

SCOPE/APPLICABILITY OF THE FINAL REGULATION

EPA received numerous comments on the 1995 proposal and 1996 Notice of Data Availability concerning the applicability of this rule to various operations. Consequently, EPA devoted significant discussion in the 1999 supplemental proposal to applicability issues. Again, in response, EPA received numerous comments on applicability issues. Many commenters were simply seeking clarification of the coverage of this rule to a specific operation. Table 3-3, located at the end of this chapter, provides a general overview of the applicability of the final rule on potentially-covered facilities and is based on some of the issues raised during the public comment periods. While many of these issues were discussed in the 1999 supplemental proposal and, in most cases, the final guideline retains the same approach as those explained in the supplemental proposal, EPA presents a detailed discussion of these issues in Sections 3.1.1 through 3.1.25.

APPLICABILITY

3.1

The universe of facilities which would be potentially subject to this guideline, except where noted otherwise, include the following. First, EPA is establishing limitations and pretreatment standards for stand-alone waste treatment and recovery facilities receiving materials from off-site -- classic “centralized waste treaters”. These facilities may treat either for recovery or disposal or recycle hazardous or non-hazardous waste, hazardous or non-hazardous wastewater, and/or used material received from off-site. Second, while EPA is generally not subjecting discharges from waste treatment systems at facilities primarily engaged in other industrial operations to the scope of this rule, the rule will regulate at least a portion of their wastewater in certain

circumstances. Thus, industrial facilities which process their own, on-site generated, process wastewater along with hazardous or non-hazardous wastes, wastewaters, and/or used material received from off-site may be subject to this rule with respect to a portion of their discharge unless certain conditions are met.

The wastewater flows covered by this rule include some or all flows related to off-site waste receipts and on-site CWT wastewater generated as a result of CWT operations. The kinds of on-site CWT wastewater generated at these facilities include, for example, the following: solubilization wastewater, emulsion breaking/gravity separation wastewater, used oil processing wastewater, treatment equipment washes, transport washes (tanker truck, drum, and roll-off boxes), laboratory-derived wastewater, air pollution control wastewater, industrial waste combustor wastewater from on-site industrial waste combustors, landfill wastewater from on-site landfills, and contaminated storm water. A detailed discussion of CWT wastewaters is provided in Chapter 4. In summary, all wastewater discharges to a receiving stream or the introduction of wastewater to a publicly owned treatment works from a facility which this regulation defines as a centralized waste treatment facility are subject to the provisions of this rule unless specifically excluded. The following sections discuss the applicability of the CWT rule to various wastewater discharges associated with centralized waste treatment operations.

Manufacturing Facilities

3.1.1

At the time of the original proposal, EPA defined a centralized waste treatment facility as any facility which received waste from off-site

for treatment or recovery on a commercial or non-commercial basis. Non-commercial facilities were defined as facilities that accept off-site wastes from facilities under the same ownership.

Throughout the development of this rule, EPA has contemplated that the rule would apply to wastewater discharges from facilities that, while primarily engaged in other industrial operations, also may treat and/or treat for recovery or recycle hazardous or non-hazardous waste or wastewater and/or off-site wastes or used materials. These facilities primarily treat wastes generated as a result of their own on-site manufacturing operations. Their wastewater discharges are, by and large, already subject to effluent guidelines and standards (some treatment operations, however, may be located at manufacturing facilities which are not subject to effluent guidelines and standards). All of these facilities also accept off-site generated wastes for treatment. In some instances, a facility under the same corporate ownership generates these off-site wastes. The facility treats these intra-company transfers on a non-commercial basis. In other instances, the off-site wastestreams originate from a company under a different ownership -- an inter-company transfer. In some instances, the off-site wastes received at these industrial facilities are generated by a facility performing the same manufacturing operations, while in other instances, the off-site wastestreams are generated by facilities engaged in entirely unrelated manufacturing operations. Some receive a constant wastestream from only a handful of customers and some receive a wide variety of wastestreams from hundreds of customers.

EPA received extensive comment concerning how the CWT rule should apply to facilities that provide waste treatment and/or recovery operations for off-site generated wastes, but whose primary business is something other than waste treatment or recovery. In general, commenters urged EPA to limit the scope of the regulation in one of several ways. Commenters suggested restricting the scope to any of the

following:

- facilities whose sole purpose is the treatment of off-site wastes and wastewaters; or
- facilities which only accept off-site wastes on a commercial basis; or
- facilities which accept off-site wastes which are not produced as a result of industrial operations subject to the same effluent guidelines and standards as the on-site generated wastes or off-site wastes which are not compatible with the on-site generated wastes and the on-site wastewater treatment system; or
- manufacturing facilities which accept off-site wastes in excess of a de minimis level.

EPA reexamined the database of facilities which form the basis of the CWT rule. EPA's database contains information on 17 manufacturing facilities which commingle waste generated by on-site manufacturing activities for treatment with waste generated off-site and one manufacturing facility which does not commingle waste generated by on-site manufacturing activities for treatment with waste generated off-site. Nine of these facilities treat waste on a non-commercial basis only and nine treat waste on a commercial basis. Of the eighteen facilities, eight facilities only accept and treat off-site wastes which are from the same categorical process as the on-site generated waste streams. Ten of the facilities, however, accept off-site wastes which are not subject to the same categorical standards as the on-site generated wastewater. The percentage of off-site wastewaters being commingled for treatment with on-site wastewater varies from 0.06% to 80% with the total volumes varying between 87,000 gallons per year to 381 million gallons per year.

The guidelines, as proposed in 1995, would have included both types of facilities within the scope of this rule. EPA included these facilities in the 1995 proposed CWT rule to ensure that all wastes receive adequate treatment -- even those shipped between facilities already subject to

existing effluent limitations guidelines and standards (EPA agrees that, for off-site wastes which are generated by the same categorical process as on-site generated wastes, intracompany and intercompany transfers are a viable and often preferable method to treat waste streams efficiently at a reduced cost. EPA does not want to discourage these management practices. EPA is still concerned, however, that the effluent limitations and categorical standards currently in place may not ensure adequate treatment in circumstances where the off-site generated wastes are not from the same categorical group as the on-site generated wastes. It is not duplicative to include within the scope of the CWT guideline, wastewater that results from the treatment of off-site wastes not subject to the guidelines and standards applicable to the treatment of wastewater generated on-site. Additionally, even though the primary business at these facilities is not the treatment of off-site wastes, EPA does not believe that the burden to these facilities exceeds that of the facilities whose primary business is the treatment of off-site wastes. EPA has included these facilities in all of its economic analyses).

In the supplemental proposal, EPA proposed subjecting centralized waste treatment operations at manufacturing facilities to the provisions of the rule unless one of the following conditions was met:

- In the case of manufacturing facilities subject to national effluent limitations guidelines for existing sources, standards of performance for new sources, or pretreatment standards for new and existing sources (national effluent guidelines and standards), if the process or operation generating the wastes received from off-site for treatment is subject to the same national effluent guidelines and standards as the process or operation generating the on-site wastes; or
- In the case of manufacturing facilities not subject to existing national effluent guidelines

and standards, if the process or operation generating the waste received from off-site is from the same industry (other than the waste treatment industry) and of a similar nature to the waste generated on-site.

After careful consideration of comments and further review of its database, EPA continues to regard this approach as appropriate, with some modifications. EPA has concluded that many manufacturing facilities, even though they are engaged primarily in another business, are also engaged in traditional CWT activities and, therefore, should be subject to this rule. EPA has been unable to establish any direct correlation between the source of the off-site waste (intra-company or inter-company) and the similarity (or compatibility with) of the off-site waste to the on-site generated wastes that would support a blanket exclusion from this rule for intra-company waste treatment. EPA further concludes that all off-site wastewaters should be treated effectively irrespective of their volume, or their volume in relation to the volume of on-site generated waste and, thus, has rejected any exception for small volumes. As explained in the 1999 proposal, EPA's primary concern is that the effluent guidelines and standards currently in place for one industry may not ensure adequate treatment for wastes generated at another industry.

EPA has, however, concluded that there are circumstances where an off-site waste will receive adequate treatment at the treating facility even though the off-site waste may be generated by a manufacturing process that (if treated at the generating location) would be subject to a different set of effluent guidelines and standards than the effluent guidelines and standards applicable to the treating site. The record for this rule provides information and data on such facilities that support EPA's conclusion. An example is a pesticide formulating and packaging facility (PFPR), subject to 40 CFR 455 Subpart C, which sends its wastewaters off-site for treatment to a facility which manufactures the

pesticide active ingredients (the manufacturing facility is subject to a separate set of effluent guidelines and standards specific to pesticide manufacturers, 40 CFR 455 Subpart A and B). In this case, the same pollutants are likely to be present in the off-site and on-site generated wastewaters, even though the wastewaters are subject to different regulations. Therefore, the treating facility will need to use treatment appropriate for efficient removal of these pollutants. This situation would not be covered by this rule.

As a second example, consider a petroleum refinery that accepts off-site wastewaters. If the petroleum refinery (SIC Code 2911) accepts wastes generated off-site at petroleum distribution terminals (SIC Code 4612, 4613, 5171, and 5172), then the former is subject to effluent guidelines and standards for petroleum refineries (40 CFR 419), but the latter is not currently subject to any national effluent guidelines. However, the wastewaters generated at petroleum marketing terminals are based on materials manufactured at the refineries, and therefore would likely reflect the same pollutant profile. This situation would not be covered by this rule.

A third example involves clean-up activities at manufacturing sites. As part of clean-up operations at its facility, one commenter (called facility A) noted that it accepts contaminated groundwater from a different manufacturing facility located next door (facility B). The contaminated groundwater site (while not located on facility A, the treating facility) was contaminated by the manufacturing process at the treating site (facility A) and not at the site where located (facility B). Therefore, the contaminated wastewater would be similar and compatible with the on-site generated wastewater at facility A. In this case, the CWT rule would not apply.

