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5. Mobile Wastewater Treatment Units

Wastewater treatment units, as defined in 40 CFR 260.10, are excluded from the permitting requirements per §270.1(c)(2)(v). In order for a unit to meet the "wastewater treatment" exclusion, it must meet the three criteria set in §260.10.

- (1) It must be part of a wastewater treatment facility that is subject to §402 or §307(b) of the Clean Water Act;
- (2) It must receive and treat or store a wastewater or wastewater treatment sludge that is a hazardous waste, or generate and accumulate a hazardous wastewater treatment sludge, and
- (3) It must be a tank as defined in §260.10.

Wastewater treatment units, by definition, must be tanks. A tank is defined in §260.10 as "a statutory device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials...which provide structural support."

A potential application of mobile treatment unit technology is for a mobile treatment unit to be used for wastewater treatment (e.g., dewatering sludges). Is it possible for a mobile treatment unit to be a tank as defined in §260.10?

Yes. A mobile treatment unit could be a tank as defined in §260.10. Although §260.10 defined a tank as "a stationary device", EPA has determined that a mobile tank could be a "tank" provided that it is intended to be stationary when in operation and that it meets the definition of a tank in all other respects (See 52 FR 20919).

In addition, EPA proposed regulations in the June 3, 1987 Federal Register (52 FR 20914) for permitting of mobile treatment units (MTU's) that are subject to RCRA. According to the proposed rule, MTU would obtain a state-wide technical permit and a site specific permit that would allow it to operate. EPA is also requesting comments on the Hazardous Waste Treatment Council's suggestion

to exclude certain "low risk" treatment units, such as evaporation or dewatering units, from the permitting process.

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