewater treatment units (WWTUs)), even if waste is not subject to substantive regulation
- 02/01/84 TREATMENT TANKS FOR LEACHATE OR LIQUID WASTES no regulatory definition of wastewater; reasonable interpretation would be industrial process waste containing 1 percent or less contaminants; treatment tanks for leachate, liquid wastes should not be exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 8/15/90-01; RPC# 2/11/91-01)
- 03/01/84 STORAGE TANKS THAT ARE PART OF WASTEWATER TREATMENT SYSTEM ARE EXCLUDED tank storing sludge piped from wastewater treatment unit (WWTU) qualifies for WWTU exemption, even if storage tank does not discharge under CWA
- 05/01/97 LDR NOTIFICATION REQUIREMENTS FOR WASTEWATERS AND SLUDGES hazardous waste that becomes nonhazardous because of an exclusion from the definition of solid waste is subject to a one-time notification requirement; land disposal restrictions (LDR) requirements apply only to wastes that are hazardous at the point of generation; nonhazardous sludges removed from a wastewater treatment unit require no LDR notification; the requirement to identify and treat for underlying hazardous constituents (UHCs) is not applicable to wastewaters managed in centralized wastewater treatment systems subject to the CWA or to sludges that are not hazardous at the point of generation
- 05/01/96 RESOLUTION OF RCRA ISSUES RELATING TO THE WOOD PRESERVING INDUSTRY drip pad sumps can satisfy the wastewater treatment unit (WWTU) exemption if they are part of the facility's wastewater treatment system, even though the wood preserving regulations require sumps to meet Subpart J tank standards; if a wood preserving facility qualifies as a CESQG, it is conditionally exempt from Parts 264/265, Subparts W and J requirements
- 05/09/94 REGULATORY REQUIREMENTS FOR ON-SITE TREATMENT OF OXYGEN BREATHING APPARATUS (OBA) CANISTERS oxygen breathing apparatus (OBA) used by firefighters could qualify as exempt scrap metal when recycled; no need to determine if recycled scrap metal is hazardous waste (HW); emptying steel OBA canister could be exempt scrap steel recycling process if canisters are to be recycled (SEE ALSO: 261.4(a)(13) exclusion for processed scrap metal); emptying canisters to render them nonhazardous prior to disposal may be regulated treatment; HW canisters may be accumulated on-site without a permit under 262.34; tanks meeting wastewater treatment unit definition are exempt from permitting requirements

■ REGULATORY STATUS OF LABORATORY
WASTEWATER

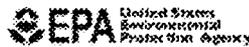
01/15/92 mixture rule exemptions
(261.3(a)(2)(iv)(A) - (E)) are oriented
toward mixtures of wastewaters and listed
wastes, not characteristic wastes; exemption
does not apply until wastewater passes
through headworks of wastewater treatment
unit; laboratory wastewaters contaminated
with toxic (T) listed wastes are exempt if
the mixture, after passing through the
system headworks, does not exceed the
concentration specified in the exemption
(SEE: 261.3(a)(2)(iv)(E))

50 Documents found.

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Title	Date	Description
<input type="checkbox"/> WASTEWATER TREATMENT UNIT EXEMPTION	07/19/84	if tank treats wastewater to comply with POTW pretreatment requirements, tank is
<input type="checkbox"/> PERMIT REQUIREMENTS RELATING TO ON-SITE TREATMENT AND WASTEWATER TREATMENT UNIT EXEMPTIONS	11/02/88	262.34 unit permit exemption not relevant to exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 2/1/95-01); for WWTU exemption, wastewater is less than 1% total organic carbon (TOC) and less than 1% total suspended solids (TSS) (SUPERSEDED: see RPC# 2/11/91-01 and RPC# 6/23/93-04); generator in compliance with 262.34 is exempt from permitting for hazardous waste treatment or storage; accumulation time begins at moment waste first enters unit
<input type="checkbox"/> APPLICABILITY OF WASTEWATER TREATMENT UNIT EXEMPTION	06/01/90	wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other CWA effluent limit
<input type="checkbox"/> WASTEWATER TREATMENT UNIT EXEMPTION	07/31/81	off-site hazardous waste management facilities can be wastewater treatment units (WWTUs); actual permit or effluent limit not needed for discharge to be considered subject to CWA; wastewater does not include concentrated chemicals or nonaqueous waste; presses, filters, and sumps may be WWTU
<input type="checkbox"/> WASTEWATER TREATMENT UNIT EXEMPTION	09/26/89	wastewater treatment units (WWTUs) receiving off-site wastewater meets the WWTU exemption provided prior shipment or treatment does not violate NPDES or pretreatment requirements; tank storage or treatment prior to shipment is not exempt
<input type="checkbox"/> APPLICABILITY OF THE WASTEWATER TREATMENT UNIT EXEMPTION TO A GROUNDWATER TREATMENT SYSTEM	06/27/84	State or Region must determine applicability of wastewater treatment unit (WWTU) definition to groundwater treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
<input type="checkbox"/> WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION	12/24/84	wastewater treatment unit (WWTU) must be tank receiving influent hazardous

Rec -
RPC # 3/20/89-03

- wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs
- 02/11/91 States and Regions determine what is wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations
- 04/09/98 tanks satisfying the wastewater treatment unit (WWTU) exemption must be dedicated solely for on-site wastewater treatment at all times and for no other purpose; EPA did not intend for the exemption to apply in either a dual use or alternating use scenario; the generator accumulation provision can be used in such instances
- 04/01/85 tank holding but not treating hazardous waste (HW) prior to off-site transfer is not wastewater treatment unit (WWTU) but could be generator accumulation unit; off-site WWTU can only receive HW if a designated facility (permitted or interim status facility) (SUPERSEDED: See RPC #3/26/98-01); WWTU exemption does not attach to waste removed from unit
- 09/10/84 States or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- 09/07/84 states or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- 01/02/86 sludge dryer that meets wastewater treatment unit (WWTU) definition is exempt from permitting; sludge drying is treatment; presses, filters, and sumps may be tanks under definition of WWTU; tanks not discharging under 402 or 307(b) of CWA that are part of the wastewater treatment system meet exemption; WWTU tanks may volatilize their contents and retain exemption; sludge dryers can be used to meet 3002(b) waste minimization requirements; while WWTU is exempt from permitting, hazardous waste sludge removed from unit is subject to regulation
- 03/20/89
- STATE INTERPRETATIONS OF THE WASTEWATER TREATMENT UNIT EXEMPTION
- INTERPRETATION OF WASTEWATER TREATMENT UNIT EXEMPTION
- PERMIT-EXEMPT STATUS OF SLUDGE DRYERS ADDED TO WASTEWATER TREATMENT UNITS
- PERMIT REQUIREMENTS FOR ZERO WASTEWATER TREATMENT SYSTEM

- ☒ STATE INTERPRETATIONS OF THE WASTEWATER TREATMENT UNIT EXEMPTION

02/11/91 States and Regions determine what is wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations
- ☒ SEPARATOR WATER AND USE OF EVAPORATORS AT DRY-CLEANING FACILITIES

06/02/93 evaporator units at dry cleaners that have eliminated CWA discharges due to concern over sewer leaks are generally wastewater treatment units (WWTU) (SEE ALSO: RPC# 10/22/93-02); WWTU exemption applies only to wastewater, not concentrated wastes like free-phase perchloroethylene
- ☒ REGULATORY STATUS OF A DISSOLVED AIR FLOATATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER

11/01/93 Dissolved Air Flotation (DAF) float (K048) that is inserted into a petroleum coker is a solid and hazardous waste (SEE ALSO: 261.4(a)(12)); DAF float feed tank may be an exempt wastewater treatment unit (WWTU) provided it meets the criteria listed in 260.10
- ☒ REGULATORY REQUIREMENTS FOR ON-SITE TREATMENT OF OXYGEN BREATHING APPARATUS (OBA) CANISTERS

05/09/94 oxygen breathing apparatus (OBA) used by firefighters could qualify as exempt scrap metal when recycled; no need to determine if recycled scrap metal is hazardous waste (HW); emptying steel OBA canister could be exempt scrap steel recycling process if canisters are to be recycled (SEE ALSO: 261.4(a)(13) exclusion for processed scrap metal); emptying canisters to render them nonhazardous prior to disposal may be regulated treatment; HW canisters may be accumulated on-site without a permit under 262.34; tanks meeting wastewater treatment unit definition are exempt from permitting requirements
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION

04/01/85 tank holding but not treating hazardous waste (HW) prior to off-site transfer is not wastewater treatment unit (WWTU) but could be generator accumulation unit; off-site WWTU can only receive HW if a designated facility (permitted or interim status facility) (SUPERSEDED: See RPC #3/26/98-01); WWTU exemption does not attach to waste removed from unit
- ☒ PESTICIDE RINSEATE TREATMENT/RECYCLING SYSTEM

10/27/88 tanks with no discharge because effluent is recycled or otherwise handled cannot be wastewater treatment units (WWTU); tanks that have eliminated discharge of effluent as direct result of CWA rules and limits (zero dischargers) can qualify as WWTUs; reclaimed wastewaters are generally not products; in certain cases, treated wastewater that is legitimately reused is considered
- ☒ RESOLUTION OF RCRA ISSUES RELATING TO THE WOOD PRESERVING INDUSTRY

05/01/96 drip pad sumps can satisfy the wastewater treatment unit (WWTU) exemption if they are part of the facility's wastewater

- treatment system, even though the wood preserving regulations require sumps to meet Subpart J tank standards; if a wood preserving facility qualifies as a CESQG, it is conditionally exempt from Parts 264/265, Subparts W and J requirements
- 06/27/84 State or Region must determine applicability of wastewater treatment unit (WWTU) definition to groundwater treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- 02/01/94 trough, trench, ditch connected to tank or sump is ancillary equipment; unlined conveyance systems allowing leakage or discharge not ancillary equipment; may be disposal or surface impoundment, miscellaneous, or solid waste management unit (SWMU) subject to corrective action; unlined trough, trench, ditch that is retrofitted may meet definition of ancillary equipment to tank and qualify for wastewater treatment unit (WWTU) exemption
- 10/22/93 EPA statement in Letter, Lowrance to Fisher (RPC# 6/2/93-01) that evaporation units at dry cleaners that do not discharge wastewaters pursuant to CWA are wastewater treatment units (WWTU) is specific to units used in dry cleaning; unit receiving concentrated wastes is generally not WWTU
- 09/10/84 States or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- 10/01/88 removal of wastewater treatment sludges or tank bottoms for off-site disposal does not disqualify tanks from being wastewater treatment units (WWTUs)
- 09/23/96 chemical flocculation unit treating cadmium contaminated wash water requires hazardous waste treatment permit, unless the unit meets an exemption; if unit is a tank meeting the definition of wastewater treatment unit (WWTU), or a tank or container regulated as a generator accumulation unit, the unit is exempt from permitting; treatment sludge generated in the unit must be managed as a hazardous waste if it exhibits a characteristic; land disposal restrictions (LDR) apply to the treatment sludge and the original wash water
- 06/02/93 evaporator units at dry cleaners that have
- APPLICABILITY OF THE WASTEWATER TREATMENT UNIT EXEMPTION TO A GROUNDWATER TREATMENT SYSTEM
- REGULATORY STATUS OF SHELL OIL'S NORCO, LOUISIANA FACILITY DITCH SYSTEM
- REGULATORY STATUS OF SEPARATOR WATER AND THE USE OF SEPARATOR WATER EVAPORATORS AT DRY-CLEANING FACILITIES
- WASTEWATER TREATMENT UNIT EXEMPTION
- DEFINITION OF WASTEWATER TREATMENT UNIT
- APPLICABILITY OF RCRA REGULATIONS TO CHEMICAL FLOCCULATION UNITS WHEN USED TO TREAT WASH WATER FROM AIRCRAFT ENGINES
- REGULATORY STATUS OF SEPARATOR WATER

AND EVAPORATOR UNITS AT DRY CLEANERS

eliminated CWA discharges due to concern over sewer leaks are generally wastewater treatment units (WWTU) (SEE ALSO: RPC# 10/22/93-02); WWTU exemption applies only to wastewater, not concentrated wastes like free-phase perchloroethylene; CESQG status depends on total amount of hazardous waste generated at facility per calendar month; EPA cannot state whether all generators from a particular industry (e.g., dry cleaning) are CESQGs; CESQGs are subject only to 261.5

- 06/02/94 APPLICABILITY OF RCRA REGULATIONS TO A HYDRO-MIST UNIT USED IN THE TREATMENT OF WASTEWATER AT DRY-CLEANING FACILITIES treatment unit that evaporates dry cleaning wastewater by atomizing or misting liquid into ambient air could qualify as wastewater treatment unit (WWTU) (SEE ALSO: RPC# 6/2/93-01); OSW does not certify, endorse, or approve specific technologies
- 09/26/89 WASTEWATER TREATMENT UNIT EXEMPTION wastewater treatment units (WWTUs) receiving off-site wastewater meets the WWTU exemption provided prior shipment or treatment does not violate NPDES or pretreatment requirements; tank storage or treatment prior to shipment is not exempt
- 12/21/87 WASTEWATER TREATMENT AND ELEMENTARY NEUTRALIZATION UNITS EXEMPTION clarification of wastewater treatment facility; facility must be on-site and have an NPDES permit or discharge to a POTW; means of conveyance between units does not matter; wastewater treatment units (WWTUs) can receive wastewater from off-site and remain exempt; tank system used to manage wastewater prior to off-site transfer is not covered by exemption; discussion of zero-discharge NPDES permits and wastewater treatment units (WWTUs)
- 03/01/88 DEFINITION OF TANK/DEFINITION OF WASTEWATER TREATMENT UNIT wheeled tank would meet the definition of tank under 260.10 because it is stationary during operation; devices used as part of storage/treatment system and directly connected by piping to wastewater treatment unit (WWTU) are stationary units; wheeled tank part of WWTU
- 07/01/92 ONE-TIME NOTIFICATION REQUIREMENT UNDER §268.7(A)(6) one-time notification under land disposal restrictions (LDR) applies even if, prior to discharge, waste is managed in a manner not substantively regulated
- 12/24/84 WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION wastewater treatment unit (WWTU) must be tank receiving influent hazardous wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs
- 01/02/86 SLUDGE DRYER ADDED TO WASTEWATER addition of sludge dryer to wastewater

<u>TREATMENT UNIT-EFFECT ON WWTU EXEMPTION</u>	treatment unit (WWTU) does not jeopardize unit exemption as long as sludge dryer meets unit definition; tanks include presses, filters, sumps, processing equipment; WWTU include covers, sludge digesters, thickeners, dryers; unit meets WWTU definition even if discharge not subject to CWA; other tanks in system must have discharge subject to CWA; tanks that volatilize contents can be exempt as WWTU; sludge removed from unit is subject to RCRA
☐ <u>REQUEST FOR GUIDANCE/CLARIFICATION OF WASTEWATER TREATMENT UNIT DEFINITION</u>	12/26/84 wastewater treatment unit (WWTU) definition does not require tanks at facility to be connected; wastewater can be piped, trucked, otherwise conveyed between components of WWTU's
☐ <u>APPLICABILITY OF WASTEWATER TREATMENT UNIT EXEMPTION</u>	06/01/90 wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other CWA effluent limit
☐ <u>PERMIT REQUIREMENTS RELATING TO ON-SITE TREATMENT AND WASTEWATER TREATMENT UNIT EXEMPTIONS</u>	11/02/88 262.34 unit permit exemption not relevant to exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 2/1/95-01); for WWTU exemption, wastewater is less than 1% total organic carbon (TOC) and less than 1% total suspended solids (TSS) (SUPERSEDED: see RPC# 2/11/91-01 and RPC# 6/23/93-04); generator in compliance with 262.34 is exempt from permitting for hazardous waste treatment or storage; accumulation time begins at moment waste first enters unit
☐ <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	09/07/84 states or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
☐ <u>PETROLEUM REFINING WASTES AND EXEMPTIONS FOR WWTUS</u>	09/20/90 tank treating or storing wastewater or wastewater treatment sludge can be wastewater treatment unit (WWTU); tank treating off-site hazardous waste (HW) can be WWTU if facility is designated facility to accept manifested HW; only tanks and ancillary equipment can be WWTUs; tank bottoms from fuel storage are CCPs not solid waste (SW) when used in fuel; tank bottoms from refining process units are by-products and SW when used in fuels; refinery by-product for use in lubricant is SW if listed (SEE ALSO: 261.4(a)(12) and 261.6(a)(3))
☐ <u>RECOVERY OF SULFUR AND CHLORIDE FROM SLURRIED BAGHOUSE DUST</u>	10/08/92 desulfurization process to remove sulfur and chloride from slurried baghouse dust is

EXEMPTION FROM PERMITTING
REQUIREMENTS FOR WASTE WATER
TREATMENT UNITS

exempt recycling process; desulfurization units are either exempt recycling units or wastewater treatment units (WWTUs)

01/16/92 wastewater treatment system must be subject to the Clean Water Act (CWA) in order to be eligible for wastewater treatment unit (WWTU) exemption, but not required to actually have CWA permit; zero discharge system eligible for exemption (SEE ALSO: RPC# 3/20/89-03); wastewater treatment facility that never had a discharge to surface water is not eligible for WWTU exemption because it was never subject to NPDES permitting or CWA requirements

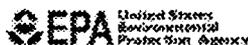
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Exec. Summary
 - LWA
 - WWTU
 exemption
 - O-discharge



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Title	Date	Description
<input type="checkbox"/> <u>APPLICABILITY OF THE WASTEWATER TREATMENT UNIT EXEMPTION TO A GROUNDWATER TREATMENT SYSTEM</u>	06/27/84	State or Region must determine applicability of wastewater treatment unit (WWTU) definition to groundwater treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
<input type="checkbox"/> <u>FILTER PRESS IN WASTEWATER TREATMENT UNIT, EXCLUSION FOR</u>	05/01/84	tank-like portable filter press used in wastewater treatment facility is excluded from regulation if filter press meets 260.10 criteria for wastewater treatment unit (WWTU)
<input type="checkbox"/> <u>CLARIFICATION OF THE TERM "DESIGNATED FACILITY" AS IT RELATES TO WASTEWATER TREATMENT UNITS</u>	03/26/98	definition of designated facility; wastewater treatment units (WWTUs) operating lawfully under federal and state law (even without a RCRA permit) qualify as designated facilities and can receive hazardous wastewater from off-site; wastes shipped from a state where the waste is considered hazardous to a state where the waste is not yet regulated can go to a designated facility that is not permitted or in interim status, as long as the facility is allowed by the state to receive such waste
<input type="checkbox"/> <u>PERMIT REQUIREMENTS RELATING TO ON-SITE TREATMENT AND WASTEWATER TREATMENT UNIT EXEMPTIONS</u>	11/02/88	262.34 unit permit exemption not relevant to exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 2/1/95-01); for WWTU exemption, wastewater is less than 1% total organic carbon (TOC) and less than 1% total suspended solids (TSS) (SUPERSEDED: see RPC# 2/11/91-01 and RPC# 6/23/93-04); generator in compliance with 262.34 is exempt from permitting for hazardous waste treatment or storage; accumulation time begins at moment waste first enters unit
<input type="checkbox"/> <u>APPLICABILITY OF WASTEWATER TREATMENT UNIT EXEMPTION</u>	06/01/90	wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other CWA effluent limit
<input type="checkbox"/> <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	07/31/81	off-site hazardous waste management facilities can be wastewater treatment units (WWTUs); actual permit or effluent limit

- not needed for discharge to be considered subject to CWA; wastewater does not include concentrated chemicals or nonaqueous waste; presses, filters, and sumps may be WWTU
- 08/03/87 sludge dehydration equipment that is part of a wastewater treatment system is exempt from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- 09/26/89 wastewater treatment units (WWTUs) receiving off-site wastewater meets the WWTU exemption provided prior shipment or treatment does not violate NPDES or pretreatment requirements; tank storage or treatment prior to shipment is not exempt
- 06/01/87 mobile treatment unit can be tank; mobile tank can be used as part of exempt wastewater treatment unit (WWTU) provided it is stationary when in operation
- 03/01/88 wheeled tank would meet the definition of tank under 260.10 because it is stationary during operation; devices used as part of storage/treatment system and directly connected by piping to wastewater treatment unit (WWTU) are stationary units; wheeled tank part of WWTU
- 08/01/97 facilities that discharge a pollutant covered under CWA section 307(b) to a publicly owned treatment works (POTW) are considered to be subject to the CWA; tanks or tank systems that treat hazardous wastewaters before discharging them to a POTW can qualify as exempt wastewater treatment units (WWTUs) because they are subject to the CWA
- 12/24/84 wastewater treatment unit (WWTU) must be tank receiving influent hazardous wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs
- 06/01/92 regulatory status of waste generated in a wastewater treatment unit (WWTU); exempt only while in unit; residues from treatment of a listed waste in a WWTU remain listed due to derived-from rule
- 02/24/87 facility with exempt wastewater treatment unit (WWTU) usually not designated facility and cannot accept manifested off-site waste; POTW with permit-by-rule is designated facility; designated facility is facility permitted, interim status, or recycler (SUPERSEDED: See RPC #3/26/98-01)
- 02/11/91 States and Regions determine what is
- SLUDGE DEHYDRATION EQUIPMENT AS A WASTEWATER TREATMENT UNIT
- WASTEWATER TREATMENT UNIT EXEMPTION
- MOBILE WASTEWATER TREATMENT UNITS
- DEFINITION OF TANK/DEFINITION OF WASTEWATER TREATMENT UNIT
- PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT UNITS
- WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION
- WASTEWATER TREATMENT UNITS: REGULATORY STATUS OF WASTE
- WASTEWATER TREATMENT UNITS ARE NOT DESIGNATED FACILITIES AND MAY NOT RECEIVE OFF-SITE HAZARDOUS WASTES
- STATE INTERPRETATIONS OF THE

<u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations
☒ <u>INTERPRETATION OF WASTEWATER TREATMENT UNIT EXEMPTION</u>	04/09/98 tanks satisfying the wastewater treatment unit (WWTU) exemption must be dedicated solely for on-site wastewater treatment at all times and for no other purpose; EPA did not intend for the exemption to apply in either a dual use or alternating use scenario; the generator accumulation provision can be used in such instances
☒ <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	04/01/85 tank holding but not treating hazardous waste (HW) prior to off-site transfer is not wastewater treatment unit (WWTU) but could be generator accumulation unit; off-site WWTU can only receive HW if a designated facility (permitted or interim status facility) (SUPERSEDED: See RPC #3/26/98-01); WWTU exemption does not attach to waste removed from unit
☒ <u>DEFINITION OF WASTEWATER TREATMENT UNIT</u>	10/01/88 removal of wastewater treatment sludges or tank bottoms for off-site disposal does not disqualify tanks from being wastewater treatment units (WWTUs)
☒ <u>PRIVATELY OWNED SEWERS AND WASTEWATER TREATMENT UNITS WHICH DISCHARGE TO A POTW</u>	10/01/82 privately-owned sewers and wastewater treatment units (WWTU) up-stream from point where CWA 307(b) pretreatment standards apply are not considered part of the "sewer system," domestic sewage exclusion does not apply; RCRA does not define "sewer system"
☒ <u>PERMIT-EXEMPT STATUS OF SLUDGE DRYERS ADDED TO WASTEWATER TREATMENT UNITS</u>	01/02/86 sludge dryer that meets wastewater treatment unit (WWTU) definition is exempt from permitting; sludge drying is treatment; presses, filters, and sumps may be tanks under definition of WWTU; tanks not discharging under 402 or 307(b) of CWA that are part of the wastewater treatment system meet exemption; WWTU tanks may volatilize their contents and retain exemption; sludge dryers can be used to meet 3002(b) waste minimization requirements; while WWTU is exempt from permitting, hazardous waste sludge removed from unit is subject to regulation
☒ <u>REQUEST FOR GUIDANCE/CLARIFICATION OF WASTEWATER TREATMENT UNIT DEFINITION</u>	12/26/84 wastewater treatment unit (WWTU) definition does not require tanks at facility to be connected; wastewater can be piped, trucked, otherwise conveyed between components of WWTU's
☒ <u>WASTEWATER TREATMENT UNIT EXEMPTION</u>	09/10/84 States or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC#

- 2/11/91-01; RPC# 6/2/93-04)
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION 09/07/84 states or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
 - ☒ WASTEWATER TREATMENT UNIT/GENERATOR ACCUMULATION TANK 07/01/88 wastewater treatment units (WWTUs) must be dedicated for use with an on-site wastewater treatment facility; tanks occasionally or routinely used to store or treat wastewaters before off-site transfer are not WWTUs
 - ☒ SLUDGE DRYER ADDED TO WASTEWATER TREATMENT UNIT-EFFECT ON WWTU EXEMPTION 01/02/86 addition of sludge dryer to wastewater treatment unit (WWTU) does not jeopardize unit exemption as long as sludge dryer meets unit definition; tanks include presses, filters, sumps, processing equipment; WWTU include covers, sludge digesters, thickeners, dryers; unit meets WWTU definition even if discharge not subject to CWA; other tanks in system must have discharge subject to CWA; tanks that volatilize contents can be exempt as WWTU; sludge removed from unit is subject to RCRA
 - ☒ TRUCK TRANSPORT OF WASTEWATER FOR PURPOSES OF SECTION 261.3(A)(2)(IV)(A) 07/01/91 solvent-wastewater mixture transported to wastewater treatment unit (WWTU) by truck qualifies for 261.3(a)(2)(iv) exemption provided WWTU is subject to 402 or 307(b) of CWA, and wastewater meets the de minimis levels specified in 261.3(a)(2)(iv)
 - ☒ MIXTURE RULE - DISCHARGES TO WASTEWATER 12/01/87 incidental spills of virgin solvent at manufacturing site that are collected and discharged to wastewater treatment unit (WWTU) are exempt from mixture rule as de minimis losses of commercial chemical products (CCP) (261.3(a)(2)(iv)(D)), not as spent solvents
 - ☒ WASTEWATER TREATMENT UNIT EXEMPTION 07/19/84 if tank treats wastewater to comply with POTW pretreatment requirements, tank is
 - ☒ DE MINIMIS WASTEWATER MIXTURES SENT OFF SITE 03/01/98 the mixture rule exclusion at 261.3(a)(2)(iv)(D) applies only to mixtures of wastewaters and de minimis amounts of commercial chemical products that are sent to a facility's on-site wastewater treatment system discharging under CWA 307(b) or 402; if the wastewater mixture is shipped off-site by truck, the shipment must be delivered by a hazardous waste transporter and accompanied by a manifest; the manner in which the wastewater mixture is transported to an on-site wastewater treatment unit does not affect the exemption
 - ☒ REGULATORY STATUS OF SPENT GRANULATED ACTIVATED CARBON AND ION EXCHANGE COLUMNS 03/18/99 ion exchange filters meeting the definition of spent material and sludge are considered sludges since the definition of sludge is

- narrower; spent filters used within an electroplating process may be F006; the fate of the effluent does not affect the status of the filters (i.e., the effluent can be returned to the process or can be passed on to other processes) (SEE ALSO: RPC# 7/21/94-02); wastewater treatment unit (WWTU) does not have to be subject to the CWA to generate a sludge, but must be subject to CWA to be an exempt unit
- 03/07/88 wastewater treatment unit (WWTU) exclusion does not apply to conventional incinerators even when they are part of wastewater treatment system; sludge dehydration equipment (i.e., sludge dryers) qualifies for WWTU exclusion provided equipment meets the definition of WWTU and is used to evaporate water from sludge; most sludge dryers meet the definition of tank; sludge dryers not eligible for WWTU exclusion are subject to either 265 Subpart P or 264 Subpart X
- 10/22/93 EPA statement in Letter, Lowrance to Fisher (RPC# 6/2/93-01) that evaporation units at dry cleaners that do not discharge wastewaters pursuant to CWA are wastewater treatment units (WWTU) is specific to units used in dry cleaning; unit receiving concentrated wastes is generally not WWTU
- 10/27/88 tanks with no discharge because effluent is recycled or otherwise handled cannot be wastewater treatment units (WWTU); tanks that have eliminated discharge of effluent as direct result of CWA rules and limits (zero dischargers) can qualify as WWTUs; reclaimed wastewaters are generally not products; in certain cases, treated wastewater that is legitimately reused is considered
- 03/27/89 flue dust generated by air pollution control device in brass mill is characteristic sludge; metal hydroxide sludge generated in wastewater treatment unit at brass mill is characteristic sludge; characteristic sludges from air and water pollution control devices are not solid wastes from point of generation forward if sludges are destined for reclamation in a manner not involving placement on land; generator must document claim that sludge is excluded from solid waste definition
- 08/27/92 refinery benzene stripper is hazardous waste treatment unit, not tank ancillary equipment; benzene stripper could be fully regulated, wastewater treatment unit (WWTU), or generator accumulation unit
- 02/25/86 metal torpedo components which must be decontaminated before reuse not exempt
- ☒ SLUDGE DEHYDRATION EQUIPMENT THAT IS PART OF A WASTEWATER TREATMENT FACILITY
- ☒ REGULATORY STATUS OF SEPARATOR WATER AND THE USE OF SEPARATOR WATER EVAPORATORS AT DRY-CLEANING FACILITIES
- ☒ PESTICIDE RINSEATE TREATMENT/RECYCLING SYSTEM
- ☒ FLUE DUST AND METAL HYDROXIDE SLUDGE RECYCLING/RECLAMATION
- ☒ RCRA REGULATORY INTERPRETATION ON BENZENE STRIPPERS AT WRC REFINERY
- ☒ TORPEDO PROPULSION UNITS SHIPPED FOR RECYCLING, REGULATION OF