EPA received information on each of the examples provided in comment on the rule. The comments detail instances in which the off-site wastewaters, while not subject to the same

national effluent guidelines and standards as the wastewater generated on-site, are similar to the on-site generated manufacturing wastewaters and compatible with the on-site treatment system. In these cases, EPA concluded that the application of the CWT rule may not result in increased environmental protection, but simply add an additional layer of complexity for the treating facility and the permit writer.

Furthermore, EPA determined there are other instances of off-site waste acceptance at manufacturing facilities in which the off-site wastes, while not from the same industrial category, are similar to the on-site generated manufacturing wastewaters and compatible with the manufacturing wastewater treatment system. Consequently, for purposes of this rule, EPA has decided that, where the dischargers establishes that the wastes being treated are of similar nature and compatible with treatment of the on-site wastes, the CWT limitations and standards will not apply to the resulting discharge. EPA concluded that, in those circumstances, the permit writer should instead apply the limitations applicable to the treatment of on-site wastewater to wastewaters generated through treatment of the off-site waste. Under the approach adopted for the final rule, the permit writer will determine whether the off-site generated waste accepted for treatment and/or recovery at a manufacturing facility (whether subject to national effluent guidelines and standards or not) and commingled for treatment in the on-site treatment system is similar to the on-site generated wastes and compatible with the on-site treatment system. If it is, the discharge of the treated effluent should be subject to the applicable on-site limitations (or standards) even if the off-site wastes would be subject to a different set of national effluent guidelines and standards as the on-site generated wastes (or no national effluent guidelines and standards) if treated where generated. In the event that the permit writer makes this determination, the treating facility would be subject to the on-site limits only and not subject to the CWT guideline.

For this final rule, EPA has not rigidly defined when a waste is of similar character and the treatment of it is compatible with the treatment of the on-site wastes, believing that permit writers are in the best position to determine this term. Permit writers should compare the wastewaters at the manufacturing facility to the off-site generated wastewaters (constituents and concentrations) and the appropriateness of the treatment system to the off-site generated wastewaters on a case by case basis. The final guideline commits the decision that an off-site wastewater is similar and compatible (and thus whether CWT limitations or standards would apply) to the permit writer. A treating facility must submit information demonstrating to the permit writer that the off-site waste is similar and compatible. EPA cautions permit writers that the judgment of “similar and compatible” should be made based only on the development of a full record on this issue. If the treating facility has not clearly established that the off-site wastewaters are similar to the on-site generated manufacturing wastewaters and compatible with the treatment system in the permit writer’s best judgment, the permit writer must apply the CWT limitations to the treating facility.

Therefore, EPA has concluded that centralized waste treatment operations at manufacturing facilities will be subject to provisions of the rule unless one of the following conditions is met:

- In the case of a facility subject to national effluent limitation guidelines for existing sources, standards of performance for new sources, or pretreatment standards for new and existing sources, if the facility demonstrates that the wastes received from off-site for treatment and/or recovery are generated in a process or operation that would be subject to the same national effluent guidelines and standards as the process or operation generating the on-site wastes; or

- C In the case of a facility subject to national effluent guidelines and standards if the facility demonstrates that the waste received from off-site is similar in nature to the waste generated on-site and compatible with the on-site treatment system; or
- C In the case of a facility not subject to national effluent limitations and standards, if the facility demonstrates that the waste received from off-site is similar in nature to the waste generated on-site and compatible with the on-site treatment system.

EPA contemplates that this approach would be implemented in the following manner. A facility that is currently subject to national effluent limitation guidelines or pretreatment standards receives wastewater from off-site for treatment. The wastewater is commingled for treatment with manufacturing wastewater generated on-site. If the off-site wastewater is subject to the same limitations or standards as the onsite wastewater (or would be if treated where generated) or if the off-site wastewater is similar to the onsite wastewater and compatible with the treatment system, the CWT limitations would not apply to the discharge associated with the off-site wastewater flows. In that case, another guideline or standard applies. If, however, the off-site wastewater is not subject to the same national limitation guidelines or standards (or if none exist) and if the off-site wastewater is not similar to the onsite wastewater and compatible with the treatment system, that portion of the discharge associated with the off-site flow would be subject to CWT requirements (of course, the portion of the wastewater generated on-site remains subject to applicable limitations and standards for the facility). If the off-site and on-site wastewaters are commingled prior to discharge, the permit writer would use the “combined wastestream formula” or “building block approach” to determine limitations for the commingled wastestream (see Chapter 14).

Certain facilities that are subject to the CWT

regulations because they accept wastes whose treatment is not compatible with the treatment of wastes generated on-site may nevertheless be subject to limitations and standards based on the otherwise applicable provisions of 40 CFR Subchapter N. Thus, the final regulations provide for the permit writer or pretreatment control authority to develop “alternative limitations and standards” for certain facilities in a narrow set of circumstances (see e.g., 40 CFR 437.10(b)). Under this approach, which EPA discussed in the 1999 proposal, permit writers could require manufacturing facilities that treat off-site wastes to meet all otherwise-applicable categorical limitations and standards for the industries from which the waste was generated. This approach would also determine limitations or standards for any commingled on-site and off-site wastewater using the “combined wastestream formula” or “building block approach.” The permit writer would apply the categorical limitations from the industries generating the wastewater, rather than the CWT limitations, to the off-site portion of the commingled wastestream. The use of the combined wastestream formula and building block approaches for CWT wastes is discussed further in Section XIV.F of the 1999 proposal (64 FR 2342-2343). The permit writer (or pretreatment control authority) may establish alternative limitations and standards only when a facility receives continuous flows of process wastewaters with relatively consistent pollutant profiles from no more than five customers. EPA's information shows that, in practice, permit writers are currently following this approach for facilities that treat off-site waste for no more than five facilities. This approach is not appropriate for facilities that receive variable off-site wastewaters or that service more than a handful of customers.

After further consideration of the above described alternative and careful consideration of comments received on this alternative, EPA determined that the permit writer (or local pretreatment authority) should have the option in

a limited set of circumstances of applying the applicable categorical limitations or standards to the off-site wastestreams. This is the approach described above. Thus, the final rule authorizes permit writers (at their discretion) to subject the wastewater associated with the treatment of the off-site wastes to limitations and standards based on the categorical limitations from the industries generating the wastewater, rather than applying the CWT limitations to the off-site portion of the commingled wastestream. Consequently, the applicability provisions of Subparts A, B, C and D provide for such authority. See 40 CFR §§ 437.10(b), 437.20(b), 437.30(b) & 437.40(b).

Pipeline Transfers (Fixed Delivery Systems)

3.1.2

EPA did not propose to apply CWT limitations and standards to facilities that receive off-site wastes for treatment solely via an open or enclosed conduit (for example, pipeline, channels, ditches, trenches, etc.). EPA did not propose to include pipeline facilities because, based on information obtained by the Agency, facilities that receive all their wastes through a pipeline or trench (fixed delivery systems) from the original source of waste generation receive continuous flows of process wastewater with relatively consistent pollutant profiles. These wastewaters are traditional wastewaters from the applicable industrial category that generally remain constant from day to day in terms of the concentration and type of pollutant parameters. Unlike traditional CWT facilities, their customers and wastewater sources do not change and are limited by the physical and monetary constraints associated with pipelines.

EPA has reevaluated the database for this rule. EPA received questionnaire responses from four centralized waste treatment facilities which receive their waste streams solely via pipeline. EPA also examined the database that was developed for the organic chemicals, plastics, and synthetic fibers (OCPSF) effluent limitations guidelines to gather additional data on

OCPSF facilities which also have centralized waste treatment operations. Based on the OCPSF database, 16 additional facilities are treating wastewater received solely via pipeline from off-site for treatment. A review of the CWT and OCPSF databases supplemented by telephone calls to selected facilities reveals that one facility no longer accepts wastes from off-site, one facility is now operating as a POTW, and 11 facilities only accept off-site wastes that were generated by a facility within the same category as on-site generated waste. (The latter facilities, under the criteria explained above, would no longer be within the scope of the proposed rule because they are already subject to existing effluent guidelines and standards.) Therefore, EPA identified 7 facilities which receive off-site wastes solely via pipeline which may be subject to this rulemaking.

Of these seven facilities, one is a dedicated treatment facility which is not located at a manufacturing site. The other six pipeline facilities are located at manufacturing facilities which are already covered by an existing effluent limitation guideline. All of the facilities are direct dischargers and all receive waste receipts from no more than five customers (many receive waste receipts from three or fewer customers).

Since the 1995 proposal, EPA conducted site visits at two of these pipeline facilities. Information collected during these site visits confirmed EPA's original conclusion that wastes received by pipeline are more consistent in strength and treatability than "typical" CWT wastewaters. These wastewaters are traditional wastewaters from the applicable industrial category that generally remain relatively constant from day to day in terms of the concentration and type of pollutant parameters. Unlike traditional CWTs, their customers and wastewater sources do not change and are limited by the physical and monetary constraints associated with pipelines.

EPA has also reviewed the discharge permits for each of these pipeline facilities. EPA found that, in all cases, permit writers had carefully

applied the "building block approach" in establishing the facility's discharge limitations. Therefore, in all cases, the treating facility was required to treat each of the piped wastewaters to comply with otherwise applicable effluent guidelines and standards.

EPA did not receive any information in response to the 1999 proposed rule that has convinced the Agency to change its treatment of pipeline facilities for purposes of this rule. Consequently, the scope of this final rule excludes wastes that are piped to waste treatment facilities. See 40 CFR § 437.1(b)(3). These wastes will continue to be subject to otherwise applicable effluent guidelines and standards. In EPA's view, it is more appropriate for permit writers to develop limitations for treatment facilities that receive wastewater by pipeline on an individual basis by applying the "combined wastestream formula" or "building block" approach.

