

August 4, 2000

MEMORANDUM

SUBJECT: Guidance on Wastewater Treatment

FROM: Elizabeth A. Cotsworth, Director
Office of Solid Waste

TO: Samuel Coleman, P.E., Director
Compliance Assurance and Enforcement Division (6EN)
EPA Region VI

Thank you for your memorandum of June 11, 1999 regarding wastewater treatment activities at Re-Claim Environmental=s (ARe-Claim@) facility in Shreveport, Louisiana. In your memorandum, you express concern that Re-Claim may not necessarily be conducting wastewater treatment, and that the materials the company receives may not consist solely of wastewater. Additionally, you mention that a Regional inspection in 1998 revealed that Re-Claim received hazardous wastewaters, while the facility=s Louisiana Pollution Discharge Elimination System permit provides only for the receipt of nonhazardous wastewaters.

You request guidance on whether Re-Claim=s process constitutes wastewater treatment and whether some of the materials accepted by Re-Claim are wastewaters. You also ask certain questions regarding the nature of wastewater, and the status of certain units at the Re-Claim Facility. Your specific questions are listed below along with our responses.

1. Please provide a definition or some guidance on the definition of Awastewater@ and Anonwastewater@ and the maximum percentage of solids a material may contain while simultaneously remaining under the definition of a wastewater.

The Agency has not formally defined Awastewater@ in the context of the wastewater treatment unit exclusion. However, in a July 31, 1981 letter from John P. Lehman to Richard C. Boyton (attached), the Agency described

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wastewater by stating that wastewaters are A. . . not concentrated chemicals or non aqueous wastes. While we have not promulgated a formal definition, we are interpreting the term [wastewaters] to refer to wastes which are substantially water with contaminants amounting to a few percent at most.@ We have not addressed this issue in the context of the wastewater treatment unit exclusion since the July1981 letter.

2. Please explain whether the tanks where the sludge is heated are components of the wastewater treatment unit.

Based on the description provided, the tanks in which sludge is heated could be part of a wastewater treatment facility. Sludge dewatering is often a component of wastewater treatment activities. The tanks could, therefore, be eligible for the wastewater treatment unit exemption provided that the tanks meet the criteria set forth in the definition of a wastewater treatment unit at 40 CFR 260.10.

3. Please explain whether the facility may be exempted as an oil recycling unit.

Under the federal RCRA program, there is no specific classification or exemption for Aoil recycling units.@ However, a hazardous waste recycling unit that conducts recycling may be exempt from RCRA regulation according to ' 261.6(c). To meet the exemption, the recycling conducted in the unit must be legitimate recycling rather than some form of treatment called recycling in an attempt to evade regulation. This determination is site-specific and involves many factors, including whether there are any toxic constituents along for the ride. The factors used to evaluate legitimacy are discussed in a memorandum, titled "F006 Recycling," signed by Sylvia Lowrance on April 26, 1989 (see attached).

4. Does the wastewater material need to contain a certain percentage of oil in order for Re-Claim=s actions to qualify as oil recovery? If so, what percentage of oil is required?

There is no minimum percentage of oil that a wastewater must contain for an activity to be considered recycling, as long as the other applicable recycling provisions of ' 261.6(c) are met.

Please note that, related to our answer to question 3 above, there is not a specific federal RCRA classification or exemption for oil recovery at facilities other than petroleum refineries.

Thank you for the opportunity to respond to your request. Should you have any questions regarding the wastewater treatment unit exclusion, please contact Jeff Gaines at (703) 308-8655.

Attachments

cc:

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