- under 261.2(e); components are scrap metal, exempt when reclaimed; sump defined as tank can be wastewater treatment unit (WWTU); hazardous waste (HW) surface impoundments not WWTUs; if storing HW prior to neutralization and not part of WWTU or other exempt unit, sump subject to 262.34 or Parts 264/Part 265
- ☒ SLUDGE DEHYDRATION EQUIPMENT 08/03/87 sludge dehydration equipment that is part of a wastewater treatment system is exempt from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- ☒ REGULATORY STATUS OF A DISSOLVED AIR FLOATATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER 11/01/93 Dissolved Air Flotation (DAF) float (K048) that is inserted into a petroleum coker is a solid and hazardous waste (SEE ALSO: 261.4(a)(12)); DAF float feed tank may be an exempt wastewater treatment unit (WWTU) provided it meets the criteria listed in 260.10
- ☒ FLOOR SUMPS AT HAZARDOUS WASTE SITES 07/21/92 Region determines whether floor sump that collects hazardous waste after point of generation and conveys it to treatment unit is exempt as ancillary equipment connected to wastewater treatment unit (WWTU) or elementary neutralization unit (ENU)
- ☒ CLARIFICATION OF RECYCLED USED OIL MANAGEMENT STANDARDS AS THEY APPLY TO WASTEWATER TREATMENT ACTIVITIES 03/22/94 wastewater that contains used oil meets the definition of used oil and is subject to Part 279; used oil-containing residues and sludges from wastewater treatment units (WWTUs) are subject to Part 279; on-site separation of used oil and water to meet CWA requirements does not constitute used oil processing, provided that the recovered used oil is not sent to an off-site used oil burner
- ☒ WASTES GENERATED BY COKE AND COAL TAR PLANTS 07/24/87 no solids or organics content or % water limits for "primarily aqueous" wastewater streams; industrial wastewater discharge exclusion (261.4(b)(2)); "commonly defined by the industry as wastewaters"; examples provided; wastewater treatment unit (WWTU) exemption not for surface impoundments; discusses "trigger" levels for possible coke by-product K-listings; listing will be based on 261.11 criteria, which are based on potential hazard and mismanagement, but not directly on waste minimization
- ☒ DEFINITION OF "WASTEWATER TREATMENT UNIT" 05/22/84 tanks that produce no effluent as direct result of CWA requirements (i.e., zero dischargers) can qualify as exempt wastewater treatment unit (WWTU)
- ☒ RECOVERY OF SULFUR AND CHLORIDE FROM SLURRIED BAGHOUSE DUST 10/08/92 desulfurization process to remove sulfur and chloride from slurried baghouse dust is exempt recycling process; desulfurization

- units are either exempt recycling units or wastewater treatment units (WWTUs)
- 06/01/94 BIENNIAL REPORTING FOR WASTES TREATED IN EXEMPT UNITS facilities that are required to submit a Biennial Report should include wastes treated in exempt units (such as wastewater treatment units (WWTUs)), even if waste is not subject to substantive regulation
- 02/01/84 TREATMENT TANKS FOR LEACHATE OR LIQUID WASTES no regulatory definition of wastewater; reasonable interpretation would be industrial process waste containing 1 percent or less contaminants; treatment tanks for leachate, liquid wastes should not be exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 8/15/90-01; RPC# 2/11/91-01)
- 03/01/84 STORAGE TANKS THAT ARE PART OF WASTEWATER TREATMENT SYSTEM ARE EXCLUDED tank storing sludge piped from wastewater treatment unit (WWTU) qualifies for WWTU exemption, even if storage tank does not discharge under CWA
- 05/01/97 LDR NOTIFICATION REQUIREMENTS FOR WASTEWATERS AND SLUDGES hazardous waste that becomes nonhazardous because of an exclusion from the definition of solid waste is subject to a one-time notification requirement; land disposal restrictions (LDR) requirements apply only to wastes that are hazardous at the point of generation; nonhazardous sludges removed from a wastewater treatment unit require no LDR notification; the requirement to identify and treat for underlying hazardous constituents (UHCs) is not applicable to wastewaters managed in centralized wastewater treatment systems subject to the CWA or to sludges that are not hazardous at the point of generation
- 05/01/96 RESOLUTION OF RCRA ISSUES RELATING TO THE WOOD PRESERVING INDUSTRY drip pad sumps can satisfy the wastewater treatment unit (WWTU) exemption if they are part of the facility's wastewater treatment system, even though the wood preserving regulations require sumps to meet Subpart J tank standards; if a wood preserving facility qualifies as a CESQG, it is conditionally exempt from Parts 264/265, Subparts W and J requirements
- 05/09/94 REGULATORY REQUIREMENTS FOR ON-SITE TREATMENT OF OXYGEN BREATHING APPARATUS (OBA) CANISTERS oxygen breathing apparatus (OBA) used by firefighters could qualify as exempt scrap metal when recycled; no need to determine if recycled scrap metal is hazardous waste (HW); emptying steel OBA canister could be exempt scrap steel recycling process if canisters are to be recycled (SEE ALSO: 261.4(a)(13) exclusion for processed scrap metal); emptying canisters to render them nonhazardous prior to disposal may be regulated treatment; HW canisters may be accumulated on-site without a permit under 262.34; tanks meeting wastewater treatment unit definition are exempt from permitting requirements

- REGULATORY STATUS OF LABORATORY WASTEWATER
- 01/15/92 mixture rule exemptions (261.3(a)(2)(iv)(A) - (E)) are oriented toward mixtures of wastewaters and listed wastes, not characteristic wastes; exemption does not apply until wastewater passes through headworks of wastewater treatment unit; laboratory wastewaters contaminated with toxic (T) listed wastes are exempt if the mixture, after passing through the system headworks, does not exceed the concentration specified in the exemption (SEE: 261.3(a)(2)(iv)(E))
- APPLICABILITY OF RCRA REGULATIONS TO CHEMICAL FLOCCULATION UNITS WHEN USED TO TREAT WASH WATER FROM AIRCRAFT ENGINES
- 09/23/96 chemical flocculation unit treating cadmium contaminated wash water requires hazardous waste treatment permit, unless the unit meets an exemption; if unit is a tank meeting the definition of wastewater treatment unit (WWTU), or a tank or container regulated as a generator accumulation unit, the unit is exempt from permitting; treatment sludge generated in the unit must be managed as a hazardous waste if it exhibits a characteristic; land disposal restrictions (LDR) apply to the treatment sludge and the original wash water
- PETROLEUM REFINING WASTES AND EXEMPTIONS FOR WWTUS
- 09/20/90 tank treating or storing wastewater or wastewater treatment sludge can be wastewater treatment unit (WWTU); tank treating off-site hazardous waste (HW) can be WWTU if facility is designated facility to accept manifested HW; only tanks and ancillary equipment can be WWTUs; tank bottoms from fuel storage are CCPs not solid waste (SW) when used in fuel; tank bottoms from refining process units are by-products and SW when used in fuels; refinery by-product for use in lubricant is SW if listed (SEE ALSO: 261.4(a)(12) and 261.6(a)(3))
- REGULATORY STATUS OF SHELL OIL'S NORCO, LOUISIANA FACILITY DITCH SYSTEM
- 02/01/94 trough, trench, ditch connected to tank or sump is ancillary equipment; unlined conveyance systems allowing leakage or discharge not ancillary equipment; may be disposal or surface impoundment, miscellaneous, or solid waste management unit (SWMU) subject to corrective action; unlined trough, trench, ditch that is retrofitted may meet definition of ancillary equipment to tank and qualify for wastewater treatment unit (WWTU) exemption
- RD&D PERMIT FOR A SLUDGE DRYING PROCESS IN A WASTEWATER SYSTEM
- 12/24/85 for wastewater treatment unit (WWTU) exemption, tanks can include sumps, presses, filters, sludge dryers, or other equipment; sludge dryer can be exempt WWTU, although hazardous waste sludges removed from dryer are subject to full regulation

- ☒ SEPARATOR WATER AND USE OF EVAPORATORS AT DRY-CLEANING FACILITIES

06/02/93 evaporator units at dry cleaners that have eliminated CWA discharges due to concern over sewer leaks are generally wastewater treatment units (WWTU) (SEE ALSO: RPC# 10/22/93-02); WWTU exemption applies only to wastewater, not concentrated wastes like free-phase perchloroethylene
- ☒ STATUS OF WWTUS/ENUS AT GENERATOR SITES

02/01/95 generator treating hazardous waste in an on-site wastewater treatment unit (WWTU) or elementary neutralization unit (ENU) need not comply with 262.34 accumulation standards, because these units are already exempt from RCRA permitting and TSDF requirements
- ☒ PERMIT REQUIREMENTS FOR ZERO WASTEWATER TREATMENT SYSTEM

03/20/89 'zero discharge' wastewater system must have NPDES permit, applicable effluent guideline, or pretreatment standard specifying zero discharge to qualify as wastewater treatment unit (WWTU); zero discharge system returning all treated water to production avoids CWA rules but does not automatically qualify for totally enclosed treatment unit (TETU) exemption; wastewater treatment system using open tanks and not restricting escape of contaminant to air is not TETU; illegal discharge of hazardous waste to river may be 'subject to' CWA and eligible for industrial discharge exclusion, although discharge is a CWA violation subject to EPA enforcement action
- ☒ TANK RULES APPLIED TO WWT UNITS AND DISTRIBUTION SYSTEMS

11/28/86 wastewater treatment unit (WWTU) not subject to permitting; closed-loop exclusion applies to reclaimed material returned to production process, production process is manufacturing or primary activity; manhole or sump serving as secondary containment must comply with Subpart J except for 264.193
- ☒ EXEMPTION FROM PERMITTING REQUIREMENTS FOR WASTE WATER TREATMENT UNITS

01/16/92 wastewater treatment system must be subject to the Clean Water Act (CWA) in order to be eligible for wastewater treatment unit (WWTU) exemption, but not required to actually have CWA permit; zero discharge system eligible for exemption (SEE ALSO: RPC# 3/20/89-03); wastewater treatment facility that never had a discharge to surface water is not eligible for WWTU exemption because it was never subject to NPDES permitting or CWA requirements
- ☒ WASTEWATER TREATMENT AND ELEMENTARY NEUTRALIZATION UNITS EXEMPTION

12/21/87 clarification of wastewater treatment facility; facility must be on-site and have an NPDES permit or discharge to a POTW; means of conveyance between units does not matter; wastewater treatment units (WWTUs) can receive wastewater from off-site and remain exempt; tank system used to manage wastewater prior to off-site

- transfer is not covered by exemption; discussion of zero-discharge NPDES permits and wastewater treatment units (WWTUs)
- ☒ CLARIFICATION OF THE REGULATORY STATUS OF A REFINERY DITCH SYSTEM 05/12/94 unlined trough, trench, ditch not ancillary equipment to tank or sump because not constructed of leak proof material or structural support or strength; distinction between tank and surface impoundment; can retrofit ditches to meet criteria and quality as wastewater treatment unit (WWTU)
- ☒ FILTER PRESS PROPOSED AS PART OF CORRECTIVE ACTION - NOT EXCLUDED FROM PERMITTING 06/12/87 filter press may meet totally enclosed treatment unit (TETU) definition; wastewater treatment unit (WWTU) definition has no formal definition of wastewater; CWA permit not required for WWTU, but discharge that occurs needs to be subject to CWA; exemption from definition of solid waste for materials that are recycled or reclaimed requires waste to be returned to manufacturing process, not to another treatment unit
- ☒ APPLICABILITY OF RCRA REGULATIONS TO A HYDRO-MIST UNIT USED IN THE TREATMENT OF WASTEWATER AT DRY-CLEANING FACILITIES 06/02/94 treatment unit that evaporates dry cleaning wastewater by atomizing or misting liquid into ambient air could qualify as wastewater treatment unit (WWTU) (SEE ALSO: RPC# 6/2/93-01); OSW does not certify, endorse, or approve specific technologies
- ☒ TANK TREATMENT PROCESSES 08/15/90 circuit board manufacturing wastes can be F006 if electroplating involved; anodizing is electroplating; chemical conversion coating is non-electrical process not anodizing or electroplating for F006, F007, F008, F009; wastewater defined only for land disposal restrictions (LDR); containers, tank storing hazardous waste (HW) before off-site shipment not wastewater treatment unit (WWTU); EPA did not intend to include containers in the definition of ancillary equipment; generator accumulation starts when waste first enters container; HW sludge removed from WWTU subject to full regulation; unit can be both WWTU and elementary neutralization unit (ENU); wastewater treatment sludge is anything that precipitates or separates during treatment; F006 may be formed in exempt unit
- ☒ TREATMENT OF HAZARDOUS WASTE IN PIPELINES LEADING TO A WASTEWATER TREATMENT PLANT 08/19/86 elementary neutralization unit (ENU), wastewater treatment unit (WWTU) can be series of connected units; flume, gutter, pipe, open channel defined as tank; WWTU wastewater is water with few percent contaminants (SUPERSEDED: See RPC# 2/11/91-01, RPC# 6/2/93-04); pouring characteristic hazardous waste (HW) into industrial sewer drain pipe where HW mixes with wastewaters not treatment as dilution incidental to pipe's primary purpose conveyance (SEE ALSO: 268.3); open

- channel in enclosed building not totally enclosed treatment unit (TETU); HW subject to substantive regulation counted for generator category; HW piped directly into ENU and CWA sewer discharge not counted; 261.3(a)(2)(iv) de minimis mixture rule exemption only for listed HW mixtures, not characteristic mixtures
- REGULATORY STATUS OF SEPARATOR WATER AND EVAPORATOR UNITS AT DRY CLEANERS 06/02/93 evaporator units at dry cleaners that have eliminated CWA discharges due to concern over sewer leaks are generally wastewater treatment units (WWTU) (SEE ALSO: RPC# 10/22/93-02); WWTU exemption applies only to wastewater, not concentrated wastes like free-phase perchloroethylene; CESQG status depends on total amount of hazardous waste generated at facility per calendar month; EPA cannot state whether all generators from a particular industry (e.g., dry cleaning) are CESQGs; CESQGs are subject only to 261.5
- DE MINIMIS WASTEWATER MIXTURES SENT OFF SITE 03/01/98 the mixture rule exclusion at 261.3(a)(2)(iv)(D) applies only to mixtures of wastewaters and de minimis amounts of commercial chemical products that are sent to a facility's on-site wastewater treatment system discharging under CWA 307(b) or 402; if the wastewater mixture is shipped off-site by truck, the shipment must be delivered by a hazardous waste transporter and accompanied by a manifest; the manner in which the wastewater mixture is transported to an on-site wastewater treatment unit does not affect the exemption
- CONTAMINATED GROUNDWATER, REGULATORY STATUS OF 03/11/87 interim status standards, not 264 standards, are imposed under 3008(h) orders; treatment system for contaminated groundwater should be handled as change during interim status; leakage of hazardous waste compounds from process areas meets definition of discarded; 264.1 and 265.1 provide exemptions for immediate response activities
- PERMIT-EXEMPT STATUS OF SLUDGE DRYERS ADDED TO WASTEWATER TREATMENT UNITS 01/02/86 sludge dryer that meets wastewater treatment unit (WWTU) definition is exempt from permitting; sludge drying is treatment; presses, filters, and sumps may be tanks under definition of WWTU; tanks not discharging under 402 or 307(b) of CWA that are part of the wastewater treatment system meet exemption; WWTU tanks may volatilize their contents and retain exemption; sludge dryers can be used to meet 3002(b) waste minimization requirements; while WWTU is exempt from permitting, hazardous waste sludge removed from unit is subject to regulation
- PERMIT REQUIREMENTS FOR ZERO WASTEWATER TREATMENT SYSTEM 03/20/89

- DEFINITION OF "WASTEWATER TREATMENT UNIT" 05/22/84 tanks that produce no effluent as direct result of CWA requirements (i.e., zero dischargers) can qualify as exempt wastewater treatment unit (WWTU)
- STATE INTERPRETATIONS OF THE WASTEWATER TREATMENT UNIT EXEMPTION 02/11/91 States and Regions determine what is wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations
- SEPARATOR WATER AND USE OF EVAPORATORS AT DRY-CLEANING FACILITIES 06/02/93 evaporator units at dry cleaners that have eliminated CWA discharges due to concern over sewer leaks are generally wastewater treatment units (WWTU) (SEE ALSO: RPC# 10/22/93-02); WWTU exemption applies only to wastewater, not concentrated wastes like free-phase perchloroethylene
- REGULATORY STATUS OF A DISSOLVED AIR FLOTATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER 11/01/93 Dissolved Air Flotation (DAF) float (K048) that is inserted into a petroleum coker is a solid and hazardous waste (SEE ALSO: 261.4(a)(12)); DAF float feed tank may be an exempt wastewater treatment unit (WWTU) provided it meets the criteria listed in 260.10
- REGULATORY REQUIREMENTS FOR ON-SITE TREATMENT OF OXYGEN BREATHING APPARATUS (OBA) CANISTERS 05/09/94 oxygen breathing apparatus (OBA) used by firefighters could qualify as exempt scrap metal when recycled; no need to determine if recycled scrap metal is hazardous waste (HW); emptying steel OBA canister could be exempt scrap steel recycling process if canisters are to be recycled (SEE ALSO: 261.4(a)(13) exclusion for processed scrap metal); emptying canisters to render them nonhazardous prior to disposal may be regulated treatment; HW canisters may be accumulated on-site without a permit under 262.34; tanks meeting wastewater treatment unit definition are exempt from permitting requirements
- TREATMENT OF HAZARDOUS WASTE IN PIPELINES LEADING TO A WASTEWATER TREATMENT PLANT
 TREATMENT OF HAZARDOUS WASTE IN PIPELINES LEADING TO A WASTEWATER TREATMENT PLANT 08/19/86 elementary neutralization unit (ENU), wastewater treatment unit (WWTU) can be series of connected units; flume, gutter, pipe, open channel defined as tank; WWTU wastewater is water with few percent contaminants (SUPERSEDED: See RPC# 2/11/91-01, RPC# 6/2/93-04); pouring characteristic hazardous waste (HW) into industrial sewer drain pipe where HW mixes with wastewaters not treatment as dilution incidental to pipe's primary purpose conveyance (SEE ALSO: 268.3); open channel in enclosed building not totally enclosed treatment unit (TETU); HW subject to substantive regulation counted for generator category; HW piped directly into ENU and CWA sewer discharge not counted; 261.3(a)(2)(iv) de minimis mixture rule exemption only for listed HW

- mixtures, not characteristic mixtures
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION 04/01/85 tank holding but not treating hazardous waste (HW) prior to off-site transfer is not wastewater treatment unit (WWTU) but could be generator accumulation unit; off-site WWTU can only receive HW if a designated facility (permitted or interim status facility) (SUPERSEDED: See RPC #3/26/98-01); WWTU exemption does not attach to waste removed from unit
 - ☒ TRUCK TRANSPORT OF WASTEWATER FOR PURPOSES OF SECTION 261.3(A)(2)(IV)(A) 07/01/91 solvent-wastewater mixture transported to wastewater treatment unit (WWTU) by truck qualifies for 261.3(a)(2)(iv) exemption provided WWTU is subject to 402 or 307(b) of CWA, and wastewater meets the de minimis levels specified in 261.3(a)(2)(iv)
 - ☒ PESTICIDE RINSEATE TREATMENT/RECYCLING SYSTEM 10/27/88 tanks with no discharge because effluent is recycled or otherwise handled cannot be wastewater treatment units (WWTU); tanks that have eliminated discharge of effluent as direct result of CWA rules and limits (zero dischargers) can qualify as WWTUs; reclaimed wastewaters are generally not products; in certain cases, treated wastewater that is legitimately reused is considered
 - ☒ PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT UNITS 08/01/97 facilities that discharge a pollutant covered under CWA section 307(b) to a publicly owned treatment works (POTW) are considered to be subject to the CWA; tanks or tank systems that treat hazardous wastewaters before discharging them to a POTW can qualify as exempt wastewater treatment units (WWTUs) because they are subject to the CWA
 - ☒ WASTES GENERATED BY COKE AND COAL TAR PLANTS 07/24/87 no solids or organics content or % water limits for "primarily aqueous" wastewater streams; industrial wastewater discharge exclusion (261.4(b)(2)); "commonly defined by the industry as wastewaters"; examples provided; wastewater treatment unit (WWTU) exemption not for surface impoundments; discusses "trigger" levels for possible coke by-product K-listings; listing will be based on 261.11 criteria, which are based on potential hazard and mismanagement, but not directly on waste minimization
 - ☒ RESOLUTION OF RCRA ISSUES RELATING TO THE WOOD PRESERVING INDUSTRY 05/01/96 drip pad sumps can satisfy the wastewater treatment unit (WWTU) exemption if they are part of the facility's wastewater treatment system, even though the wood preserving regulations require sumps to meet Subpart J tank standards; if a wood preserving facility qualifies as a CESQG, it is conditionally exempt from Parts 264/265, Subparts W and J requirements

- APPLICABILITY OF THE WASTEWATER TREATMENT UNIT EXEMPTION TO A GROUNDWATER TREATMENT SYSTEM 06/27/84 State or Region must determine applicability of wastewater treatment unit (WWTU) definition to groundwater treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- PERMITTING AND LAND DISPOSAL REQUIREMENTS FOR MANAGEMENT OF CONTAMINATED SOIL WHICH IS HAZARDOUS OR CONTAINS HAZARDOUS WASTE 11/27/96 non-exempt remediation activities involving treatment of hazardous waste or media are subject to RCRA permitting even if cleanup is under state requirements other than RCRA or CERCLA; states with permit waiver authority may waive the permit requirements for cleanups if waiver is not used in a manner less stringent than that allowed under federal authority; if state remediation standards are less stringent, waste must meet LDR treatment standards before placement; use of corrective action management unit (CAMU) or area of contamination (AOC) concept will not trigger LDR requirements
- RD&D PERMIT FOR A SLUDGE DRYING PROCESS IN A WASTEWATER SYSTEM 12/24/85 for wastewater treatment unit (WWTU) exemption, tanks can include sumps, presses, filters, sludge dryers, or other equipment; sludge dryer can be exempt WWTU, although hazardous waste sludges removed from dryer are subject to full regulation
- WASTEWATER TREATMENT UNIT/GENERATOR ACCUMULATION TANK 07/01/88 wastewater treatment units (WWTUs) must be dedicated for use with an on-site wastewater treatment facility; tanks occasionally or routinely used to store or treat wastewaters before off-site transfer are not WWTUs
- REGULATORY STATUS OF SHELL OIL'S NORCO, LOUISIANA FACILITY DITCH SYSTEM 02/01/94 trough, trench, ditch connected to tank or sump is ancillary equipment; unlined conveyance systems allowing leakage or discharge not ancillary equipment; may be disposal or surface impoundment, miscellaneous, or solid waste management unit (SWMU) subject to corrective action; unlined trough, trench, ditch that is retrofitted may meet definition of ancillary equipment to tank and qualify for wastewater treatment unit (WWTU) exemption
- REGULATORY STATUS OF SEPARATOR WATER AND THE USE OF SEPARATOR WATER EVAPORATORS AT DRY-CLEANING FACILITIES 10/22/93 EPA statement in Letter, Lowrance to Fisher (RPC# 6/2/93-01) that evaporation units at dry cleaners that do not discharge wastewaters pursuant to CWA are wastewater treatment units (WWTU) is specific to units used in dry cleaning; unit receiving concentrated wastes is generally not WWTU
- WASTEWATER TREATMENT UNIT EXEMPTION 09/10/84 States or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes

- of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- STATUS OF WWTUS/ENUS AT GENERATOR SITES 02/01/95 generator treating hazardous waste in an on-site wastewater treatment unit (WWTU) or elementary neutralization unit (ENU) need not comply with 262.34 accumulation standards, because these units are already exempt from RCRA permitting and TSDF requirements
- TORPEDO PROPULSION UNITS SHIPPED FOR RECYCLING, REGULATION OF 02/25/86 metal torpedo components which must be decontaminated before reuse not exempt under 261.2(e); components are scrap metal, exempt when reclaimed; sump defined as tank can be wastewater treatment unit (WWTU); hazardous waste (HW) surface impoundments not WWTUs; if storing HW prior to neutralization and not part of WWTU or other exempt unit, sump subject to 262.34 or Parts 264/Part 265
- TC RULE HAZARDOUS WASTE DETERMINATION 07/31/91 pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements
- TANK RULES APPLIED TO WWT UNITS AND DISTRIBUTION SYSTEMS 11/28/86 wastewater treatment unit (WWTU) not subject to permitting; closed-loop exclusion applies to reclaimed material returned to production process, production process is manufacturing or primary activity; manhole or sump serving as secondary containment must comply with Subpart J except for 264.193
- DEFINITION OF WASTEWATER TREATMENT UNIT 10/01/88 removal of wastewater treatment sludges or tank bottoms for off-site disposal does not disqualify tanks from being wastewater treatment units (WWTUs)
- BIENNIAL REPORTING FOR WASTES TREATED IN EXEMPT UNITS 06/01/94 facilities that are required to submit a Biennial Report should include wastes treated in exempt units (such as wastewater treatment units (WWTUs)), even if waste is not subject to substantive regulation
- APPLICABILITY OF RCRA REGULATIONS TO CHEMICAL FLOCCULATION UNITS WHEN USED TO TREAT WASH WATER FROM AIRCRAFT ENGINES 09/23/96 chemical flocculation unit treating cadmium contaminated wash water requires hazardous waste treatment permit, unless the unit meets an exemption; if unit is a tank meeting the definition of wastewater treatment unit (WWTU), or a tank or

- container regulated as a generator accumulation unit, the unit is exempt from permitting; treatment sludge generated in the unit must be managed as a hazardous waste if it exhibits a characteristic; land disposal restrictions (LDR) apply to the treatment sludge and the original wash water
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION 07/19/84 if tank treats wastewater to comply with POTW pretreatment requirements, tank is
- ☒ DRAFT REGION VIII POLICY ON "AGGRESSIVE BIOLOGICAL TREATMENT" 07/03/91 sludges formed in aggressive biological treatment (ABT) units are not F037 or F038; only secondary or tertiary treatment units qualify as ABT; ABT units receiving or generating toxicity characteristic hazardous waste are subject to all applicable rules; F037/F038 sludges can be formed in ABT units not operating properly
- ☒ TANK TREATMENT PROCESSES 08/15/90 circuit board manufacturing wastes can be F006 if electroplating involved; anodizing is electroplating; chemical conversion coating is non-electrical process not anodizing or electroplating for F006, F007, F008, F009; wastewater defined only for land disposal restrictions (LDR); containers, tank storing hazardous waste (HW) before off-site shipment not wastewater treatment unit (WWTU); EPA did not intend to include containers in the definition of ancillary equipment; generator accumulation starts when waste first enters container; HW sludge removed from WWTU subject to full regulation; unit can be both WWTU and elementary neutralization unit (ENU); wastewater treatment sludge is anything that precipitates or separates during treatment; F006 may be formed in exempt unit
- ☒ CLARIFICATION OF THE REGULATORY STATUS OF A REFINERY DITCH SYSTEM 05/12/94 unlined trough, trench, ditch not ancillary equipment to tank or sump because not constructed of leak proof material or structural support or strength; distinction between tank and surface impoundment; can retrofit ditches to meet criteria and quality as wastewater treatment unit (WWTU)
- ☒ FILTER PRESS IN WASTEWATER TREATMENT UNIT, EXCLUSION FOR 05/01/84 tank-like portable filter press used in wastewater treatment facility is excluded from regulation if filter press meets 260.10 criteria for wastewater treatment unit (WWTU)
- ☒ REGULATORY STATUS OF SEPARATOR WATER AND EVAPORATOR UNITS AT DRY CLEANERS 06/02/93 evaporator units at dry cleaners that have eliminated CWA discharges due to concern over sewer leaks are generally wastewater treatment units (WWTU) (SEE ALSO: RPC# 10/22/93-02); WWTU exemption applies only to wastewater, not concentrated wastes like free-phase perchloroethylene; CESQG status depends on total amount of hazardous waste generated at facility per calendar month; EPA cannot state whether