There are two exceptions to this approach. The first is for facilities that receive waste via conduit (that is, pipeline, trenches, ditches, etc.) from facilities that are acting merely as waste collection or consolidation centers that are not the original source of the waste. These wastewaters are subject to the CWT rule. The basis for EPA's exclusion of waste treatment facilities receiving wastes by pipeline from the scope of the rule was that such facilities did not receive the same types of varying wastes as CWT facilities receiving wastes by truck or tanker. Pipeline facilities receive flows of wastes with consistent pollutant profiles. Waste consolidators, on the other hand, which send their flows to a treatment facility via pipeline are delivering wastes like those typically received by CWT facilities in tanks or trucks. See 40 CFR § 437.1(b)(3). The second is for facilities that serve as both CWT facilities and pipeline facilities (i.e., receive waste from off-site via pipeline as well as some other mode of transportation such as trucks). If this type of facility commingles the trucked and piped waste prior to discharge, then both the trucked and

piped wastewaters at these facilities are subject to the CWT rule. The basis for the pipeline exclusion no longer applies because the addition of hauled waste introduces variability in pollutant concentrations and characteristics that are not true for the piped wastes. See 40 CFR § 437.1(b)(3). However, if such a facility discharges these wastewaters separately, then only the trucked off-site wastewater is subject to provisions of the CWT rule and the piped waste subject to limitations and standards based on the applicable 40 CFR Subchapter N limitations and standards. POTWs are not considered CWTs and are not subject to the limitations and standards of this rule. However, as discussed more fully in Section 3.1.6, POTWs should not be receiving wastes from industrial users subject to national effluent guidelines and standards (either by pipeline or otherwise) that do not comply with applicable pretreatment standards.

Product Stewardship

3.1.3

Many members of the manufacturing community have adopted “product stewardship” programs as an additional service for their customers to promote recycling and reuse of products and to reduce the potential for adverse environmental impacts from chemical products. Many commenters have defined “product stewardship” in this way: “taking back spent, used, or unused products, shipping and storage containers with product residues, off-specification products and waste materials from use of products.” Generally, whenever possible, these manufacturing plants recover and reuse materials in chemical processes at their facility. Manufacturing companies that cannot reuse the spent, used, or unused materials returned to them treat these materials/wastewaters in their wastewater treatment plant. With few exceptions, all of the materials (which are not reused in the manufacturing process) that are treated in the on-site wastewater treatment systems appear to have been produced in the same effluent limitations guidelines point source

category as the on-site manufactured materials. In industry’s view, such materials are inherently compatible with the treatment system. EPA received no specific information on these product stewardship activities in the responses to the 308 Waste Treatment Industry Questionnaire. EPA obtained information on this program from comment responses to the 1995 CWT proposal and in discussions with industry since the 1995 proposal. As part of their comment to the 1995 proposal, the Chemical Manufacturer’s Association (CMA) provided results of a survey of their members on product stewardship activities. Based on these survey results, which are shown in Table 3-1 and Table 3-2, the vast majority of materials received under the product stewardship programs are materials received for product rework. A small amount is classified as residual recycling and an even smaller amount is classified as drum take backs. Of the materials received, the vast majority is reused in the manufacturing process. With few exceptions, all of the materials (which are not reused in the manufacturing process) that are treated in the on-site wastewater treatment systems, appear to be from the same categorical group as the on-site manufactured materials.

Table 3-1. Summary of the Frequency of the Types of Activities and Dispositions Reported

	Item	Number	% of Total ¹
Activity	Drum Returns	3	5%
	Residual Recycling	7	12%
	Product Rework	50	86%
	Other	2	3%
Disposition	Rework/Reuse	53	91%
	On-site Wastewater Treatment	22	38%
	Off-site Disposal	29	50%

¹Based on information submitted by 33 CMA member facilities. Of these 33 members, 13 reported information concerning more than one product type, or activity. Therefore, the percentage of the total is based on 58 separate entries on the survey.

Table 3-2. Summary of Frequency of Each Product Class Reported by Facilities

Product Class	Number of Facilities	Percent of Total ¹
Polymers, Plastics, and Resins	17	52%
Organic Chemicals	6	18%
Solvents and Petroleum Products	3	9%
Inorganic Chemicals	4	12%
Pesticides	2	6%
Unspecified	4	12%

¹Based on Responses from 33 CMA facilities.

In the proposal, EPA explained that it had decided to apply the same approach to wastewater generated from materials that are taken back for recycle or re-use as is applied to wastewater received from off-site by a manufacturing facility (i.e., if the materials received from off-site under the product stewardship program would be subject to the same limitations and standards for the same categorical industry as the on-site generated manufacturing wastes, the treating facility would not be subject to CWT requirements). Because EPA remained concerned that circumstances exist in which used materials or waste products may not be compatible with the otherwise existing treatment system, EPA did not propose a blanket exemption for product stewardship activities from the scope of this rulemaking.

EPA proposed that those activities that wastewater from the treatment of used products or waste materials would be subject to the CWT rule if it were not produced at facilities subject to the same provisions of Subchapter N as wastewater from the treatment of the other on-site generated wastes.

EPA received numerous comments on its proposed approach for treating product stewardship activities. Many commenters claimed that the proposed rule would deter product stewardship activities, and that EPA should not include any product stewardship activities in the scope of the CWT rule. Some commented that these materials are generally not “treated”, but re-used or recovered, and that for that reason they were fundamentally different from other wastes in the CWT industry. Others

commented that while EPA's intent seemed to be appropriate, the language was much too restrictive. For example, commenters noted that when a product goes off-site to another manufacturing facility which is subject to different categorical standards, the product (while it remains unchanged) would then be subject to a different set of categorical standards. If the manufacturing facilities which originally produced the product took back the off-spec product from its customer, the proposal, as written, would require that the treating facility be subject to CWT guidelines even though the off-spec waste would clearly be the same as those generated on-site.

EPA applauds the efforts of manufacturing facilities to reduce pollution and the environmental impacts of their products and does not want to discourage these practices. Consequently, EPA has decided that product stewardship activities at a manufacturing facility which involve taking back their unused products, shipping and storage containers with product residues, and off-spec products should not be subject to provisions of the CWT rule.

EPA remains concerned, however, about the treatment of spent, used, or waste materials returned to the original manufacturer. EPA's concern is that treatment of the spent, used, or waste materials with the on-site wastewater may not be compatible with the otherwise existing treatment system. The fact that these materials may be accepted for re-use or recycling rather than "treatment" does not ensure that resulting wastewaters would be inherently compatible with the treatment system. EPA is unable to see how such activities differ from waste recovery operations that the Agency has concluded should be subject to these guidelines. For example, a facility manufactures industrial chemicals which are then sent to a customer which uses these chemicals in the manufacture of printed circuit boards. The inorganic chemical manufacturer accepts spent etchants (waste materials from use of product) from its customer for recovery and re-use of certain metals in their inorganic

chemical manufacturing process. (Note that CWT facilities not located at manufacturing sites also accept spent etchants). The recovery process generates a wastewater. This wastewater may contain many pollutants which were not present in the wastewater generated in manufacturing the inorganic chemical and which may not be compatible with, or effectively treated, in the treatment process at the inorganic chemical manufacturing facility. The same may be true if the accepting facility determined that spent etchant could not be effectively reused and recovered and directed the material to their wastewater treatment system.

Therefore, EPA has concluded that product stewardship activities that involve taking back spent, used, or waste materials from use of products should, as a general matter, be subject to provisions of this rule unless any of the exclusions established for manufacturing facilities, as explained in Section 3.1.1, would apply. Thus, those activities that involve used products or waste materials that are not subject to effluent guidelines or standards from the same category as the on-site generated wastes or that are not similar to the on-site generated manufacturing wastes and compatible with the treatment systems (as determined by the permit writer) are subject to the rule. EPA does not believe this approach will curtail product stewardship activities, in general, but will ensure that all wastes are treated effectively.

Federally-Owned Facilities

3.1.4

Throughout development of this rule, EPA's database has included information on CWT facilities owned by the federal government. It has always been EPA's intention that federal facilities which accept wastes, wastewater, or used material from off-site for treatment and/or recovery of materials would be subject to provisions of this rule unless they meet the conditions under which the rule would not apply, e.g. treated off-site wastes subject to the same 40 CFR Subchapter N provisions as the federal

facility.

EPA's database contains information on 23 federally owned facilities that operate treatment systems. EPA has determined that 15 of these facilities are not subject to provisions of the CWT rule because they do not accept off-site wastes. Of the remaining facilities, 6 are not subject to provisions of the CWT rule because they perform CWT activities to which the rule would not apply. Therefore, EPA has identified 1 federally-owned CWT facility that is subject to this rule. EPA has included this facility in all of its analyses.

Marine Generated Wastes

3.1.5

EPA received many comments on the original proposal relating to marine generated wastes. Since these wastes are often generated while a ship is at sea and subsequently off-loaded at port for treatment, the treatment site could arguably be classified as a CWT due to its acceptance of "off" site wastes. Commenters, however, claimed that marine generated wastes should not be subject to the CWT rule for the following reasons:

- C Unlike most CWT waste streams, bilge and/or ballast water is generally dilute and not toxic; and
- C Most of the bilge water is generated while the ship is docked. If only the small portion of bilge water contained in the ship upon docking is subject to regulation, it would be expensive and inefficient to monitor only that small portion for compliance with the CWT rule.

