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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

FEB 24 1987

Mr. Phillip J. Sparta
Assistant Managing Director
Environmental Technology Southeast
1819 Albert Street
Jacksonville, Florida 32202

Dear Mr. Sparta:

This is in response to your letter of January 21, 1987 regarding the participation of a wastewater treatment unit in the manifest system.

Although you were previously informed that a generator of hazardous waste may designate a wastewater treatment unit on the manifest as a facility allowed to accept this waste, we now believe the previous interpretation is incorrect. In particular, under 40 CFR §§264.1(g)(6) and 270.1(c)(2), the substantive requirements of Part 264 and the permit requirements of Part 270 do not apply to owners or operators of wastewater treatment units. The interim status requirements of Part 265 also do not apply to such units. (See 40 CFR §265.1(c)(10).)

EPA's manifest system regulations (40 CFR §§262.20(b) and 263.21) require that a generator send hazardous waste only to a "designated facility." As provided in §260.10, a designated facility must have an EPA permit, interim status, or a permit from an authorized State, or must be a facility regulated under the special provisions of §261.6(c)(2). Because wastewater treatment facilities, other than publicly owned treatment works (POTWs) that are permitted-by-rule under §270.60, meet none of these conditions, they cannot be listed as a designated facility and therefore, they cannot receive hazardous waste from off-site.

I apologize for any problems our previous interpretation may have caused you. Please contact Michael Petruska or Carolyn Barley of my staff at (202) 475-8551 if you have additional questions on this matter.

Sincerely,

Original Document signed

Marcia A. Williams
Director
Office of Solid Waste