- all generators from a particular industry (e.g., dry cleaning) are CESQGs; CESQGs are subject only to 261.5
- 11/28/88 pieces of lead metal from batteries can be scrap metal; exemption no longer applies if metal pieces are mixed with other wastes that are regulated; wastes derived from spent materials are spent materials; some lead-acid battery components are not solid wastes when reclaimed; regulatory status of reclaimed battery components; EPA analysis of regulatory status of 16 materials from spent lead-acid battery recycling, including battery acid, plastic chips, metal battery pieces, and lead sulfates; spent lead-acid battery components used to produce fertilizer are used in a manner constituting disposal; fertilizer produced for general public's use that meets land disposal restrictions (LDR) treatment standards is no longer subject to regulation (SEE ALSO: Part 273)
- 07/25/84 F006, K001 apply to sludge generated anywhere in wastewater treatment process; effluent from wood preserving waste treatment train not K001; definition of material leaving sand filter is same as material entering filter; wastewater passing through filter remains wastewater
- 03/20/86 wastewater management generates wastewater treatment sludge; to prove wastewater management has created sludge, need only show that unit or soil after contact with wastewater is physically or chemically different from virgin unit or soil; even when fully treated, industrial wastewater remains wastewater for listings; management of electroplating or wood preserving wastewater at any point in wastewater treatment train creates F006 or K001 sludge, regardless of actual sludge contaminants or concentrations; delisting option
- 09/01/86 explanation of difference between "broader in scope" and "more stringent"; state's authorized RCRA program may be broader in scope or more stringent than federal RCRA program; EPA may enforce more stringent state requirement but not one that is broader in scope
- 12/11/87 K035 includes sludges generated from biological treatment of creosote production wastewaters; waste cannot be delisted unless sufficiently characterized to demonstrate that it is nonhazardous, including showing waste is not characteristic and is not hazardous for other reasons
- 06/02/94 treatment unit that evaporates dry cleaning
- APPLICABILITY OF PERMITTING TO SPENT LEAD-ACID BATTERY RECYCLING
- WASTEWATER TREATMENT EFFLUENT FROM PROCESSES THAT GENERATE K001 AND F006 WASTEWATER TREATMENT SLUDGE
- DETERMINATION OF THE PRESENCE OF WASTEWATER TREATMENT SLUDGES AND/OR THE PRESENCE OF WASTEWATER
- STATE PROGRAMS
- K035 LISTING AND INCLUSION OF SLUDGES FROM BIOLOGICAL TREATMENT OF CREOSOTE PRODUCTION WASTEWATERS
- APPLICABILITY OF RCRA REGULATIONS TO A

- HYDRO-MIST UNIT USED IN THE TREATMENT OF WASTEWATER AT DRY-CLEANING FACILITIES
- wastewater by atomizing or misting liquid into ambient air could qualify as wastewater treatment unit (WWTU) (SEE ALSO: RPC# 6/2/93-01); OSW does not certify, endorse, or approve specific technologies
- WASTEWATER TREATMENT UNIT EXEMPTION 09/26/89 wastewater treatment units (WWTUs) receiving off-site wastewater meets the WWTU exemption provided prior shipment or treatment does not violate NPDES or pretreatment requirements; tank storage or treatment prior to shipment is not exempt
- WASTEWATER TREATMENT AND ELEMENTARY NEUTRALIZATION UNITS EXEMPTION 12/21/87 clarification of wastewater treatment facility; facility must be on-site and have an NPDES permit or discharge to a POTW; means of conveyance between units does not matter; wastewater treatment units (WWTUs) can receive wastewater from off-site and remain exempt; tank system used to manage wastewater prior to off-site transfer is not covered by exemption; discussion of zero-discharge NPDES permits and wastewater treatment units (WWTUs)
- SLUDGE DEHYDRATION EQUIPMENT 08/03/87 sludge dehydration equipment that is part of a wastewater treatment system is exempt from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- RCRIS CORRECTIVE ACTION ENVIRONMENTAL INDICATOR EVENT CODES CA725 AND CA750 07/29/94 definitions of Resource Conservation and Recovery Information System (RCRIS) corrective action indicator event codes CA725 (human exposures controlled determination) and CA750 (groundwater releases controlled determination); Environmental Indicator event codes are used to measure environmental results of remediation activities
- FLUE DUST AND METAL HYDROXIDE SLUDGE RECYCLING/RECLAMATION 03/27/89 flue dust generated by air pollution control device in brass mill is characteristic sludge; metal hydroxide sludge generated in wastewater treatment unit at brass mill is characteristic sludge; characteristic sludges from air and water pollution control devices are not solid wastes from point of generation forward if sludges are destined for reclamation in a manner not involving placement on land; generator must document claim that sludge is excluded from solid waste definition
- REGULATORY STATUS OF PETROLEUM-WATER MIXTURES 06/14/91 mixture of petroleum fuel product and water is off-specification CCP and not solid waste when destined for reclamation; if mixture is result of intentional mixing or purposeful nonseparation of product and hazardous wastewater to avoid regulation, mixture may be solid waste

- ☒ DEFINITION OF TANK/DEFINITION OF WASTEWATER TREATMENT UNIT

03/01/88 wheeled tank would meet the definition of tank under 260.10 because it is stationary during operation; devices used as part of storage/treatment system and directly connected by piping to wastewater treatment unit (WWTU) are stationary units; wheeled tank part of WWTU
- ☒ ONE-TIME NOTIFICATION REQUIREMENT UNDER §268.7(A)(6)

07/01/92 one-time notification under land disposal restrictions (LDR) applies even if, prior to discharge, waste is managed in a manner not substantively regulated
- ☒ REGULATORY INTERPRETATION FOR ION EXCHANGE RESIN USED FOR WATER REUSE ON ELECTROPLATING WASTEWATERS

07/21/94 sludge definition is tied to type of unit in which waste is generated, not disposition of treated effluent or intent of processing; ion exchange resin used to filter electroplating wastewater is F006 regardless of whether it exhibits a hazardous characteristic; act of filtering contaminants from wastewater is pollution control and generates sludge, even if intent is to reclaim wastewater for reuse in production process
- ☒ SLUDGE DEHYDRATION EQUIPMENT AS A WASTEWATER TREATMENT UNIT

08/03/87 sludge dehydration equipment that is part of a wastewater treatment system is exempt from permitting if equipment meets definition of wastewater treatment unit (WWTU) and is used to evaporate water from sludge; exemption does not apply to incinerators
- ☒ WASTEWATER TREATMENT UNITS: REGULATORY STATUS OF WASTE

06/01/92 regulatory status of waste generated in a wastewater treatment unit (WWTU); exempt only while in unit; residues from treatment of a listed waste in a WWTU remain listed due to derived-from rule
- ☒ MOBILE WASTEWATER TREATMENT UNITS

06/01/87 mobile treatment unit can be tank; mobile tank can be used as part of exempt wastewater treatment unit (WWTU) provided it is stationary when in operation
- ☒ PETROLEUM REFINERY WASTEWATER TREATMENT SLUDGE CLASSIFICATION

02/01/91 applicability of F037 and F038 listings; primary/ secondary separation and primary/ secondary treatment
- ☒ WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION

12/24/84 wastewater treatment unit (WWTU) must be tank receiving influent hazardous wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs
- ☒ SLUDGE DRYER ADDED TO WASTEWATER TREATMENT UNIT-EFFECT ON WWTU EXEMPTION

01/02/86 addition of sludge dryer to wastewater treatment unit (WWTU) does not jeopardize unit exemption as long as sludge dryer meets unit definition; tanks include presses, filters, sumps, processing equipment; WWTU include covers, sludge digesters, thickeners, dryers; unit meets WWTU definition even if discharge not subject to CWA; other tanks in system must have discharge subject to CWA; tanks that volatilize contents can be exempt as

- WWTU; sludge removed from unit is subject to RCRA
- 05/12/88 DEMONSTRATING EQUIVALENCE OF PART 265 CLEAN CLOSURE WITH PART 264 REQUIREMENTS under 270.1(c) owners of interim status surface impoundments and waste piles who clean closed under old Part 265 closure standards may demonstrate equivalency with 264 closure standards; contents of demonstration equivalency and procedures for submittal; if attempt at closure equivalency demonstration does not meet 264 standards, owner must submit a Part B permit application; acceptability of specific information supporting equivalency demonstrations; owner of an interim status landfill where waste was removed at closure can reclassify it as a waste pile and demonstrate clean closure equivalency, or owner may request shortened post-closure care period
- 07/31/81 WASTEWATER TREATMENT UNIT EXEMPTION off-site hazardous waste management facilities can be wastewater treatment units (WWTUs); actual permit or effluent limit not needed for discharge to be considered subject to CWA; wastewater does not include concentrated chemicals or nonaqueous waste; presses, filters, and sumps may be WWTU
- 02/24/87 WASTEWATER TREATMENT UNITS ARE NOT DESIGNATED FACILITIES AND MAY NOT RECEIVE OFF-SITE HAZARDOUS WASTES facility with exempt wastewater treatment unit (WWTU) usually not designated facility and cannot accept manifested off-site waste; POTW with permit-by-rule is designated facility; designated facility is facility permitted, interim status, or recycler (SUPERSEDED: See RPC #3/26/98-01)
- 07/05/91 APPLICABILITY OF THE "MIXTURE" RULE TO PETROLEUM REFINERY WASTEWATER SYSTEMS petroleum wastewater separation sludges; liquid from which F037 and F038 listed sludge is generated is not itself listed waste via mixture rule unless sludge is mixed with liquid (e.g., sludge is scoured upon introduction of waste to unit)
- 03/07/88 SLUDGE DEHYDRATION EQUIPMENT THAT IS PART OF A WASTEWATER TREATMENT FACILITY wastewater treatment unit (WWTU) exclusion does not apply to conventional incinerators even when they are part of wastewater treatment system; sludge dehydration equipment (i.e., sludge dryers) qualifies for WWTU exclusion provided equipment meets the definition of WWTU and is used to evaporate water from sludge; most sludge dryers meet the definition of tank; sludge dryers not eligible for WWTU exclusion are subject to either 265 Subpart P or 264 Subpart X
- 01/21/97 REGULATORY STATUS OF ION EXCHANGE RESIN WASTE ion exchange filter waste used in treatment of electroplating rinses is F006, even though purified water is recycled to process; ion exchange filter classified as a sludge; definition of sludge tied to type of unit in which waste generated

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| <p>☒ <u>FILTER PRESS PROPOSED AS PART OF CORRECTIVE ACTION - NOT EXCLUDED FROM PERMITTING</u></p> | <p>06/12/87 filter press may meet totally enclosed treatment unit (TETU) definition; wastewater treatment unit (WWTU) definition has no formal definition of wastewater; CWA permit not required for WWTU, but discharge that occurs needs to be subject to CWA; exemption from definition of solid waste for materials that are recycled or reclaimed requires waste to be returned to manufacturing process, not to another treatment unit</p> |
| <p>☒ <u>CONTAMINATED GROUND WATER AND VOLATILES FROM AIR STRIPPING. TREATMENT OF</u></p> | <p>11/20/86 contaminated groundwater is not solid waste but must be handled as if it were hazardous waste if it contains hazardous waste (contained in policy); units handling such groundwater must be hazardous waste units; such units may be exempt from permitting under 270.72 changes during interim status; volatile organics released to air during remediation are not solid wastes, but release of hazardous constituents is subject to 3008(h) corrective action authorities; statute requires both air and groundwater contamination to be addressed; (SEE ALSO: 264/265 Subparts AA, BB, CC); 1977 spill from UST subject to 9003 corrective action is not subject to 3008(h); spraying of treated waste on land is land disposal subject to land disposal restrictions (LDR)</p> |
| <p>☒ <u>REQUEST FOR GUIDANCE/CLARIFICATION OF WASTEWATER TREATMENT UNIT DEFINITION</u></p> | <p>12/26/84 wastewater treatment unit (WWTU) definition does not require tanks at facility to be connected; wastewater can be piped, trucked, otherwise conveyed between components of WWTU's</p> |
| <p>☒ <u>APPLICABILITY OF WASTEWATER TREATMENT UNIT EXEMPTION</u></p> | <p>06/01/90 wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other CWA effluent limit</p> |
| <p>☒ <u>K035 LISTING AND DELISTING ISSUES: GROUNDWATER CONTAMINATION</u></p> | <p>12/11/87 K035 includes sludges generated from biological treatment of creosote production wastewaters; waste cannot be delisted unless sufficiently characterized to demonstrate that it is nonhazardous, including showing waste is not characteristic and is not hazardous for other reasons</p> |
| <p>☒ <u>PERMIT REQUIREMENTS RELATING TO ON-SITE TREATMENT AND WASTEWATER TREATMENT UNIT EXEMPTIONS</u></p> | <p>11/02/88 262.34 unit permit exemption not relevant to exempt wastewater treatment units (WWTUs) (SEE ALSO: RPC# 2/1/95-01); for WWTU exemption, wastewater is less than 1% total organic carbon (TOC) and less than 1% total suspended solids (TSS) (SUPERSEDED: see RPC# 2/11/91-01 and RPC# 6/23/93-04); generator in compliance</p> |

- with 262.34 is exempt from permitting for hazardous waste treatment or storage; accumulation time begins at moment waste first enters unit
- PRIVATELY OWNED SEWERS AND WASTEWATER TREATMENT UNITS WHICH DISCHARGE TO A POTW 10/01/82 privately-owned sewers and wastewater treatment units (WWTU) up-stream from point where CWA 307(b) pretreatment standards apply are not considered part of the "sewer system," domestic sewage exclusion does not apply; RCRA does not define "sewer system"
- WASTEWATER TREATMENT UNIT EXEMPTION 09/07/84 states or Regions determine applicability of wastewater treatment unit (WWTU) exemption to leachate treatment tank; no EPA definition of wastewater for purposes of WWTU exemption (SEE ALSO: RPC# 2/11/91-01; RPC# 6/2/93-04)
- PETROLEUM REFINING WASTES AND EXEMPTIONS FOR WWTUS 09/20/90 tank treating or storing wastewater or wastewater treatment sludge can be wastewater treatment unit (WWTU); tank treating off-site hazardous waste (HW) can be WWTU if facility is designated facility to accept manifested HW; only tanks and ancillary equipment can be WWTUs; tank bottoms from fuel storage are CCPs not solid waste (SW) when used in fuel; tank bottoms from refining process units are by-products and SW when used in fuels; refinery by-product for use in lubricant is SW if listed (SEE ALSO: 261.4(a)(12) and 261.6(a)(3))
- RECOVERY OF SULFUR AND CHLORIDE FROM SLURRIED BAGHOUSE DUST 10/08/92 desulfurization process to remove sulfur and chloride from slurried baghouse dust is exempt recycling process; desulfurization units are either exempt recycling units or wastewater treatment units (WWTUs)
- EXEMPTION FROM PERMITTING REQUIREMENTS FOR WASTE WATER TREATMENT UNITS 01/16/92 wastewater treatment system must be subject to the Clean Water Act (CWA) in order to be eligible for wastewater treatment unit (WWTU) exemption, but not required to actually have CWA permit; zero discharge system eligible for exemption (SEE ALSO: RPC# 3/20/89-03); wastewater treatment facility that never had a discharge to surface water is not eligible for WWTU exemption because it was never subject to NPDES permitting or CWA requirements

140 Documents found.

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PPC: X
EPA: 530-R-96-002E
NTIS: SUB-9224-96-005

FAXBACK 13785

3. Surface Impoundment Retrofitting Requirements

The 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA specify minimum technological requirements for the design and construction of new hazardous waste surface impoundments, including installation of a double liner and a leachate collection and removal system (LCRS) and groundwater monitoring (RCRA Section 3004(o)). Units for which EPA received permit applications after November 8, 1984, the enactment date of HSWA, must comply with these standards. The HSWA amendments also require owners and operators of hazardous waste surface impoundments in existence on November 8, 1984, or which become subject to RCRA as the result of the promulgation of a new hazardous waste listing or characteristic, to retrofit their surface impoundments to meet the minimum technology requirements for new units (Section 3005(j)). Under what circumstances does HSWA require retrofitting of these existing or newly-subject surface impoundments, and by what date must retrofitting be completed?

HSWA required owners and operators of all hazardous waste surface impoundments operating under interim status on November 8, 1984, to retrofit to meet the double liner, LCRS, and groundwater monitoring requirements or close within four years, or November 8, 1988. Similarly, owners and operators of existing surface impoundments which become subject to RCRA as the result of a new hazardous waste listing or characteristic must retrofit or close within four years of the promulgation of the listing or characteristic. For example, owners and operators of surface impoundments which became subject to RCRA as the result of the promulgation of the Toxicity Characteristic waste codes on March 29, 1990, were required to retrofit those units to meet the minimum technology requirements or close by March 29, 1994 (55 FR11798; March 29, 1990).

HSWA also provided variances under which certain existing surface impoundments would not have to retrofit. These variances apply to surface impoundments: (1) with a single liner for which there is no evidence of leakage, located more than a quarter mile from an underground source of drinking water, and in compliance with groundwater monitoring requirements; (2) conducting aggressive biological treatment in compliance with the Clean Water Act and RCRA groundwater monitoring requirements; or (3) demonstrating no potential for migration of hazardous wastes or constituents into groundwater or surface water at any future time (Section 3005(j)(2)-(4)). Additionally, HSWA granted the Administrator the authority to modify the retrofitting requirements for owners and operators of existing surface impoundments who had begun corrective action before October 1, 1984 (Section 3005(j)(13)).

Owners and operators of surface impoundments previously exempt from the retrofitting requirements under one of the variances, but which no longer meet the conditions of the variance (e.g., as a result of a torn liner), are required to retrofit their impoundments within two years of the discovery of the change. If the surface impoundment was exempt because it was conducting aggressive biological treatment, the owner or operator must retrofit the surface impoundment within three years.

Faxback 11059
9441.1985(08)

FEB 22 1985

Placid Refining Company
3900 Thanksgiving Tower
Dallas, TX 75201

Dear Mr. Walsh:

This letter is written in response to your February 14 correspondence which requests that EPA clarify whether a particular refinery wastewater treatment sludge is a listed hazardous waste (K048). The waste in question is generated by a dissolved air flotation device in use at the Placid Refinery in Port Allen, Louisiana, that is used as part of the secondary wastewater treatment system to remove biological solids from an activated sludge unit.

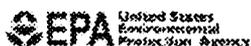
In a recent Federal Register notice (see Enclosure), the Agency has maintained that the K048 and K051 listings were intended only to address oil/solids/water separation from primary treatment. The word "secondary" was used in the background document and subsequently in the K048 listing to describe configurations where two primary wastewater treatment methods were used consecutively as compared to secondary treatment consisting of biological oxidation. The sludge from this unit is not currently a listed hazardous waste because the dissolved air flotation unit at the Placid Refinery is used to remove biological sludge from the treated effluent. Therefore, under the Federal hazardous waste management system, this waste would be hazardous only if it exhibits one or more of the hazardous waste characteristics.

At the same time, you should also be aware that EPA is concerned about secondary sludges from biological treatment of refinery wastewaters. Consequently, we are currently evaluating these wastes as part of the petroleum refining industry studies to determine whether they should be listed as hazardous. Please feel free to give me a call at (202) 475-8551 if you have any further questions.

Sincerely,

**Matthew A. Straus, Chief
Waste Identification Branch**

Enclosure

**Office of Solid Waste**

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How To

Record Detail

Full Document:**Title:**SURFACE IMPOUNDMENTS VIS-A-VIS
NPDES-PERMITTED DISCHARGE POINTS**Date:**

12/29/86

To:

Scarborough, Region 4

From:

Williams

Organization of Recipient:

EPA

Description:

surface impoundment managing hazardous waste not created by impounding water from water of the US is subject to RCRA; impoundment located downgradient of NPDES discharge is regulated under CWA; permit conditions established by EPA officer, not TSDf owner or operator

Part(s) & Subpart(s):

261 Subpart A; 264 Subpart K; 265 Subpart K; 270 Subpart C

Section(s):

261.4(a)(2); 264.220; 265.220; 270.32

Statutory Citation(s):

NA

Topic(s):

Exclusions (RCRA), Hazardous Waste, Permits and Permitting, Land Disposal Units, Surface Impoundments, TSDfS

Approximate Number of Hardcopy Pages:

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NA

RPC Number:

12/29/86 - 2

RPPC Number (if applicable):

9484.1986(09)

NTIS Number (if applicable):

NA

OSWER Directive Number (if applicable):

NA

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PPC 9484.1986(09)

SURFACE IMPOUNDMENTS VIS-A-VIS NPDES-PERMITTED
DISCHARGE POINTS

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

DEC 29 1986

MEMORANDUM

SUBJECT: Request for Guidance on RCRA Regulation of Impoundments
in Various Relationships to NPDES Permitted Discharges

FROM: Marcia Williams, Director
Office of Solid Waste

TO: James Scarbrough, Chief
Residuals Management Branch, Region IV

This memorandum is intended to provide further guidance regarding issues which have been raised by Region IV on the regulatory status of surface impoundments as they are related to NPDES permitted discharge points. This guidance follows up on Bruce Weddle's memo to you of May 2, 1986.

The scenarios you present are complex, and require the application of multiple regulatory definitions and standards from both RCRA and the Clean Water Act (CWA). The Office of General Counsel some time ago developed an analysis of the applicable principles, definitions, and legal interpretations which are relevant to the issues you have raised. This analysis is attached for background purposes. The following discussion responds more directly to the scenarios you presented as we understand them.

In your memorandum of March 20, 1986, you state ("item one") that you plan to regulate water bodies into which wastes are discharged as RCRA TSDFs if they are wholly within the property boundary and are upgradient of a NPDES permitted discharge point. Diagram 1 illustrates our understanding of the situation. In this scenario we assume the NPDES discharge point to be at location A in the diagram. We further assume that the unit in question is a "surface impoundment" in which hazardous wastes were managed, and that the unit was not created

by impounding water from a "water of the U.S." In this case, the unit would be subject to all applicable RCRA Subtitle C regulations.

However, if the impoundment was actually created by impounding the larger body of water (see Diagram 2), the regulatory status of the impoundment is less straightforward. Whether such an impoundment is subject to RCRA depends largely

-2-

on whether it is determined to be a "water of the U.S." As explained in the attached background paper, the determination of whether such an impoundment is or is not a water of the U.S. is essentially a case by case decision which is made by the Regional Water Division. If the impoundment is found to be a water of the U.S., it is not subject to regulation under RCRA. If the impoundment is not a water of the U.S., it would be subject to regulation under RCRA Subtitle C.

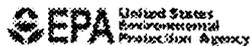
In Item Two of your memorandum, you describe several scenarios in which the "pond" in question (which we interpret to be an impoundment) is located downgradient of one or more NPDES permitted discharge points. Under the CWA, a discharge is defined as "any addition of a pollutant or combination of pollutants to the waters of the U.S." (see 40 CFR § 122.2). Therefore, any pond located downgradient of a NPDES permitted discharge point is, by definition, a water of the U.S. The exact location of the point of discharge is obviously a key factor in any determination of the regulatory status of such surface impoundments.

Your memorandum also suggested that the exclusion from RCRA for discharges subject to NPDES permits applies only to the discharge point closest to the facility boundary. This is not the case. Nor is it true, as implied in the memo, that an owner/operator would be able to direct a change in a NPDES permit to position a discharge point upgradient of a TSD and thereby avoid regulation of the TSD under RCRA. Permit conditions are established by the relevant EPA program office. Where complexities regarding program jurisdiction arise, EPA will resolve the issues internally. A judgement by an owner/operator regarding which programmatic jurisdiction offers more favorable regulatory status for the facility should not influence which regulations and/or standards, in fact, apply.

The case by case decisions which are necessary to determine the status of impoundments closely related to waters of the U.S. must be made in close cooperation with the Water Division and the Office of the Regional Counsel. The Office of General Counsel's discussion provides a useful overview of the issues involved.

If you have any questions concerning this memorandum,
please call Michele Anders, FTS 382-4534.

Attachments



Office of Solid Waste



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How To

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Title:

 ALTERNATE CONCENTRATION LIMIT (ACL)
POLICY FOR HSWA PROVISIONS

Date:

07/24/87

To:

Greaves, Region 3

From:

Williams

Organization of Recipient:

EPA

Description:

 3005(j) aggressive biological treatment surface
impoundment retrofitting exemption requires interim status
facilities to be in compliance with a permitted facility
groundwater monitoring program; alternate concentration
limits (ACLs) can be used to determine which groundwater
monitoring program, compliance or corrective action,
should be added to the permit

Part(s) & Subpart(s):

264 Subpart F; 265 Subpart F

Section(s):

264.94; 264.101

Statutory Citation(s):

3005(j); 3008(h)

Topic(s):

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Enforcement (RCRA), Hazardous Waste, Permits and
Permitting, Land Disposal Units, Surface Impoundments,
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ALTERNATE CONCENTRATION LIMIT (ACL) POLICY FOR HSWA PROVISIONS
OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUL 24 1987

MEMORANDUM

SUBJECT: Alternate Concentration Limit (ACL) Policy
for HSWA Provisions

FROM: Marcia E. Williams, Director
Office of Solid Waste (WH-562)

TO: Robert E. Greaves, Acting Chief
Waste Management Branch (3HW30)
Region III

This is in response to your June 19, 1987, memorandum concerning the applicability of alternate concentration limits (ACLs) to the surface impoundment retrofitting provision under 3005(j)(3). The facility in question is located in West Virginia, which has a ground-water nondegradation policy under a delegated RCRA program (pre-HSWA).

The retrofitting exemption in 3005(j)(3) for aggressive biological treatment surface impoundments requires that the interim status impoundment be in compliance with ground-water monitoring requirements that are generally applicable to permitted facilities. For facilities that have not been issued a final Part B permit, we have interpreted this requirement, as in the July 1986 guidance entitled "Interim Status Surface Impoundments Retrofitting Variances," to mean compliance with 40 CFR Parts 264 and 270.

Facility permits must include either a detection, compliance, or corrective action monitoring program. Facilities that have detected leakage of contaminants to the ground water must propose

concentration limits, which could include ACLs, for each hazardous constituent detected in the ground water. The ACLs, like the other concentration limits, are used to determine which ground-water monitoring program (i.e., compliance or corrective action) should be included in the facility permit. Therefore, ACLs should

-2-

be considered part of the ground-water monitoring requirements that are generally applicable to permitted facilities.

Section 3005(j)(7)(C) states that if a qualified waste-water treatment impoundment is found to be leaking, the impoundment must retrofit unless EPA determines retrofitting is not necessary to protect human health and the environment. One way for an owner/operator of a leaking surface impoundment to demonstrate protection of human health and the environment is to obtain an ACL. Generally, ACLs are applicable and should be reviewed to determine compliance with 3005(j)(7)(C).

For a facility in a State authorized for RCRA, the applicability of ACLs in EPA's evaluation of an exemption request under 3005(j)(3) and (j)(7)(C) is governed by State law and regulations. As previously stated, the statutory language under 3005(j)(3) states that to qualify for this exemption the facility must be "in compliance with generally applicable ground-water monitoring requirements for facilities with permits..." The retrofitting exemption should be reviewed based on West Virginia's ground-water monitoring permit requirements, which include a nondegradation standard (i.e., they do not provide for the setting of ACLs). As a result, ACLs would not be applicable under the 3005(j)(3) and (j)(7)(C) provisions for this specific case.

Should you have any questions on this matter please contact either Paul Cassidy of the Land Disposal Branch at 8-382-4682 or Mark Salee of the Technical Assistance Branch at 8-382-4755.

cc: Joseph Carra
Bruce Weddle
Bob Tonetti
Suzanne Rudzinski
Art Day
Mark Salee

Paul Cassidy

FAXBACK 13415

9444.1990(05)

PETROLEUM REFINERY SLUDGE REGULATIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Mr. James B. MacRae, Jr.
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building
Room 3019
Washington, D.C. 20503

Dear Mr. MacRae:

The purpose of this letter is to summarize the Agency's response to issues raised in OMB's review of the petroleum refinery sludge hazardous waste listing regulation. Since receiving your letter on September 6, 1990 the Agency has spent considerable time reviewing the issues raised, re-analyzing the data that support the rule, and developing written responses, the most recent of which we sent to you on October 5. Both the Deputy Administrator and I have spent significant amounts of time personally on this matter; we have both been briefed by staff on the issues, we have formulated the Agency's response, and we have met with you or talked personally on the phone. As late as the morning of October 16 EPA and OMB staff were engaged in detailed discussions on the text of the preamble. I am sure you will agree that the Agency has been quite responsive to your concerns.