EPA reexamined its database concerning these wastes as well as additional data on the characteristics of these types of wastes provided through comments to the 1995 proposal. Based on data provided by industry on bilge and ballast water characteristics, bilge and ballast water can vary greatly in terms of the breadth of analytes and the concentration of the analytes from one

ship to another. In most instances, the analytes and concentrations are similar to those found in wastes typical of the oils subcategory. EPA found that while some shipyards have specialized treatment centers for bilge and/or ballast wastes, some of these wastes are being treated at traditional CWTs.

In the proposed rule (64 FR 2291), EPA defined "marine waste" as waste generated as part of the normal maintenance and operation of a ship, boat, or barge operating on inland, coastal or open waters. Such wastes may include ballast water, bilge water, and other wastes generated as part of routine ship operations. The proposal further explained that EPA considered wastewater off-loaded from a ship as being generated on-site at the point where it is off-loaded provided that the waste is generated as part of the routine maintenance and operation of the ship on which it originated while at sea. The waste is not considered an off-site generated waste (and thus subject to CWT requirements) as long as it is treated and discharged at the ship servicing facility where it is off-loaded. Therefore, EPA proposed not to include these facilities as CWT facilities. The proposal further clarified that if marine generated wastes are off-loaded and subsequently sent to a CWT facility at a separate location and commingled with other covered wastewater, these facilities and their wastestreams would be subject to provisions of this rule.

After careful consideration of comments, EPA has not modified its approach for marine generated waste with one exception. For today's rule, EPA defines marine waste as waste generated as part of the normal maintenance and operation of a ship, boat, or barge operating on inland, coastal or open waters, or while berthed. See 40 CFR § 437.1(c)(2). In response to commenters' requests for clarification, EPA has changed the definition to clarify that wastes generated while ships are berthed are part of normal maintenance and operational activities and are thus "on-site." As a further point of clarification, waste generated while a ship is

berthed is not an off-site generated waste so long as it is treated and discharged at the ship servicing facility where it is off-loaded. If, however, marine generated wastes are off-loaded and subsequently sent to a CWT facility at a separate location and commingled with other covered wastewater, these facilities and their wastestreams are subject to provisions of this rule.

Publicly Owned Treatment Works (POTWs)

3.1.6

Comments to the 1995 and 1999 CWT proposals establish that large and small POTWs accept a large volume of hauled wastes. A special discharge survey conducted by the Association of Metropolitan Sewerage Agencies (AMSA) indicates that 42.5 percent of POTW respondents accept hauled industrial wastes. This study was submitted as comment to the 1995 CWT proposal. Based on comments to the 1999 proposal, EPA believes this is likely an underestimate of current activities.

A large quantity of the wastes trucked to POTWs is septage and chemical toilet wastes. EPA did not evaluate these wastes for regulation and they are not subject to this rule. EPA would expect that POTWs would adequately treat these sanitary waste flows because EPA would expect septage and chemical toilet wastes to closely resemble sewage with respect to organic content.

POTWs also receive significant volumes of trucked industrial and commercial wastes. Examples of these include wastes subject to pretreatment standards under 40 CFR subchapter N, as well as wastes not subject to national effluent guidelines and standards. These wastes may include oil-water emulsions or mixtures, coolants, tank cleaning water, bilge water, restaurant grease trap wastes, groundwater remediation water, contaminated storm water run-off, interceptor wastewaters, and used glycols. CWT facilities also treat many of these wastes and discharges from these operations may be subject to the final CWT limits.

EPA received numerous comments on how the CWT rule should apply to POTWs. Commenters were largely divided on the applicability of the CWT rule to POTWs. All of the POTWs that commented on the proposal agreed that the CWT rule should not apply to POTWs. They stated that under the CWA, effluent guidelines and pretreatment standards do not apply to POTWs. Rather, as established by the CWA, POTWs are subject to secondary treatment and water quality standards. These commenters further stated that POTWs generally accept trucked wastes as a service to their community to insure that these wastes receive proper treatment. Commenting POTWs further cited that trucked wastes comprise a de minimis portion of the total volume of wastewater treated at their facilities.

Non-POTW commenters were, on the other hand, unanimous in stating that the CWT rule should apply to POTWs. These commenters asserted that POTWs and CWT facilities are competing for many of the same wastestreams, and therefore POTWs should be subject to the same standards as CWT facilities. These commenters stated that POTWs are actively competing for wastestreams not subject to national effluent guidelines and standards, and cautioned that EPA should be concerned that this hauled waste is being accepted with little or no documentation regarding the source, little or no monitoring of the shipments when they arrive, and no pretreatment before mixing with the normal POTW influent. They also expressed concern that POTWs often do not have equivalent treatment compared to CWT facilities and that pollutant reductions are often due to dilution rather than treatment. Finally, many CWT facilities commented that by not including POTWs in the scope of the CWT rule, EPA might actually increase the discharge of pollutants to the nation's waters since waste generators will have an incentive to ship directly to POTWs thus skipping what would have been effective pretreatment at the CWT facility.

It is clear from reviewing the comments that

many commenters may misunderstand the interaction between effluent guidelines and pretreatment standards, and they are consequently confused about how this guideline will affect POTW operations. The following discussion is intended as clarification. Under the CWA, all direct dischargers must comply with technology-based effluent guidelines and any more stringent limitations necessary to meet State water quality standards. In the case of certain pollutants and for certain categories and classes of direct dischargers, EPA promulgates guidelines that establish these technology-based limitations. In the case of POTWs, the CWA specifically identifies the technology -- secondary treatment -- that is the basis for POTW effluent limitations.

In addition, the CWA also requires EPA to establish pretreatment standards for indirect dischargers -- those introducing wastewater to a POTW either by pipe or sewer or by transporting the waste by truck or rail to the POTW. These standards are designed to prevent the discharges of pollutants that pass-through, interfere or are otherwise incompatible with POTW operations. The standards are technology-based and analogous to technology-based effluent limitations applicable to direct dischargers. Once EPA has established pretreatment standards, no indirect discharger may introduce wastewater to a POTW for which there are pretreatment standards except in compliance with the standard. The CWA specifically prohibits the owner or operator of any source from violating a pretreatment standard (see section 307(d) of the CWA). This prohibition applies whether the wastewater is discharged through a sewer system or sent to a POTW by truck or rail.

The CWA does authorize a POTW, in limited circumstances, to revise pretreatment standards for a discharger to take account of the POTW's actual removal of a particular pollutant. "Removal credits" may be available to a discharger generally under the following conditions. First, the granting of the removal

credit by the POTW must not cause a violation of the POTW's permit limitations or conditions. Second, the POTW's treatment of the pollutant must not result in a sewage sludge that cannot be use of disposed of in accordance with sewage sludge regulations promulgated pursuant to section 405 of the CWA (see section 307(b) of the CWA).

EPA has promulgated regulations at 40 CFR Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) that establish pretreatment standards and requirements that apply to any source introducing pollutants from a non-domestic source into a POTW. These standards include a general prohibition on the introduction of any pollutant that might pass through or interfere as well as prohibitions on specific pollutants such as those that may create a fire or explosion hazard or corrosive structural damage. EPA has also promulgated national effluent pretreatment standards (like the pretreatment standards promulgated here today) for specific industry categories as separate regulations at 40 CFR subchapter N.

The regulations at 40 CFR Part 403 also require all POTWs with a design flow greater than 5 MGD per day to develop a pretreatment program. Moreover, EPA or a State may require a POTW with a design flow that is less than or equal to 5 MGD to develop a pretreatment program if warranted by circumstances in order to prevent pass through or interference (see 40 CFR 403.8(a)). These pretreatment programs must require compliance with all applicable pretreatment standards and requirements by industrial users of the POTW (see 40 CFR 403.8(f)(ii)). Furthermore, each POTW developing a pretreatment program must develop and enforce specific local limits to implement the general and specific prohibition against pass-through and interference (see 40 CFR 403.5(c)). Thus, any POTW subject to the requirement to develop a pretreatment program that accepts waste that does not comply with a general or specific prohibition or with national effluent

pretreatment standards is in violation of the regulations.

Consequently, following promulgation of this rule, POTWs with pretreatment programs that receive wastestreams both subject to and not regulated by national effluent standards and limitations must ensure the wastestreams do not violate these requirements. In practice, with respect to the wastestreams discussed by commenters, this means that a POTW may not accept untreated wastestreams subject to national effluent guidelines and standards. These would include wastestreams subject to pretreatment standards in 40 CFR subchapter N (e.g., electroplating wastes). Moreover, a POTW may not accept certain other streams not subject to national guidelines and standards such as oil-water emulsions or mixtures if those streams contain pollutants that would pass through or interfere with POTW operation. Note that 40 CFR 403.5(b)(5) specifically prohibits the introduction into a POTW of petroleum oil that will cause pass-through or interference. Given EPA's conclusion that oily wastewaters contain pollutants that will pass through POTWs, it is likely that many POTWs are accepting wastes for treatment that contain pollutants that will pass through.

EPA is concerned that wastestreams accepted at POTWs, both those subject to and those not regulated by national effluent guidelines and standards, receive proper treatment. In 1999, EPA's Office of Wastewater Management published the "Guidance Manual for the Control of Wastes Hauled to Publicly Owned Treatment Works" (EPA 833-B-98-003, September 1999). This document again stresses that national effluent pretreatment standards apply to waste generated by national effluent guidelines and standards (40 CFR parts 401 to 471), whether the waste is introduced to the POTW through the sewer system or hauled to the POTW. Moreover, EPA regulations require that POTWs must ensure pretreatment of wastes subject to national effluent standards received at the POTW regardless of the mode of transportation.

Similarly, because a POTW must ensure that no user is introducing pollutants into the POTW that would pass-through the POTW into the receiving waters or interfere with the POTW operation, EPA strongly recommends that each POTW should document and monitor all hauled wastestreams to ensure that necessary pretreatment steps have been performed. The guidance establishes a waste acceptance procedure that clearly resembles that generally performed at CWT facilities. Further, in the case of wastestreams not subject to national guidelines and standards, the POTW should also monitor the hauled wastestreams to ensure that pollutant reductions at the POTW will be achieved through treatment and not dilution.

