

### 3. De Minimis Wastewater Mixtures Sent Off-Site

Section 261.3(a)(2)(iv)(D) of the hazardous waste mixture rule stipulates that wastewater mixtures containing de minimis losses of discarded commercial chemical products (CCPs) or chemical intermediates listed in §261.33, the discharge of which is subject to §§307(b) or 402 of the Clean Water Act (CWA), are not hazardous waste. If a generator hardpipes a wastewater containing de minimis losses of CCPs to an off-site privately owned wastewater treatment facility subject to the CWA, must the generator handle the mixture as a hazardous waste?

Yes, the generator must handle the mixture as a hazardous waste. The de minimis exclusion for wastewater applies only to mixtures of wastewaters and de minimis amounts of CCPs that are sent to a facility's on-site wastewater treatment system discharging under §§307(b) or 402 of the CWA (46 FR 56582; November 17, 1981). Thus, if the generator decides to truck the hazardous wastewater mixture off site instead of using a pipeline, the shipment must be delivered by a hazardous waste transporter and be accompanied by a manifest (§262.20).

However, the manner in which the wastewater is transported to the on-site wastewater treatment unit does not affect the exemption. For example, on-site trucking of wastewater to an on-site privately owned wastewater treatment system does not prevent a de minimis CCP-wastewater mixture from being exempt (PPC 9441.1991(13)).