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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

OCTOBER 88

3. Definition of Wastewater Treatment Unit

On September 2, 1988 (53 FR 34079), EPA published a clarification concerning the scope of the wastewater treatment unit exemption (see 40 CFR Section 264.1(g)(6)). One aspect of this clarification concerned whether or not a tank system is "dedicated" to an on-site wastewater treatment facility. Specifically, EPA stated, "...if a tank system, in addition to being used in conjunction with an on-site wastewater treatment facility, is used on a routine or occasional basis to store or treat a hazardous wastewater prior to shipment off-site for treatment, storage or disposal, it is not covered by this exemption [emphasis added]."

Hazardous waste tanks which are part of wastewater treatment facilities sometimes have waste removed from them for off-site disposal. Examples of this situation include hazardous waste accumulation tanks (dedicated to on-site wastewater treatment facilities) which must occasionally be cleaned out, and also those tanks which produce (on a routine basis) filter cakes or sludge residues as part of the wastewater treatment process. Does the removal of these wastes from tanks for off-site disposal preclude these tanks from qualifying for the wastewater treatment unit exemption?

EPA states that the wastewater treatment unit exemption applies to "any tank system that manages hazardous wastewater and is dedicated for use with an on-site wastewater treatment facility" (53 FR 34080). The removal of wastewater treatment sludges or tank bottoms for off-site disposal from tanks should not disqualify these tanks from the exemption, provided that this occurs as part of normal wastewater treatment activities. The removal and off-site disposal of treatment sludges and tank bottoms are not necessarily indications that the tanks in question are being used in a manner other than for on-site wastewater treatment; on the contrary, the generation of tank bottoms and filter cakes is a common process in wastewater treatment operations. The definition of a wastewater treatment unit (section 260.10, as amended in 53 FR 34079) includes tanks which generate and accumulate wastewater treatment sludges (either solid, semi-solid, or liquid) or tanks which treat or store wastewater treatment sludges. The intent of the September 2, 1988 notice was to clarify that the

exemption does not apply to those tanks that are used to store or treat a hazardous waste/wastewater prior to shipment (either on a part-time or full-time basis) to off-site facilities rather than manage it in an on-site wastewater treatment facility.

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