Based on the types of hauled wastewater that commenters have indicated POTWs accept, EPA shares the concern of many commenters that pollutant reductions in these hauled wastewaters at POTWs are largely due to dilution. EPA reminds POTWs that wastewaters that contain significant quantities of metal pollutants, significant quantities of petroleum-based oil and grease, or significant quantities of non-biodegradable organic constituents should be pretreated by the generating facility or an appropriate treatment facility prior to acceptance at the POTW. EPA further reminds POTWs that this remains true regardless of whether or not these wastewaters comprise a de minimis portion of the total volume of the wastewaters treated at their facility. EPA concluded that if POTWs monitor hauled wastes appropriately and additionally ensure that all hauled wastes not subject to national effluent guidelines and standards can be effectively treated with their biological treatment systems then many of the issues raised by non-POTW commenters will be alleviated.

Finally, if a POTW chooses to establish a pretreatment business as an addition to their operation, they may, in given circumstances, be subject to provisions of this rule. EPA is aware of a POTW that plans to open a wastewater treatment system to operate in conjunction with

its POTW operations. This facility would accept wastewaters subject to national guidelines and standards, treat them, and then discharge them to the POTW's treatment plant. The acceptance by a POTW of wastes subject to national effluent guidelines and standards that do not comply with pretreatment standards would seem to violate the requirements noted previously unless the POTW has revised the applicable standards to take account of its removal of certain pollutants. EPA's regulations at 40 CFR § 403.7 describe the process for obtaining removal credits and identifying the pollutants for which removal credits may be available. Under the current regulations, removal credits are only available for a limited number of pollutants. The 1999 notice described the removal credits program and when and for what pollutants such credits might be available at 64 FR 2339-10. EPA would note that the new wastewater treatment system would itself be a POTW (or part of the POTW) and, thus, any wastewater introduced to it must meet all applicable pretreatment standards. However, because POTWs are already covered by the technology requirements (i.e., secondary treatment) specified in the CWA (40 CFR 133), they are not considered CWT facilities and are not within the scope of this rule.

Thermal Drying of POTW Biosolids 3.1.7

The thermal drying of POTW biosolids was not a focus of EPA's initial regulatory effort to develop this guideline. Consequently, EPA did not target thermal dryers during its data collection activities. However, commenters to the 1999 proposal provided information on thermal drying activities and requested EPA's views as to whether such operations would be subject to this rule. Thermal dryers accept off-site generated POTW biosolids (sludges that remain after wastewater treatment at a POTW) and treat these biosolids with a variety of technologies (e.g. rotary drum dryers) to form pellets. These biosolids can then be land applied. The thermal drying process generates two

primary wastewater streams: facility water wash down and blowdown from wet scrubbers. These wastewaters are discharged back to the POTW that produced the biosolids.

Commenters to the 1999 proposal requested that EPA not include these activities within the scope of this rule for the following reasons:

- The POTW and the thermal dryer form a closed loop system. POTWs are the sole source of off-site waste received by thermal dryers. All wastewaters generated from the treatment of these biosolids are returned to the generator (the POTW).
- All storage and processing areas at these facilities are enclosed. Therefore, this material poses very little or no threat to storm water.
- Thermal drying activities bear little resemblance to the other regulated activities. Mandated testing parameters and other requirements under the CWT rule have little applicability to biosolids processing.

EPA agrees with commenters that thermal drying of biosolids should not be subject to provisions of the CWT rule. Because the only source of off-site wastes received at these drying facilities is biosolids produced at the POTW, the wastewater being generated from thermal drying of these biosolids should contain the same pollutants being treated at the POTW. As a result, the wastewater should be completely compatible with the treatment system at the POTW and should not cause any pass-through or interference. Consequently, thermal drying of POTW biosolids is not subject to provisions of the CWT rule. See 40 CFR § 437.1(b)(4).

Transporters and/or Transportation Equipment Cleaners 3.1.8

Facilities that treat wastewater that results from cleaning tanker trucks, rail tank cars, or barges may be subject to the provisions of this rule if not subject to the Transportation

Equipment Cleaning (TEC) Point Source Category guidelines (40 CFR Part 442). Thus, the CWT rule does not apply to discharges from wastewater treatment at facilities engaged exclusively in cleaning the interiors of transportation equipment covered by the TEC regulation. EPA promulgated these guidelines on August 14, 2000 at 65 FR 49666. The TEC regulation applies to facilities that solely accept tanks which have been previously emptied or that contain a small amount of product, called a “heel,” typically accounting for less than one percent of the volume of the tank. A facility that accepts for cleaning a tank truck, rail tank car, or barge not “empty” for purposes of TEC may be subject to the provisions established for the CWT rule.

There are some facilities that are engaged in traditional CWT activities and also engaged in traditional TEC activities. If the wastewaters from the two operations are commingled, under the approach adopted for TEC, the commingled wastewater flow from the transportation equipment cleaning activities would be subject to CWT limits. Therefore, a facility performing transportation equipment cleaning as well as other CWT services that commingles these wastes is a CWT facility and all of the wastewater discharges are subject to provisions of this rule. If, however, a facility is performing both operations and the wastestreams are not commingled (that is, transportation equipment cleaning process wastewater is treated in one system and CWT wastes are treated in a second, separate system), both the TEC rule and CWT rule apply to the respective wastewaters. See 40 CFR § 437.1(b)(10).

As a further point of clarification, the CWT rule does apply to transportation equipment cleaning wastewater received from off-site. Transportation equipment cleaning wastes received from off-site that are treated at CWT facilities along with other off-site wastes *are* subject to provisions of this rule.

Landfill Wastewaters

3.1.9

EPA published effluent limitations guidelines for Landfills (40 CFR Part 445) at 65 FR 3007 (January 19, 2000). There, EPA established limits for facilities which operate landfills subject to the provisions established in 40 CFR Parts 257, 258, 264, and 265. The final Landfills rule limitations do not apply to wastewater associated with landfills operated in conjunction with other industrial or commercial operations in most circumstances.

In the CWT industry, there are some facilities that are engaged both in CWT activities and in operating landfills. For the CWT final rule, EPA’s approach to facilities which treat mixtures of CWT wastewater and landfill wastewater is consistent with that established for the landfill guideline. Therefore, a facility performing landfill activities as well as other CWT services that commingles the wastewater is a CWT facility only, and all of the wastewater discharges are subject to the provisions of this rule. If a facility is performing both operations and the wastestreams are not commingled (that is, landfill wastewater is treated in one treatment system and CWT wastewater is treated in a second, separate, treatment system), the provisions of the Landfill rule and CWT rule apply to their respective wastewater.

Additionally, under the approach established in the Landfills rulemaking, CWT facilities which are dedicated to landfill wastewater only, whether they are located at a landfill site or not, are subject to the effluent limitations for Landfills. These dedicated landfill CWT facilities are not subject to provisions of the CWT rulemaking.

As a further point of clarification, landfill wastewater is not specifically excluded from provisions of this rule. Landfill wastewater that is treated at CWT facilities along with other covered off-site wastestreams *are* subject to provisions of this rule. Furthermore, a landfill that commingles for treatment its own landfill wastewater with other landfill wastewater only is

subject to the Landfill limits in the circumstances described in Section 3.1.1 above.

Incineration Activities

3.1.10

In January 2000, EPA promulgated effluent guidelines and pretreatment standards for wastewater discharges from a limited segment of the waste combustion industry at 65 FR 4360 (January 27, 2000). This regulation, codified at 40 CFR Part 444, applies to the discharge from a “commercial hazardous waste combustor” (CHWC). CHWCs are commercial incinerators that treat or recover energy from hazardous industrial waste.

There may be certain industrial facilities (for whom EPA has established guidelines limitations or standards in 40 CFR subpart N) which are subject to the CWT regulation that also operate incinerators or CHWCs. For the CWT final rule, EPA has adopted the same approach it has followed for other industrial facilities subject to national limitations and standards. Where a facility treats CHWC (or other incinerator wastewater) with CWT wastewater, the permit writer (or local control authority) would establish discharge limitations (or pretreatment standards) by using a flow-weighted combination of the CHWC limitations/standards (or BPJ incinerator wastewater limitations/standards) and the CWT limitations/standards. Thus, an organic chemical facility with an on-site CHWC (or other incinerator) that is also a CWT would be subject to combined wastestream formula pretreatment standards or building block limitations based on all three 40 CFR subpart N regulations.

Additionally, a facility which only treats CHWC wastewater (or other incinerator wastewaters or waste that is similar in nature as determined by the permitting authority, see Section 3.1.1), whether located at a CHWC site or not, would be subject not to the CWT regulations but to the otherwise applicable limitations or standards (either CHWC or, in the case of non-CHWC incinerator wastewater, limitations or standards developed by the permit

writer or local control authority). EPA notes, however, that it has not identified any CWT facilities that are dedicated to CHWC (or other incineration) wastewaters only.

Further, incineration wastewaters are not specifically excluded from provisions of this rule. Incineration wastewaters received from off-site that are treated at CWT facilities along with other covered off-site wastestreams *are* subject to CWT limitations and provisions of this rule.

Solids, Soils, and Sludges

3.1.11

EPA did not distinguish in its information gathering efforts between those waste treatment and recovery facilities treating aqueous waste and those treating non-aqueous wastes or a combination of both. Thus, EPA’s 308 Waste Treatment Industry Questionnaire and related CWT Detailed Monitoring Questionnaire (DMQ) asked for information on CWT operations without regard to the type of waste treated. EPA’s sampling program also included facilities that accepted both aqueous and solid wastes for treatment and/or recovery. In fact, the facility that forms the technology basis for the metals subcategory limitations treats both liquid and solid wastes. A facility that accepts wastes from off-site for treatment and/or recovery that generates a wastewater is subject to the CWT rule regardless of whether the wastes are aqueous or non-aqueous. Therefore, wastewater generated in the treatment of solids received from off-site is subject to the CWT rule.