As you know, the fundamental purpose of this regulation is to complete the work begun in 1980 when the Agency listed the first group of primary wastewater treatment sludges from petroleum refining. A major weakness in the original listing was that it failed to capture all of the primary sludges generated at petroleum refineries. This final listing regulation simply completes RCRA coverage of the these primary wastewater treatment sludges, all of which have the potential to present significant

risks to human health when mismanaged. I therefore strongly encourage you to complete your review of this important regulation. Your speedy action is particularly important since the Agency is now under order of the U.S. District Court for the District of Columbia to promulgate this rule by October 22, 1990.

Following is a summary of the Agency's responses to your concerns in the order presented in your letter.

EPA's Decision to List Is Based on Arbitrary Distinctions Between Waste Types

Your September 6 letter raised two concerns about the scope of the listing determination. Your first concern is that the preamble fails to document the distinction between primary separation and biological separation sludges and thus calls into question the Agency's rationale for listing the former but not the latter. You provide data to support your conclusion that the levels of hazardous constituents in the two types of sludges are similar enough to justify the listing of both. Your second concern is that the listing determination fails to account for the variability in levels of hazardous constituents in the primary sludges and thus over-regulates.

With respect to your first concern, the Agency has never intended to include biological sludges in this listing nor have we published any documents suggesting that we were considering such an action. Our intent has always been simply to regulate the primary sludges that were not captured by the 1980 listings. Since biological sludges were not within the scope of the rulemaking, we have never undertaken a major sampling effort and therefore have only limited data. This limited data and our engineering judgment lead us to believe that biological sludges contain significantly lower levels of many hazardous constituents than primary sludges and thus pose less of a risk to human health and the environment. In attempting to re-create the figures shown in the table on page 4 of your letter, we realized that your figures for the concentration of hazardous constituents in biological treatment sludges include data from some units that would be regulated as primary treatment units under this listing. Your figures therefore overstate the concentration of hazardous constituents in aggressive biological treatment sludges and do not

by themselves provide a rationale for listing biological treatment sludges. In our October 5 letter we transmitted new preamble language and data that more clearly explain why the Agency cannot justify the listing of biological sludges at this time.

Your letter also states that the levels of hazardous constituents in primary sludges vary by orders of magnitude across facilities and between units and thus the listing is over-inclusive. The Agency's data do not support this conclusion. While it is true that individual constituent concentrations vary, virtually every sample of primary separation sludge collected by the Agency contains one or more hazardous constituents several orders of magnitude above the applicable health-based levels.

Thus, notwithstanding variation among constituent concentrations, these data clearly demonstrate that all primary sludges have the potential to pose a risk to human health.

Selective Application of the Factors for Consideration in
□ 261.11 (a) (3)

Potential for Human Exposure

Your letter states that the Agency has not provided evidence of contamination in drinking water wells down-gradient of petroleum refineries. In response, we have provided preamble language documenting evidence found in Region VI of contamination of RCRA groundwater monitoring wells by currently listed primary separation sludges. As we stated in our earlier written response and in our October 4 meeting, it would be time-consuming and costly for the Agency to monitor drinking water wells (as opposed to monitoring wells) for the purposes of regulation development. Even if the monitoring data were collected, it would also be difficult to identify the specific source of any contamination detected due to the prevalence of contaminants surrounding petroleum refineries. The same limitation on identifying contamination sources applies to monitoring conducted by public drinking water treatment utilities. Therefore, as a standard practice, we rely heavily on modeling of constituent fate and transport to predict the potential for drinking water contamination from particular wastestreams. In the case of this industry, we have an unusually large database containing real-world information on toxic constituents, current management

practices, site hydrogeology, and distances to public and private wells. It is our view that the fate and transport model, coupled with extensive real-world data inputs and the Region VI damage cases provide clear evidence of the potential for these sludges to contaminate down-gradient drinking water sources when they are mismanaged.

Factors Inadequately Addressed in the Draft Preamble Risk Reducing Effects of Drinking Water Regulations

Your letter suggests that the benefits analysis and the decision to regulate should take into account both the effects of existing regulations under the Safe Drinking Water (SDWA) and the effects of contaminant taste and odor on drinking water use. You imply that it would be less costly to society to rely on SDWA regulations to prevent human exposure to any groundwater contamination through public drinking water treatment systems and to rely on contaminant taste and odor to prevent human exposure through private wells.

The Agency views this approach, which focuses on cleanup, as contrary to both the statutory goals of RCRA and the Agency's pollution prevention strategy. Prevention of pollution often has proven to yield long-term benefits. The Agency nonetheless agrees that the existence of drinking water regulations for some of the hazardous constituents of primary separation sludge is relevant to the quantitative benefits calculation. However, drinking water regulations do not exist for all of the hazardous constituents, most notably the polynuclear aromatic hydrocarbons that are common in the petroleum sludges at issue here. The Agency did not therefore invest its limited analytical resources in a further refinement of the benefits analysis to measure the exact impact of drinking water regulations. We did provide in our October 5 letter additional language for the preamble and the Regulatory Impact Analysis (RIA) that qualitatively addresses this limitation in the analysis.

Contaminant taste and odor would be an unreliable approach to protection of private well users. The concentration threshold at which people taste and smell contaminants varies, and in the case of benzene, the threshold is several times higher than the drinking water regulatory level. Such an approach would obviously not be effective for contaminants that have neither taste nor odor.

The Agency also does not dispute the fact that treatment of contaminated groundwater is less costly in the short term than full implementation of RCRA Subtitle C. We are not convinced however, that the long-term costs to society would indeed be lower, given the mandates of both RCRA and CERCLA to clean up contamination and the essentially unquantifiable value of an uncontaminated natural resource. The policy and legal implications of implementing a treatment approach are profound, and would require the Agency to undertake a comprehensive rethinking of the RCRA and CERCLA programs. We do not believe that it is appropriate to undertake such an effort at this time or in the context of this individual rulemaking. We would welcome the opportunity to discuss the environmental implications of relying on groundwater treatment instead of prevention and remediation later this fall as we begin to prepare for the reauthorization of RCRA.

Other Appropriate Considerations

1) Alternative Means of Achieving Equivalent Risk - Reduction Benefits at Less Cost

You suggest that EPA should have given further consideration to a range of alternatives for the regulation of primary separation sludge. Examples given include a de minimis approach, a Subtitle "D" or "D+" approach, and the more novel idea of regulating only when contamination in drinking water wells has actually been detected and the refinery has failed to provide either treatment or alternative water supply. Your letter goes on to state that full implementation of Subtitle C dampens pollution prevention incentives by regulating all of the sludges to the same degree of stringency regardless of their level of toxicity.

Based on further analysis, we have found first that petroleum refinery primary wastewater treatment sludges are unlikely to qualify for a de minimis exemption from Subtitle C regulation. Since 1980 the industry has been unable to lower constituent levels to meet even the hazardous waste delisting levels, so we do not consider a de minimis approach to be viable. Second, we do not have statutory authority to develop or enforce Subtitle D regulations for this industry at this time, nor are we aware of the legal authority under which your final regulatory alternative could be implemented.

We therefore did not pursue analysis of these options in our RIA.

The Agency could consider pursuing a concentration-based listing or tailoring existing Subtitle C requirements to this particular industry in hopes of reducing the costs of compliance. However, neither approach is likely to produce dramatic savings in this industry. The toxicity and mobility of these sludges would probably prevent the Agency from establishing concentrations that would allow substantial volumes to escape regulation. It would also be difficult to justify significant deviation from established Subtitle C engineering standards. Both approaches would require a new data collection and analysis effort as well as a re-proposal of the rule. We do not think it is appropriate to consider a fundamental change in our regulatory approach for petroleum refining waste at this late stage in the process" particularly when the standards for newly listed sludges would vary in approach from standards that apply to virtually identical sludges that have been listed since 1980. We do believe, however, that both concentration-based listings and tailored standards are worthy of consideration in the future for those wastestreams where it is appropriate. There are policy, legal, and resource issues to be evaluated before the Agency can fully implement either approach. We would be happy to discuss these issues with you at your convenience.

We do not agree with your statement that listing discourages pollution prevention. Our experience has been that listing under Subtitle C creates a strong incentive to reduce waste volume, to improve the efficiency of wastewater treatment systems, and to recycle and re-use waste materials. Based on this experience and information provided to us by the refining industry, we would expect the same incentives to exist for these petroleum sludge listings.

2) Upper-Bound Excess Lifetime Cancer Risk is Within EPA's Acceptable Risk Range

Your letter indicates that the excess cancer risks presented by primary treatment sludge are within the 10^{-4} to 10^{-6} "acceptable" range. Your letter fails to point out that OMB used average upper-bound cancer risks to the exposed population to document this statement as opposed to the cancer risks posed to the maximally exposed individuals (MEI's) at individual refineries. Historically, EPA has set standards to protect against MEI cancer risk levels in

the 10-4 to 10-6 range.

3) Costs Exceed Benefits by at Least an Order of Magnitude

EPA is aware that the projected costs of complying with the petroleum refinery sludge listing exceed the benefits we have been able to quantify. It is extremely difficult to quantify the health and environmental benefits of prevention regulations and we would welcome any advice OMB may have on improving our techniques for benefits estimation. We provided in the attachments to our October 5 letter a discussion of the factors that have caused us to under-estimate benefits. These include exposure pathways not analyzed, constituents not included in the analysis, and future populations not accounted for. We believe that the incentives to reduce waste volumes and upgrade wastewater treatment systems, the closing of a long-standing gap in RCRA regulatory coverage, and the consistency with previous listing decisions are all factors in addition to the cost/benefit ratio that must be considered in this final regulatory decision.

In closing, I would like to say that EPA appreciates the time and effort that you and your staff have devoted to the review of this regulation. You have pointed out some issues which required fuller discussion in the preamble and have raised broad policy issues that clearly merit further consideration as we look to the future of the hazardous waste program. However, given the existence of a gap for 10 years in RCRA regulatory coverage of primary separation sludges and the court order requiring the Administrator to take final action on this rule by October 22, the Agency finds there is a compelling need to complete our work on the petroleum refinery sludge listing and promulgate this final rule.

Sincerely,

Don R. Clay
Assistant Administrator

cc: F. Henry Habicht, II

Faxback 13448

9444.1991(01)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 1991

1. Petroleum Refinery Wastewater Treatment Sludge Classification

A petroleum refinery produces large volumes of process and oily cooling wastewaters. Prior to discharge into the facility's privately owned treatment works, the wastewater undergoes treatment to meet applicable Clean Water Act discharge limits. At various points throughout the wastewater treatment process, the facility generates a sludge which is disposed of in a RCRA Subtitle D landfill. The November 2, 1990 Federal Register (55 FR 46354), promulgated two new petroleum refinery wastewater treatment sludge listings, F037 and F038. After May 2, 1991, the effective date of this rule, which of the facility's treatment sludges will need to be classified according to the new designations and therefore become subject to RCRA Subtitle C requirements?

In developing the new listings, EPA concluded that sludges resulting from various petroleum refinery wastewater treatment sources contain similar levels of hazardous constituents as those generated in Dissolved Air Flotation (DAF) units and American Petroleum Institute (API) separators, which are already designated as K048 and K051, respectively. Consequently, the Agency promulgated the nonspecific source F037 and F038 waste listings to ensure that regulatory coverage was extended to all Petroleum floats and sludge resulting from Primary wastewater treatment that are not covered under more unit-specific K designations. (55 FR 46356)

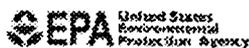
To determine the applicability of the F037 and FM listings, the facility must ascertain the origin of the wastewater treatment sludges. Petroleum refinery process and oily cooling wastewaters are generally treated in two phases, primary treatment and secondary (biological) treatment. Primary wastewater treatment in the petroleum refining industry covers only the two initial stages of treatment which are designed to use physical and chemical processes to separate oil, water

and solids from the wastewater stream.

Specifically, the F037 listing description is assigned to sludges resulting from the first stage of primary treatment where gravitational oil/water/solids separation is performed. The F038 designation pertains to floats and sludges that arise from the second stage of primary treatment in which physical and chemical processes are employed to separate emulsified oil/water/solids from refinery wastewaters. (53 FR 46363) PLEASE NOTE: sludges, resulting from secondary wastewater treatment, which are distinguished by the active biological degradation phase that follows primary treatment, are not covered by the new petroleum refinery sludge rule.

A final consideration when determining the scope of the F037 and F038 listings are the exemptions for sludges generated from specific situations. These include (1) sludges generated from stormwater units that do not receive dry weather flow; (2) sludges (or floats) generated from aggressive biological treatment units; and (3) sludges resulting from specific wastewater treatment units already designated as K048 and/or K051. (55 FR 46358) The exemptions ensure that only sludges and floats resulting from previously unregulated activities or activities within the scope of the new listings (i.e., only primary treatment) are identified as hazardous under the F037 and F038 waste codes.

Source: John Austin, OSW (202) 382-4789
Research: Stephen Buchanan

**Office of Solid Waste**

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How To

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Full Document:**Title:**DRAFT REGION VIII POLICY ON "AGGRESSIVE
BIOLOGICAL TREATMENT"**Date:**

07/03/91

To:

Duprey, Region 8

From:

Lowrance

Organization of Recipient:

EPA

Description:

sludges formed in aggressive biological treatment (ABT) units are not F037 or F038; only secondary or tertiary treatment units qualify as ABT; ABT units receiving or generating toxicity characteristic hazardous waste are subject to all applicable rules; F037/F038 sludges can be formed in ABT units not operating properly

Part(s) & Subpart(s):

261 Subpart D

Section(s):

261.31

Statutory Citation(s):

NA

Topic(s):

Characteristic Wastes, F-wastes, Hazardous Waste, Industrial Wastes, Petroleum Refining Wastes, Special Wastes, Toxicity Characteristic, Treatment

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FaxBack # 11625

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JULY 3, 1991

MEMORANDUM

SUBJECT: Draft Region VIII Policy on "Aggressive Biological Treatment"

FROM: Sylvia K. Lowrance, Director (OS-300)

Office of Solid Waste

TO: Robert L. Duprey, Director (8HWM)

Hazardous Waste Management Division

Thank you for your request for comments on your April 19, 1991 draft Region VIII policy on "Aggressive Biological Treatment." (ABT) We appreciate your concern that "Sham-ABT" units may be put on line as a result of the ABT exemption to the final F037 and F038 rule and would like to offer some of our perspectives on the ABT exemption:

- We realize that refineries will design new units to promote ABT. That is to be encouraged, since the Agency believes that ABT is a good technology for treating refinery wastewaters. However, the preamble to the rule makes it clear that ABT only applies to secondary and tertiary phases of the waste treatment operation and does not apply to inadequately retrofitted primary units (see 55 FR 46358).
- The criteria for ABT outlined in the rule are very specific. We believe that compliance with the criteria will generally provide the treatment necessary to receive an exemption from the F037 and F038 listings.
- During rule development the Agency attempted to define secondary treatment by using particular indicator parameters. Wide variations in waste streams constituents as well as potential "sham-pretreatment" concerns prevented the Agency from setting a single national minimum removal standard.

We also realize that the application of the ABT exemption at particular sites may present unique problems. For example, this may be the case at unusually configured units such as an impoundment which is extremely deep, and where adequate mixing by floating aerators may be difficult. For this reason it may be advisable to develop some additional guidance

for implementing the ABT exemption. Any guidance that may be developed must be consistent with the scope of the regulations. With this in mind, we are offering the following point-by-point comments on your eight-point guidance:

1) We agree with this point although it is already clearly stated in the rule. (See 55 FR 46354)

Points 2) through 6) should be replaced by the following:

2) If the ABT unit receives or generates waste that exhibits the TC, the unit would become subject to all applicable Subtitle C requirements, unless exempted under the wastewater treatment unit (WWTU) provisions of RCRA (see 40 CFR 270.1 (c) (2) (V), 264.1(g)(6)/265.1(c)(10)).

3) Omit this point. The Listings Specific Definitions and Requirements (40 C.F.R. 261.31(b)) require each facility to maintain documents and data sufficient to demonstrate that the unit is an aggressive biological treatment unit as defined in the listing. The listing defines four units as ABT units including facilities employing high rate aeration in terms of retention time and performance for the mechanical aerator, not in terms of pollutant removal efficiency. There is, consequently, no authority for requiring a demonstration of removal efficiency.

4) If treated wastewater discharge from the ABT unit exhibits the TC, then the unit and the facility may be subject to all applicable RCRA hazardous waste requirements. To avoid discrepancies regarding the characteristics of the managed waste, it is suggested that information regarding waste determinations or testing be maintained on site. Please note that testing is not a requirement under the federal hazardous waste regulations.

5) The units must be continually operated to assure biological treatment of the process-generated wastewaters. Petroleum refinery secondary (emulsified) oil/water/solid separation sludge and floats generated in ABT units, as defined in 40 CFR 261.31(b)(2)(i), are not included in the F038 listing. However, sludges and floats generated in ABT units that are shut down beyond normal operational and maintenance time, may be subject to the F037 and F038 provisions.

6) The refinery must provide for management of sludge consistent with applicable solid and hazardous waste rules. 40 C.F.R. 262.11 provides that a person who generates a solid waste must determine if that waste is a hazardous waste. The refinery must evaluate its waste for toxicity under 40 CFR 261.11. The refinery may either test the waste using the TCLP test or may use other information regarding the characteristics of the removed sludge such as knowledge of the waste, the raw materials, and the processes used in its generation in determining whether or not the sludge is hazardous. In the event the refinery determines that the ABT unit generates a hazardous waste, storage and/or removal of the

sludge would require management in compliance with the hazardous waste management system.

In addition, operating data that demonstrated sufficient biological activity, evidence that the mechanical aeration equipment is of an adequate size, and other engineering and design characteristics of the ABT unit can be evaluated in preventing "Sham-ABT."

7) Omit this point.

8) See 2.

Should you have questions regarding our comments on your draft guidance please contact Daryl Moore of my staff at FTS 475-8551.

cc: John Austin, CAD

Daryl Moore, CAD
David Topping, CAD
Steve Cochran, CAD
Jim Thompson, OWPE
Richard Witt, OGC
Carrie Wehling, OGC
Chris Rhyne, AB

FaxBack # 11626

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

JULY 5, 1991

MEMORANDUM

SUBJECT: Applicability of the "Mixture" Rule To Petroleum Refinery Wastewater Systems

FROM: Sylvia K. Lowrance
Office of Solid Waste

TO: Director, Waste Management Division

Regions I - X

Last fall, EPA added two wastes, F037 and F038, generated in the treatment of petroleum refinery wastewaters to the list of hazardous wastes under 40 C.F.R. 261.31 (55 Fed. Reg. 46354, November 2, 1990). Since then, we have received requests for clarification concerning the application of the "mixture rule" to these listings. This memorandum is intended to provide guidance on this question.

In a December meeting with the American Petroleum Institute (API) and my staff, API discussed what it viewed as a potential conflict between the language of the listing that limits the listed wastes to those generated upstream of aggressive biological treatment units and the preamble discussion of the interaction between the "mixture rule" and the listing. API explained its fear that introduction of a particle of the sludge to non-hazardous wastewater would taint the wastewater and thus convert any downstream units into hazardous waste treatment facilities.

The discussion of the mixture rule in the preamble to the final regulation does not reflect any change in the Agency's position about how the mixture rule works and the circumstances in which a non-hazardous wastewater, i.e., non-listed wastewater, that generates a listed waste would become hazardous.

In response to an expression of concern about this matter in comments filed on the rule, EPA (Response to Comments Background Document) indicated as follows:

With respect to the commenter's concern that all downstream units would be regulated as hazardous as a consequence of application of the mixture rule, the Agency feels that the following points should be made.

Generation of a waste does not occur until deposition. It is Agency policy that no mixing occurs in a wastewater treatment unit that manages a non-hazardous [nonlisted] liquid waste even if that liquid generates a hazardous sludge that settles to the bottom of the unit, unless that sludge is in some way dredged up and physically mixed with the liquid. If the Agency did not interpret the mixture rule in this manner, there would be no point in carefully limiting listings to include sludges but exclude wastewaters. The position of the Agency in expanding the listing was to ensure the regulation of similarly composed sludges, regardless of where they are generated.

This is consistent with EPA's previous discussions of the applicability of the mixture rule with respect to petroleum refinery wastewater separation sludges. (See attached December 7, 1984 Office of Solid Waste and Emergency Response Memorandum, Subject: Region VIII Policy for the Permitting of Refinery Oily Wastewater Treatment Ponds). Further, the Agency's position is fully explored in the extended discussion of the rule in the final rule concerning the delay of closure for hazardous waste management facilities. See 54 Fed. Reg. 33376, 33387 (August 14, 1989). There, the Agency rejected the position that when non-hazardous waste and a listed hazardous waste are co-mingled and co-managed in the same unit under any circumstances, the entire mixture is considered a listed waste.

The Agency has consistently interpreted the mixture rule not to apply where a non-listed waste is discharged to a unit (i.e., surface impoundment) even if that liquid generates a hazardous sludge, unless the sludge is in some way "mixed" with the liquid (e.g., scoured as a result of operations in the unit). If the Agency did not interpret the mixture rule in this manner, there would be no point in carefully limiting listings to include sludges but exclude wastewater.

The discussion goes on to recognize that there is a continuum between sludge, the sludge/liquid and the liquid. Within the sludge/liquid interface there may be some mixing but not "mixing" so as to convert the liquid from non-hazardous waste to hazardous. Only in the event of scouring or other physical mixing would the mixture rule come into play.

Were any mixing to occur, it would be confined to the liquid/sludge interface. Levels of hazardous constituents escaping from the hazardous sludge to the non-hazardous liquid are not likely to pose an appreciable risk to human health and the environment. Should the impoundment be dredged so that scouring or other physical mixing occurs, the mixture rule would come into effect. 54 Fed. Reg. 33388.

Under the policy explained above, for example, it is unlikely that any increased turbidity associated with the introduction of water from storm events would create the necessary scouring or physical mixing described above so as to convert non-hazardous wastewater to hazardous. Similarly, for example, the small amount of resuspension of primary sludge associated with the normal operation of a properly designed wastewater treatment system would not render the wastewater hazardous.

cc: RA's Region I-X
Richard Witt (LE-132S)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
DECEMBER 7, 1984

MEMORANDUM

SUBJECT: Region VIII Policy for the Permitting of Refinery Oily Wastewater Treatment Ponds

FROM: John He Skinner, Director

Office of Solid Waste (WH-562)

TO: Robert L. Duprey, Director

Region 8
Air and Waste Management Division (8AW-WM)

We have reviewed the proposed Region VIII position discussed in your memos dated May 1 and October 12, 1984 that define permitting coverage of refinery wastewater treatment ponds. As your staff may have informed you, there have been several meetings between my staff and yours to discuss this problem. We have also met with Chevron, Phillips, Tosco and API and, separately, with Region IX to discuss the issue. We share your concern about the threat posed to ground and surface waters by some of the unlined wastewater ponds that treat or store oily wastewaters. However, we believe that the similarity of downstream unit sludges (in terms of lead and chromium levels) to those found in the API Separator are not a sufficient basis for defining the material in the downstream units as API Separator Sludge. In fact, the similarity of these sludges was a significant factor in our decision to move forward on an expanded listing to regulate these pond sludges.

Specifically, we are planning in a forthcoming listing to regulate oil/water/solids separation sludges generated in the wastewater treatment system prior to biological treatment. This listing was originally proposed in November of 1980. We expect to issue a notice identifying all of the available data in support of the listing and to provide some clarifications in response to previous comments. Current plans are to promulgate that listing by late summer.

While the listing revision should cover most sludges generated in these ponds, we realize that does not address your short term problem. We do have some suggestions in this regard. Section 206 of the Hazardous and Solid Waste Amendments of 1984 provides that persons obtaining RCRA permits must undertake corrective action for all releases of hazardous constituents from any solid waste management unit as a condition of obtaining the RCRA permit. Thus, if a refinery pond is releasing hazardous constituents and the refinery seeks a RCRA permit for any unit at that facility, the refinery would have to undertake corrective action for the releases from the pond. (This could be done either through the permit, or pursuant to an interim status compliance order.) This principle applies even if the pond is not considered to hold a hazardous waste, since Section 206 applies to releases of hazardous constituents from solid waste management units.

A second option for addressing these pond sludges is to regulate the wastes as hazardous based on their exhibiting one or more of the characteristics of hazardous waste (see 40 CFR §261.21 -24). You mentioned this option in your recent letter with respect to EP Toxicity. However, your staff seems to have overlooked corrosivity (high pH has been found in some COD ponds) and reactivity (§261.23(a)(5)). It is likely that some refinery pond sludges will contain excessive levels of reactive sulfides.

The final option that could be used to deal with downstream impoundments and basins is applicability of the mixture rule. It is imperative, however, that your staff understand the proper framework for the application of the mixture rule. To maintain that a pond is regulated because an API Separator is an inherently inefficient unit and allows sludge to be carried through to a pond, is inaccurate. Likewise, downstream oxidation ponds are not regulated simply because they sometimes receive flow that has bypassed the API Separator. In both cases, the listed API Separator Sludge has not yet been generated. Rather, API Separator Sludge is generated when it is deposited in the bottom of an API Separator. The mixture rule is relevant only in those cases where previously deposited sludge is scoured, resuspended, and then carried out of the unit with the wastewater. If the Region can make a case for scouring from a separator, the mixture rule is applicable and the wastewater becomes a hazardous waste until delisted or discharged to a stream subject to regulation under the Clean Water Act.

The burden of proof in the demonstration of scouring is upon the Agency. Such an argument, although technically complex, can be made based on well established hydrodynamic principles. Realizing that there are limited resources and capability for

developing such an argument by the Regions, we have (at the request of your staff) taken an active role in the development of guidance for the application of this argument. Attached to this memo is a preliminary list of factors that may be required to establish the occurrence of scouring from a given separator. These points are being provided at this time to facilitate the initiation of information gathering in the more serious cases.

We have also requested that the Office of Waste Programs Enforcement (OWPE) develop more thorough guidance. That effort is being conducted by their contractor (Metcalf & Eddy). We anticipate that your staff will be contacted by them in the near future. The contractor should be able to provide some direct assistance to your staff in some specific cases, thereby serving the dual purpose of training and resolution of specific factors of concern. Mike Barclay (FTS: 475-8727) of OWPE is the Head-quarters lead on that project and should be contacted for any further information. Ben Smith of my staff (FTS: 475-8551) is our technical expert in this matter and the lead on our study of petroleum refineries and their wastes. Do not hesitate to contact him if additional questions arise pertaining to this or other matters.

cc: RA's Region I-X

Mike Barclay (OWPE)
Steve Silverman (OGC)
Susan Manganello (ORC, Region VIII)

Factors To Be Evaluated In Determining The Potential For Separator Sludge Scouring

Sludge Accumulation Practices - Continuous sludge removal from the separator rules out the occurrence of scouring. At the other end of the spectrum are facilities that allow sludge to accumulate to considerable depth. Accumulation to a depth greater than 50% of the flow depth makes scouring probable. Intermediate ranges of accumulation will probably depend more heavily on other factors.

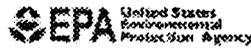
Flow Variability - Unless overloaded, units with maximum-to-minimum, flow ratios at the separator effluent of less than 2 and inlet flow ratios of less than 4 are probably not experiencing much resuspension of sludge.

Poor Separator Design or Operation - Factors contributing to scour conditions include: excessive, inlet or outlet zone turbulence; nominal horizontal velocities greater than 30 feet per minute; nominal overflow rates (flow/ surface area) greater than 10,000 gallons per day/square foot of basin; basins less than 30 feet in length; operation under pressure (e.g.,

with a backwater at the inlet of a separator with a frozen surface), settling zone turbulence (sometimes seen as bubbling with solids entrainment).

Separator Effluent Characteristics - Excessive weir loadings (e.g., operation with a suppressed weir, flow depth greater than a foot) facilitate carryover of resuspended particles. Visible, large (diameter greater than 1/4 inch) sludge particles in the separator effluent are strong evidence of scouring associated with microbial degradation of deposited sludge.

Sludge Characteristics - Particle size distribution as measured by wet sieve and hydrometer analyses is necessary information to define scour conditions. The presence of coke fines in the wastewater influent is also important because that size of particle (<.1mm) is non-cohesive and highly susceptible to resuspension.

