

OSWER DIRECTIVE #9503.52-1A

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JAN 2 1986

C. T. Philipp, P.E.  
President  
Water Management, Incorporated  
2300 Highway 70 East  
Hot Springs, Arkansas 71901

Dear Mr. Philipp:

In your letter of December 5, 1985 you requested that the Agency identify the Resource Conservation and Recovery Act (RCRA) status of sludge dryers that are part of a "conventional treatment system" not regulated by RCRA. You questioned whether adding a sludge dryer to a wastewater treatment unit exempted from RCRA permitting will jeopardize the exemption. The RCRA-Superfund Hotline correctly identified sludge drying for you as a treatment process according to the definition of treatment in 40 CFR \_260.10. However, when sludge dryers meet the definition of wastewater treatment units, they qualify for the wastewater treatment exemption of \_\_264.1(g)(6), 265.1(c)(10), and 270.1(c)(2)(v). In your case, adding a sludge dryer to treat sludge generated by a treatment system operating under a wastewater treatment exemption does not subject the treatment system to RCRA permitting.

As you know, sludge dryers must meet the three criteria in the definition of wastewater treatment unit in order to be part of a wastewater treatment exclusion. First, the information you sent shows that your sludge dryer qualifies as a tank as defined in \_260.10; that is, it is designed to contain hazardous waste and is constructed primarily of nonearthen materials that provide structural support. Furthermore, the Agency has clarified the definition of tank--for this exemption--to include unit operations such as presses, filters, sumps, and many other types of processing equipment. (See the attached memorandum dated July 31, 1981, from John Lehman to Region I.) In addition, the preamble of the November 17, 1980, proposed rule (45 FR 76077-76078) clarified the definition of a wastewater treatment unit as follows:

This definition...covers...the sludge digesters, thickeners, dryers and other sludge processing tanks... in which hazardous wastewater treatment sludge is treated; and any...tanks used for the storage of such sludge.

Second, the sludge dryer treats or stores a wastewater treatment sludge which is a hazardous waste as defined in \_261.3 (i.e., the sludge itself is a listed waste, derived from treatment of a listed waste, or is hazardous on the basis of characteristics identified in \_261 Subpart C). This means that the treatment of sludges generated from wastewater treatment units is also exempt from regulation under the RCRA treatment standards.

Tanks (here a sludge dryer) that do not themselves have any discharge subject to regulation under Sections 402 or 307(b) of the Clean Water Act, but that are part of the wastewater treatment system, qualify for the exemption if other tanks in the treatment train have discharges that are subject to these Clean Water Act provisions. So the third condition, being part of a wastewater treatment unit subject to regulation under Section 402 or 307(b) of the Clean Water Act, can be met by sludge dryers in certain circumstances. However, as the November 17, 1980 preamble stated (45 FR 76077), even the proposed regulations..."may not provide adequate environmental protection where treatment of the hazardous wastewater tends to result in the escape of hazardous waste constituents into the atmosphere (e.g., the treatment of highly toxic volatile wastes in open tanks)." Unless the Administrator promulgates regulations covering wastewater treatment units, wastewater treatment tanks that qualify for exemption under current RCRA standards may volatilize their contents and retain the exemption.

Sludge dryers may be used as part of a program to meet the waste minimization requirements of Section 3002(b) of RCRA without requiring permitting if the above conditions are met. Of course, although exempted from permitting requirements in the wastewater treatment units, any hazardous waste sludge that is removed from the tanks is subject to applicable regulations under \_\_260-266, such as manifesting off site, permitted storage after 90 days, and so on. If you have any additional questions regarding this exemption for wastewater treatment units, please do not hesitate to call Irene Horner at 202-382-7917.

Sincerely yours,

Original Document signed  
"Jack W. McGraw for"

J. Winston Porter  
Assistant Administrator

Enclosure

WATER MANAGEMENT, INCORPORATED  
2300 Highway 70 East  
Hot Springs, Arkansas 71901  
(501) 623-2221

December 5, 1985

Mr. Lee M. Thomas, Administrator  
U.S. EPA  
Mail Code A-100  
401 M. St. S.W.  
Washington, DC 20460

RE: Sludge Dryers - Metal Finishing Industry  
Waste Minimization Program

Dear Mr. Thomas:

As you may know, your Agency notified industry in the Federal Register, 7/15/85, p. 28733-34 that Waste Minimization was a definite goal of your Agency. We support this goal.

There is a definite problem of interpretation that is delaying the use of sludge dryers to accomplish waste minimization. I hope that your office can clear this up as soon as possible. We and many of our potential customers have contacted the Hotline and have been advised that drying is a form of treatment per Section 260.10 under RCRA. This is technically true; however, the sludge dryer can also be considered as an extension of the conventional treatment system.

I am enclosing several copies of our sales literature on our dryer. Please note the back page where we illustrate four solids concentration devices in the following order:

1. Clarifier to separate solids from water.
2. Sludge thickener to separate solids from water.
3. Filter press to separate solids from water.
4. Dryer to separate solids from water.

It is very important that your Agency define a sludge dryer as an extension of a conventional treatment system because of insurance premiums! The minimum cost for liability coverage (40 CFR 264.147) is \$50,000 annual premium. Therefore, how can a generator purchase a dryer to save \$30,000/yr. in disposal costs if the regulations change his generator classification to a TSD classification? The goal of waste minimization will be deterred if dryers are classified as a RCRA regulated unit operation. Dryers should be regulated under NPDES of state/local permit regulations.

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December 5, 1985

Will you please review this problem and advise me at your earliest convenience. It is most important that the personnel at the Hotline give accurate uniform answers to this question.

Sincerely,

Original Document signed

C.T. Philipp, P.E.  
President

CTP/mjt

Enclosures

cc: Marcia Williams,  
Director of Office of Solid Wastes

Governor Bill Clinton,  
State of Arkansas

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