As a further point of clarification, the main concern in the treatment or recycling of off-site “solid wastes” is that pollutants contained in the solid waste may be transferred to a process or contact water resulting in a wastewater that may require treatment. Examples of such wastewaters include, but are not limited to the following:

- entrained water directly removed through dewatering operations (for example, sludge dewatering);

- contact water added to wash or leach contaminants from the waste material; and
- storm water that comes in direct contact with waste material which contain liquids.

The treatment or recovery of solids that remain in solid form when contacted with water and which do not leach any chemicals into the water are not subject to this rule. Examples of excluded solids recovery operations are the recycling of aluminum cans, glass and plastic bottles. As a further point of clarification, any wastewater generated at a municipal recycling center is not subject to provisions of this rule.

Scrap Metal Processors and Auto Salvage Operations **3.1.12**

During development of this regulation, EPA did not examine facilities engaged in scrap metal processing or auto salvage operations as part of its study. EPA did not attempt to collect information on these types of operations. However, commenters to the 1999 proposal provided some information on these activities. Commenters noted that these operations often generate contaminated wastewaters as a secondary part of their operations. As described by commenters, wastewater is often produced when rainwater comes in contact with the scrap metal and/or automobiles during collection and storage. This rainwater then becomes contaminated with oily residue from the scrap metal and/or automobiles. Contaminated storm water is the only wastewater resulting from these operations.

Because contaminated storm water generated from centralized scrap metal processing or auto salvage operations would, as the regulatory language is specified, be subject to regulation, EPA considered whether it had a basis for regulating wastewaters from these operations. Other than the limited information supplied by commenters, EPA has very little data concerning these activities and the facilities that conduct these activities. As a result, EPA

concluded that it should not include within the scope of the guideline wastewaters generated from centralized scrap metal processing or auto salvage at this time. EPA would expect that permit writers would develop limitations or local limits to establish site-specific permit requirements for any centralized scrap metal processing or auto salvage operations generating and discharging a contaminated stormwater.

Transfer Stations **3.1.13**

During the initial stages of development of this rule, EPA did not envision transfer stations as part of the centralized waste treatment industry. As such, EPA did not attempt to collect information on the operation of transfer stations. However, EPA received comment to the 1999 proposal asking that EPA clarify its coverage of these facilities by this rule.

EPA has very little information on the operation of transfer stations. Based on comments, while transfer stations could fall within the definition of a CWT since they accept off-site industrial wastes, they do not perform any treatment or recovery of the off-site wastes. Transfer stations simply facilitate the distribution of wastes for disposal. Consequently, EPA has concluded that transfer stations should not be subject to provisions of the CWT rule.

Stabilization **3.1.14**

As explained in the 1999 proposal, EPA concluded that, by definition, stabilization/solidification operations are “dry” and do not produce any wastewater. As such, EPA did not propose to include stabilization/solidification processes in the CWT rule. At that time, EPA also explained that it was considering a subcategory for stabilization operations with a zero discharge requirement, and requested comment on this approach.

EPA received very little comment on stabilization/solidification and no new data from industry following the 1999 proposal. One

commenter suggested EPA require stabilization/solidification operations to be zero discharge. Another suggested EPA use the same approach proposed for facilities handling used oil filters. A third commented that EPA should not promulgate a zero discharge requirement because, in the event that a wastewater is produced by stabilization/solidification operations, the facility would not have the option to treat the wastewater on-site.

EPA re-examined its database and concluded that the while “solidification / stabilization” processes do not themselves produce any wastewater, there are often wastewaters associated with these processes. The major wastewater reported by questionnaire respondents associated with stabilization/solidification operations is equipment wash down. Further, the database shows that many of the wastes accepted from off-site for stabilization/solidification are the same or similar to wastes accepted for other covered CWT operations.

Consequently, EPA is not promulgating a subcategory for stabilization/solidification with a zero discharge requirement. EPA agrees with commenters that, in the event that there are wastewaters produced by or associated with these operations, facilities should have the option of choosing whether to treat the wastes on-site or through other means. If these operations produce a wastewater, then the discharge of wastewater from these facilities should be subject to provisions of this rule. Therefore, “dry” stabilization/solidification operations themselves are not subject to provisions of the CWT rule. However, wastewater discharges from stabilization/solidification operations that are performed on waste received from off site are subject to provisions of this rule. This approach is consistent with EPA’s approach to fuel blending operations and used oil filter management.

Waste, Wastewater, or Used Material Re-use **3.1.15**

EPA recognizes that some facilities accept wastewater from off-site for re-use rather than treatment or recovery. The intent in accepting these off-site “treated” wastewaters is to replace potable water or more expensive pure water obtained from wells, surface waters, etc. Examples include, but are not limited to the following:

- the acceptance of wastewater from off-site for use in place of potable water in industrial processes;
- the use of secondary POTW effluents as non-contact cooling water; and
- the use of storm water in place of potable water at shared industrial facilities located in industrial parks.

Likewise, EPA is also aware that some facilities accept used materials such as spent pickle liquor for re-use as a treatment chemical in place of virgin treatment chemicals.

EPA applauds all pollution prevention activities, especially those that allow treated wastewater or spent chemicals to be re-used rather than discharged. EPA does not define this type of activity as treatment or recovery. Therefore, the acceptance of off-site wastewater or spent chemicals for re-use in the treatment system or other industrial process is not a CWT activity and is not subject to provisions of this rule.

Recovery and Recycling Operations **3.1.16**

Many CWT facilities perform recovery activities that lead to recycling of materials either at the recovering site or at another location. The purpose of these activities is to recycle product back into a use for which it was originally intended, not the treatment and disposal of wastewater streams. Examples of such activities include but are not limited to the following: used oil processing, used glycol recovery, fuel

blending, metals recovery, and re-refining. Many commenters to both the 1995 proposal and the 1999 proposal noted that these activities should not be included under the scope of this rule because they are not “treatment,” but “recovery” activities.

EPA applauds efforts to reduce pollution and the ancillary adverse consequences to the environment associated with product disposal and does not want to discourage these practices. However, EPA also recognizes that, while the intent of these activities is not treatment of a “wastewater” but rather recovery of a used or waste material, wastewater is usually generated from these recovery processes. Generally, the facility performing the recovery activity also performs on-site treatment of the resulting wastewater. EPA wants to ensure that these wastewaters receive appropriate treatment.

From the beginning of its data gathering activities associated with the development of this rule, EPA has included recycling and recovery activities along with wastewater treatment activities. In fact, EPA developed sections of the 308 Questionnaire to specifically target the collection of information on metals, solids, oils, and organics recovery activities. Many of the facilities visited and sampled by EPA perform recovery operations. Some of these facilities refer to themselves as “recyclers” and not “wastewater treatment facilities.” EPA’s sampling data show that in many instances the pollutants and concentrations of pollutants in wastewaters generated from recycling/recovery activities are very similar or more concentrated than wastewaters accepted for “treatment” only. In fact, many facilities that perform recovery operations combine the wastewater generated from the recovery operations with other off-site wastewater received for treatment. Consequently, EPA has concluded that recovery operations are included in the scope of this rule. Therefore, unless specifically stated elsewhere, facilities that recycle and recover off-site waste, wastewaters and/or used materials are considered “centralized waste treatment facilities” and are

subject to provisions of this rule. However, if metals recovery operations are subject to the secondary metals provisions of 40 CFR 421, the Nonferrous Metals Manufacturing Point Source Category, then the provisions of this part do not apply. These secondary metals subcategories are Subpart C (Secondary Aluminum Smelting Subcategory), Subpart F (Secondary Copper Subcategory), Subpart L (Secondary Silver Subcategory), Subpart M (Secondary Lead Subcategory), Subpart P (Primary and Secondary Germanium and Gallium Subcategory), Subpart Q (Secondary Indium Subcategory), Subpart R (Secondary Mercury Subcategory), Subpart T (Secondary Molybdenum and Vanadium Subcategory), Subpart V (Secondary Nickel Subcategory), Subpart X (Secondary Precious Metals Subcategory), Subpart Z (Secondary Tantalum Subcategory), Subpart AA (Secondary Tin Subcategory), Subpart AB (Primary and Secondary Titanium Subcategory), Subpart AC (Secondary Tungsten and Cobalt Subcategory), and Subpart AD (secondary Uranium Subcategory).

Silver Recovery Operations from Used Photographic and X-Ray Materials 3.1.17

At the time of the 1999 proposal, EPA proposed not to include electrolytic plating/metallic replacement silver recovery operations of used photographic and x-ray materials within the scope of this rule. The Agency based its conclusion on the fundamental difference in technology used to recover silver at facilities devoted exclusively to treatment of photographic and x-ray wastes. However, for off-site wastes that are treated/recovered at these facilities through any other process and/or waste generated at these facilities as a result of any other centralized treatment/recovery process, the Agency proposed that these wastewaters would be subject to provisions of this rule.

The Agency received many comments to the 1999 proposal that supported EPA’s decision to

not include electrolytic plating/metallic replacement silver recovery operation of used photographic and x-ray materials within the scope of this rule. However, commenters additionally noted that while many of these facilities primarily use electrolytic plating followed by metallic replacement in silver recovery operations, there are other processes that are also utilized. Commenters further noted that new silver recovery technologies are emerging and being studied and developed on a regular basis. As such, commenters asked EPA to not include silver recovery operations from used photographic and x-ray materials regardless of the method used to recover the silver.