**Office of Solid Waste**

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Full Document:

Title: TC RULE HAZARDOUS WASTE DETERMINATION
Date: 07/31/91
To: Wallace, Region 8
From: Lowrance
Organization of Recipient: EPA
Description: pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements

Part(s) & Subpart(s): 261 Subpart C; 261 Subpart D; 262 Subpart A; 268 Subpart A

Section(s): 261.24; 261.31; 262.11; 268.3

Statutory Citation(s): NA

Topic(s): Characteristic Wastes, F-wastes, Generators, Hazardous Waste, Identification of Hazardous Waste, Land Disposal Restrictions, Large Quantity Generators (LQG), Test Methods, Toxicity Characteristic, Treatment, Industrial Wastes, Land Disposal Units, Petroleum Refining Wastes, Special Wastes, Surface Impoundments, Treatment

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 31 1991

MEMORANDUM

SUBJECT: Response to Request for TC Rule Hazardous Waste
Determination

FROM: Sylvia K. Lowrance, Director
Office of Solid waste

TO: Stephanie Wallace
Region 8, Montana Office

This memorandum responds to your February 8, 1991 memorandum in which you requested guidance on five questions related to pulp and paper mill operations under the Toxicity Characteristic Rule. The scenario was described as follows: a pulp and paper mill generates wastewater in its bleach plant which, at the point of departure from the unit (for our purposes, assumed to be the plant outlet), fails the TC for chloroform. This wastewater is diluted with other wastestreams prior to entering a clarifier. At this point the diluted waste no longer exhibits a characteristic. The non-TC-hazardous wastewater then passes through a series of surface impoundments for aeration and settling prior to discharge to a surface water under a NPDES permit. The surface impoundments are designed to infiltrate greater than 50% of the flow to groundwater. The following are answers to your questions.

Q: To determine whether the facility is managing a TC waste, is the appropriate sampling point at the outlet from the bleach plant (prior to the point where it mixes with any other wastestreams)?

A: Yes. The appropriate point to determine whether a material is a solid waste, and if so, a hazardous waste, is at the point of generation or prior to commingling (mixing) with other wastestreams.

Q: If the waste is TC hazardous at this point (that is, at the outlet from the bleach plant, prior to the point where it mixes with any other wastestreams), but not when it enters the first surface impoundment, would the surface impoundments be regulated? Why or why not?

A: The answer to this question is no, unless TC waste is generated in the impoundment. Whether a TC waste is generated depends on both the influent and physicochemical activity within the surface impoundment. For example, if a non-TC hazardous influent is pumped into an impoundment which contains other non-hazardous wastes, a hazardous waste could result even if constituent levels in the influent are below TC regulatory levels (for example, from concentration of the various hazardous constituents). Another example is where solids settling out of the non-hazardous influent result in the generation of a hazardous sludge, again from concentration of the trace hazardous constituents. In each case, the impoundment would become subject to all applicable subtitle C requirements (see September 27, 1990, 55 FR 39410). Furthermore, each surface impoundment in a series of impoundments is treated separately for regulatory purposes.

Q. Does the land ban allowance for dilution of toxic characteristic wastes subject to a NPDES permit (providing the treatment standard is not a method), allow mixing of the bleach plant effluent with other dilute wastestreams before treatment? (This is not an issue yet, but will be of concern when treatment standards for TC wastes are established. The preamble to the 3rd (Third Third) rule indicates that EPA can apply LDRs at the point of generation rather than at the point of disposal).

A: Yes. As discussed in the Third Third final rule (June 1, 1990, 55 FR 22665), dilution is considered to be an acceptable method of treatment for most non-toxic characteristic wastes. For toxic characteristic wastes, including TC wastes previously regulated under the EP, dilution is not acceptable. However, there are two exceptions to this. The one that applies here is for characteristic wastes treated for purposes of CWA compliance (such as for NPDES permitting requirements), provided there is no specified method as the treatment standard. Dilution of TC organics will be evaluated during development of treatment standards.

Q: If it is determined that the surface impoundments are regulated, would they be exempt from the minimum technology requirements of RCRA 3004(o)(1)(A) based on the exemption in 3005(j)(1)(3) for units which contain treated wastewater at facilities subject to a CWA 402 [NPDES] permit?

A: Yes. Surface impoundments that meet the conditions of RCRA (HWA) 3005(j)(3) are exempt from the minimum

technological requirements of RCRA (HSWA) □ 3004(o)(1)(A). Section 3005(j)(3) applies to units containing treated waste water during the secondary or subsequent phases of an aggressive biological treatment facility (as opposed to any treatment facility).

Q: Is the definition of "aggressive biological treatment" in this case the same as that laid out in the recent petroleum refinery listings?

A: No. The petroleum listing definition of "aggressive biological treatment" applies specifically and only to petroleum refinery waste surface impoundments (see 55 FR 46354, November 2, 1990). A general discussion of the term can be found in footnotes 7, 8, and 9 on p. 46357 - 58.

I hope we have answered your questions. Additional information is attached should you need to reference it. If you have further questions, please call Steve Cochran of my staff at FTS 382-4769.

cc Regional Waste Management Division Directors
Regional RCRA Branch Chiefs

ADDITIONAL INFORMATION ON HAZARDOUS WASTE DETERMINATION

In a discussion on sampling points, the preamble of the TC final rule (March 29, 1990, 55 FR 11830) reads as follows: "The current rule requires that determination of whether a waste is hazardous be made at the point of generation (i.e., when the waste becomes a solid waste). (A waste must be a solid waste before it can be classified as hazardous waste under RCRA). EPA believes that determination of the regulatory status of a waste at the point of generation continues to be appropriate, especially since the Agency is not developing a separate mismanagement scenario or set of regulatory levels for wastewaters."

EPA developed a TC clarification notice which includes examples of regulated surface impoundments managing newly identified TC wastes (September 27, 1990, 55 FR 39409). The following language on page 39410 may be applicable to the first surface impoundment you describe in question 2: "A (third) example is where a TC waste is generated within the unit from non-hazardous wastewater on or after the TC effective date. This could occur where the hazardous constituents in the wastewater become concentrated, or if a new TC sludge is formed by settling. In these examples,

once the TC waste is generated and stored or disposed of in the unit, the unit is subject to subtitle C." The additional surface impoundments would be regulated in the following manner: if the first surface impoundment generated a TC hazardous sludge or wastewater, and the hazardous effluent was received in subsequent surface impoundments, then the subsequent surface impoundments would also be subject to subtitle C requirements (see 55 FR 11830, and 55 FR 39410).

The dilution prohibition exception is codified in 40 CFR 268.3(b) and reads as follows: "Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system which treats wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of Clean Water Act (CWA) or which treats wastes for purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method has been specified as the treatment standard in Section 268.42."

In order to qualify for the WWTU exemption, the device must meet three criteria: 1) be part of a wastewater treatment facility that is subject to regulation under either section 402 or 307(b) of the Clean Water Act; 2) receive, and treat or store influent wastewaters or wastewater treatment sludges which meet the definition of a hazardous waste in 40 CFR 261.3; and 3) meet the definition of tank or tank system (see "wastewater treatment unit," 40 CFR 260.10).

Assuming that the first two criteria are met, an evaluation needs to be made for the third condition. If the clarifier meets the 40 CFR 260.10 definition of tank, then a determination must be made on the conveyance structure (in your letter, you marginally referenced the "means of conveyance"). The 40 CFR 260.10 term "tank system" includes the tank and its associated ancillary equipment and containment system. In turn, "ancillary equipment" means: "any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site (see "ancillary equipment," 40 CFR 260.10).

The conveyance structure may or may not meet the definition of ancillary equipment depending on whether it is designed to distribute, meter, or control the hazardous waste flow

between the generation point and a storage or treatment tank (which is designed to contain an accumulation of hazardous waste). For example, a conveyance structure which is simply a ditch constructed of dirt would not meet the definition.

Determining whether a given conveyance structure meets the definition of ancillary equipment is necessarily a site specific judgement, dependent on the circumstances and facts at the facility in question. The state or regional authority reviews the facts in question to determine whether a specific conveyance structure meets the terms of the exemption.

Finally, if an exempt WWTU renders the wastewater non-hazardous, the storage of the wastewater in the surface impoundments would not be under RCRA Subtitle C regulation, unless conditions described in the answer to your second question occur (i.e., the surface impoundment generates a hazardous wastewater or sludge).

□



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SECONDARY SLUDGES FROM BIOLOGICAL TREATMENT OF REFINERY WASTEWATERS

Date:

02/22/85

To:

Walsh

From:

Straus

Organization of Recipient:

Placid Refining Company

Description:

K048 does not apply to sludge generated by dissolved air flotation (DAF) device used in secondary (biological) wastewater treatment systems

Part(s) & Subpart(s):

261 Subpart D

Section(s):

261.32

Statutory Citation(s):

NA

Topic(s):

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Title	Date	Description
TC RULE HAZARDOUS WASTE DETERMINATION	07/31/91	<p>pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements</p>
K035 LISTING AND INCLUSION OF SLUDGES FROM BIOLOGICAL TREATMENT OF CREOSOTE PRODUCTION WASTEWATERS	12/11/87	<p>K035 includes sludges generated from biological treatment of creosote production wastewaters; waste cannot be delisted unless sufficiently characterized to demonstrate that it is nonhazardous, including showing waste is not characteristic and is not hazardous for other reasons</p>
DETERMINATION OF EQUIVALENT TREATMENT FOR HIGH TOC D001 WASTEWATERS	12/09/96	<p>site-specific determination of equivalent treatment for high TOC D001 wastewaters generated by IBM's Essex Junction facility; proposed treatment in on-site biological treatment system will provide equivalent treatment; compliance with these standards does not replace any other applicable requirements</p>
PERFORMANCE AND SAFE APPLICABILITY OF COLD-MIX TECHNOLOGIES AND BIOREMEDIATION FOR PETROLEUM-CONTAMINATED SITES	04/24/96	<p>appropriateness of solidification and stabilization technologies for treatment of organics; stabilization/solidification technologies not considered best demonstrated available technology (BDAT) for petroleum wastes; volatilization can occur during certain stabilization/solidification processes; bioremediation technologies (including land treatment, biopiles, and bioventing) and degradation rates</p>
LDR DETERMINATION OF WASTE STREAM DILUTION	10/14/90	<p>aggregation of wastes followed by legitimate centralized treatment is permissible dilution; biological treatment inappropriate for metals; waste with land disposal restrictions (LDR) national capacity variance can be</p>

- disposed in a surface impoundment that has met minimum technical requirements
- 12/05/96 Subpart CC implementation schedule applies to facilities needing extra time to modify processes to meet exemptions; all CC final rule provisions become effective no earlier than 12/6/96; no waste determination required for waste placed in units meeting CC standards; surface impoundments used for biological treatment exempt from CC
- 07/24/87 3005(j) aggressive biological treatment surface impoundment retrofitting exemption requires interim status facilities to be in compliance with a permitted facility groundwater monitoring program; alternate concentration limits (ACLs) can be used to determine which groundwater monitoring program, compliance or corrective action, should be added to the permit
- 12/11/87 K035 includes sludges generated from biological treatment of creosote production wastewaters; waste cannot be delisted unless sufficiently characterized to demonstrate that it is nonhazardous, including showing waste is not characteristic and is not hazardous for other reasons
- 07/03/91 sludges formed in aggressive biological treatment (ABT) units are not F037 or F038; only secondary or tertiary treatment units qualify as ABT; ABT units receiving or generating toxicity characteristic hazardous waste are subject to all applicable rules; F037/F038 sludges can be formed in ABT units not operating properly
- 02/22/85 K048 does not apply to sludge generated by dissolved air flotation (DAF) device used in secondary (biological) wastewater treatment systems
- 07/01/84 EPA intends to promulgate standards for miscellaneous units under Subpart X in Part 264, for permitting chemical, physical, and biological treatment units operating under Part 265, Subpart Q
- 02/18/83 totally enclosed treatment unit (TETU) must be enclosed on all sides and pose little threat of waste escape; must be integrally connected to industrial production process; limited to pipelines, tanks, and tank-like equipment; exemption applies to unit, not effluent from unit; effluents discharged to surface water, sewer, or publicly owned treatment works are not RCRA regulated
- 02/06/86 totally enclosed treatment unit (TETU) definition does not include unit that discharges waste during treatment; wet air oxidation units, incinerators, and thermal treatment units are not TETUs; neutralization in pipe is TETU; underground
- IMPLEMENTATION OF RCRA SUBPART CC STANDARDS
- ALTERNATE CONCENTRATION LIMIT (ACL) POLICY FOR HSWA PROVISIONS
- K035 LISTING AND DELISTING ISSUES:GROUNDWATER CONTAMINATION
- DRAFT REGION VIII POLICY ON "AGGRESSIVE BIOLOGICAL TREATMENT"
- SECONDARY SLUDGES FROM BIOLOGICAL TREATMENT OF REFINERY WASTEWATERS
- TREATMENT IN SUBPART Q UNITS
- TOTALLY ENCLOSED TREATMENT FACILITY, REGULATORY CLARIFICATION OF
- TOTALLY ENCLOSED TREATMENT EXEMPTION FOR WET-AIR OXIDATION UNIT(VERTECH)

- wet air oxidation unit and associated above ground thermal treatment processes may be permitted via research, development, and demonstration permit (RDD), or miscellaneous unit permit
- 10/07/86 Headquarters corrective action technology support for Regions; EPA has corrective action technology database
- 08/19/86 elementary neutralization unit (ENU), wastewater treatment unit (WWTU) can be series of connected units; flume, gutter, pipe, open channel defined as tank; WWTU wastewater is water with few percent contaminants (SUPERSEDED: See RPC# 2/11/91-01, RPC# 6/2/93-04); pouring characteristic hazardous waste (HW) into industrial sewer drain pipe where HW mixes with wastewaters not treatment as dilution incidental to pipe's primary purpose conveyance (SEE ALSO: 268.3); open channel in enclosed building not totally enclosed treatment unit (TETU); HW subject to substantive regulation counted for generator category; HW piped directly into ENU and CWA sewer discharge not counted; 261.3(a)(2)(iv) de minimis mixture rule exemption only for listed HW mixtures, not characteristic mixtures
- 07/14/87 alternate concentration limits (ACLs) are part of groundwater monitoring requirements for permitted facilities; applicability of ACLs to exemption request is governed by State law and regulations (3005(j)(3) and 3005(j)(7)) for surface impoundment retrofitting
- 12/05/96 Subpart CC implementation schedule applies to facilities needing extra time to modify processes to meet exemptions; all CC final rule provisions become effective no earlier than 12/6/96; no waste determination required for waste placed in units meeting CC standards; surface impoundments used for biological treatment exempt from CC
- 10/17/90 EPA response to issues raised during Office of Management and Budget (OMB) review of petroleum refinery sludge final rule listing F037 and F038
- 11/01/96 EPA approving determination of equivalent treatment (DET) per 268.42(b) for wastewater sludges from bulk liquid storage tank washings, line cleanings, shipboard ballast water and other wastes because combustion not appropriate
- 04/26/89 OSW's recommendations on how to improve waste disposal practices on Antarctica to be more protective of human health and the environment; recommends that U.S. waste disposal practices in Antarctica conform to RCRA standards
- CORRECTIVE ACTION TECHNOLOGY, HQ SUPPORT
- TREATMENT OF HAZARDOUS WASTE IN PIPELINES LEADING TO A WASTEWATER TREATMENT PLANT
 TREATMENT OF HAZARDOUS WASTE IN PIPELINES LEADING TO A WASTEWATER TREATMENT PLANT
- ACLS APPLIED TO SURFACE IMPOUNDMENT RETROFITTING PROVISION 3005(J)(3)
- IMPLEMENTATION OF RCRA SUBPART CC STANDARDS
- PETROLEUM REFINERY SLUDGE REGULATIONS
- DETERMINATION OF EQUIVALENT TREATMENT UNDER §268.42(B)
- ANTARCTICA WASTE DISPOSAL PRACTICES

- ☒ MISCELLANEOUS UNITS SUBPART X, IMPLEMENTATION GUIDANCE

04/22/88 Region will implement Subpart X program under 264.1(f)(2) until States revise their programs; Subpart X facilities subject to 3005(c) deadline are those with interim status by 11/8/84; permit application deadlines and content
- ☒ SOLVENT-CONTAINING WASTE SOLIDIFIED WITH VERMICULITE

03/10/87 EPA cannot grant extensions to effective date of land disposal restrictions (LDR) to generators that need time to find treatment capacity for restricted wastes or if treatment is costly; if adequate treatment capacity does not exist, generator may apply for case-by-case extension
- ☒ TC RULE HAZARDOUS WASTE DETERMINATION

07/31/91 pulp and paper mill wastes should be sampled at outlet from bleach plant (point of generation), prior to commingling (mixing) with other wastestreams, to determine whether they exhibit the toxicity characteristic for chloroform (D022); dilution of characteristic hazardous waste at a pulp and paper mill is acceptable for CWA compliance provided there is no specified method of treatment (58 FR 29860; 5/24/93); definition of aggressive biological treatment (ABT) units for purposes of F037 and F038 listings does not apply to exemption for biological treatment units from surface impoundment minimum technical requirements
- ☒ REGULATORY CLARIFICATION OF TOTALLY ENCLOSED TREATMENT FACILITY

03/03/81 totally enclosed treatment unit (TETU) exemption limited to tanks, pipes, tank-like equipment; exemption applies to unit, not effluent from TETU; TETU must be completely contained, present no potential for escape of constituents, and be directly connected to industrial process; must prevent leaks, spills and gaseous emissions
- ☒ PROHIBITION ON THE PLACEMENT OF BULK LIQUID HAZARDOUS WASTE IN LANDFILLS - STATUTORY INTERPRETIVE GUIDANCE

06/11/86 prohibition on the placement of bulk liquid hazardous waste in landfills, statutory (3004(c)) interpretive guidance
- ☒ TREATMENT IN SUBPART Q UNITS

07/01/84 EPA intends to promulgate standards for miscellaneous units under Subpart X in Part 264, for permitting chemical, physical, and biological treatment units operating under Part 265, Subpart Q
- ☒ INTEGRAL DESIGN STANDARD IN BOILER DEFINITION (LUBRIZOL)

12/30/85 rotary bed furnace with secondary combustion and attached waste heat boiler does not meet integral design standard of boiler definition nor fluidized bed or process heater exemption; unit is incinerator; boiler variance not appropriate for furnaces ducted to heat recovery boilers
- ☒ ALTERNATE CONCENTRATION LIMIT (ACL) POLICY FOR HSWA PROVISIONS

07/24/87 3005(j) aggressive biological treatment surface impoundment retrofitting exemption requires interim status facilities to be in compliance with a permitted facility groundwater monitoring program; alternate concentration limits (ACLs) can be used to

- determine which groundwater monitoring program, compliance or corrective action, should be added to the permit
- 07/03/91 DRAFT REGION VIII POLICY ON "AGGRESSIVE BIOLOGICAL TREATMENT" sludges formed in aggressive biological treatment (ABT) units are not F037 or F038; only secondary or tertiary treatment units qualify as ABT; ABT units receiving or generating toxicity characteristic hazardous waste are subject to all applicable rules; F037/F038 sludges can be formed in ABT units not operating properly
- 07/24/87 SOLID WASTE MANAGEMENT UNIT DEFINED FOR CORRECTIVE ACTION UNDER 3004(U) clarification of definition of "deliberate" in determining whether a unit is a solid waste management unit (SWMU); areas contaminated by routine and systematic releases of hazardous wastes or constituents should be considered SWMUs; EPA does not use 3004(u) corrective action authority for one-time, accidental spills that cannot be linked to discernible SWMU
- 02/22/85 SECONDARY SLUDGES FROM BIOLOGICAL TREATMENT OF REFINERY WASTEWATERS K048 does not apply to sludge generated by dissolved air flotation (DAF) device used in secondary (biological) wastewater treatment systems
- 03/20/86 DETERMINATION OF THE PRESENCE OF WASTEWATER TREATMENT SLUDGES AND/OR THE PRESENCE OF WASTEWATER wastewater management generates wastewater treatment sludge; to prove wastewater management has created sludge, need only show that unit or soil after contact with wastewater is physically or chemically different from virgin unit or soil; even when fully treated, industrial wastewater remains wastewater for listings; management of electroplating or wood preserving wastewater at any point in wastewater treatment train creates F006 or K001 sludge, regardless of actual sludge contaminants or concentrations; delisting option
- 01/03/91 MODIFICATIONS TO WASTEWATER TREATMENT SYSTEM UNDER EXCLUSION if a manufacturing or treatment process that generates a delisted waste is modified, facility must submit additional data to EPA; waste from modified process should be treated as hazardous until EPA makes decision regarding status of exclusion
- 12/11/87 K035 LISTING AND INCLUSION OF SLUDGES FROM BIOLOGICAL TREATMENT OF CREOSOTE PRODUCTION WASTEWATERS K035 includes sludges generated from biological treatment of creosote production wastewaters; waste cannot be delisted unless sufficiently characterized to demonstrate that it is nonhazardous, including showing waste is not characteristic and is not hazardous for other reasons
- 12/07/84 OILY WASTEWATER TREATMENT PONDS, PERMITTING COVERAGE OF regulatory status of and options for permitting and managing oily sludges generated in refinery wastewater treatment ponds and surface impoundments (SUPERSEDED: see 261.31, F037 and F038 listings)
- 11/25/87 TREATMENT SURFACE IMPOUNDMENTS, REGULATORY OPTIONS AVAILABLE TO WOOD wood preserving treatment surface impoundment not hazardous waste

PRESERVERS

- 10/14/90 LDR DETERMINATION OF WASTE STREAM DILUTION aggregation of wastes followed by legitimate centralized treatment is permissible dilution; biological treatment inappropriate for metals; waste with land disposal restrictions (LDR) national capacity variance can be disposed in a surface impoundment that has met minimum technical requirements
- 02/01/91 PETROLEUM REFINERY WASTEWATER TREATMENT SLUDGE CLASSIFICATION applicability of F037 and F038 listings; primary/ secondary separation and primary/ secondary treatment
- 05/01/96 SURFACE IMPOUNDMENT RETROFITTING REQUIREMENTS HSWA added requirements for minimum technological requirements (MTR) (3004(o)), including double liners, leachate collection and removal systems, and groundwater monitoring for surface impoundments ; interim status surface impoundments in existence on 11/8/84 had to retrofit to meet standards or close within four years; existing impoundments newly subject to RCRA must retrofit or close in 4 years (3005(j)); HSWA provided some variances for these retrofitting requirements
- 05/23/94 RCRA POLICY STATEMENT: LAND DISPOSAL RESTRICTIONS' DILUTION PROHIBITION AND COMBUSTION OF INORGANIC METAL-BEARING HAZARDOUS WASTES combustion of metal-bearing waste without significant organic or cyanide content is impermissible dilution; combustion not legitimate even if subsequent treatment of residues achieves treatment standard; land disposal restrictions (LDR) dilution prohibition applies to inorganics
- 07/02/87 SOLID WASTE MANAGEMENT UNIT FOR THE PURPOSE OF CORRECTIVE ACTION UNDER 3004(U), DEFINITION OF definition of deliberate in context of solid waste management unit (SWMU) and 3004(u) corrective action authorities; releases need not have been known by owner/operator to be deliberate, must only have been routine and systematic; SWMU examples; wood preservative kickback area is an example of a SWMU
- 07/05/91 APPLICABILITY OF THE "MIXTURE" RULE TO PETROLEUM REFINERY WASTEWATER SYSTEMS petroleum wastewater separation sludges; liquid from which F037 and F038 listed sludge is generated is not itself listed waste via mixture rule unless sludge is mixed with liquid (e.g., sludge is scoured upon introduction of waste to unit)
- 08/30/88 REGULATION AND PERMITTING OF LABORATORIES treatability study guidance (fact sheet and decision tree)
- 12/11/87 K035 LISTING AND DELISTING ISSUES:GROUNDWATER CONTAMINATION K035 includes sludges generated from biological treatment of creosote production wastewaters; waste cannot be delisted unless sufficiently characterized to demonstrate that it is nonhazardous, including showing waste is not characteristic and is not hazardous for other reasons

44 Documents found.

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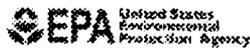


How To

Record Detail

Full Document:	This document is currently only available by calling the <u>RCRA, Superfund & EPCRA Hotline</u> at (800) 424-9346
Title:	INTERPRETATION OF WASTEWATER TREATMENT UNIT EXEMPTION
Date:	04/09/98
To:	Pendleton
From:	Cotsworth
Organization of Recipient:	ERM-New England, Inc.
Description:	tanks satisfying the wastewater treatment unit (WWTU) exemption must be dedicated solely for on-site wastewater treatment at all times and for no other purpose; EPA did not intend for the exemption to apply in either a dual use or alternating use scenario; the generator accumulation provision can be used in such instances
Part(s) & Subpart(s):	262 Subpart C; 264 Subpart A; 265 Subpart A
Section(s):	262.34; 264.1(g)(6); 265.1(c)(10)
Statutory Citation(s):	NA
Topic(s):	Tanks, Treatment
Approximate Number of Hardcopy Pages:	5
Fax-On-Demand Code:	14262
EPA Document Number:	NA
RPC Number:	04/09/98 - 2
RPPC Number (if applicable):	NA
NTIS Number (if applicable):	NA
OSWER Directive Number (if applicable):	NA
Ordering & Availability:	Contact the <u>RCRA, Superfund & EPCRA Hotline</u> at (800) 424-9346

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**Office of Solid Waste**

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How To

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Full Document:**Title:**

PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT UNITS

Date:

08/01/97

To:

NA

From:

NA

Organization of Recipient:

NA

Description:

facilities that discharge a pollutant covered under CWA section 307(b) to a publicly owned treatment works (POTW) are considered to be subject to the CWA; tanks or tank systems that treat hazardous wastewaters before discharging them to a POTW can qualify as exempt wastewater treatment units (WWTUs) because they are subject to the CWA

Part(s) & Subpart(s):

260 Subpart B

Section(s):

260.1

Statutory Citation(s):**Topic(s):**

Hazardous Waste, Tanks, Treatment

Approximate Number of Hardcopy

1

Pages:**Fax-On-Demand Code:**

14122

EPA Document Number:

530-R-97-005h

RPC Number:

08/01/97 - 3

RPPC Number (if applicable):

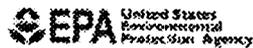
NA

NTIS Number (if applicable):

SUB9224-97-008

OSWER Directive Number (if applicable):**Ordering & Availability:**

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How To

Record Detail

Full Document:


Title:

INTERPRETATION OF INDUSTRIAL WASTEWATER DISCHARGE EXCLUSION FROM THE DEFINITION OF SOLID WASTE

Date:

02/17/95

To:

Directors, Regions 1-10

From:

Shapiro

Organization of Recipient:

EPA

Description:

NPDES exclusion applies at outfall pipe, but not upstream; exclusion applies when direct hydrologic connection exists between point source and surface water; therefore, hazardous waste leachate or wastewater which travels from hazardous waste management units into groundwater and then into river are not exempt; hazardous waste discharged into surface waters from point source are exempt from RCRA if they have NPDES permit or should have NPDES permit (i.e., are subject to CWA); facilities that should have NPDES permit but do not are violating CWA, not RCRA Subtitle C

Part(s) & Subpart(s):

261 Subpart A

Section(s):

261.4(a)(2)

Statutory Citation(s):

NA

Topic(s):

Exclusions (RCRA), Hazardous Waste, Permits and Permitting

Approximate Number of Hardcopy

3

Pages:
Fax-On-Demand Code:

11895

EPA Document Number:

NA

RPC Number:

02/17/95 - 2

RPPC Number (if applicable):

9441.1995(05)

NTIS Number (if applicable):

NA

OSWER Directive Number (if applicable):

NA

Ordering & Availability:

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Faxback 11895

9441.1995(05)

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

February 17, 1995

MEMORANDUM

SUBJECT: Interpretation of Industrial Wastewater Discharge
Exclusion from the Definition of Solid Waste

FROM: Michael Shapiro
Director
Office of Solid Waste (5301)

Lisa K. Friedman
Associate General Counsel
Solid Waste and Emergency Response Division (2366)

TO: Waste Management Division Directors, Regions I-X

This memorandum is to clarify that the Resource Conservation and Recovery Act (RCRA) requirements apply to discharges of leachate into groundwater from leaking waste management units, even when the groundwater provides a direct hydrologic connection to a nearby surface water of the United States. The definition of solid waste in RCRA section 1004(27) excludes certain industrial discharges which are point sources subject to permits under the Clean Water Act (CWA); and EPA has said that CWA jurisdiction (under section 402) extends to point source discharges to groundwater where there is direct hydrologic connection between the point source and nearby surface waters of the United States. However, discharges of leachate from waste management units to groundwater are not excluded from the definition of solid waste in RCRA section 1004(27), because the exclusion extends only to "traditional," pipe outfall-type point source discharges, and not to discharges upstream of that point. This memorandum interprets the meaning of point source discharge" solely for the purposes of RCRA section 1004(27), and not for CWA purposes.)

