

PPC 9483.1986(09)

TANK RULES APPLIED TO WWT UNITS
AND DISTRIBUTION SYSTEMS

November 28, 1986

MEMORANDUM

SUBJECT: Regulatory Interpretations for Tooele's Wastewater
Treatment System

FROM: Marcia E. Williams, Director
Office of Solid Waste

TO: Robert L. Duprey, Director
Waste Management Division
EPA Region VIII

Thank you for the information regarding implementation of the July 14, 1986 tank regulations at Tooele Army Depot. In general, your staff has demonstrated both a comprehensive and accurate understanding of the Subpart J requirements and their applicability to a wastewater (hazardous waste) treatment system. As you suggest, we will consider using the Region's interpretations as examples in our proposed question and answer brochure.

We do offer the following comments on the Region's technical interpretations and applicability determinations. Our comments elaborate on three of the four answers provided in Nathaniel Miullo's November 5 memo to Dr. Parker. We are delaying comments on question #2 because the issue of applicability of RCRA to pipe systems associated with waste water treatment units is under legal review by the Office of General Counsel (OGC). We will provide a response to question #2 as soon as OGC provides a determination. Our response to the other questions follow:

Question #1: Does a wastewater treatment system, qualifying as a wastewater treatment unit, need to meet the new tank rules for secondary containment, etc.?

The Region's determination is comprehensive and correct for the case where the wastewater treatment system does not qualify as a wastewater treatment unit. Where a system qualifies as a wastewater treatment unit, 40 CFR 264.1(g)(6) excludes such "unit" from the permitting process. Also, this exemption would normally be extended to storage of wastewater before entering the wastewater treatment unit. It is our understanding that Tooele may apply for classification as a wastewater treatment unit. The information we received does not appear to support such a

classification, but possibly they may have additional information we are not aware of.

Question #2: Does the definition of a closed loop exclusion apply to wastewater system Alternative A?

The Region's response is very good here. Additionally, to meet the closed loop exclusion the reclaimed material must be returned for reuse in the production process (not apparently the case here). By production process, the Agency means those activities that tie directly into the manufacturing operation or those activities that are primary to the operation of an establishment. It does not include ancillary or secondary activities that are carried out as part of the total activities. Given this, recycled water generally would not be considered a secondary material. (See 51 FR 25442.)

Question #3: Can a manhole in a wastewater distribution system be classified as a tank?

The Region's response suggests that manholes (sumps) if used as part of the secondary containment system, would be subject to the secondary containment requirements of 40 CFR 264.193(b). This is not true as 40 CFR 264.190(b) exempts tanks, including sumps, that serve as part of a secondary containment system from the requirements of §264.193. Secondary containment tanks/sumps must comply with all of the standards of Subpart J, except 264.193.

We appreciated the opportunity to review the Region's determination/interpretation relating to Tooele's wastewater treatment proposal. Should you have any questions concerning this review please feel free to call Chet Oszman in the Storage/Incinerator(PAT) at (FTS) 382-4499.

cc: Bruce Weddle
Jack Lehman
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Mat Miullo