

Requirements for Owners or Operators of Wastewater Treatment Units

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Quality

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Purpose

This guidance clarifies the regulatory requirements which apply to owners and operators who manage hazardous waste in wastewater treatment units (WWTUs).

Wastewater treatment units are often used for managing hazardous wastewater. Such facilities must comply with certain RCRA hazardous waste generator regulations. This guidance is intended to clarify the applicability of those regulations. To determine the application of this guidance, the extent of the WWTU in question must be defined. The decision about whether or not a management unit is a WWTU is made on a case-by-case basis.

If wastewaters that have been determined to be hazardous are introduced immediately upon generation (i.e., flow through an engineered conveyance device) into a permitted¹, defined WWTU, then the owner/operator is a generator of hazardous wastewater, but no further hazardous waste generator regulations apply to those wastewaters. Thus, the wastewaters would not have to be counted for the purpose of determining the generator category of the facility (i.e., conditionally exempt, small quantity, or large quantity generator), or for paying hazardous waste generator fees.² Note, however, that any hazardous sludge that is removed from the WWTU would have to be managed in accordance with applicable regulatory requirements, as would any other hazardous waste that is generated at the facility or managed in non-exempt units.

If hazardous wastewaters are "accumulated" (i.e., stored and/or treated in tanks that are not defined as the WWTU, stored in containers, or stored on drip pads) at the facility without immediate introduction through an engineered conveyance device into a defined WWTU, then the wastewaters must be counted to determine generator status of the facility, and the facility must pay generator fees, if applicable. As always, all other hazardous waste must be assessed to determine the facility's generator status.

If the facility is also a small quantity generator (SQG) or large quantity generator (LQG) for wastes other than those managed in the defined WWTU, then the owner/operator of the facility must:

- Maintain records (40 CFR 262.40(c)-(d));
- Submit additional reports as required (40 CFR 262.43);
- Comply with 40 CFR 262.34 hazardous waste generator requirements, including contingency planning and emergency procedures, and preparedness and prevention requirements for the hazardous wastewater for LQGs;
- Complete and maintain a one-time notification for restricted wastes (40 CFR 268.7 (a)(6)) and keep it in the generator files⁴
- Submit an annual report, including the volume of hazardous wastewater generated (OAR 340-104-075(3)); and
- Pay an annual hazardous waste activity verification fee (OAR 340-102-0065(6)) and hazardous waste generation fees for all hazardous wastes, including paying fees on wastewater or sludge that had been held in a management unit without immediate introduction into a defined WWTU.

Any hazardous waste removed from WWTUs (i.e., instead of being discharged from the unit) and stored in other tanks or containers must be managed in compliance with 40 CFR 262.34 generator regulations.⁵

This guidance statement is intended solely as guidance for employees for the Department of Environmental Quality (DEQ). It does not constitute rulemaking by the Environmental Quality Commission and may not be relied upon to create a right or benefit, substantive or procedural, enforceable by law or in equity, by any person. DEQ may take action at variance with this guidance statement.

¹ "Permitted" means permitted by a Department Water Quality permit.

² Currently, generator fees are zero for immediately managing any volume of hazardous wastewater in a permitted, defined WWTU because the fee factor for RCRA exempt units, in this case a WWTU, is "0".

³ Hazardous wastewater that is managed in a unit outside of a defined WWTU is regulated and hazardous waste generation fees apply. Generator fees are calculated based on a ".5" fee factor under the "other recovery" managed method in OAR 340-102-0065(4).

⁴ RCRA Hotline July 1992, one-time Notification Requirements under 40 CFR 268.7(a)(6).

⁵ If the discharge is to be disposed of in batch loads in accordance with permit requirements, then minimal storage would be approved under the NPDES permitting authority or under emergency conditions where NPDES authorities require generators to hold the wastewater until the emergency condition ceases.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011 or email deqinfo@deq.state.or.us