Discussion

RCRA section 1004 (27) excludes from the definition of solid waste "solid or dissolved materials in . . . industrial discharges which are point sources subject to permits under [section 402 of

the Clean Water Act]." For the purposes of the RCRA program, EPA has consistently interpreted the language "point sources subject to permits under [section 402 of the Clean Water Act] " to mean point sources that should have a NPDES permit in place, whether in fact they do or not. Under EPA's interpretation of the "subject to" language, a facility that should, but does not, have the proper NPDES permit is in violation of the CWA, not RCRA.

In interpreting and implementing the exclusion, the Agency promulgated a rule at 40 C.F.R. §261.4(a)(2) that states:

The following materials are not solid wastes for the purpose of this part:

. . . industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended.

EPA's interpretation of the rule's narrow scope is set out in an explanatory "Comment" that also appears in the Code of Federal Regulations following the final rule language:

This exclusion on applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

40 C.F.R. §261.4(a)(2) (comment) (emphasis added). This explanatory comment to the rule emphasizes that the exclusion is a modest and narrow one. Moreover, the comment reflects EPA's intent, at the time it promulgated the rule, that the exclusion apply solely to the traditional pipe outfall type situation (i.e., ultimate release to waters of the United States). As EPA explained in the preamble:

The obvious purpose of the industrial point source discharge exclusion in section 1004(27) was to avoid duplicative regulation of point source discharges under RCRA and the Clean Water Act. Without such a provision, the discharge of wastewater into navigable waters would be "disposal" of solid waste, and potentially subject to regulation under both the Clean Water Act and RCRA Subtitle C. These considerations do not apply to industrial wastewaters prior to discharge since most of the environmental hazards posed by wastewaters in treatment and holding facilities -- primarily groundwater contamination -- cannot be controlled under the Clean Water Act or other EPA Statues.

45 Fed. Reg. 33098 (May 19, 1980) (emphasis added).

Thus, EPA based this exclusion on the need to avoid duplicative regulation under two statutes for discharges that occur at the end-of-the-pipe (i.e., discharges directly to surface water.) EPA did not intend that the exclusion cover groundwater discharges from treatment processes that occur prior to the "end-of-the-pipe" discharge. Thus, this exclusion only covers a subset of point sources regulated under the CWA.

Therefore, wastewater releases to groundwater from treatment and holding facilities do not come within the meaning of the RCRA exclusion in 40 C.F.R. §261.4(a)(2), but rather remain within the jurisdiction of RCRA. In addition, such groundwater discharges are subject to CWA jurisdiction, based on EPA's interpretation that discharges from point sources through groundwater where there is a direct hydrologic connection to nearby surface waters of the United States are subject to the prohibition against unpermitted discharges, and thus are subject to the NPDES permitting requirements. See 55 Fed. Reg. 47990, 47997 (Nov. 16, 1990) (storm water permit application regulations); 56 Fed. Reg. 64876, 64892 (Dec. 12, 1991) (Indian water quality standards regulations); 58 Fed. Reg. 7610, 7631 (Feb. 8, 1993) (Region 6 general permit for feedlots).

If you have any questions on this memorandum, please call Kathy Nam of OGC at (202) 260-2737 or Mitch Kidwell of OSW at (202) 260-4805.



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How To

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Record Detail

Full Document:

Title:

DELISTING PETITIONS FOR HAZARDOUS WASTES FROM THE PETROLEUM INDUSTRY

Date:

11/01/94

To:

NA

From:

NA

Organization of Recipient:

NA

Description:

history of "petroleum list" and "Skinner List" used in delisting hazardous wastes from petroleum industry; due to generator-specific nature of delisting, other constituents may need to be addressed

Part(s) & Subpart(s):

260 Subpart C

Section(s):

260.22

Statutory Citation(s):

NA

Topic(s):

Delisting Petitions, Generators, Hazardous Waste, Large Quantity Generators (LQG), Petitions, Petroleum Refining Wastes, Special Wastes

Approximate Number of Hardcopy

1

Pages:
Fax-On-Demand Code:

13710

EPA Document Number:

530-R-94-005K

RPC Number:

11/01/94 - 2

RPPC Number (if applicable):

9433.1994(03)

NTIS Number (if applicable):

PB94-922 411

OSWER Directive Number (if applicable):

NA

Ordering & Availability:

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Faxback 13710

9433.1994(03)

HOTLINE QUESTIONS AND ANSWERS

November 1994

2. Delisting Petitions for Hazardous Wastes From The Petroleum Industry

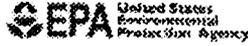
A petroleum refinery is submitting a delisting petition to EPA for its listed refinery hazardous waste. Does EPA provide a list of constituents typically found in petroleum refinery wastes that should be used in developing such a delisting petition?

The EPA publication, *Petitions To Delist Hazardous Wastes: A Guidance Manual* (EPA/530-R-93-007, March 1993) contains a list of constituents of concern for hazardous wastes from the petroleum industry (Exhibit 6-3). This list (referred to as the delisting "petroleum list") identifies the specific hazardous constituents of concern that typically may be found in petroleum wastes. As delisting is "generator-specific", individual petitioners should also investigate if other hazardous constituents are present in their particular wastes. The guidance manual provides details about developing an analytical plan.

EPA initially provided such a petroleum list in the first edition (1985) of the delisting guidance manual. This list was based on the "Skinner List" developed by OSW in 1984 for land treatment associated with petroleum refinery wastes. The 1985 version of the delisting petroleum list has since been modified based on new data from various sources. The current petroleum list in the 1993 delisting manual provides the most recent federal guidance for submitting a delisting petition. States that are authorized for delisting implement the RCRA delisting program in lieu of the Federal program; therefore, petitioners in these states may have additional requirements. Furthermore, facilities should consult with other appropriate EPA and/or state regulating authorities to determine if this list should be used in other aspects of the RCRA program, such as RCRA permitting.

□

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How To

Benzene Strippers

Record Detail

Full Document:



Title:

RCRA REGULATORY INTERPRETATION ON BENZENE STRIPPERS AT WRC REFINERY

Date:

08/27/92

To:

Duprey, Region 8

From:

Lowrance

Organization of Recipient:

EPA

Description:

refinery benzene stripper is hazardous waste treatment unit, not tank ancillary equipment; benzene stripper could be fully regulated, wastewater treatment unit (WWTU), or generator accumulation unit

Part(s) & Subpart(s):

260 Subpart B; 262 Subpart C; 264 Subpart A; 264 Subpart J; 265 Subpart A; 265 Subpart J

Section(s):

260.10; 262.34; 264.1(g)(6); 264.190; 265.1(c)(10); 265.190

Statutory Citation(s):

NA

Topic(s):

Generators, Hazardous Waste, Large Quantity Generators (LQG), Petitions, Tanks, Treatment, TSDFs

Approximate Number of Hardcopy Pages:

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Fax-On-Demand Code:

13558

EPA Document Number:

NA

RPC Number:

08/27/92 - 1

RPPC Number (if applicable):

9489.1992(02)

NTIS Number (if applicable):

NA

OSWER Directive Number (if applicable):

NA

Ordering & Availability:

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FAXBACK 13558

RCRA REGULATORY INTERPRETATION ON BENZENE STRIPPERS AT WRC REFINERY
PPC 9489.1992(02)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

August 27, 1992

MEMORANDUM

SUBJECT: RCRA Regulatory Interpretation on Benzene
Strippers at WRC Refinery

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste

TO: Robert L. Duprey, Director
Hazardous Waste Management Division, Region VIII

The purpose of this memorandum is to respond to your request dated June 26, 1992 for a RCRA regulatory interpretation concerning the benzene strippers at the Wyoming Refining Company (WRC) refinery in Region VIII.

U.S. EPA Headquarters encourages the implementation of hazardous waste treatment such as benzene stripping in pursuit of the Agency's overall waste minimization and pollution prevention goals. Nonetheless, we have reviewed the attached information, and based upon that information we agree that the WRC refinery benzene stripper units are hazardous waste treatment units, rather than "ancillary equipment." As hazardous waste treatment units, they are potentially subject to Subtitle C requirements, including those for notification.

As treatment units, the benzene strippers might be regulated in several ways. For example, they might be determined to require a RCRA permit, in which case they would be required to comply with the applicable provisions of Part 264/265, including Subparts AA and BB.

However, in the past, U.S. EPA Headquarters has considered similar air and steam strippers to be exempt from permitting requirements. There are two possible exemptions from RCRA permitting that may apply if the units meet the definition of a "tank": 1) The benzene strippers are part of the wastewater

treatment system in connection with a FWPCA Section 402 NPDES permit; and 2) The benzene strippers would be required to comply with the applicable portions of the 40 CFR 265 Subpart J standards, as provided in 262.34(a)(1)(ii).

Based on the information we have received, EPA Headquarters therefore would advise EPA Region VIII to use a case-by-case approach in determining how these RCRA regulated treatment units are addressed. Because Region VIII personnel are more thoroughly familiar with particular aspects of the WRC refinery, we leave the final determination to you.

If you have any further questions on this issue, please contact Jim Michael, Acting Chief, OSW Assistance Branch at (202) 260-1206.



FAXBACK 13112
9471.1987(02)

WASTEWATER TREATMENT AND ELEMENTARY NEUTRALIZATION UNITS
EXEMPTION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 21 1987

MEMORANDUM

SUBJECT: RCRA Subtitle C Exemption for Wastewater Treatment and
Elementary Neutralization Units

FROM: Marcia E. Williams
Director, Office of Solid Waste (WH-562)

TO: William A. Whittington
Director, Office of Water Regulations and Standards
(WH-551)

James R. Elder
Director, Office of Water Enforcement and Permits
(EN-335)

On November 17, 1980, EPA promulgated amendments to Subtitle C of RCRA that suspended the applicability of the hazardous waste regulations to owners and operators of wastewater treatment and elementary neutralization units (45 FR 76074) (see 40 C.F.R. sections 264.1(g)(6) and 265.1(c)(10)). Since then, EPA has been asked to respond to numerous inquiries regarding the intended scope of these exemptions. Because the overwhelming majority of inquiries are with regard to the exemption for wastewater treatment units, this memo will focus on these units. Several attempts have been made to address the ambiguities of this exemption. On more than one occasion, the EPA responses have offered conflicting guidance.

The office of Solid Waste is again receiving a flurry of inquiries on the scope of this exemption, apparently prompted by the July 14, 1986, promulgation of more stringent revised standards for hazardous waste storage/treatment tank systems (including sumps). Obviously, numerous individuals are hoping to qualify for the wastewater treatment unit exemption as a

-2-
means of avoiding being covered by the revised tank system standards. Thus, I feel that it is important that we review and clarify the scope of this exemption. The purpose of this memorandum is to obtain your concurrence with our reading of

the current exemption so that we could send a Policy Directive to the Regions regarding this matter and/or prepare a Federal Register notice of clarification.

In order for the exemption to be applicable to a wastewater treatment unit, these conditions, as listed in the definition of wastewater treatment unit under 40 C.F.R. Section 260.10, must be met:

- 1) The unit must be part of a wastewater treatment facility which is subject to regulation under either section 402 or 307(b) of the Clean Water Act; and
- 2) The unit receives and treats or stores an influent wastewater which is a hazardous waste as defined in section 261.3, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in section 261.3, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in section 261.3; and
- 3) The unit meets the definition of tank in section 260.10.

Most of the inquiries regarding the wastewater treatment unit exemption are directed towards interpretation of condition 1) above. Thus, our clarification of the intended meaning of the term "wastewater treatment facility" is the primary factor regarding the applicability of the exemption to a specific

wastewater treatment unit.

It is our position that in order for a wastewater treatment unit to be covered by the exemption, it must be part of an on-site wastewater treatment facility. In this scenario, any hazardous waste tank system that is used to store or treat the wastewater that will be, or has been, managed at the on-site wastewater treatment facility with an NPDES permit (or one that discharges to a POTW), is exempt from the regulations. Also, the means of conveyance of the waste between storage/treatment units does not affect the applicability of this exemption.

Assuming the conditions discussed above are met, no distinction will be drawn whether the wastewater is piped, trucked, or otherwise conveyed to the wastewater treatment facility within the on-site boundaries of the facility generating the wastewater. Likewise, any tank system at a facility with an NPDES permitted wastewater treatment facility (or one that discharges to a POTW) that is used to store/treat wastewater that is brought on-site from another facility, is covered by the exemption.

However, any tank system that is employed in managing wastewater at a facility prior to its off-site transfer to another location, whether or not the off-site location is an NPDES permitted wastewater treatment facility (or one that discharges to a POTW), is not covered by this exemption.

Another scenario that needs to be clarified is that situation where a facility with an on-site wastewater treatment facility has no discharge, direct or indirect, to surface water. The wastewater treatment unit exemption is intended to cover only systems that 1) produce a treated wastewater effluent which is discharged into surface waters or into a POTW sewer system and, therefore, is subject to the NPDES or pretreatment requirements of the Clean Water Act, or 2) produce no treated wastewater effluent as a direct result of such requirements.

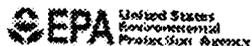
This exemption is not intended to apply to wastewater treatment units that are not required to obtain an NPDES permit because they do not discharge a treated effluent (45 FR 76078; November 17, 1980). As a result, we anticipate that some facilities will apply for a zero-discharge NPDES permit in an attempt to qualify for this exemption and thus avoid RCRA

regulation.

Please note that the above reading is based on our assumption that all storage/treatment tank systems covered by this exemption will be subject to regulation by NPDES authorities.

If you agree with this general approach, please designate someone to serve as a contact person for the Office of Water's review of our draft policy statement. We have been working with staff from the Office of General Counsel and the Office of Water Enforcement and Permits in developing the rationale to support our preferred reading of the current regulations. We have their tentative concurrence on this approach. I look forward to hearing from you regarding our efforts to clarify the wastewater treatment unit exemption. If you have any questions, please contact me at 382-4627 or have your staff contact Bill Kline or Bob Dellinger of my staff at 382-7917.

cc: Gene Lucero, WH-527
Ron Brand, WH-562A
Bruce Weddle, WH-563



Office of Solid Waste



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How To

Record Detail

Full Document:


Title:

WASTEWATER TREATMENT AND ELEMENTARY
NEUTRALIZATION UNITS EXEMPTION

Date:

12/21/87

To:

Whittington and Elder, Office of Water

From:

Williams

Organization of Recipient:

EPA

Description:

clarification of wastewater treatment facility; facility must be on-site and have an NPDES permit or discharge to a POTW; means of conveyance between units does not matter; wastewater treatment units (WWTUs) can receive wastewater from off-site and remain exempt; tank system used to manage wastewater prior to off-site transfer is not covered by exemption; discussion of zero-discharge NPDES permits and wastewater treatment units (WWTUs)

Part(s) & Subpart(s):

260 Subpart B; 264 Subpart A; 265 Subpart A; 270 Subpart A

Section(s):

260.10; 264.1(g)(6); 265.1(c)(10); 270.1(c)(2)

Statutory Citation(s):

NA

Topic(s):

Hazardous Waste, Permits and Permitting, Storage, Tanks, Treatment, TSDFs

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EPA Document Number:

NA

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RPPC Number (if applicable):

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NTIS Number (if applicable):

NA

OSWER Directive Number (if applicable):

NA

Ordering & Availability:

Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346

FAXBACK 11038

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: May 31, 1984

SUBJECT: Applicability of the Wastewater Treatment Unit Exemption to a Groundwater Treatment System

FROM: Dennis Huebner, Director

State Waste Programs Branch, Region I

TO: John Skinner, Director Office of Solid Waste

The purpose of this memo is to advise you of Region I's position on the issue which is described below. Given the potential im-pact of this issue on the RCRA/Superfund interface, your comments on Region I's position would be appreciated.

ISSUE

Is the wastewater treatment unit exemption applicable to a ground-water treatment system?

BACKGROUND

In accordance with the Phase II Memorandum of Agreement, EPA is providing permit assistance to the Vermont Agency of Environmental Conservation (VT AEC) for the IBM Essex Junction Vermont's Part B application. EPA's permit assistance is defined in terms of the Federal universe. The review of this application has raised the question as to whether or not a Federal RCRA permit would be needed for a groundwater treatment system. Some of the facts pertinent to this situation are as follows:

Prior to 1979 IBM at their Essex Junction facility experienced three sources of groundwater contamination - incoming chemical tank leaks, waste tank leaks, and spills and leaks within the manufacturing area.

The groundwater is currently contaminated with perchloroethy-lene, trichloroethylene, and xylene. These wastes are con-tained in 40 CFR 261 Subpart D's list of hazardous waste and list of commercial chemical product.

IBM treats the xylene containing wastes at their industrial treatment plant which has a NPDES permit. The groundwater containing perchloroethylene and trichloroethylene is treated at the groundwater treatment system, which consists of tank storage and carbon adsorption. IBM has a NPDES permit for the groundwater treatment system.

- The groundwater treatment system will be permitted by VT AEC.

DISCUSSION

Certain owners/operators are exempt from the 40 CFR 264 require-ments. The question in this situation is the applicability of the wastewater treatment unit exemption to a groundwater treatment system with an NPDES permit. 40 CFP 260.10 defines a wastewater treatment unit as follows:

1. Is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act; and
2. Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 261.3 of this chapter, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 261.3 of this chapter, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 261.3 of this chapter; and
3. Meets the definition of tank in 260.10 of this chapter.

A tank is defined as follows:

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

The groundwater treatment system in question clearly meets the definition of items 1 and 3. The outstanding issue in item 2 is whether or not contaminated groundwater is a wastewater. EPA Region I has requested from Headquarters clarification on the definition of a wastewater. currently there is no EPA Headquarter's guidance on the definition of a wastewater.

REGION I POSITION

The Region believes that a broad definition of a wastewater should be made. This is necessary to prevent regulation of a groundwater treatment system under both the NPDES and RCRA program. Region I feels that the contaminated groundwater is a wastewater and that the wastewater treatment exemption is applicable to a groundwater treatment system with a NPDES permit.

FAXBACK 13526



EXEMPTION FROM PERMITTING REQUIREMENTS FOR WASTE WATER TREATMENT UNITS

PPC 9522.1992(01)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

January 16, 1992

Mr. Thomas W. Cervino, P.E.
Colonial Pipeline Company
Lenox Towers
3390 Peachtree Road, N.E.
Atlanta, Georgia 30326

Dear Mr. Cervino:

This letter is in response to your August 9, 1991 correspondence requesting a clarification of the conditions under which waste water treatment units qualify for an exemption from RCRA permitting requirements. In your letter you explained that Colonial Pipeline Company has several locations that generate waste waters that are hazardous under the toxicity characteristic, and you asked whether a RCRA permit would be required for a new treatment unit that you are considering.

The primary reason for the waste water treatment exemption is to avoid imposing duplicative requirements pursuant to both a NPDES permit and a RCRA permit for the same unit. As you are aware, in order for a unit to qualify for this exemption contained in 40 CFR 264.1(g)(6), it must:



(1) Be part of a waste water treatment facility that is subject to regulation under either Section 402 or 307(b) of the Clean Water Act;

(2) Receive, treat, or store influent waste water; or generate, accumulate, treat, or store a waste water treatment sludge; and,

ye

(3) Meet the definition of tank or tank system in 40 CFR 260.10.

ye

The main question that you raised concerns the first criteria:

i.e., which units are considered subject to the Clean Water Act. As you are aware, the Agency provided some discussion of this requirement in 53 FR 34080 (September 2, 1988) which states that:



"the wastewater treatment unit exemption is intended to cover only tank systems that are part of a wastewater treatment facility that (1) produces a treated wastewater effluent which is discharged into surface waters or into a POTW sewer system and therefore is subject to the NPDES or pretreatment requirements of the Clean Water Act, or (2) produces no treated wastewater effluent as a direct result of such requirements."

to check - state performance

It is important to note that it is not necessary that the Clean Water Act permits actually be issued for the units to be eligible for the RCRA exemption: it is sufficient that the facility be subject to the requirements of the Clean Water Act.

Based on a review of the information provided, EPA has determined that any of the treatment systems (including the proposed treatment unit) at the Colonial Pipeline facilities which are currently permitted, were ever permitted, or should have been permitted under NPDES, all meet the first test of the Section 264.1(g)(6) exemption. The key issue is whether the treatment system ever had a discharge to surface water, and thus was ever permitted (or should have been permitted) under NPDES. If there was never a discharge to surface waters, then the exemption criteria is not satisfied. You also mentioned that some of your facilities employ wastewater treatment systems which are regulated in accordance with other applicable state laws, rules, and regulations. Without more specific information regarding these state requirements and permits, EPA cannot address whether these facilities would qualify for the exemption. However, as discussed above, the exemption in the federal regulations would only be available if the state requirements stem from the identified sections of the Clean Water Act.

- ? prior to construction of I well when was treated effluent discharged

Fed exemption -> state Reg. stem from identified sections of CWA

With regard to the question of a "zero discharge" facility, EPA would like to clarify the difference between a facility that produces no treated wastewater as a direct result of Clean Water Act requirements and units that are not required to obtain an NPDES permit because they do not discharge treated effluent. In the first case, the facility would have had a surface water discharge at one time, but has since eliminated the discharge as a result of, or by exceeding, NPDES or pretreatment requirements. Such facility would qualify for the waste water treatment unit exemption under RCRA. In the second case, the facility never had a surface water discharge, and therefore was never subject to NPDES permitting or Clean Water Act requirements (53 FR 34080). The RCRA exemption is not available in these cases. (We should point out that the language you referred



to on page 2 of the May 22, 1984 memo on zero discharge has been further refined and clarified by recent program policies and interpretations.)

There is another management option that my staff has discussed with you on the phone. That approach would be to treat your waste water in tank units pursuant to the generator accumulation exemption of 40 CFR §262.34. This provision allows generators of hazardous wastes to treat or store such wastes in tanks or containers for short periods of time (i.e., 90 days) without obtaining a RCRA permit, provided that all the conditions of §262.34 are met, including compliance with specified tank or container standards in 40 CFR Part 265. In many cases air strippers may be considered tank units under RCRA and might be eligible for this exemption. Of course, as long as the treated waste water meets a hazardous waste listing description or exhibits a hazardous waste characteristic it must continue to be managed as a hazardous waste.

If you have facility-specific questions, please contact individual in the appropriate EPA Regional Offices. For Region III (Philadelphia), contact Ms. Susan Sciarratia at (215) 597-7259 and for Region IV (Atlanta), contact Ms. Beth Antley at (404) 347-3433. Should you have further questions about this letter, please contact Glenn Strahs of my staff at (202) 260-4782.

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste

cc: Kathy Nam, OGC; EPA RCRA Branch Chiefs, Regions I-X; Barbara Simcoe, ASTSWMO

□

FAXBACK 13495

UNDERGROUND INJECTION WELLS USED IN HYDROCARBON RECOVERY
PPC 9521.1991(02)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

AUG 30 1991

MEMORANDUM

SUBJECT: Permit Status of Underground Injection Wells Used in
Certain Hydrocarbon Recovery Operations

FROM: Sylvia K. Lowrance
Director
Office of Solid

TO: James R. Elder
Director
Office of Ground Water and Drinking Water

On April 2, 1991, OSW promulgated a rule that extended the compliance date for the Toxicity Characteristic until January 25, 1993 for groundwater that is reinjected through injection wells during certain cleanup operations. More specifically, application to produced groundwater from free-phase hydrocarbon recovery operations at petroleum refineries, marketing terminals, and bulk plants was deferred at the point at which the groundwater is reinjected. Without this extension, most reinjected groundwater from these operations would have become a RCRA hazardous waste on September 25, 1990.

The basis for this compliance date extension was a regulatory "impossibility" situation encountered at these operations. In many cases, the cleanup/recovery operations were mandated under State orders but would be banned under both RCRA and UIC regulations unless they were, among other things, part of a cleanup under either RCRA or CERCLA. The two-year extension was intended to allow time for the Agency to develop a mechanism to permit these wells (as Class IV) upon the January 25, 1993 compliance date of the TC. The purpose of this memorandum is to

ows = Class 1

ensure that our offices work together to resolve this situation before that date.

In a February 19, 1991 memorandum from Peter Cook to Jeffery Denit (copy attached), it was stated that ODW's policy is that Agency approval of these operations under RCRA or CERCLA constitutes "authorization by rule" for the Class IV wells involved in the cleanup. Since this may be crucial to establishing the mechanism to allow continued operation of these operations, we should ensure that the affected programs are comfortable with this policy and that it is legally defensible.

Key issues include the meaning of "approved under RCRA or CERCLA." It must be determined whether this "approval" is in the form of a permit, a written order, or some less formal endorsement of the operation. Likewise, the scope of the RCRA permit-by rule provisions of 40 CFR 270.60 (b), which afford a RCRA permit to a UIC-permitted injection well, should be discussed and clarified. There are also procedural issues to be addressed, including whether the policy has been subject to sufficient public notice and comment.

Depending upon the resolution of these issues, one of several options may be preferred. If additional notice and comment is not required, an explanation of the policy could be included in an upcoming TC clarification notice planned by OSW. Otherwise, notice and comment requirements could be satisfied through an OGWDW rulemaking to codify the policy into the UIC regulations.

We look forward to working with you on this issue to ensure that the purpose of the compliance-date extension is realized. The OSW lead for this project is Dave Topping, who can be reached at 382-7737. Please have the appropriate member of your staff contact him at your earliest convenience.

Faxback 11588
9484.1991(01)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR 8 1991

MEMORANDUM

SUBJECT: Regulation of Surface Impoundments that Exhibit the Toxicity Characteristics (TC)

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste

TO: Kristine A. M. Leopold
Assistant Regional Counsel (6C-WT)

In your November 7, 1990 memorandum to our office, you conveyed the concerns of Ms. Paula Floeck of ENSR Consulting and Engineering, Houston, Texas, regarding the regulation of sludges within surface impoundments that may have the potential to become newly regulated units as a result of the Toxicity Characteristics (TC) rule. This memorandum responds to Ms. Floeck's and your concerns.

In Scenario one (1) of Ms. Floeck letter (see Attachment) she asked, if it were "true that the sludge becomes regulatory concern (sic) at the point it is intended to be discarded, that is, when the impoundment is cleaned or closed?" Before answering that question I would first like to address some specifics in her Stormwater Impoundment Scenario (#1). For example, Ms. Floeck stated that in determining whether the sludge (in the impoundment) would render the impoundment a hazardous waste management unit, we must first determine whether the sludge at this point is classified as a waste. According to 40 CFR 261.2, she states, a solid waste is defined as any discarded material that is:

abandoned;
recycled; or
considered inherently waste-like

She concludes that the sediment (sludge) within the impoundment does not meet any of these criteria and therefore should not be defined as a solid waste.

The Agency disagrees with her interpretation of the above prescribed federal regulation with respect to sludge within an impoundment. The Agency interprets the federal definition of

solid waste to apply to the sludge generated within an impoundment (unit), and believes that the unit would become regulated for these following reasons:

1. The RCRA regulation define a solid waste as any discarded material. This includes materials that are abandoned by being "accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated." (Emphasis added; see □261.2 (b)(3))

2. Our past interpretations include sludge as a solid waste.

"Any pollution abatement technique such as the land treatment, disposal, or storage of a wastewater will invariably generate a sludge. The mechanisms for sludge formation involve either precipitation, adsorption, or accumulation of biomass. These units would be subject to regulation ...if the sludges exhibit a characteristic..." (See enclosed July 17, 1985 memo from Skinner to Scarbrough).

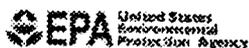
3. The Agency has always maintained that sludges are generated at the moment of their deposition at the bottom of the unit ("point of generation"). Note that deposition is defined as a condition where there has been at least a temporary cessation of lateral particle movement (See 55 FR 46380, November 2, 1990).

Therefore, in response to Ms. Floeck's question, the sludge does become of regulatory concern at the point it is intended to be discarded. However, "discarded" does not mean only when the impoundment is cleaned or closed. If sludge in an impoundment, which is considered to be a solid waste under 261.2, exhibits the TC, then the sludge and unit would become subject to Subtitle C requirements. Under the federal regulations accumulation and storage of TC-hazardous waste in a unit subjects that unit to the hazardous waste program. Note, however, that the solid waste determination in an authorized State is a State call. If State law is more stringent or broader in scope than federal RCRA regulations, then compliance with those regulations would also be required.

