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RCRA/SUPERFUND HOTLINE SUMMARY

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4. Section 261.3(a)(2)(IV) excludes from regulation the discharge of certain wastewater mixtures which are subject to Clean Water Act regulations (307(b) and 402) "(including wastewater at facilities which have eliminated the discharge of wastewater)."
 - A) What is the significance of this section's parenthetical phrase addressing eliminated discharge?
 - B) Do surface impoundments qualify under that parenthetical reference?
 - A) The intended application of the parenthetical phrase in 261.3(a)(2)(IV) is to situations where effluent guidelines or pretreatment standards require zero discharge as the most environmentally sound practice, or where a facility surpasses these requirements by achieving zero discharge.
 - B) If a surface impoundment is subject to Clean Water Act zero discharge guidelines, then the exclusion applies. Information specific to the purpose and management of surface impoundments must be supplied to determine if this exclusion applies.

Source: Steve Silverman

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