

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 19 1984

MEMORANDUM

SUBJECT: Wastewater Treatment Exemption

FROM: Kenneth Gray
Attorney
Solid Waste and Emergency Response Division (LE-132S)

TO: Don White, Program Manager
Waste Treatment Branch (WH-565)

Tom Gainer of the RCRA/Superfund Hotline recently inquired whether a generator who treats wastewater in a tank was covered by the wastewater treatment exemption if, after treatment, the wastewater was shipped to a POTW by truck. He told me that Mike Murchison, formerly an attorney in the Office of General Counsel, had advised him informally that such facilities were subject to the exemption. I tentatively agreed and told him that I would provide an opinion to him and you in writing.

EPA has exempted "wastewater treatment units" from the requirements of Parts 264 and 265. These units are defined in 260.10 as

- (1) a tank,
- (2) which is part of a wastewater treatment facility subject to regulation under either section 402 or section 307 (b) of the Clean Water Act, and
- (3) which receives and treats or stores an influent wastewater which is a hazardous waste or which generates, accumulates, treats or stores a wastewater treatment sludge which is a hazardous waste.

The tank Tom Gainer describes appears to fit within the definition. The tank receives and treats wastewater which is a hazardous waste. In addition, because the treated wastewater is shipped to a POTW, the facility shipping the wastewater would be subject to section 307(b) requirements under the Clean Water Act. It is the fact that the

effluent is sent to a POTW that renders the facility "subject to" section 307(b) requirements. The fact that the waste is shipped by truck to the POTW does not affect the availability of the exemption.

Faxback 11039

However, note that when the waste is shipped by truck, the shipper, the transporter, and the POTW will be required to comply with Part 262 Manifest requirements. There is no exemption for these facilities from the requirements of Part 262.

cc: Tom Gainer