

OSWER DIRECTIVE #9503.51-1A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 24 1985

MEMORANDUM

SUBJECT: RD&D Permit for a Sludge Drying Process in a Wastewater System

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

TO: Allyn M. Davis, Director  
Hazardous Waste Management Division (6H)  
Region VI

In your letter of November 15, 1985, you requested written confirmation that the use of a sludge drying unit, manufactured by Water Management, Inc., at facilities with a wastewater treatment unit, would not jeopardize their exemption from RCRA permitting. The sludge dryer is intended to further reduce the volume of sludge requiring disposal.

If the sludge drying unit is a tank, as stated in your letter, then persons who are currently exempt from RCRA permit requirements under 40 CFR \_270.1(c)(2)(v) because they have a wastewater treatment unit, will continue to be exempt from RCRA permitting if they use this sludge dryer. The Agency has clarified the definition of "tank", for the purposes of the wastewater treatment unit definition in \_260.10, to cover unit operations which are not obviously tanks such as presses, filters, sumps, and many other types of processing equipment. (See attached memorandum dated July 31, 1981 from John Lehman to Richard Boynton, "Suspension of Regulations for Wastewater Treatment Units.")

I understand that the intent of the sludge dryer is to assist metal finishing industries, who have wastewater treatment units, to meet the waste minimization requirements of the new RCRA \_3002(b). You should advise Water Management, Inc. that although their potential clients will continue to be exempt from RCRA permit requirements, their clients must comply with the RCRA manifest requirements of 40 CFR Part 262 for generators. Also, they must comply with 40 CFR Parts 261-263, as appropriate. The clients will need to sign the RCRA manifest for off-site shipments of the residue resulting from the use of the sludge dryer, including the waste-minimization certification statement on the revised Uniform Hazardous Waste Manifest Form (see 50 FR 28744-46, July 15, 1985).

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The client must also submit a biennial report to the Regional Administrator which includes a description of the efforts undertaken to reduce the volume and toxicity, as well as a description of the changes in volume and toxicity of the wastewater actually achieved during the year, by comparing it to previous years (\_262.41, 50 FR 28746, July 15, 1985).

Since the sludge drying unit is intended for use by persons with wastewater treatment units, and the facilities with these units are exempt from RCRA permitting, it is unclear why Water Management, Inc. wants a research, development, and demonstration permit to test the unit. You should discuss this issue with Water Management, Inc. to determine if you should spend the resources on processing their permit application.

If your staff has any further questions on this matter, please have them contact Nancy Pomerleau at (FTS) 382-4500.

Attachment

cc: Bruce Weddle  
Jack Lehman (WH-565)  
Irene Horner (WH-565A)  
Ken Gray (LE-132S)  
Peter Guerrero  
Art Glazer  
Nancy Pomerleau  
Tina Parker (WH-562)  
William Rhea, Region 6  
Hazardous Waste Division Directors, Regions I-X

Attachment

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUL 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 Section 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 "waste-waters" 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,

Original Document signed

John P. Lehman, Director  
Hazardous & Industrial Waste Division

cc: Dennis Heubner EPA, Region I	R. Stan Jorgensen EPA Region VI
Ernest Regna EPA Region II	Robert L. Morby EPA Region VII
Robert L. Allen EPA Region III	Lawrence P. Gazda EPA Region VIII
James Scarbrough EPA Region IV	Arnold R. Den EPA Region IX
Karl J. Klepitsch EPA Region V	Kenneth D. Feigner EPA Region X

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