Attachment 3

Stephen M. Richmond

From: McCue, Monte W <monte.mccue@evoqua.com>
Sent: Thursday, October 11, 2018 4:02 PM
To: Stephen M. Richmond
Subject: FW: Evoqua Water Technologies - Parker, AZ Facility
Attachments: EWT WWTU Boundaries.pdf

From: McCue, Monte W
Sent: Friday, October 31, 2014 2:03 PM
To: Janes.Elizabeth@epa.gov
Cc: James Provins - Siemens (james.r.provins@evoqua.com) <james.r.provins@evoqua.com>
Subject: Evoqua Water Technologies - Parker, AZ Facility

Ms. Janes,

Attached is the explanation of why the EWT Parker facility's WWTU is exempt from RCRA.

The facility treats predominantly scrubber water blowdown in a WWTU that is designed and operated to meet the Centralized Waste Treatment (40 CFR 437) standards which came into effect in 2003.

After treatment the water enters the POTW collection system via underground piping where it mixes with other domestic waste generated by others.

On page 6 of the "Biennial Report: Reportable and Non-Reportable Wastes", it appears our wastewater discharge may fall into the category of being non-reportable. Over the years our facility has consistently reported this as hazardous waste sent to the POTW on Form GM.

> ***Do not count and report*** *the hazardous waste, if managed in an onsite WWTU as follows:*
>
> - *If the device managing the waste meets the definition of a WWTU. A tank or tank system used to store or treat the waste as part of a wastewater treatment facility that is subject to regulation under the Clean Water Act (CWA) is covered by the WWTU exemption.*
> - *The WWTU does not have to be physically connected to the tank; the waste can be hauled onsite by truck.*
> - *Waste sent offsite in pipes for treatment in a WWTU is not reportable, if it is traveling through the pipe immediately after generation.*

Please let us know if you need further information.

Thanks.

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Siemens Water Technologies Corp ("SWT") - Parker Facility
Wastewater Treatment Unit Delineation

Under 40 C.F.R. 264.1(g)(6), the requirements of Part 264 do not apply to any wastewater treatment unit ("WWTU") (known as the "WWTU Exemption"). US EPA has referred to the WWTU Exemption as acting to "suspend... applicability of the hazardous waste management facility standards and RCRA permitting requirements to owners and operators of wastewater treatment units...". *See* Letter from D. Bussard to J. Mulligan, June 1, 1990, Faxback #11519.

There are several key definitions that delineate the physical extent of the WWTU, all found at 40 C.F.R. 260.10.

First, a WWTU is defined as a device which (i) is part of a wastewater treatment facility subject to NPDES permitting or to regulation by a publicly owned treatment works, (ii) receives and treats or stores hazardous wastewater or generates and accumulates a hazardous wastewater treatment sludge, and (iii) meets the definition of tank or tank system.

Second, a tank is defined as a stationary device designed to contain an accumulation of hazardous waste and constructed primarily of non-earthen materials.

Third, a tank system is defined as a storage or treatment tank and its associated ancillary equipment and containment system.

Finally, ancillary equipment is defined as "any device, including but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off-site."

US EPA has clarified that the WWTU Exemption applies to the entire tank system, not just to an individual tank. In 1988, US EPA amended the definition of WWTU in the hazardous waste rules to clarify that it included not just tanks but entire tank systems. In the preamble to that rule amendment, EPA stated that "(i)n order to remove any remaining ambiguity over this issue, EPA is today amending the wastewater treatment and elementary neutralization unit definitions to clarify that the exemptions apply to the tank systems, not just the tank." 53 Fed. Reg. 34080 (Sept. 2, 1988). EPA continued: "if a wastewater treatment or elementary neutralization unit is not subject to the RCRA Subtitle C hazardous waste management standards, the ancillary equipment connected to the exempt unit is likewise not subject to the Subtitle C standards.

In further clarifying the scope of the WWTU Exemption (and the elementary neutralization exemption, EPA stated additionally:

> "Similarly, the exemptions apply to sumps that meet the definition of a tank in 40 C.F.R. 260.10 and that are used for the purpose of conveying hazardous wastewater to an exempted wastewater treatment or elementary neutralization unit (including conveyance by way of intermediate sumps, tanks, and holding ponds) since such sumps are ancillary equipment to the exempted tanks. Also, the revised hazardous waste tank system standards do not apply to ancillary equipment that is associated with hazardous waste management units other than storage or treatment tanks (e.g., surface impoundments). " *Id.*

The WWTU at the SWT Parker facility consists of the equipment used to distribute, meter, or control the flow of hazardous wastewater from its point of generation to storage and treatment tank(s), where it is treated to meet effluent discharge limits required by the Colorado River Sewer System Joint Venture publicly owned treatment works ("POTW") in accordance with federal and local regulations and an industrial discharge permit issued by the POTW, and then discharged to the public sewer system. The WWTU commences at Tank T-11, which collects process wastewater from several plant operations, and includes the piping from T-11 to a heat exchanger, the heat exchanger, which treats the wastewater to remove heat consistent with POTW discharge requirements, the piping from the heat exchanger to the wastewater treatment plant, which treats the wastewater to remove various constituents consistent with POTW and regulatory discharge requirements, and then the piping from the treatment plant to the public sewer. A process diagram is attached showing the contours of the WWTU.