

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

JUNE 2, 1993

Mr. William E. Fisher
International Fabricare Institute
12251 Tech Road
Silver Spring, MD 20904

Dear Mr. Fisher,

Thank you for your letter dated September 2, 1992, concerning separator water and the use of evaporators at dry-cleaning facilities. I apologize for not replying to your letter sooner. We appreciated the opportunity to exchange information at the meeting held on July 2, 1992. We learned a great deal about this issue from the International Fabricare Institute (IFI), and representatives of the Neighborhood Cleaners Association and the Textile Care Allied Trade Association (TCATA). Our staff also benefited from follow-up phone conversations with Mr. Manfred Wentz of the TCATA.

In your letter, you inquired about the status under the Resource Conservation and Recovery Act (RCRA) of on-site evaporators for separator water generated at dry-cleaning facilities. In general, EPA Regions and authorized states answer inquiries about the implementation of the hazardous waste regulations, particularly questions pertaining to specific facilities. However, because this issue potentially affects dry cleaners nationwide, we believe that it is appropriate for us to address your question.

Based upon the information received from you, as well as other interested parties, we feel that the separator water evaporators meet the definition of "wastewater treatment unit" under RCRA. Tanks that meet the definition of wastewater treatment unit are exempt from RCRA permitting under 40 CFR Sections 264.1(g)(6) and 270.1(c)(2)(v). Therefore, these units would not require RCRA permits, provided the criteria for qualifying as a wastewater treatment unit outlined in 40 CFR Section 260.10 are met (see discussion below).

The definition of wastewater treatment unit consists of three parts enumerated at 40 CFR Section 260.10. First, the evaporator unit must meet the definition of "tank" or "tank system" also found in Section 260.10. The descriptions you provided indicate these units are tanks. Second, the evaporator must be receiving and treating or storing an influent wastewater (or wastewater treatment sludge) that is a hazardous waste. We are assuming the separator water is hazardous waste either by application of the derived-from rule (e.g., derived-from F002), or the toxicity characteristic (e.g., perchloroethylene). Finally, the dry-cleaning facility must be subject to Sections 307(b) or 402 of the Clean Water Act; this includes wastewater treatment units at facilities that 1) discharge treated wastewater effluent into surface waters or into a Publicly-Owned Treatment Works (POTW) sewer system, or 2) produce no treated wastewater effluent as a direct result of such requirements. We understand that some dry cleaners are

eliminating discharges due to concerns over sewer pipe leakage, not CWA discharge limits per se. However, given the relatively small amounts of wastewater involved, we have concluded that this situation is similar enough to warrant equal consideration under the wastewater treatment unit exemption.

Please note that the wastewater treatment unit exemption applies to the storage and/or treatment of wastewater, not concentrated wastes. This exemption would not be available to anyone placing free-phase perchloroethylene, for example, into an evaporator.

Thank you for your interest in solid and hazardous waste management. If you need further information, please contact Ross Elliott of my staff at (202) 260-8551.

Sincerely,

Sylvia K. Lowrance, Director
Office of Solid Waste

cc: William Seitz
Neighborhood Cleaners Association

Manfred Wentz
Textile Care Allied Trade Association