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United States Environmental Protection Agency  
Washington, D.C. 20460  
Office of Solid Waste and Emergency Response

October 22, 1993

Ms. Katy Wolf, Ph.D.  
Executive Director  
Institute for Research and Technical Assistance  
1429 South Bundy Drive, Suite 6  
Los Angeles, California 90025

Dear Ms. Wolf:

Thank you for your letters dated March 26, 1992, and June 14, 1993, concerning separator water and the use of evaporators at dry-cleaning facilities. I sincerely apologize for not replying to your letters sooner. I hope that this response addresses the concerns expressed in your letters.

In your March 26, 1992 letter, you inquired about the regulatory status under the Resource Conservation and Recovery Act (RCRA) of 1) the separator water generated at dry cleaners, and 2) the use of various devices for filtering and/or evaporating the separator water. These issues were addressed in a letter dated June 2, 1993, from EPA to Mr. William Fisher of the International Fabricare Institute (IFI), and you have indicated you already have received a copy of that letter. In your June 14, 1993, letter, you expressed concerns about EPA's discussion in the June 2 letter to Mr. Fisher regarding the applicability of the wastewater treatment unit exemption under RCRA to separator water evaporators.

The wastewater treatment unit exemption in 40 CFR 264.1(g)(6), originally promulgated on November 17, 1980 (45 FR 76074), is contingent upon the unit in question meeting the three-part definition of wastewater treatment unit in 40 CFR 260.10. In our letter to Mr. Fisher of IFI, we explained that based upon the information we had received from many different sources on the dry-cleaning industry, separator water evaporators met the three-part definition of wastewater treatment unit. I believe that you have communicated well your concerns about the effect this

interpretation will have on dry cleaners, and possibly on other industrial sectors as well. The determination discussed in the June 2, 1993, letter could be interpreted by some as having a broad effect, as you have expressed in your letter and all conversations with my staff. However, it is important to note that we only addressed the narrow issue of the applicability of RCRA permitting to the specific types of units used in the dry-cleaning industry, based upon the information we were presented. We also stated in the letter to Mr. Fisher that RCRA permits would not be required "provided the criteria for qualifying as a wastewater treatment unit outlined in 40 CFR Section 260.10 are met." If, due to site-specific circumstances, any of these criteria are not met the exemption does not apply. For example, if certain hazardous wastes entering the unit are not wastewaters (as you discussed), but concentrated wastes, the exemption does not apply. It is also important to understand that we did not discuss specific process units from other industries, or units processing other types of wastes.

We also did not intend to preclude the potential applicability of other environmental statutes and regulations, both federal and State. As you know, EPA's Office of Air and Radiation has promulgated a final rule governing perchloroethylene emissions from dry-cleaning facilities (published September 22, 1993; 58 FR, 49354). That office is aware of the determination made by the Office of Solid Waste (OSW) regarding the RCRA-permitting of evaporator units, and took this determination into account during the rulemaking process.

I would like to point out that under Section 3006 of RCRA (42 U.S.C. Section 6926), individual States can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program. Please also note that under Section 3009 of RCRA (42 U.S.C. Section 6929) States retain authority to promulgate regulatory requirements that are more stringent than federal regulatory requirements. If a State agency authorized to implement the RCRA Subtitle C program does not recognize the wastewater treatment unit exemption, or its interpretation of such a provision is more stringent or broader in scope, the authority exists for the State to deal with that situation directly.

Let me emphasize that the points you raised in your letter were given thorough consideration during the evaluation and

analysis of this issue. Given our understanding of the facts presented, we feel that the interpretation outlined in the letter to Mr. Fisher to be consistent with the current exemption for wastewater treatment units. Thank you for your comments and input on this issue, and I again apologize for the long delays in responding to your letters.

Sincerely,  
Bruce Weddle  
Acting Director  
Office of Solid Waste