



US Army Corps
of Engineers

HTRW Center of Expertise Information - Fact Sheets

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HTRW Center of Expertise Fact Sheet FY 06-01

Title: Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Exemption)

Date: October 4, 2005

SARS RIN #:2050- AE84

Action Type: Final Rule

Cite: 70 FR 57769

Applicability: This applies to wastewaters managed under an exemption from the definition of hazardous waste subject to regulation under section 402 or 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater). This is known as the "Headworks Exemption" and is codified in 40 CFR 261.3(a)(2)(iv).

Summary: This rule modifies the definition of hazardous waste regarding the "Headworks Exemption" in 40 CFR 261.3(a)(2)(iv) as follows:

- This rule makes two F005 spent solvents, benzene and 2-ethoxyethanol, eligible for the wastewater exemption. As a condition of the exemption, benzene must be treated in an aerated biological wastewater treatment system and with only lined surface impoundments or tanks prior to secondary clarification. Benzene is added to the group of solvents exempt provided they are not present in the wastewater above the 1 ppm weekly average standard specified in the rule. 2-Ethoxyethanol is added to the group of solvents exempt provided they are not present in the wastewater above the 25 ppm weekly average standard specified in the rule.
- This rule expands the wastewater exemption to include scrubber waters solely derived-from the combustion of any of the exempted solvents. These solvents are benzene, carbon tetrachloride; tetrachloroethylene; trichloroethylene; methylene chloride; 1,1,1-trichloroethane; chlorobenzene; o-dichlorobenzene; cresols; cresylic acid; nitrobenzene; toluene; methyl ethyl ketone; carbon disulfide; isobutanol; pyridine; spent chlorofluorocarbon solvents; and 2-ethoxyethanol. See the rule for concentration restrictions and means of measuring.
- This rule expands options for demonstrating compliance with concentration restrictions under the wastewater exemption. At facilities subject to Clean Air Act regulations or subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions, direct measurement of solvent concentrations at the headworks of the wastewater treatment system can be used in lieu of mass balance calculations. To be eligible for the measurement approach, a facility must prepare a sampling and analysis plan and obtain confirmation that the plan was received by the State or EPA.
- This rule expands the exemption for "de minimis" losses to wastewater.

<p>De minimis losses are "inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing". Previously the de minimis exemption was limited to P and U listed waste from manufacturing facilities. The new rule expands the exemption to all types of listed waste (F, K, P, and U) and to both manufacturing and non-manufacturing facilities. To claim the exemption, discharge of wastewaters must either have been eliminated or hazardous constituents must have been identified in the facility Clean Water Act permit application or to the pretreatment control authority.</p>
<p>No negative impacts are expected as a result of this rule. There may be some opportunity for reduction in volumes of hazardous waste generated.</p>
<p>Effective Date: The rule is less stringent than previously existing standards and as such becomes effective on November 3, 2005 only in states not authorized to administer the RCRA program. In RCRA authorized states, the requirements of this rule will not become effective unless the state acts to adopt similar provisions.</p>
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