In addition, on September 27, 1990 (55 FR 39409) an Agency clarification notice was published regarding a variety of TC-related issues, including the regulatory status of surface impoundments managing newly regulated TC waste. The third surface impoundment scenario discussed in the notice is clearly applicable to both of Ms. Floeck's situations (Scenarios #1 and #2). That is, a TC waste is generated from non-hazardous wastewater on or after the TC effective date. This could occur

where hazardous constituents in wastewater become concentrated, or if a new TC sludge is formed by settling. Once the TC waste is generated and stored or disposed in the unit, the unit is subject to Subtitle C regulations. This clarification also confirms your stated reasoning as to why the sludge in the surface impoundment would be covered by the TC.

I hope this response clarifies the issues you raised. As noted previously, I encourage you to contact the appropriate State and local regulatory agencies for additional assistance or clarification. If you or Ms. Floeck have further questions regarding the TC rule, please contact Daryl Moore at FTS 475-8551 or (202) 475-8551.



Office of Solid Waste



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How To

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Full Document:



Title:

STATE INTERPRETATIONS OF THE WASTEWATER TREATMENT UNIT EXEMPTION

Date:

02/11/91

To:

Mahoney

From:

Lowrance

Organization of Recipient:

Heritage Environmental Services, Inc.

Description:

States and Regions determine what is wastewater for purposes of wastewater treatment unit (WWTU) exemption, since EPA has not defined term; authorized states' interpretations of WWTU definition and other regulations may be more stringent than EPA interpretations

Part(s) & Subpart(s):

260 Subpart B; 264 Subpart A; 265 Subpart A; 270 Subpart A

Section(s):

260.10; 264.1(g)(6); 265.1(c)(10); 270.1(c)(2)

Statutory Citation(s):

3009

Topic(s):

Hazardous Waste, Permits and Permitting, Treatment, TSDFs

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NA

OSWER Directive Number (if applicable):

NA

Ordering & Availability:

Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346

FaxBack # 11582

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.

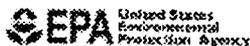
Your letter referred to Indiana's interpretation of the wastewater treatment unit exemption's applicability to off-site wastewater treatment facilities. The wastewater treatment unit exemption regulations are part of the regulatory program that Indiana is authorized to implement. Thus, the state of Indiana's 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
of Environmental Management

**Office of Solid Waste**

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How To

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Full Document:**Title:**PETROLEUM REFINING WASTES AND
EXEMPTIONS FOR WWTUS**Date:**

09/20/90

To:

Fox

From:

Lowrance

Organization of Recipient:

Heritage Remediation/Engineering, Inc.

Description:

tank treating or storing wastewater or wastewater treatment sludge can be wastewater treatment unit (WWTU); tank treating off-site hazardous waste (HW) can be WWTU if facility is designated facility to accept manifested HW; only tanks and ancillary equipment can be WWTUs; tank bottoms from fuel storage are CCPs not solid waste (SW) when used in fuel; tank bottoms from refining process units are by-products and SW when used in fuels; refinery by-product for use in lubricant is SW if listed (SEE ALSO: 261.4(a)(12) and 261.6(a)(3))

Part(s) & Subpart(s):260 Subpart B; 261 Subpart A; 262 Appendix I; 264
Subpart A; 265 Subpart A; 270 Subpart A**Section(s):**260.10; 261.1(c); 261.2(c)(2); 261.4(a)(10); 261.6(a)(3);
264.1(g)(6); 265.1(c)(10); 270.1(c)(2)**Statutory Citation(s):**

NA

Topic(s):

Burning, Combustion of Hazardous Waste, Exclusions (RCRA), Hazardous Waste, Hazardous Waste Recycling, Permits and Permitting, Petroleum Refining Wastes, Storage, Tanks, Treatment, TSDFs

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Faxback 11561
9483.1990(03)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

SEP 20 1990

Philip F. Fox
Heritage Remediation/Engineering, Inc.
P.O. Box 51020
Indianapolis, IN 46251

Dear Mr. Fox:

This letter is in response to your letter dated July 16, 1990, requesting several regulatory interpretations of the Federal hazardous waste regulations in 40 CFR Parts 260 - 271. In your letter, you had outlined your assumptions about the Federal hazardous waste regulations' applicability in certain situations. You also requested answers to a number of questions related to listed hazardous wastes from petroleum refining, as well as the exemption from permitting requirements available for certain wastewater treatment units (WWTU's).

My staff has prepared responses to the assumptions about the regulations that you outlined in Sections I and II of your letter, and to the questions in Section III of your letter. The responses are enclosed. However, please note that State or local regulatory agencies may have regulations that are more stringent or are broader in scope than the Federal hazardous waste regulations. Thus, any facility-specific questions must be addressed by the EPA Regional Offices, authorized States, and/or localities. If you have questions on the responses provided here, please contact Becky Cuthbertson of my staff at (202) 475-9715.

Sincerely,

Original Document signed

Sylvia Lowrance, Director
Office of Solid Waste

Enclosures

Enclosure 1

I. Response to Section I.

This section responds to certain points in Section I of the July 16, 1990 letter that we would like to clarify.

- In Part A., Wastewater Treatment Unit Exemption, your discussion refers to facilities in several places. Please be aware of the specific meaning attached to the word "facility" in the federal hazardous waste regulations; the wastewater treatment unit exemption only applies to wastewater treatment units that, among other things, meet the definition of "tank" in 40 CFR 260.10.
- In your discussion of the 1981 Lehman letter, the broad interpretation of "tank" in the Lehman letter refers to "unit operations which are not obviously tanks such as filter presses, filters, sumps, and many other types of processing equipment." It does not specifically mention filter pressing and cake drying. [You should also be aware that EPA has proposed regulating sludge drying units that do not qualify for the wastewater treatment unit exemption. See Enclosure 2 (the July 18, 1990 Federal Register, 55 FR 29230).]
- At Line 70, the tank systems you refer to are subject to permitting requirements if they are not eligible for another exemption (including, but not necessarily limited to, the 90-day exemption).
- In Part B., Ninety Day Storage Exemption, we presume you meant 40 CFR 262.34 (a) (1) - (4).

II. Response to Section II.

The discussion of the regulations in II.A. and II.B. of the July 16, 1990 letter is fairly accurate. The determination of petroleum refinery listing applicability is not addressed here; we presume that the listing applicability has been correctly determined at the

refineries in question.

The discussion in II.C. of the July 16, 1990 letter contains three terminology problems:

- In Line 155, the exemption includes tanks and ancillary equipment - not all process units.
- In Line 156, we would say "which treat or store a sludge of a wastewater treatment plant" - the term by-product has a specific meaning and use in the Part 261 regulations (261.1 and bottoms are specifically listed under 261.32 as K052, and by-products that are specifically listed are hazardous wastes when reclaimed (40 CFR 261.2(c)(3)).
- In lines 208 through 214, you state broadly that 40 CFR Parts 262 - 270 apply to recyclable materials. However, certain recyclable materials are not subject to regulation, or are subject to reduced requirements, when they are managed according to the terms of their exemption in Section 261.6.

III. Response to Section III.

Listed below are portions of the questions in Section III of your July 16, 1990 letter, along with responses.

A.I. Does the refinery stand to lose its coverage under the exemption if it accepts wastewater treatment sludges from other facilities, such as neighboring refineries, for dewatering at its facility?

We initially addressed this question in the July 31, 1981 letter from John Lehman to Richard Boynton. In this letter, Mr. Lehman explains that although the Agency contemplated limiting the exemption to on-site wastewater treatment units, the Agency decided not to differentiate between on-site versus off-site wastewater treatment units. This policy was reiterated in the September 2, 1988 Federal Register (53 FR 34079), where we explained that "the applicability of the exemption does not depend on whether the on-site wastewater treatment facility also treats wastewater generated off-site." Accordingly, the refinery may be able to use the wastewater treatment unit exemption in 40 CFR 270.1(c)(2)(v) when accepting wastewater from off-site. However, your question asked about wastewater treatment sludge; while wastewaters may be accepted under the

exemption, the Lehman letter goes on to state that the facility can receive wastewaters, but not concentrated chemicals or non-aqueous wastes. As long as the wastewater treatment sludge is not a concentrated chemical or non-aqueous waste, the receiving facility may receive it and still be potentially eligible for the wastewater treatment unit exemption.

In addition, we note that the accepting refinery must qualify as a "designated facility" in order to accept hazardous waste shipments from off-site via air, rail, highway, or water (see the definition of "designated facility" in 40 CFR 260.10, recently revised at 55 FR 2353).

2. Does it matter whether the company that owns the refinery accepting sludge from the neighboring refineries also owns the neighboring refineries?

5. If the wastewater treatment unit exemption covers an onsite facility, is the exemption modified or endangered if the facility treats petroleum tank bottoms, either as a non-waste or as a recyclable material (hazardous waste)? Does it matter that the tank bottoms come from an offsite facility such as another refinery or a product terminal? Does it make any difference whether or not the exempted onsite facility's owner owns the tank bottoms?

Addressing your first question in this scenario, is the exemption modified if the facility treats tank bottoms [which are a non-waste] - we reiterate our explanation from Section II. that only in certain situations are the tank bottoms not a waste (i.e., if they are not listed and are reclaimed for use as feedstocks in a lubricating oil refining process and not in a process where fuels are made). In such situations, the placement of the tank bottoms in the wastewater treatment unit has no effect on the availability of the exemption, because the hazardous waste regulations govern only those materials that are hazardous wastes. Addressing the variation where the tank bottoms are a hazardous waste that is a recyclable material, the wastewater treatment unit exemption is not available because the tank bottoms are neither wastewater nor sludge (the two types of material that can be managed in an exempt wastewater treatment unit). The question of the tank bottoms' origin is thus moot, as is the question of who owns them.

6. Do the answers to any of the above questions depend on

whether or not 50% or more of the treated waste is wastewater treatment sludge generated onsite at the facility operating under the wastewater treatment exemption?

No. There are no criteria that limit the exemption's availability based on the facility where the sludge is generated.

B.I. If the [listed sludges K048 and KOSI are] taken offsite to a facility owned by a third party who is in the hazardous waste treatment business and if the sludge treatment at the offsite facility consists of dewatering (centrifuge/belt press/filter press/or similar), is the offsite dewatering system eligible for the 40 CFR 270.1(c)(2)(v) wastewater treatment system exemption?

If the off-site facility meets the conditions in 40 CFR 260.10, then it may be eligible for an exemption under 270.1(c)(2)(v). The definition of wastewater treatment unit is specified in 260.10. Assuming the unit is a tank and is subject to regulation under sections 307(b) or 402 of the Clean Water Act, the remaining criterion specified in 260.10 is the type of material received and the activity conducted ("Receives and treats or stores an influent wastewater...generates and accumulates...or treats or stores a wastewater treatment sludge which is a hazardous waste..."). Mr. requirements. However, the wastewater treatment unit exemption itself is not altered by the TC.

5. Is the answer to the main question starting at Line 276 different if two or more refiners jointly own the offsite facility as a partnership and if the refinery partners each send their respective wastewater treatment sludges to the offsite facility?

The answer is not affected by the joint ownership (i.e., partnership) of the off-site facility receiving the sludge.

6. If the wastewater treatment unit exemption covers an offsite facility, is the exemption endangered or modified if the facility accepts petroleum tank bottoms, either as a non-waste or as a recyclable material (hazardous waste)?

The exemption's applicability is indeed "endangered," or rather the wastewater treatment unit's owner/operator would not be able to claim it, if s/he did not meet the terms of the exemption in the definition of wastewater treatment unit in 260.10. Specifically,

the unit must receive and treat or store a wastewater, generate and accumulate a sludge, or treat or store a sludge. As explained in the response to question A.5., when the tank bottoms that are a hazardous waste are neither a wastewater nor a sludge, the exemption is not available.

Note that if the recycling process where the tank bottoms are reclaimed is legitimate recycling, then under 261.6(c)(1) the recycling process is exempt from regulation.

When the tank bottoms are not a waste (i.e. in the limited case where they are being recycled for use as a lubricating oil refinery feedstock, and are not specifically listed) or when they are not a hazardous waste (i.e. are neither listed nor exhibit a characteristic of hazardous waste) the exemption's applicability is moot because the hazardous waste regulations apply only to hazardous wastes.

C.1. Can the refinery preserve the wastewater treatment unit exemption for units downstream of the storage tanks if it obtains RCRA Permits for the storage tanks for the offsite wastewater treatment sludge and/or for the petroleum tank bottoms?

The wastewater treatment unit exemption is not altered by the regulatory status of other storage tanks located at the same facility. If a hazardous waste storage tank does not meet the necessary criteria in the definition of wastewater treatment unit, that unit cannot be eligible for the wastewater treatment unit



Office of Solid Waste



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How To

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Title:

APPLICABILITY OF WASTEWATER TREATMENT
UNIT EXEMPTION

Date:

06/01/90

To:

Mulligan

From:

Bussard

Organization of Recipient:

Chemical Manufacturers Association

Description:

wastewater treatment unit (WWTU) applicability to connected tanks located at different properties; tanks at different facilities that ultimately discharge to same CWA outfall can all qualify as WWTUs if each facility or tank and effluent identified or controlled by NPDES permit or other CWA effluent limit

Part(s) & Subpart(s):

260 Subpart B; 264 Subpart A; 265 Subpart A; 270 Subpart A

Section(s):

260.10;264.1(g)(6); 265.1(c)(10); 270.1(c)(2)

Statutory Citation(s):

NA

Topic(s):

Hazardous Waste, Permits and Permitting, Tanks, Treatment, TSDFs

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NA

OSWER Directive Number (if applicable):

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



June 1, 1990

Mr. James C. Mulligan
Manager, Solid Waste Program
Environmental Division
Chemical Manufacturers Association
2501 M Street, NW
Washington, DC 20037

Dear Mr. Mulligan:

The purpose of this letter is to provide you with our interpretation of the applicability of the wastewater treatment unit exemption to example situations existing at several of your member companies' facilities. A request for an EPA interpretation was initially raised in your May 11, 1989 letter, followed up by your letters of October 2, 1989 and December 11, 1989, as well as several subsequent meetings with EPA.

As you are aware, on November 17, 1980, EPA suspended applicability of the hazardous waste management facility standards and RCRA permitting requirements to owners and operators of wastewater treatment units subject to section 307 (b) (pretreatment requirements) or section 402 (National Pollutant Discharge Elimination System (NPDES)) requirements under the Clean Water Act (CWA). This action is referred to as the wastewater treatment unit exemption. On September 2, 1988, a final rule was published to clarify the applicability of this exemption to tank systems at on-site versus off-site wastewater treatment facilities. In effect, EPA, stated that "any tank system that was employed in managing hazardous wastewater at a facility prior to its off-site transfer to another location, whether or not the off-site location includes an NPDES permitted wastewater treatment facility or a facility that discharges to a POTW sewer system, is not covered by this exemption."

CMA expressed the view that many units which they believe were eligible for this exemption have been precluded from the exemption by the September 2, 1988 notice. You are focusing on the distinctions to be made regarding an "on-site" versus an "off-site" wastewater treatment facility. CMA submitted diagrams of five examples that describe the type of problems being encountered.

EPA's position revolves around whether or not a facility is subject to sections 307 (b) or 402 of the CWA. The underlying assumption used in justifying the wastewater treatment unit exemption was that tanks used to handle hazardous wastewaters at these facilities would be provided with EPA oversight under the Clean Water Act, thereby ensuring no

significant decrease in environmental control afforded at these facilities. We understand that using the terms "on-site" and "off site" may have represented a confusing way to explain this concept, and wish to further clarify our long-standing intent regarding the scope of the exemption. The following provides a description of each of the examples that you submitted to us and our analysis as to whether the tank systems at these facilities are subject to CWA oversight and thus eligible for the WWTU exemption.

Example No. 1:

Description: The hazardous wastewater from a chemical plant is piped to a NPDES permitted wastewater treatment facility at a refinery located adjacent to the chemical plant. Both the chemical plant and the refinery are owned by the same company. The NPDES permit limits are based on wasteloads from both facilities.

Analysis: The fact that the NPDES permit is based on the waste loads of both the chemical plant and refinery is not necessarily the determining factor in deciding eligibility for the WWTU exemption. The concern that led to the "on-site", "off-site" distinction in the September 2, 1988 notice was that many wastewater treatment facilities are not actually being subjected to NPDES regulatory requirements. If they are unregulated by the NPDES program, it would be inappropriate to exempt them from RCRA regulation. In order to ensure that the reach of the NPDES permit is sufficient to adequately regulate the wastewater treatment tank at the chemical plant, the chemical plant and/or the tank itself needs to be specifically identified in the permit. This could be accomplished by stating expressly in the permit that it covers the chemical plant, or by making the operator of the chemical plant a co-permittee or a limited co-permittee on the permit with the operator of the refinery. This coverage would ensure adequate day-to-day control over the tank under the CWA to justify an exemption from RCRA requirements.

Example No. 2:

Description: Companies A and B, located within the same RCRA facility boundaries, use a common sewer to send wastewater from each of their respective units to an on-site NPDES permitted wastewater treatment facility owned by Company A. Again, the NPDES permit limits are based on the waste loads from both companies' units.

Analysis: The analysis for this scenario essentially is the same as for No. 1 above. To be eligible for the exemption, Company B must be a co-signatory to the NPDES permit and/or otherwise identified as a limited co-permittee on the permit issued to Company A, or the permit itself must expressly cover Company B (for example, the description of the facility covers the RCRA boundaries, and "upstream" wastewater treatment processes and equipment are identified) so that CWA authorities can prescribe and enforce tank system requirements at Company B as well as at Company A.

Example No. 3:

Description: A marine terminal and a manufacturing facility, owned by the same company, want to discharge their wastewaters to a pretreatment plant that is located at the manufacturing facility. The combined pre-treated wastewater subsequently is discharged to a POTW. Prior to promulgation of section 307 (b) categorical standards, both of these facilities were directly introducing their wastewaters into a POTW and thus claiming eligibility for the WWTU exemption.

Analysis: The marine terminal must comply with pretreatment standards in order for CWA authorities to oversee management of the tank systems at this facility. It is EPA's policy that categorical standards follow the waste. That is, if a facility's wastewater would be subject to a categorical standard (s) if it is introduced directly to a POTW, it is still subject to the categorical standard (s) even when the wastewater is discharged to another facility that subsequently introduces those pollutants to a POTW. If a facility discharging to a user of a POTW is subject to a categorical standards, it may claim the exemption. If it is not, it can claim the exemption only if the facility is expressly covered by the "individual control mechanism" (that would contain specific requirements, i.e., local limits, to protect against pass through and interference) issued by the POTW to the pretreatment facility.

Example No. 4:

Description: Companies A and B, as part of a joint venture operating on Company A's facility, use the same sewer to transfer their wastewaters to a POTW.

Analysis: Both companies must comply with section 307 (b) pretreatment requirements, since both are introducing pollutants directly into a POTW. Therefore, both companies are eligible for the WWTU exemption.

Example No. 5:

Description: Wastewater from a manufacturing facility is usually sent directly to a POTW unless high TOC loadings are encountered, whereby the wastewater is alternatively routed to a pretreatment plant at another manufacturing facility owned by the same company. The combined pre-treated wastewater is sent to the POTW.

Analysis: A facility designed so that its wastewater either may be routed directly to a POTW or to a pretreatment plant at another facility poses considerable difficulty and uncertainty for EPA insofar as knowing in which mode the facility is operating on any particular day. As such, to be eligible for the WWTU exemption, the manufacturing facility not only must comply with pretreatment requirements that have been established regarding its wastewater introduced to the POTW, but also must comply with pretreatment requirements that are established for those occasions when its wastewater must be routed to another facility's pretreatment plant.

Finally, I believe it is important to make sure you are aware of one other point that has been an issue at certain facilities claiming the wastewater treatment unit exemption: there is a requirement in 40 CFR Part 262 that only a "designated facility" may accept off-site hazardous waste. A facility that operates a wastewater treatment unit may receive and treat hazardous wastewater from any off-site source and must meet the current definition of "designated facility" as defined in 40 CFR 260.10. This means that the receiving facility must have a RCRA permit (or interim status) in accordance with the requirements of 40 CFR Parts 270 and 124, or it must be regulated under section 261.6 (c) (2) or Subpart F of Part 266 (see 55 FR 2322, January 23, 1990, for further information), and that has been designated on the manifest by the generator (or sender) pursuant to section 262.20.

I hope this letter answers your concerns regarding this matter. Again, I do apologize for the time it has taken to resolve these questions. If you have any further questions on the wastewater treatment unit exemption, please call Mr. Bill Kline of my staff at (202) 475-9614 or Mr. Randy Hill of the Office of General Counsel at (202) 382-7700.

Sincerely,

David Bussard, Acting Director
Waste Management Division

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9471.1989(01)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

MAR 20 1989

Mr. Robert H. Elliott, Jr.
Zerpol Corporation
1300 Schwab Road
Hatfield, Pennsylvania 19440

Dear Mr Elliott:

This letter is written in response to your correspondence of January 10, 1989, regarding the applicability of permit requirements under the Resource Conservation and Recovery Act (RCRA) to your zero discharge wastewater treatment system.

As I understand the Zerpol Zero Pollution System, industrial wastewater discharge to ground water, surface water and sewer systems is eliminated by a process that return treated water to the production area for reuse. You have previously confirmed that a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the Clean Waster Act (CWA) is not required for a zero discharge system. In your January 10, 1989 letter, you requested a statement from EPA confirming that a RCRA Part B permit is also not required for your system.

In responding to your letter, I am assuring that you are referring to an exemption from a RCRA Part B permit requirement based on the wastewater treatment unit exemption found at 40 CFR 264.1(g)(6) or 265.1(c)(10). There has been some confusion, which I will clarify, regarding the regulatory interface between the NPDES permit of the CWA and the exemption for wastewater treatment units at 40 CFR 264.1(g)(6) or 265.1(c)(10) of RCRA, particularly where zero discharge is involved. To understand this interface, it helps to note that one of the reasons for the wastewater treatment unit exemption is to avoid the overregulation of such units by requiring both a NPDES permit and a RCRA Part B permit for the same unit.

To qualify for the wastewater treatment unit exemption, one of the criteria which must be met is that the unit must be part of a wastewater treatment facility which is subject to regulation under either section 402 or 307(b) of the CWA. This

means that the facility must have a NPDES permit under section

-2-

402, be subject to an effluent guideline issued under sections 301 and 402 of the CWA, or be subject to the pretreatment requirements of 307(b) of the CWA (i.e., protection of human health and the environment is ensured by regulation under the CWA rather than RCRA).¹ While it is true that a zero discharge system does not require a NPDES permit, the absence of this permit (or an applicable effluent guideline or pretreatment standard specifying zero discharge) necessitates a RCRA Part B permit. Otherwise, a wastewater unit treating hazardous wastes could escape regulations developed to ensure protection of human health and the environment. Although this approach may, at first, be viewed as a disincentive to developing zero discharge systems, a NPDES permit that specifies "zero discharge" may be the most appropriate alternative to a RCRA Part B permit in industries without zero discharge effluent guidelines, encouraging zero discharge systems while being consistent with the Agency's mandate to protect human health and the environment.

I should also respond to a statement you made in your request for confirmation that a RCRA Part B is not required. You asked EPA to send you a statement that a Part B permit is not required for a "completely closed loop system." I assume you are referring to the exemption for a totally enclosed treatment facility found at 40 CFR 264.1(g)(5) or 265.1(c)(9). As defined at 40 CFR 260.10, a totally enclosed treatment facility is one which is directly connected to an industrial process and which is constructed and operated in a manner which prevents the release of any hazardous waste, or any constituent thereof, into the environment during treatment. A zero discharge system under the CWA does not automatically qualify for this exemption. For example, a system that uses tanks without covers may not qualify because it would not restrict the escape of hazardous constituents to the air. However, I did not receive sufficient information on your system to evaluate it.

You should be aware that State environmental regulations are also applicable and that the State may regulate such facilities differently under the State program. Therefore, whether a RCRA Part B permit is required for your system may be determined by the appropriate State agency.

¹ A point source discharge which is operating without a valid NPDES permit is also "subject to" section 402 of the CWA (albeit

in violation of that section).

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Should you have any further questions, you may contact Robert Dellinger or Mitch Kidwell, of my staff, at (202) 475-8551.

Sincerely,

Original Document signed

Sylvia K. Lowrance, Director
Office of Solid Waste

March 20, 1986

MEMORANDUM

SUBJECT: Determination of the Presence of Wastewater Treatment Sludges and/or the Presence of Wastewaters

- F006 Wastewater Treatment Sludges from Electroplating
- K001 Bottom Sediment Sludges from the Treatment of wastewaters from Wood Preserving

FROM: Cate Jenkins, Ph.D.
Chemist, Listing Program
Waste Identification Branch WH 562 B)

TO: Matt Straus
Chief, Waste Identification Branch

Discussed below is some information that may be useful in any determination of what point a wastewater no longer is a wastewater, but is instead a treated effluent. This question is being raised at the present time by both electroplaters and wood treaters who feel that after a given number of treatment steps, their wastewaters are adequately pure with respect to meeting any effluent limitations imposed by the Clean Water Act. They feel that any subsequent treatment units (and any concomitant sludges generated thereby) should be exempt from regulation under RCRA, since they have meet the treatment criteria imposed by the CWA.

GUIDANCE FROM THE LISTING BACKGROUND DOCUMENTS FOR F006 AND K001

The listing background documents for K001 wood preserving wastewater treatment sludges and F006 electroplating wastewater treatment sludges gives no guidance as to when an effluent is a wastewater and at what point this wastewater becomes a treated effluent. The F006 and K001 background documents are silent as to when a wastewater is considered "treated" or not. They do speak about points of discharge, which in no way implies treatment.

The K001 background document speaks of several treatment steps for wastewaters in series, without any indication in of the Agency's belief that at some point, the wastewater is "treated" where it no longer is capable of generating the wastewater treatment sludges described by the listing:

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"After biological treatment, treatment by irrigation may be used. This process typically consists of (1) settling, (2) storage, (3) aerated treatment, (4) spray irrigation, and (5) runoff storage. . ."

All these steps are termed to be treatment.

DEFINITION OF A WASTEWATER VS. A TREATED EFFLUENT UNDER THE CLEAN WATER ACT

The EGD Development Documents for the wood preserving and electroplating industries also speak of wastewaters being subjected to any of a number of wastewater treatment steps. No language is given for a point within a facilities grounds or even after the point of discharge where the wastewater no longer is a wastewater, but is instead a "treated effluent." This is because the standards under the CWA were developed from a standpoint of practicality and economically achievable treatment levels.

Additional treatment has always been considered possible over and beyond that stipulated by the effluent limitations. Under the CWA, degrees of treatment are the basis for the standards. This can be seen by the fact that there are different standards for new plants over those for an existing plant. If the levels are different, both cannot be completely treated.

GUIDANCE FROM RCRA AS TO WHEN A WASTEWATER TREATMENT SLUDGE IS EXEMPT FROM REGULATION

The language of Part 261 clearly differentiates the point at which wastewaters or effluent (not wastewater treatment sludges) are under the authority of the CWA or RCRA:

261.4 (a) (2) "Materials which are not solid wastes. . . Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act. . . This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment. . ."

Since the Clean Water Act applies to discharges to the navigable surface waters, point

source discharges cannot apply to some internal midway point in the wastewater treatment train on the grounds of a facility or another facility (unless it is a POTW) which treats, stores, or collects these wastewaters. Even if the wastewaters themselves were exempt from regulation under RCRA while they were being treated, collected, or stored prior to discharge, the sludges are not exempt as the result of any exemption of the wastewater. It may even be that RCRA regulated sludges can be generated after the point of discharge (except for the current exemption of POTW sludges).

SLUDGE GENERATED AS A RESULT OF WASTEWATER COLLECTION, STORAGE, OR DISPOSAL, INSTEAD OF WASTEWATER TREATMENT

Under the CWA, achieving zero discharge as the result of wastewater disposal or storage on-site is considered to be a "Pretreatment Standard". Therefore, the retention of wastewater is considered a treatment practice under the CWA.

As far as RCRA is concerned, any process which does in fact render a waste less hazardous or more amendable to storage or disposal is considered to be treatment. Most wastewater storage or disposal practices will generate a sludge and will subsequent "purify" the wastewater as it evaporates to the atmosphere or percolates down to ground water. Often times this treatment is not consciously intended by the facility. But without its occurrence, the storage or disposal technique for the wastewater would not be possible.

For example, if dissolved substances, suspended oils, or solids were not filtered out by the surface soils in a land treatment unit (spray irrigation field), then the wastewater along with these substances would travel directly to ground water. Another example would be a wastewater percolation pond; if it did not retain dissolved substances and suspended oils and solids in the bottom sediments while cleaner water percolated downward, then this total load would reach ground water without any attenuation. Or, if an evaporation pond released all of the contaminant load directly to the air, instead of selectively evaporating primarily water, then a fairly large air emissions problem could result.

