

## Frequently- Asked Questions (December 2006)

This December 2006 Frequently Asked Questions (FAQs) is a second addendum to Chapter 10, Questions and Answers, of the Small Entity Compliance Guide (EPA 821-B-01-003), June 2001 for the Centralized Waste Treatment Effluent Guidelines Limitations and Standards (40 CFR Part 437).

These new FAQs provide some overall guidance on evaluating the applicability of the CWT rule as well as specific guidance on various newly raised applicability questions. This guidance supplements that provided in the CWT Small Entity Compliance Guide and the preamble to the regulation.

### **Overall Applicability: Centralized Waste Treatment (CWT), 40 CFR 437**

To aid regulators and possible CWT facilities in evaluating CWT applicability, EPA suggests you ask, at a minimum, the following five questions:

1. Does the discharging facility accept wastes, wastewater, or used materials from off-site for treatment and/or recovery?
2. Is the activity appropriately considered treatment and recovery?
3. Are the off-site wastes generated from industrial applications?
4. Are the types of pollutant removed and the treatment technologies employed similar to those evaluated during development of the CWT rule?
5. Are resulting wastewaters discharged directly to waters of the U.S. or indirectly to a Publicly Owned Treatment Works (POTW)?

If the answer to *all* of the questions posed above is yes or maybe, then you should continue to evaluate the possible applicability of the CWT rule to these discharges.

If the answer to *any* of the questions posed above is No, then the CWT rule does not apply.

**Specific Applicability Issues: Centralized Waste Treatment (CWT), 40 CFR 437**

The following is a summary table of the applicability issued discussed below:

**Summary of Applicability Issues Discussed in December 2006 FAQ for CWT**

<b>Activity</b>	<b>Wastewater Discharges Covered by this Rule</b>	<b>Wastewater Discharges Not covered by this rule</b>	<b>For further information, see:</b>
Mobile activities such as power or truck washing, carpet cleaning, or heating ventilation/air conditioning servicing	Only if treated at a facility that is otherwise a CWT	All others	Questions 1,2,3, and 7
Oil or antifreeze change out at gas stations or oil change facilities	Only if treated at a facility that is otherwise a CWT.	All others	Questions 4,5,6

<b>Activity</b>	<b>Wastewater Discharges Covered by this Rule</b>	<b>Wastewater Discharges Not covered by this rule</b>	<b>For further information, see:</b>
Railroad line maintenance operations (including spill clean up from railroad operations) at a railroad line maintenance facility	None	All	Questions 9 and 10
Emergency response or environmental clean-up/ remediation	If materials are industrial and treated off-site	All others	Question 8
Ion exchange or resin regenerations	If materials are industrial and treated off-site	All others	Question 11
Off-site medical/hospital sterilization	None	All	Question 12
POTW sludge processing	None	All	Question 13

Q1. Are mobile power washing, mobile truck washing or mobile carpet cleaners subject to the CWT rule?

A1. In most cases, the answer is NO. As defined in 437.2(c), a CWT facility is a “facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used materials received from off-site.” For this regulation, cleaning or power washing operations do not result in the treatment or recovery of industrial wastewater from offsite. However, if a facility otherwise defined as a CWT treats and discharges cleaning or power washing wastewater originating from an industrial source, then these discharges would be subject to the CWT rule.

Q2. In the case of mobile power washers, mobile truck washers or mobile carpet cleaners, what if these companies take the resulting wastewater back to their facility and discharge it, either with or without treating it? Would these be subject to the CWT rule?

A2. In most cases, the answer is NO. As indicated above, cleaning and power washing operations in the absence of other CWT operations are not CWT operations. Thus, discharges from these types of operations would not generally be subject to the CWT rule. While the wastewater is treated and discharged off-site of the place of its generation, the generator retains the wastewater at all times during transportation and treatment for discharge.

Q3. What if a mobile power washing, truck washing or carpet cleaner has a treatment facility for its resulting wastewaters and wants to accept mobile power washing, truck washing, or carpet cleaning wastewater generated from other mobile power washing, truck washing, or carpet washing operations? It would be taking wastewaters generated off-site for treatment. Would these off-site wastewaters be subject to the CWT rule?

A3. In most cases, the answer is NO. In this case, because the facility would be taking off-site wastewater for treatment, it would fall within the definition of a CWT facility (as long as the off-site wastewater was generated at industrial, rather than domestic, sources.) However, the CWT rule does not apply to wastewater discharges from a CWT facility if it can demonstrate that the off-site wastes are of a similar nature and the treatment of such wastes are compatible with the treatment of non-CWT wastewaters generated and treated by the CWT facility. See 437.1(b)(2). EPA expects this would apply to this example.

Q4. Wastewater discharges at CWT facilities that accept used oil and antifreeze are subject to the CWT rule. What about gas stations and oil change facilities? Are they subject to the CWT rule?

A4. No. Gas stations and oil change facilities that generate used oil and used antifreeze as part of their routine operations would not be considered CWT facilities. In this case, EPA would consider the used oil/antifreeze to be generated at the point of service. This is consistent with the rulemaking record for the CWT regulations that indicates that wastes or used material generated as the result of servicing mobile sources should be considered as being generated at the location the service is rendered. (See DCN 39.7). These wastewater discharges would be subject to Part 403 prohibitions and local limits (or NPDES regulations for direct dischargers).

