

3. Pretreatment Standards for Wastewater Treatment Units

Wastewater treatment units (WWTUs) are exempt from RCRA permitting provided the units meet the definition of a tank or tank system, treat hazardous wastewaters, and are part of a wastewater treatment facility subject to regulation under Sections 402 or 307(b) of the Clean Water Act (CWA) (40 CFR Section 260.10). A small manufacturing facility treats its wastewaters in a tank system before discharging them to a publicly owned treatment works (POTW) through a public sewer. The facility is not part of an industry category subject to national categorical pretreatment standards pursuant to Section 307(b) of the CWA. The facility does, however, treat its wastewaters to levels consistent with local limits established by the POTW. Can the facility's tank system qualify as an exempt WWTU under Section 260.10?

Yes. The WWTU definition requires that discharges from the tank or tank system be subject to the CWA. A facility that discharges a pollutant covered under CWA Section 307(b) to a POTW is considered to be subject to the CWA. The underlying assumption is that tanks discharging to a public sewer under local limits have sufficient EPA oversight under the CWA to prevent a decrease in environmental controls (Letter, Bussard to Mulligan; June 1, 1990). If a facility is, therefore, operating tanks that discharge hazardous wastewaters to a POTW, those tanks are exempt from RCRA permitting (Section 270.1(c)(2)(v)), as well as general facility standards and unit-specific requirements under Parts 264 and 265 (Sections 264.1(g)(6) and 265.1(c)(10)).