GUIDANCE FROM RCRA LISTING BACKGROUND DOCUMENTS AS TO THE CONCENTRATIONS OF TOXICANTS IN THE WASTEWATER TREATMENT SLUDGES

The RCRA listing background documents cannot be examined by a facility or by Headquarters staff to make a determination as to whether a wastewater treatment sludge with a given contaminant concentration "meets the listing description." (A delisting would consider whether the waste and the hazardous properties for which it was listed, an entirely different determination.)

This is because the Agency did not give a toxicant criteria level as a basis for listing the generic class of wastes as hazardous. One cannot be imposed at this time without going

through due process and subjecting the revised listing to public comment.

For the F006 and K001 listings, the Agency listed a class of wastes by a listing description. Its authority to do so (without giving toxicant concentration criteria as a basis) is contained in Part 261.11 (b):

"The Administrator may list classes or types of solid waste as hazardous waste if he has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in Section 1004 (5) of the Act." (Emphasis added.)

USE OF DELISTING PROCEDURES UNDER PART 260.20

If a facility believes that its particular waste does not have the hazardous properties for which the class or type of waste described by the listing description was listed, then it may submit a delisting petition. This is common practice, particularly for F006 wastewater treatment sludges. Even if the delisting process were not statutorily required, its historical use gives much weight to its continued usage. The Agency cannot simply issue a memorandum giving facilities delisting criteria and subsequently an across the board delisting.

If a change for electroplaters or wood preservers is thought prudent, then a specific exclusion should be promulgated through rulemaking, as we did with pickle liquor sludges. Alternatively, we could withdraw the F006 listing and rely instead on the EP Toxicity characteristics, thus allowing facilities to delist themselves.

USE OF THE VHS DELISTING MODEL VS. EFFLUENT LIMITATIONS UNDER THE CWA FOR DETERMINING RISKS FROM WASTEWATERS AND ANY SUBSEQUENT SLUDGES THEY MAY GENERATE

The effluent limitations for electroplaters under the CWA is a lower health-based standard than the considerations used under RCRA. That health was only part of the basis for the CWA effluent limitations can be seen by the fact that different concentration limits or loadings are imposed for new or existing facilities. Also, any health considerations which were considered under the CWA were based strictly on the effects of using surface waters. No consideration was ever given for the contamination of ground water from effluents which are released to navigable waterways or during the various on-site treatment scenarios.

Under the VHS delisting model, ground water contamination is specifically considered (but not surface contamination). Our VHS specifically deals with considerations of toxicant loadings to either surface impoundments or land treatment units from a wastewater effluent, and any subsequent ground water contamination resulting from this loading by way of concentrating a wastewater effluent. This is a working, in-place

mechanism for determining the hazards of wastewaters while on-site.

EXAMPLES OF RISKS TO HUMAN HEALTH AND THE ENVIRONMENT AS THE RESULT OF USING CWA STANDARDS

Three examples will quickly show what types of risks to human health and the environment would result from using the CWA effluent limitation standards for the effluent at some internal point within a plant wastewater management system.

Facility A is an electroplater, a new plant complying with the 1.71 ppm total chromium effluent limitation. Often this plant has their wastewater below this concentration level even before it treats/disposes of its wastewater on two spray irrigation fields totaling 14.8 acres. If we apply the CWA criteria, however, we must always assume that his concentrations are at this limit before he treats/disposes of the wastewater by spray irrigation.

The facility generates 30,000 gallons of wastewater a day. We could make the assumption that the chromium from this wastewater precipitates out onto the top 1 inch of soil. Then the facility would be increasing the surface soil concentrations by approximately 3 ppm chromium per year. If the facility employed spray headers with a higher evaporation rate and used only 1/3 of the spray field area, then the chromium concentrations would be increasing by 9 ppm per year. Until an EP test was run, we cannot assume that this level will be effectively bound to the soil. After time, the soils could become EP toxic, even with no ground water contamination potential. If this facility is exempted because of the CWA standards, then real harm to the environment could result.

Facility B is a pentachlorophenol (PCP) wood preserver who disposes of his wastewater in an on-site evaporation/percolating pond. If the CWA standard was imposed as a criteria for determining whether or not a K001 wastewater treatment sludge could be generated as a result of the treatment/storage/disposal of the wastewaters in that pond, then the following criteria would apply. Under the effluent limitations for existing wood preserving plants, a total concentration of 100 ppm oil and grease (as an indicator of pentachlorophenol or creosote). Since a 7% PCP concentration in fuel oil is commonly used, one can assume that 7 ppm of this allowable oil and grease is PCP.

The actual PCP concentration in this facility's final treatment/disposal/storage pond is only 1.9 ppm, which would be well within the CWA criteria for discharge to surface waters. (Many plants easily achieve this 7 ppm PCP level well before the end of their wastewater treatment train.)

Yet the sludges at the bottom of the facility's final pond are 18,000 ppm PCP. This could result in a substantial ground water contaminating potential, since similar facilities with this amount of PCP in the sludges of surface impoundments have ground water contamination.

Use of CWA criteria for on-site wastewater management units is very dangerous, even if these criteria were entirely health based. This is because wastewater treatment/storage/disposal units on-site typically concentrate substances out of the ground water.

The third example is a facility utilizing either an optional or required mass-loading effluent limitation under the CWA. A facility, perhaps even Facility A, decides that it has done an excellent job of treating and disposing of its wastewater on-site with no discharge. Since for the electroplating industry, a certain loading of toxic metals may be released each day as an alternative to the concentration limits, the facility might simply dump toxic metal sludges from tanks into surface waters or the land, since the CWA is less stringent than the EP Toxic Waste requirements.

USE OF THE VHS MODEL ALONE TO DELIST WASTEWATER TREATMENT UNITS

There may be some danger in using the VHS model alone without any consideration for the toxicant concentrations in surface soils of land treatment units or sludges in surface impoundments. Although the VHS model does not consider sorption on the soil materials as an attenuating factor in any potential ground water contamination, this very real sorption of toxicants by surface soils or sediments could lead to the eventual build-up of high concentrations of toxicants. The smaller the unit (with a given waste loading) the greater the potential for this occurrence.

CRITERIA FOR DETERMINING THE PRESENCE OF WASTEWATER TREATMENT SLUDGES

A wastewater treatment sludge will inevitably be generated as the result of any wastewater management practice, as discussed above. The generation of a sludge does not mean that the sludge has the hazardous properties for which it was listed. In other words, a sludge is a solid waste, even if it is nothing but calcium carbonate from water.

The mechanism for the formation of sludges from waters may be either precipitation of suspended solids or other constituents in the wastewater, the absorption or adsorption of substances from the wastewater onto the bottom matrix of the unit, or the filtration of contaminants onto a soil matrix or other media. These filtration processes may consist of the physical removal of suspended solids or the adsorption or dissolved or suspended liquid substances onto the filtration media.

In addition, biological or other degradation processes (photolysis, hydrolysis, chemical conversion) may convert substances in either the upper water layers or the sludge layer itself to other products which may subsequently become constituents of the sludge by

precipitation, adsorption, absorption, or filtration.

Laboratory tests may be used to determine whether or not a sludge is generated from wastewater management. Basically, these tests certify whether or not anything is present in a wastewater management unit over background. Think of the difference between a newly excavated pond which has just had distilled water added to it.

Then think of the changes over time as sediment sludges start accumulating. If these sludges would have "happened" even without the addition of wastewaters, it makes no difference to the determination of whether or not the sludges meet the listing description (the mixture rule).

Tests to Quantify the Generation of a Sludge from Wastewater

A demonstration of whether or not a land based surface impoundment had generated a sludge would involve a determination that the substances on the bottom or the subsurface were not the same as would be found in freshly exposed soil layers at the same depth. Similarly, a spray irrigation field or any other filtration device designed to remove either suspended solids, dissolved substances, or suspended liquid substances, also would generate a sludge if the character of the original filtration material or native soils had changed.

In order to make a quantified determination of sludge formation as a result of wastewater being treated, stored or disposed of in any unit, a positive determination of a difference between virgin material and the material in the unit is all that is necessary. Suggested physical/chemical tests to make these determinations for several types of units are given below.

Land-Based Surface Impoundments, Spray Irrigation Fields or Other Land Treatment Units, Land-Based Filtration Units, or Injection Wells - Suitable tests to differentiate between the material in the bottom, surface, or subsurface of the unit to values for soil that would occur naturally (surface soils or newly excavating subsurface soil material at a similar depth) are listed below. If no positive difference is established by one of these tests, then additional ones need to be made to make an adequate determination.

- a. The presence of live or dead microbial or other organism populations.
- b. Ash content
- c. Total metals
- d. Oil and grease
- e. Total organic carbon
- f. Nitrogen, phosphorous, and chloride content
- g. pH
- h. Soil morphology, including horizons, color, texture, structure, consistence, concretions,

coarse fragments, root distribution, pedological features, saturated hydraulic conductivity, bulk density, and moisture regime.

- i. Key substances of concern
- j. Degradation products of substances of concern
- k. Any tests necessary to differentiate the filtration media from virgin filtration media, as above

2. Impermeable Lined Surface Impoundments or Tanks -

Suitable tests to differentiate between the material in the bottom, surface, or subsurface of the unit to values that would occur in a new unit not having an opportunity to generate sludge are listed below. If no positive difference is established by one of these tests, then additional ones need to be made to make an adequate determination.

a. Determination of a sludge layer on top of the lining material of the unit by any of the following:

- (1). Visual Observation
 - (2) Measurement with a sonic or other sludge layer detection device
 - (3) Detection by physically inserting some manual sensing device

b. If wastewater or sludges have leaked or spilled from the unit, then the following tests on the subsurface or perimeter soils should be performed:

- (1). The presence of live or dead microbial or other organism populations
- (2). Ash content
- (3). Total metals
- (4). Oil and grease
- (5). Total organic carbon
- (6). Nitrogen, phosphorous, and chloride content
- (7). Soil morphology (as above)
- (8). pH
- (9). Analytical tests for key substances of concern
- (10). Degradation products of substances of concern associated with unit

I hope this information will be useful to you. If you have any questions or need any other supporting data, please do not hesitate to ask.

Cc: Amy Swoboda
Walker Smith

Joyce Rechtshaffen
Elizabeth Maxwell
Andrea Zelman



Office of Solid Waste



Welcome



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How To

Record Detail

See 40 CFR 262 for definition

Full Document:



Title: SECONDARY SLUDGES FROM BIOLOGICAL TREATMENT OF REFINERY WASTEWATERS

Date: 02/22/85

To: Walsh

From: Straus

Organization of Recipient: Placid Refining Company

Description: K048 does not apply to sludge generated by dissolved air flotation (DAF) device used in secondary (biological) wastewater treatment systems

Part(s) & Subpart(s): 261 Subpart D

Section(s): 261.32

Statutory Citation(s): NA

Topic(s): Hazardous Waste, Industrial Wastes, K-wastes, Petroleum Refining Wastes, Special Wastes, Treatment

Approximate Number of Hardcopy Pages: 1

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EPA Document Number: NA

RPC Number: 02/22/85 - 2

RPPC Number (if applicable): 9441.1985(08)

NTIS Number (if applicable): NA

OSWER Directive Number (if applicable): NA

Ordering & Availability: Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346

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9441.1985(08)

FEB 22 1985

Placid Refining Company
3900 Thanksgiving Tower
Dallas, TX 75201

Dear Mr. Walsh:

This letter is written in response to your February 14 correspondence which requests that EPA clarify whether a particular refinery wastewater treatment sludge is a listed hazardous waste (K048). The waste in question is generated by a dissolved air flotation device in use at the Placid Refinery in Port Allen, Louisiana, that is used as part of the secondary wastewater treatment system to remove biological solids from an activated sludge unit.

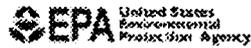
In a recent Federal Register notice (see Enclosure), the Agency has maintained that the K048 and K051 listings were intended only to address oil/solids/water separation from primary treatment. The word "secondary" was used in the background document and subsequently in the K048 listing to describe configurations where two primary wastewater treatment methods were used consecutively as compared to secondary treatment consisting of biological oxidation. The sludge from this unit is not currently a listed hazardous waste because the dissolved air flotation unit at the Placid Refinery is used to remove biological sludge from the treated effluent. Therefore, under the Federal hazardous waste management system, this waste would be hazardous only if it exhibits one or more of the hazardous waste characteristics.

At the same time, you should also be aware that EPA is concerned about secondary sludges from biological treatment of refinery wastewaters. Consequently, we are currently evaluating these wastes as part of the petroleum refining industry studies to determine whether they should be listed as hazardous. Please feel free to give me a call at (202) 475-8551 if you have any further questions.

Sincerely,

**Matthew A. Straus, Chief
Waste Identification Branch**

Enclosure



Office of Solid Waste



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How To

Record Detail

Full Document:
**Title:**WASTEWATER TREATMENT UNIT
EXEMPTION/DEFINITION**Date:**

12/24/84

To:

Scarborough, Region 4

From:

Skinner

Organization of Recipient:

EPA

Description:

wastewater treatment unit (WWTU) must be tank receiving influent hazardous wastewater and part of facility subject to CWA; components of units at facility do not have to be connected; wastewater can be piped, trucked or otherwise conveyed between WWTUs

Part(s) & Subpart(s):

260 Subpart B; 264 Subpart A; 265 Subpart A; 270 Subpart A

Section(s):

260.10; 264.1(g)(6); 265.1(c)(10); 270.1(c)(2)

Statutory Citation(s):

NA

Topic(s):

Hazardous Waste, Permits and Permitting, Tanks, Treatment, TSDFs

Approximate Number of Hardcopy Pages:

2

Fax-On-Demand Code:

12354

EPA Document Number:

NA

RPC Number:

12/24/84 - 1

RPPC Number (if applicable):

9432.1984(07)

NTIS Number (if applicable):

NA

OSWER Directive Number (if applicable):

NA

Ordering & Availability:Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346

FAXBACK 12354
PPC 9432.1984(07)

WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION

DEC 24 1984

MEMORANDUM

SUBJECT: Request for Guidance/Clarification of Wastewater
Treatment Unit Definition

FROM: John M. Skinner, Director
Office of Solid Waste (WH-562)

TO: James H. Scarbrough, Chief
Residuals Management Branch
Waste Management Division
E.P.A. Region IV

Your memo of December 11, 1984 is one of several requests for guidance that OSW has received from the Regions since the wastewater treatment unit exemption was promulgated on November 17, 1980.

The case on which you requested guidance involves tanks storing hazardous wastewaters that are then trucked across the Department of Energy Oak Ridge reservation to a treatment facility that has an NPDES permit. You asked whether a direct mechanical connection between the components of the treatment facility were necessary for the tanks to be part of the wastewater treatment facility.

For the purposes of this exemption, a wastewater treatment unit is defined in 40 CFR §260.10 as:

- (1) a tank,
- (2) which is part of a wastewater treatment facility subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act, and
- (3) which receives and treats or stores an influent wastewater that is a hazardous waste or which generates, accumulates, treats or stores a wastewater treatment sludge that is a hazardous waste.

In providing guidance on implementation of this rule, we have

been basing our interpretations on the intent of the exemption as well as on the wording of the regulation.

You acknowledge that the DOE reservation is a "facility," and we have followed this interpretation in accepting their Part A RCRA application. Because there is no requirement that components of the wastewater units in a facility be connected, there is no reason why wastewater could not be piped, trucked, or otherwise conveyed from one wastewater unit to another. Therefore, the wastewater tanks in question are part of a wastewater treatment unit, exempt under 40 CFR §264.1(g)(6).

Further, this office has acknowledged that if wastewater is stored and treated in a tank at one facility prior to shipment to a POTW, the tank is exempt under 40 CFR §264.1(g)(6) (see the attached memorandum).

If you have any questions, please call Donald White (382-7917) or my staff.

Attachment

□

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
MEMORANDUM

DATE: June 27, 1984

SUBJECT: Applicability of the Wastewater Treatment

Unit Exemption to a Groundwater Treatment System

FROM: John H. Skinner, Director
Office of Solid Waste (WH-562)

To: Dennis Kuebner, Chief
State Waste Programs Branch
E.P.A. Region I

Your memo of May 31, 1984, is one of several requests for guidance that OSW has received from the Regions since the waste-water treatment exemption was promulgated on November 17, 1980.

As you have noted, one of the problem areas in the implementation of the exemption is the definition of "wastewater." In 1981, we provided a general definition of wastewater. (See John Lehman's memo of July 31, 1981, to Richard Boynton, Region I.) Recently, we were asked to determine whether leachate constitutes wastewater. (See Donald White's memo of May 22, 1984, to Jonathan Josephs, Region II.) Now your memo presents a similar request regarding contaminated groundwater.

We are currently conducting a study of the wastewater treatment exemption. One goal of this project is to formulate a definition of "wastewater" as guidance for use by the Regions in implementing the exemption. The study will be completed in a few months. In addition, OGC is now re-examining certain aspects of the wastewater treatment exemption that are addressed in the two cited memos.

The case in question, the IBM groundwater treatment system at Essex Junction, Vermont, involves some of these issues that are now under study. Therefore, we cannot provide a definitive answer to your question until our deliberations are complete. We are working to resolve these issues as quickly as possible and will keep you informed of our progress.

If you want to discuss these studies further, contact Donald White at 382-7917.

**Office of Solid Waste**

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How To

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Full Document:

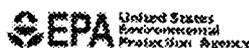
Title: TANK V. SURFACE IMPOUNDMENT
Date: 05/01/84
To: NA
From: NA
Organization of Recipient: NA
Description: explanation of difference between tanks and surface impoundment; tanks are self-supporting, while surface impoundments require supporting earthen materials (SEE ALSO: RIL 110, 4/15/83 Weddle to Devine)
Part(s) & Subpart(s): 260 Subpart B
Section(s): 260.1
Statutory Citation(s): NA
Topic(s): Hazardous Waste, Land Disposal Units, Surface Impoundments, Tanks
Approximate Number of Hardcopy Pages: 1
Fax-On-Demand Code: 12224
EPA Document Number: 530-SW-84-017E
RPC Number: 05/01/84 - 2
RPPC Number (if applicable): NA
NTIS Number (if applicable): PB92-130 384
OSWER Directive Number (if applicable): NA
Ordering & Availability: Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346

12224

QUESTION: What is the difference between a tank and a surface impoundment?

ANSWER: According to the April 15, 1983 guidance memo from Bruce Weddle to Region IV, the unit should be evaluated as if it were free standing and filled to its design capacity with the material it is intended to hold. If the walls or shell of the unit provide enough structural support to maintain structural integrity of the unit under such conditions, the unit is a tank. If the unit needs supporting earthen materials to maintain its structural integrity, it is a surface impoundment. Engineering data and drawings may be necessary to make this determination.

BOOZALLEN
& HAMILTON,
INC.
FAXBACK
12224



Office of Solid Waste



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How To

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Full Document:



Title: API SEPARATOR WASTEWATER AND SLUDGE
Date: 04/01/84
To: NA
From: NA
Organization of Recipient: NA
Description: wastewater from API separator not hazardous if not characteristic; sludge precipitated from this wastewater in surface impoundment is K051; solids from filtering such wastewater are K051; definition of API separation system
Part(s) & Subpart(s): 261 Subpart D
Section(s): 261.32
Statutory Citation(s): NA
Topic(s): Hazardous Waste, Industrial Wastes, K-wastes, Land Disposal Units, Petroleum Refining Wastes, Special Wastes, Surface Impoundments
Approximate Number of Hardcopy Pages: 1
Fax-On-Demand Code: 12203
EPA Document Number: 530-SW-84-017D
RPC Number: 04/01/84 - 9
RPPC Number (if applicable): 9444.1984(06)
NTIS Number (if applicable): PB92-130 376
OSWER Directive Number (if applicable): NA
Ordering & Availability: Contact the [RCRA, Superfund & EPCRA Hotline](#) at (800) 424-9346

Faxback 12203

9444.1984(06)

RCRA/SUPERFUND HOTLINE SUMMARY

APRIL 84

3. Wastewater ^{from} from an API separator discharges into multiple sequential surface impoundments where the solids fall out.

a) Is the wastewater from the API separator a hazardous waste if it doesn't exhibit a Subpart C characteristic? *No.*

b) Is the sludge that precipitates out in the impoundments a K051 waste? *yes.*

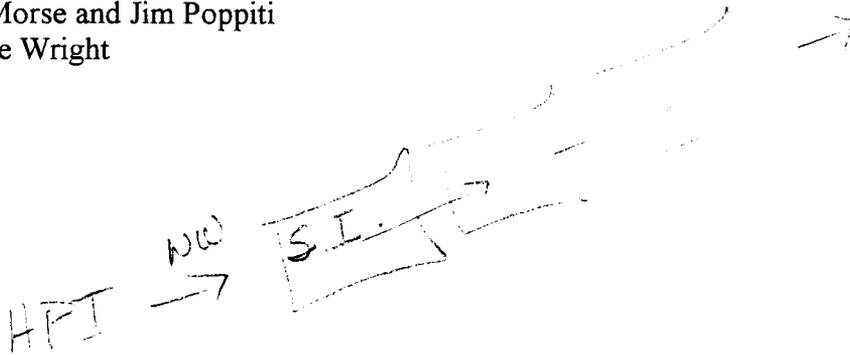
c) If the wastewater is filtered, are the solids from filtration K051? *yes.*

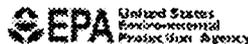
a) No.

b) Yes; the API separator and subsequent impoundments used for settling of solids are viewed as all part of the API separation system.

c) Yes.

Source: Myles Morse and Jim Poppiti
Research: Denise Wright





Office of Solid Waste



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How To

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Full Document:


Title: DEFINITION OF SURFACE IMPOUNDMENT
Date: 11/01/83
To: NA
From: NA
Organization of Recipient: NA
Description: ditch constructed primarily of earthen materials would meet definition of surface impoundment; diluting hazardous waste in ditch until no longer hazardous is treatment
Part(s) & Subpart(s): 260 Subpart B
Section(s): 260.1
Statutory Citation(s): NA
Topic(s): Hazardous Waste, Land Disposal Units, Surface Impoundments, Treatment
Approximate Number of Hardcopy Pages: 1
Fax-On-Demand Code: 12150
EPA Document Number: 530-SW-83-001K
RPC Number: 11/01/83 - 5
RPPC Number (if applicable): NA
NTIS Number (if applicable): PB92-130 319
OSWER Directive Number (if applicable): NA
Ordering & Availability: Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346

QUESTION: If a hazardous waste flows into a ditch and is diluted to the point where it is no longer hazardous, what type of a facility is the ditch?

ANSWER: A ditch constructed primarily of earthen materials would meet the definition of a surface impoundment (260.10). In this example, the unit would be conducting treatment of a hazardous waste and would probably be considered a treatment surface impoundment. Alternately, the ditch could be viewed as an appurtenance to some other waste management unit at the facility.

SOURCE: Amy Mills

FAXBACK 12150

**Office of Solid Waste**

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How To

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Full Document:**Title:**TANK AND SURFACE IMPOUNDMENT,
DEFINITIONS**Date:**

04/08/83

To:

Devine, Region 4

From:

Weddle

Organization of Recipient:

EPA

Description:

evaluate units as free standing and filled to design capacity; tanks have walls or shells that provide sufficient structural support to maintain structural integrity of unit; surface impoundments will not retain structural integrity without supporting earthen materials

Part(s) & Subpart(s):

260 Subpart B

Section(s):

260.1

Statutory Citation(s):

NA

Topic(s):Hazardous Waste, Land Disposal Units, Surface
Impoundments, Tanks**Approximate Number of Hardcopy**

1

Pages:**Fax-On-Demand Code:**

12104

EPA Document Number:

NA

RPC Number:

04/08/83 - 1

RPPC Number (if applicable):

9483.1983(01)

NTIS Number (if applicable):

NA

OSWER Directive Number (if applicable):

NA

Ordering & Availability:Contact the RCRA, Superfund & EPCRA Hotline at (800)
424-9346

FAXBACK 12104

9483.1983(01)

TANK AND SURFACE IMPOUNDMENT, DEFINITIONS

8 APR 83

MEMORANDUM

SUBJECT: Determination of Tanks vs. Surface Impoundments

FROM: Bruce R. Weddle
Acting Director
State Programs and Resource Recovery Division (WH-563)

TO: Thomas W. Devine
Director
Air and Waste Management Division, Region IV

In your memorandum of March 23, 1983 you requested headquarters guidance on the subject of how regional offices should determine what constitutes a "tank", as opposed to "surface impoundment," for RCRA permitting purposes. I hope that the following will serve to clarify this issue.

Distinguishing a tank from a surface impoundment is, as you suggest, primarily an assessment of what provides the unit's structural support. In making this assessment, the unit should be evaluated as if it were free standing, and filled to its design capacity with the material it is intended to hold. If the walls or shell of the unit alone provide sufficient structural support to maintain the structural integrity of the unit under these conditions, the unit can be considered a tank. Accordingly, if the unit is not capable of retaining its structural integrity without supporting earthen materials, it must be considered a surface impoundment.

The units for which the State of Florida is requesting guidance should be assessed according to these criteria. From the sketches provided by Florida Power and Light, it would appear that the Sanford, Fort Myers, Manatee and St. Lucie units are probably surface impoundments, and that the Cutler unit may possibly be a tank. However, the information you submitted is not sufficient to enable us to make a definitive judgement in this regard. In order to support the contention that the units should be considered tanks, you should request that Florida Power and Light submit engineering data and drawings which establish that each unit meets the above criteria.

FaxBack# 11020

JULY 31, 1981

Richard C. Boynton, Chief
Permits Development Section
U.S. Environmental Protection Agency
John F. Kennedy Building
Boston, Massachusetts 02203

Re: Suspension of Regulations for Wastewater Treatment Units

Dear Mr. Boynton:

This letter responds to your recent request for an interpretation of the regulations of November 17, 1980 (45 FR 76074) which suspended certain requirements of the hazardous waste regulations for owners and operators of wastewater treatment units where such facilities are subject to regulation under Section 402 or 307(b) of the Clean Water Act.

Your letter is correct in stating that there is nothing in the definitions, preamble, or regulations which precludes an off-site hazardous waste management facility from qualifying for a suspension of the hazardous waste requirements in 40 CFR Parts 122, 264 and 265. The Agency considered limiting the suspension and proposed amendments to on-site facilities but was unable to justify that this type of facility was inherently less hazardous than an off-site facility so as to necessitate different standards. Accordingly, EPA does not intend to distinguish between on-site and off-site facilities in this regulation.

Even under the terms of the suspension, hazardous waste shipped to an off-site facility will, of course, be subject to the manifest requirements. In addition, the treatment facility must be subject to regulation under either 402 or 307(b) of the Clean Water Act.

To be completely exempted for now (and ultimately subjected to the permit by rule) all units in a facility must meet the definition of "tank" in §260.10. Lagoons, incinerators, and other types of facilities are not eligible. It is, however, true that the definition of "tank" is rather broad, covering unit operations which are not obviously tanks such as presses, filters, sumps, and many other types of processing equipment.

The Agency also intends that the phrase "subject to regulation under either Section 402 or 307(b) of the Clean Water Act" should be given a broad interpretation. This phrase includes all facilities that are subject to NPDES permits and encompasses facilities subject to either categorical pretreatment standards or general pretreatment standards. It is not necessary that the permits actually be issued or that pretreatment standards actually be in force. It is sufficient that the facility be subject to the requirements of the Clean Water Act.

It should be noted that eligible facilities must in fact be treating "wastewaters" and not concentrated chemicals or non aqueous wastes. While we have not promulgated a formal definition, we are interpreting the term to refer to wastes which are substantially water with contaminants amounting to a few percent at most. It has been suggested that a formal definition would be helpful. We are considering adding such a definition to the final promulgation.

Public comments on the November 17, 1980 proposal also noted that some wastewater treatment units do not discharge a liquid stream and thus are not subject to the Clean Water Act. EPA is considering changing this "subject to" language to include such zero discharge facilities. We expect to finalize the proposed regulations for wastewater treatment units and elementary neutralization units within the next few months.

If you have any further questions, please do not hesitate to call me or Fred Lindsey, the Deputy Division Director at FTS 755-9185.

Sincerely yours,

John P. Lehman, Director
Hazardous & Industrial Waste Division

cc: Dennis Heubner R. Stan Jorgensen
EPA, Region I EPA, Region VI

Ernest Regna Robert L. Morby
EPA, Region II EPA, Region VII

Robert L. Allen Lawrence P. Gazda
EPA, Region III EPA, Region VIII

James Scarbrough Arnold R. Den
EPA, Region IV EPA, Region IX

Karl J. Klepitach Kenneth D. Feigner
EPA, Region V EPA, Region X

