

Rule Interpretation Summary Form

WASTEWATER TREATMENT UNIT (WWTU) EXEMPTION

Code Number:	260-10.002
Consensus Date:	August 13, 2003

Rule/Regulation Citation(s):	<p>Federal Rule: <u> X </u> State Regulation: <u> ___ </u></p> <p>40 CFR 260.10, Subpart B - Definitions - Wastewater Treatment Unit (WWTU) <i>Wastewater treatment unit</i> means a device which:</p> <ul style="list-style-type: none">(1) Is part of a wastewater treatment facility that is subject to regulation under either section 402 or 307(b) of the Clean Water Act; and(2) Receives and treats or stores an influent wastewater that is a hazardous waste as defined in § 261.3 of this chapter, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in § 261.3 of this chapter, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 261.3 of this Chapter; and <p>(3) Meets the definition of tank or tank system in 260.10 of this chapter.</p> <p><i>Tank</i> means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials....which provide structural support.</p> <p><i>Tank system</i> means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.</p> <p>40 CFR 265.1081, Subpart CC - Definitions - Point of Waste Origination, aka Point of Generation (POG) <i>Point of waste origination</i> means as follows:</p> <ul style="list-style-type: none">(1) When the facility owner or operator is the generator of the hazardous waste, the point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in 40 CFR part 261.
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Description:	<p>Alleged violations were cited due to the interpretation of when a hazardous waste sludge from a WWTU becomes a solid waste. A container is used as a means of conveyance from the filter press (part of the WWTU) to a sludge dryer (waste treatment unit).</p> <p>During an investigation conducted on November 21, 2002, it was determined that hazardous waste sludge generated from a WWTU exits the unit at the filter press and drops into a metal container on wheels (referred to as a trolley by regulated entity). From there, the container of hazardous waste sludge is moved to an area adjacent to the sludge dryer. At the time of the investigation, the waste had been stored for an undetermined amount of time, pending accumulation of enough volume, to treat the hazardous waste sludge further by driving off additional moisture via the sludge dryer. There was no lid or label observed on the container at the time of the investigation.</p> <p>The regulatory exemption provided to a WWTU applies only to the unit, (i.e., to the equipment that makes up the WWTU) - not to the waste within or discharging from the unit. In order to claim the WWTU exemption, each piece of equipment would have to meet the three-part definition for a wastewater treatment unit found in 40 Code of Federal Regulations (CFR) § 260.10, Subpart B - Definitions. The container does not meet the definition of a tank or tank system, therefore does not qualify for the WWTU exemption.</p> <p>The hazardous waste sludge is subject to regulation when it drops from the filter press into the container. This container is subject to 40 CFR Subpart I - Use and Management of Containers, and does not qualify for the WWTU exemption. The dryer is a waste treatment unit that requires the generator to comply with all applicable regulations in 40 CFR Parts 265 and 268.</p>
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Interpretation Request:

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| <ol style="list-style-type: none"> 1. Does the container described above qualify for the WWTU exemption? 2. Where is the POG of the hazardous waste sludge? |
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Determination:

<p>1. No, the container (“trolley”) does not qualify for the WWTU exemption. In order to meet the definition of a WWTU, a unit must be a tank or tank system (40 CFR 260.10). The described container does not meet this definition because it is <u>not</u> a stationary device and is therefore not a tank. Therefore, the container is subject to regulation as hazardous waste storage (40 CFR Part 265, Subpart I).</p> <p>2 The sludge becomes subject to regulation upon exiting the WWTU system. Since the container is not part of the WWTU system, as the sludge is deposited in the container, it and the container become regulated.</p> <p>In addition, the dryer used to treat the hazardous waste sludge by driving off additional moisture is a hazardous waste treatment unit and is subject to regulation in 40 CFR Part 265, Subpart P and Part 268, as applicable.</p>
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