Q5. What about gas stations and oil change facilities that also collect used oil and used antifreeze from individuals and other companies? In this case, the generation site is different from the collection site. Furthermore, these facilities are competing with traditional oils and organic subcategory CWT facilities that similarly accept these types of used materials.

A5. In most cases, the answer is NO. If these facilities treat (for disposal, recycling, or recovery) off-site used materials, then these facilities would fall under the definition of a CWT. However, the CWT rule would not apply to wastewater discharges from a CWT facility if it can demonstrate that the off-site used materials/wastes are of a similar nature and the treatment of such used materials/wastes are compatible with the treatment of non-CWT wastewaters generated and treated by the CWT. See 437.1(b)(2). EPA expects this would apply to this example. As above, such wastewater discharges would be subject to Part 403 prohibitions and local limits (or NPDES regulations for direct dischargers).

Q6. Following up on Q5, what about oil change facilities or gas stations that collect off-site used oil and/or used antifreeze but provide no treatment prior to discharging to the POTW? Are they subject to the CWT rule? Why aren't they required to comply with the CWT rule?

A6. No. The CWT rule does not apply to these facilities because they are not the facilities EPA intended to regulate in the CWT rule promulgated on August 28, 2000. EPA cautions, however, that such untreated discharge practices would be subject to Part 403 prohibitions and local limits (or NPDES regulations for direct dischargers) and expects that untreated discharges of such materials would generally violate oil and grease and other discharge requirements. In such situations, permit or control authorities would need to either establish appropriate controls or deny such discharges. Where treatment was then provided to comply with these requirements, the situation would become identical to that in question 5 above.

Q7. What about heating ventilation and/or air conditioning businesses? Many collect and generate used materials during servicing at an off-site location. Are they subject to the CWT rule?

A7. No. Heating and air conditioning servicing is a separate business from centralized waste treatment. While these operations may generate some wastes or used materials, the purpose of the operations is not treatment or recovery of wastes/used materials. For this regulation, EPA does not consider wastewater discharges associated with heating and air conditioning servicing operations to be subject to the CWT rule unless they are commingled with other CWT wastewaters. Also see responses to Questions 2 and 3 above.

Q8. Are emergency response companies or those that perform environmental clean-up and/or remediation considered CWT facilities?

A8. Maybe. If resulting wastewaters, wastes, or used materials are subsequently brought back to an offsite location for treatment and/or recovery and the wastewaters, wastes, or used materials can be characterized as industrial, then the discharge of such wastewater would be subject to 437.

Q9. What about railroad maintenance facilities? Are they subject to the CWT rule?

A9. No. Railroad line maintenance facilities are not subject to the CWT rule. Rather, they were considered during development of the Metal Products and Machinery rulemaking (40 CFR part 438). See 68 FR 25710-25711.

Q10. What about spill or accident clean-up from railroad maintenance facilities or railroad operations? Are they subject to the CWT rule?

A10. No. If the spill or accident occurred and was treated and discharged at the railroad maintenance facility then any resulting wastewater would be generated on-site and CWT would not apply. In the event of a spill or accident not at a railroad line maintenance facility, EPA assumes that resulting wastewaters from spill or accident clean-up from other railroad operations would be treated at the railroad maintenance facilities. As long as the resulting wastewaters are similar to the on-site generated wastewater and compatible with the treatment system, then these wastewaters would not be subject to the CWT rule.

Q11. What about facilities that perform ion exchange or resin regenerations? Are they subject to the CWT rule?

A11. Maybe. As detailed in EPA's comment response document for the CWT rule (see DCN 39.7), a contractor or vendor facility that receives and regenerates spent ion exchange resin from off-site is a CWT facility. This type of facility accepts materials from off-site for treatment and/or recovery. However, EPA notes that this refers to media or canisters used in *industrial* applications, and not for demineralization or water softening-

related regenerations (e.g., drinking water-related regenerations). As a further point of clarification, demineralization or water softening-related regenerations would be exempt, even if they're from an industrial facility.

Q12. Are facilities that sterilize off-site generated medical/hospital/biological wastes subject to the CWT rule?

A12. No. The types of pollutants removed (e.g., biological) and the treatment technologies employed by these types of facilities are fundamentally different from those evaluated during development of the CWT rulemaking. In comparing sterilization to the model treatment technologies for the CWT regulation, it is clear that sterilization is not "treatment" in the sense envisioned and evaluated for the CWT regulation. Therefore, EPA concludes subjecting wastewaters discharged from these activities to the CWT rule is not appropriate. Rather, wastewater discharges would be subject to Part 403 prohibitions and local limits (or NPDES regulations for direct dischargers).

Q13. Thermal drying of POTW sludges was excluded from the CWT rule. What about facilities that process POTW sludges using other methods? Are they subject to the CWT rule?

A13. No. The rationale for excluding thermal drying of POTW biosolids from the provisions of the CWT requirements (i.e., that the wastewater generated from the drying facilities should contain the same pollutants being treated at the POTW, and should thus be compatible with the treatment system at the POTW when the wastewater is returned to the POTW), similarly applies to other methods of processing POTW sludges (See 64 FR 81261). Therefore, processing of POTW sludges, regardless of the method used, is not subject to CWT requirements.