EPA agrees with commenters that facilities that are devoted exclusively to the centralized recovery of silver from photographic and x-ray wastes should not be covered by this rule, regardless of the type of process used to recover the silver. As such, facilities that exclusively perform centralized silver recovery from used photographic and x-ray wastes are not subject to provisions of this rule. EPA would expect that, as is the case now with wastewater discharges associated with this operation, the control authority would determine whether to apply the provisions of 40 CFR 421, Subpart L (the Secondary Silver Subcategory of the Nonferrous Metals Manufacturing Regulation) or establish BPJ, site-specific permit requirements.

There are some facilities, however, which are engaged in traditional CWT activities and also engaged in centralized silver recovery from photographic and x-ray materials. If the wastewaters from the two operations are commingled, the commingled silver recovery wastewater flow would be subject to CWT limits. Therefore, a facility performing centralized silver recovery from used photographic and x-ray materials as well as some other covered CWT services that commingles these wastes are subject to provision of the CWT rule. All of the wastewater discharges are subject to provisions of this rule. If, however, a facility is performing both operations and the

wastestreams are not commingled (that is, silver recovery wastewater is treated in one system and CWT wastes are treated in a second, separate system), the permit writer should apply the provision of 40 CFR 421, if applicable, or continue to establish BPJ, site-specific permit requirements for the discharge associated with the silver recovery operations and apply the CWT rule to the wastewaters associated with the other covered CWT activities.

As a further point of clarification, wastewater generated as a result of centralized silver recovery operations are not specifically excluded from provisions of this rule. Silver recovery wastewaters that are treated at CWT facilities with other covered off-site wastestreams are subject to provisions of this rule.

High Temperature Metals Recovery 3.1.18

EPA is aware of three facilities in the U.S. that recover metal using a “high temperature metals recovery” process (HTMR). HTMR facilities recycle metal-bearing materials in a pyrometallurgical process that employs very high temperature furnaces. These facilities do not use the water-based precipitation/filtration technologies to recover metals from wastewater observed at metals subcategory facilities throughout the CWT industry. At the time of the proposal, EPA believed that all HTMR processes were “dry” (i.e., did not produce a wastewater). Consequently, in the 1999 proposal, EPA proposed not to include facilities that perform high temperature metals recovery (HTMR) within the coverage of this rule. EPA further requested comment on whether EPA should promulgate a zero discharge requirement for facilities that utilize the HTMR process.

Based on comment to the proposal, EPA has concluded that while most HTMR processes are dry, one of the three known HTMR facilities produces a wastewater (scrubber blowdown). As such, EPA has concluded that a zero discharge requirement for HTMR facilities is inappropriate and has not included it in the final

CWT rule. However, upon further examination of the comments and its database, EPA has concluded that HTMR facilities that generate a wastewater should be included within the scope of the CWT rule. While the HTMR process is different from other recycling technologies studied by EPA for this rulemaking, EPA has concluded that the wastewater produced from HTMR operations contains many of the CWT metals subcategory pollutants of concern and that the concentration of these pollutants falls solidly within the range of wastewaters in the CWT metals subcategory. As such, while the HTMR process may be different from water-based precipitation technologies, the resulting wastewaters are similar (see DCN 33.2.1). Therefore, it is appropriate for EPA to establish limits for HTMR wastewaters using the metals subcategory technology basis and these limits will be achievable. EPA has revised all of its analysis to reflect the inclusion of these “non-dry” HTMR facilities within the scope of the CWT rule. However, if high temperature metals recovery operations are subject to any of the secondary metals provisions of 40 CFR 421, the Nonferrous Metals Manufacturing Point Source Category, then the provisions of this part do not apply. See Section 3.1.16 for a list of the secondary metals subcategories.

Solvent Recycling/Fuel Blending **3.1.19**

The solvent recycling industry was studied by the EPA in the 1980s. EPA published its findings in the “Preliminary Data Summary for the Solvent Recycling Industry” (EPA 440/1-89/102) in September 1989 which describes this industry and the processes utilized. This document defines solvent recovery as “the recycling of spent solvents that are not the byproduct or waste product of a manufacturing process or cleaning operation located on the same site.” Spent solvents are generally recycled in two main operations. Traditional solvent recovery involves pretreatment of the waste stream (in some cases) and separation of the

solvent mixtures by specially constructed distillation columns. In most cases, traditional solvent recovery is performed at organic chemical manufacturing facilities. As such, wastewater discharges resulting from this process are subject to effluent limitations guidelines and standards for the organic chemicals industry (40 CFR 414).

EPA is aware that there are a few facilities which perform commercial solvent recovery operations. Some perform solvent recovery of spent or contaminated chemicals received from pharmaceutical and other chemical manufacturing companies. Some recycle spent solvents generated by parts washers and other cleaning devices operated by automotive shops, dry cleaners, and other small businesses. These commercial solvent recovery facilities, because they are not located at an organic manufacturing facility, are not directly subject to effluent limitations guidelines and standards for the organic chemicals industry (40 CFR 414).

Based on comments to the 1999 CWT proposal, EPA considered whether it should regulate commercial solvent recovery facilities under the provisions of this rule. EPA has determined, however, not to include these commercial solvent recovery operations within the scope of this rule at this time. Throughout the development of this rule, EPA has clearly stated that traditional solvent recovery operations would not be included within the scope of this rule. In developing its database to support this rule, while EPA did collect limited information on these activities, EPA intentionally excluded known solvent recoverers from its data collection activities. As such, EPA has only limited data on solvent recovery activities which are not already subject to OCPSF. It did not obtain information to characterize the wastewaters generated at such operations. Thus, EPA has no basis for determining whether or not such operations are sufficiently similar to the organic waste subcategory so that they may properly be regulated as organic waste streams. Therefore, wastewaters resulting from traditional solvent

recovery activities as defined above are not subject to this effluent guidelines. For wastewaters associated with traditional solvent recovery activities located at organic chemical manufacturing facilities, permit writers should use OCPSF to establish discharge requirements. For commercial traditional solvent recovery activities (not located at an organic chemical manufacturing site), permit writers should use Best Professional Judgement or local limits to establish site-specific permit requirements.

Fuel blending is the second main operation which falls under the definition of solvent recovery. Fuel blending is the process of mixing wastes for the purpose of regenerating a fuel for reuse. At the time of the 1995 proposal, fuel blending operations were excluded from the CWT rule since EPA believed the fuel blending process was “dry” (that is, no wastewaters were produced). Based on comments to the original proposal and the Notice of Data Availability, EPA has concluded that this is valid and that true fuel blenders do not generate any process wastewaters and are, therefore, zero dischargers. EPA is concerned, however, that the term “fuel blending” may be loosely applied to any process where recovered hydrocarbons are combined as a fuel product. Such operations occur at nearly all used oil and fuel recovery facilities. Therefore, “dry” fuel blending operations are excluded from the CWT rule. In the event that wastewater is generated at a CWT fuel blending facility, the discharge of wastewaters associated with these operations are subject to this rule.

Re-refining

3.1.20

When EPA initially proposed guidelines and standards for CWT facilities, the regulations would have limited discharges from used oil reprocessors/reclaimers, but did not specifically include or exclude discharges from used oil re-refiners. During review of information received on the proposal and assessment of the information collected, the Agency, at one point, considered limiting the scope of this regulation to

reprocessors/reclaimers only because it was not clear whether re-refiners actually generated wastewater. However, further data gathering efforts have revealed that re-refiners may generate wastewater and that the principal sources of re-refining wastewaters are essentially the same as for reprocessors/reclaimers. Consequently, the re-refining wastewater is included within the scope of this rule.

The used oil reclamation and re-refining industry was studied by EPA in the 1980s. EPA published the “Preliminary Data Summary for the Used Oil Reclamation and Re-Refining Industry” (EPA 440/1-89/014) in September 1989 which describes this industry and the processes utilized. This document generally characterizes the industry in terms of the types of equipment used to process the used oil. Minor processors (reclaimers) generally separate water and solids from the used oil using simple settling technology, primarily in-line filtering and gravity settling with or without heat addition. Major processors (reclaimers) generally use various combinations of more sophisticated technology including screen filtration, heated settling, centrifugation, and light fraction distillation primarily to remove water. Re-refiners generally use the most sophisticated systems which generally include, in addition to the previous technologies, a vacuum distillation step to separate the oil into different components.

The final rule applies to the process wastewater discharges from used oil re-refining operations. The principal sources of wastewater include oil-water gravity separation (often accompanied by chemical/thermal emulsion breaking) and dehydration unit operations (including light distillation and the first stage of vacuum distillation). EPA has, to date, identified two re-refining facilities.

Used Oil Filter and Oily Absorbent Recycling

3.1.21

EPA did not obtain information on used oil filter or oily-absorbent (oil soaked or

contaminated disposable rags, paper, or pads) recycling through the Waste Treatment Industry Questionnaire. However, in response to the September 1996 Notice of Data Availability and the 1999 proposal, EPA received comments from facilities which recycle used oil filters and oily absorbents. In addition, EPA also visited several used oil reprocessors that recycle used oil filters or oily absorbents as part of their operations.

Used oil filter and oily absorbent recycling processes range from simple crushing and draining of entrained oil to more involved processes where filters or absorbent materials are shredded and the metal and filter material are separated. Generally, the resulting used oil is recycled, the separated metal product is sold to a smelter, and the separated filter material is sold as a solid fuel. Based on information collected during EPA's site visits and comments to the 1999 proposal, wastewater may be generated during all phases of the recycling activity including collection activities, plant maintenance, and air pollution control. EPA notes, however, that based on its observations, many of these activities are "dry" and do not produce associated wastewaters. In fact, at the time of the 1999 proposal, EPA believed these activities were largely "dry" and requested comment on whether EPA should promulgate a zero discharge requirement for facilities performing used oil filter recovery.

