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

June 2, 1994

Mr. Tony M. Margiotta  
Kleen-Rite, Inc.  
4444 Gustine Avenue  
St. Louis, MO 63116

Dear Mr. Margiotta:

Thank you for your letter dated February 18, 1994, concerning the Hydro-Mist unit used in the treatment of wastewater at drycleaning facilities. I apologize for the delay in responding to your letter. In your letter you specifically requested a "letter of approval" from the U.S. EPA for the Hydro-Mist process. Let me begin by clarifying that our office is not able to certify, endorse, or otherwise "approve" specific technologies, but we sometimes are able to provide information on how your technology would be regulated under the hazardous waste regulations, and I hope this will be helpful to you.

The Office of Solid Waste (OSW) responded in writing to an inquiry last June regarding evaporator units and the applicability of the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA). In that letter dated June 2, 1993, from Sylvia Lowrance to Mr. William Fischer (of the International Fabricare Institute), we stated that the evaporator units described to us by the drycleaning industry representatives met the definition of wastewater treatment unit (WWTU) in 40 CFR 260.10, and as such were exempt from federal hazardous waste permitting requirements per 40 CFR 261.4(g)(6). Based upon the information you provided to Mr. Ross Elliott of my staff over the telephone, it appears that you are interested in a determination as to whether or not the operation of the Hydro-Mist unit is comparable to other types of evaporator units, with respect to the federal hazardous waste regulations under RCRA. The principal issue requiring clarification is the mechanism by which the wastewater is eliminated: the Hydro-Mist unit uses an atomization or misting technique to eliminate drycleaning wastewater, while other types of

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wastewater evaporators use heat to evaporate the water.

One of the conditions of the WWTU exemption is that wastewater meeting the definition of hazardous waste is "treated" in a tank. EPA defines "treatment" rather broadly under RCRA (40 CFR 260.10), but "evaporation" is not specifically defined. According to the information you provided, after treating the perchlorethylene-contaminated wastewater with carbon adsorption, the Hydro-Mist unit uses an atomization process that releases the treated water into the ambient air in very small droplets, where evaporation of these droplets occurs. With respect to the definition of "treatment" as it would apply under the WWTU exemption, we see no difference between the evaporation of water from a tank using elevated temperatures, and the evaporation of very small water droplets at ambient temperatures using an atomization technique. Therefore, provided the unit meets the other criteria for the WWTU exemption as outlined in § 260.10, the use of atomization would not preclude the unit from being eligible for the WWTU exemption.

Finally, I would like to point out that under Section 3006 of RCRA (42 U.S.C. Section 6926), individual States can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program. Please also note that under Section 3009 of RCRA (42 U.S.C. Section 6929) States retain authority to promulgate regulatory requirements that are more stringent than federal regulatory requirements. If a State agency authorized to implement the RCRA hazardous waste program does not recognize the wastewater treatment unit exemption, or is regulating WWTUs more stringently or broader in scope than the federal program, the authority exists for that State to deal with the situation directly.

I hope this information helps to clarify the issue you raised concerning your Hydro-Mist unit. If you have any questions, please call Ross Elliott of my staff at 202-260-8551. Thank you for your interest in the safe management of solid and hazardous waste.

Sincerely,

Michael J. Peska, Chief  
Regulatory Development Branch  
Office of Solid Waste