

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

May 22, 1984

MEMORANDUM

SUBJECT: Definition of "Wastewater Treatment Unit"

FROM: Donald C. White, P.E.,
Program Manager, Treatment Alternatives Program
Waste Treatment Branch (WH-565A)

TO: Jonathan Josephs, Chemical Engineer
New York Hazardous Waste Section, RD (2AWH-SW)

This memo is written in response to our telephone conversations, and your subsequent memo dated March 20, 1984, about the tank that is used to store a wastewater treatment sludge from leachate at the Love Canal site. I regret the delay in responding to your request for clarification of the eligibility of this tank for the "wastewater treatment exemption" under RCRA. As you must realize, it was essential to formulate a definitive answer and to obtain concurrence within OSWER and OGC on this matter.

According to Sections 264.1 (g) (6) and 265.1(c) (10) of Title 40 of the CFR, the RCRA requirements of Parts 264 and 265 "do not apply to the owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in Section 260.10 of this Chapter." The unit in question would have to meet the definition of a wastewater treatment unit as specified in Section 260.10. According to this definition, a device is a wastewater treatment unit if it meets three requirements. For the tank in question, the relevant parts of these requirements are:

- (1) It must be part of a wastewater treatment facility that is subject to regulation under Section 402 or Section 307 (b) of the Clean Water Act;
- (2) It must....generate and accumulate.... Or treat or store a wastewater treatment sludge that is a hazardous waste; and
- (3) It must meet the definition of a tank.

FAXBACK 11036

The definition of “wastewater treatment unit” has been interpreted to cover wastewater treatment systems which (1) produce a treated wastewater effluent that is discharged into surface waters or into a POTW sewer system, and that is therefore subject to the NPDES or pretreatment requirements of the Clean Water Act, or (2) produce no effluent as a direct result of such requirements. Therefore, a tank that is a wastewater treatment unit that does not discharge an effluent is eligible for the wastewater treatment exemption since if an effluent were discharged, it would be subject to regulation under the Clean Water Act.

It is my conclusion, therefore, that the tank in question --as described in our telephone conversations and in your memo of March 20, 1984 – is indeed a wastewater treatment unit according to the definition in Section 260.10, and that it qualifies for the “wastewater treatment exemption” of Sections 264.1(g)(6) and 265.1(c)(10). This conclusion has been supported by discussions within OSWER and with OGC.

Cc: Alfred Lindsey (WH-565)
Mark Greenwood (LE-132S)
Kenneth Gray (LE-132S)
John Thompson (RCRA Hotline)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: March 20, 1984

SUBJECT: Definition of "Wastewater Treatment Unit"

FROM: Jonathan Josephs, Chemical Engineer
New York Hazardous Waste Section (2AWM-SW)

TO: Don White
Waste Management and Economics Division (WH-565)

This is to confirm our telephone conversation of February 28 on the above referenced subject. I asked whether a storage tank used to store a hazardous wastewater treatment sludge at a wastewater treatment facility which is regulated under Section 307 (b) or 402 of the Clean Water Act is a "wastewater treatment unit" (WWTU) as defined in 40 CFR 261.10. I had been previously informed by the RCRA hotline that the tank is a WWTU only if a wastewater effluent leaves the tank and is regulated under Section 307 (b) or 402, etc. You advised me that the tank is a WWTU regardless of whether the tank has a wastewater effluent.

Please advise me if this interpretation is incorrect. Since I will be applying this interpretation to the sludge storage tanks at the Love Canal Leachate Treatment Plant, an especially visible facility, it is important that this interpretation be accurate.

Please contact me at FTS 264-0546 if the conclusion that the tank is a WWTU is incorrect.

Cc: Fred Lindsey
Deputy Director
Waste Management and Economics Division (WH-565)