As detailed above, based on comment to the proposal, EPA no longer believes that all used oil filter and absorbent recycling activities are dry. As such, EPA has concluded that a zero discharge requirement for these activities is inappropriate and has not included it in the final CWT rule. However, upon further examination of the comments and its database, EPA has concluded that used oil filter and absorbent recovery facilities which generate a wastewater should be included within the scope of the CWT rule. While EPA does not have data in its database on the characteristics of these wastewaters, these wastewaters are often

combined with other covered CWT wastewaters for treatment. Further, since the material being recovered is primarily used oil, EPA has every reason to believe that any resulting wastewaters will be similar (in terms of constituents and concentration) to wastewaters generated from used oil recovery. As such, EPA has concluded that these operations should be regulated as are other centralized used oil recovery activities. Where information is available to EPA on these operations, EPA has revised its analysis to reflect the inclusion of these "non-dry" used oil filter and absorbent facilities within the scope of the CWT rule.

Grease Trap/Interceptor Wastes **3.1.22**

EPA received comments on coverage of grease, sand, and oil interceptor wastes by the CWT rule during the comment period for the original proposal, the 1996 Notice of Data Availability, and the 1999 proposal. Some of these wastes are from non-industrial sources and some are from industrial sources. Some are treated at central locations designed to exclusively treat grease trap/interceptor wastes and some of these wastes are treated at traditional CWT facilities with traditional CWT wastes. Examples of the types of customers which generate these grease trap/interceptor wastes include, but are not limited to, the following: auto and truck maintenance and repair shops, auto body and parts shops, car washes, gas stations, commercial bottling facilities, food and produce distribution shops, restaurants, and tire shops.

Throughout the development of this rule, EPA has directed its efforts to CWT operations that treat and/or recover off-site *industrial* wastes. As such, grease/trap interceptor wastes would not fall within the scope of this rule. Grease trap/interceptor wastes are defined as animal or vegetable fats/oils from grease traps or interceptors generated by facilities engaged in food service activities. Such facilities include, but are not limited to, restaurants, cafeterias,

caterers, commercial bottling facilities, and food and distribution shops. Excluded grease trap/interceptor wastes should not contain any hazardous chemicals or materials that would prevent the fats/oils from being recovered and recycled.

Wastewater discharges from the centralized treatment of wastes produced from oil interceptors, however, which are designed to collect petroleum-based oils, sand, etc. from industrial type processes, are a different case and EPA has determined that this wastewater is properly subject to this rule. Examples of facilities that produce oil interceptor waste include, but are not limited to, auto and truck maintenance and repair shops; auto body and parts shops; car washes; and gas stations. EPA collected data on the types and concentrations of pollutants in oil interceptor wastes through comments and EPA sampling. The data show, that like other CWT wastes, the concentration of pollutants can vary greatly from one wastestream to another. EPA's sampling data show that these materials can be very similar in nature and concentration to other wastes covered by this rule. Consequently, EPA has determined these wastes should be included within the scope of this rule.

Food Processing Wastes **3.1.23**

During development of this rule, EPA did not collect information from facilities engaged in centralized waste treatment of food processing wastes. As detailed in Section 3.1.22, EPA envisioned that this rule would be limited to the treatment and/or recovery of off-site *industrial* wastes. While food processing may be an "industrial" activity, these wastes do not contain heavy metals, concentrated organics, or petroleum based oils. In terms of contaminants of concern, these wastes are similar to those generated by cafeterias, restaurants, etc. Consequently, the final guidelines will not apply to animal and vegetable fats/oils wastewaters at CWT facilities, specifically those generated by

food processors/manufacturers.

Sanitary Wastes and/or Chemical Toilet Wastes **3.1.24**

The CWT rule would regulate facilities which treat, or recover materials from, off-site industrial wastes and wastewaters. Sanitary wastes such as chemical toilet wastes and septage are not covered by the provisions of the CWT rule. EPA expects that permit writers would develop BPJ limitations or local limits to establish site-specific permit requirements for any commercial sanitary waste treatment facility.

Similarly, sanitary wastes or chemical toilet wastes received from off-site and treated at an industrial facility or a CWT facility are not subject to the provisions of the CWT rule. If these wastes are mixed with industrial wastes, EPA would expect that, as is the case now with ancillary sanitary waste flows mixed for treatment at facilities subject to national effluent guidelines and standards, the permit writer would establish BPJ, site-specific permit requirements.

Treatability, Research and Development, and Analytical Studies **3.1.25**

During the initial stages of development of this rule, EPA did not envision regulation of facilities which accept off-site wastes for treatability studies, research and development, or chemical or physical analysis. As such, EPA did not attempt to collect information on these activities. However, EPA received comment to its proposals asking that EPA clarify its coverage of these activities by this rule.

EPA has very little information on these activities. Based on comments, these activities, arguably, would fall within the definition of Centralized Waste Treatment since they accept off-site wastes. The purpose of these activities is not treatment or recovery, but rather the evaluation of different treatment techniques. Consequently, EPA has concluded that treatability, research and development or analytical activities should not be subject to

provisions of the CWT rule.

Permit writers and local authorities should use their Best Professional Judgment (BPJ) and local limits authority to establish limitations and standards for these wastestreams. Under EPA's regulations, permit writers or local control authorities must include technology-based limits either for any toxic pollutant which is or may be discharged at a level greater than the level which can be achieved by treatment requirements appropriate to the permittee or for any pollutant which may pass through or interfere with POTW operations. (See 40 CFR §§ 122.44(e), 125.3.) *See also* 40 CFR § 403.5. EPA would expect that, in some cases, wastewater associated with these activities might look very much like the wastestreams regulated under this rule. In those circumstances, permit writers (and local control authorities) may want to consider the technical development document developed for the CWT guideline when the permit writer establishes case-by-case limitations under NPDES regulations at 40 CFR § 125.3 or the control authority establishes local limits under the General Pretreatment Regulations at 40 CFR § 403.5.

EPA notes that if a CWT facility accepts off-site wastes for treatability, research and development, or analytical activities, and commingles any resulting wastewaters with other covered wastewaters prior to discharge, these wastewaters would be subject to provisions of this rule.

Table 3-3. Examples of Regulated and Non-Regulated CWT Operations

Centralized Waste Treatment Activity	Regulated by this rule	Not Regulated by this rule	For Further Info See:
Those performed at federally owned facilities	All federally owned CWT operations	None	Section 3.1.4
POTWs	None	All	Section 3.1.6
Thermal drying of POTW biosolids	None	All	Section 3.1.7
Sanitary wastes or toilet wastes	None	All	Section 3.1.24
Food processing wastes	None	All	Section 3.1.23
Manufacturing facilities	Those that accept off-site wastes for treatment and/or recovery that are not generated in a manufacturing process subject to the same limitations/standards as on-site generated waste or that the permit writer determines are not similar to, and compatible with, the on-site waste	All others	Section 3.1.1
Product stewardship	Those that accept waste materials from use of their products that are not similar to, and compatible with, treatment of waste generated on-site	Those that accept back their unused products, shipping and storage containers with product residues, and off-specification products	Section 3.1.3
Petroleum refineries (SIC Code 2911) and petroleum distribution terminals (SIC Code 4612, 4613, 5171, 5172)	For off-site materials other than those listed in the next column, see discussion for manufacturing facilities.	Those that receive and manage off-site petroleum-containing materials generated by petroleum exploration, production, transportation, refining and marketing activities	Section 3.1.1
Pulp and paper off-site landfill leachates	None	Those that receive off-site leachates which are from dedicated pulp and paper landfills	Section 3.1.1
Pipeline materials	Materials received via pipeline from waste consolidators or commingled with other covered CWT wastewaters	All other piped materials	Section 3.1.2
Recycle/recovery activities	All unless specifically excluded elsewhere		Section 3.1.16
Traditional solvent recovery	None	All	Section 3.1.19
Fuel blenders	Those that generate a wastewater	“Dry” operations	Section 3.1.19
Scrap metals recyclers	None	All	Section 3.1.12
Silver recovery	Only included where wastewater generated from these activities is commingled with other covered waters	All others	Section 3.1.17
Used oil filters	Those that generate a wastewater	“Dry” operations	Section 3.1.21

Centralized Waste Treatment Activity	Regulated by this rule	Not Regulated by this rule	For Further Info See:
HTMR	Those that generate a wastewater	“Dry” operations	Section 3.1.18
Used glycol recovery	All	None	Section 3.1.16
Re-refining	All	None	Section 3.1.20
Solids, soils, and sludges	Those activities which generate a wastewater unless specifically excluded elsewhere	“Dry” operations	Section 3.1.11
Stabilization/Solidification	Those that generate a wastewater	“Dry” operations	Section 3.1.14
Transfer stations and recycling centers	None	All	Section 3.1.13
Incinerators	All others	Facilities which accept off-site wastes exclusively for incineration activities	Section 3.1.10
Transportation and/or transportation equipment cleaning	Only included where wastewater generated from these activities is commingled with other covered waters	All others	Section 3.1.8
Landfills	Only included where wastewater generated from these activities is commingled with other covered waters	All others	Section 3.1.9
Grease trap/interceptor wastes	Those which contain petroleum based oils	Those which contain animal or vegetable fats/oils	Section 3.1.22
Marine generated wastes	Only included where wastewater generated from these activities is commingled with other covered waters	All others	Section 3.1.5
Waste, wastewater or used material re-use	Those activities not listed in the next column or excluded elsewhere	Not covered if the wastewater is accepted for use in place of potable water or if materials are accepted in place of virgin treatment chemicals.	Section 3.1.15
Treatability, research and development, or analytical activities	Only included where wastewater generated from these activities is commingled with other covered waters	All others	Section 3.1.25