



# **Advanced RCRA - HW Permit Exemptions and Exclusions**





# **HW Permit Requirements**

**Most HW Permit requirements are found in 40 CFR 264 and 40 CFR 270.**

**Storage or Treatment of a hazardous waste requires a permit. However, there are some exceptions to this.**

**Disposal also requires a permit, but it will not be discussed in this presentation.**



# HW Permitting Exclusions and Exemptions

**40 CFR 270.1(c)(2) *Specific exclusions and exemptions.*** The following persons are among those who are not required to obtain a RCRA permit:

**(i) Generators who accumulate hazardous waste on site in compliance with all of the conditions for exemption provided in 40 CFR 262.14, 262.15, 262.16, and 262.17.**



# **Exempt from HW Permit Requirements - Storage**

**Storage of a hazardous waste requires a permit.**

**However, there are some exceptions to this. SQGs and LQGs that accumulate HW in accordance with the management standards in 40 CFR 262 do not need to obtain a storage permit. For example - <180 or 90 day accumulation, labels, dates, contingency plans, etc.**



# Definitions – Container

[40 CFR 260.10]

- ***Container*** means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.



# Definitions

[40 CFR 260.10]

- ***Tank* means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.**



# **Exempt from HW Permit Requirements - Treatment**

**Treatment of a hazardous waste requires a permit.**

**However, there are some exceptions to this.**

**Common ones are described in the following slides.**



# Definitions - Treatment

[40 CFR 260.10]

## ***Treatment***

**means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.**





# **Exempt HW Treatment – Tanks and Containers**

## ***Generator Treatment in Tanks or Containers***

**SQGs and LQGs may treat hazardous waste in tanks or containers under certain conditions.**



# **Exempt HW Treatment in Tanks or Containers**

**Waste Analysis Plan (WAP) [40 CFR 268.7(a)(5)] required if the generator is claiming to treat wastes to meet treatment standards**

**Must be based on a detailed chemical and physical analysis of a representative sample of the waste**

**Must keep on file**

**Must comply with notification requirements of 40 CFR 268.7(a)(3)**

**Records of treatment must be kept**

**Listed wastes are still HW**

**Characteristic wastes may have to be treated further**

**Follow paperwork table for 40 CFR 268.7(a)(3)**

**EPA Guidance booklet for WAPs**



# Exempt HW - HW Treated in Containers





# **Exempt HW Treatment – Elementary Neutralization Units**

***Elementary Neutralization Units (ENUs)***





# HW Permitting Exclusions and Exemptions

**40 CFR 270.1(c)(2) *Specific exclusions and exemptions.*** The following persons are among those who are not required to obtain a RCRA permit:

**(v) Owners and operators of elementary neutralization units or wastewater treatment units as defined in 40 CFR 260.10.**



# Exempt HW Treatment – Elementary Neutralization Units (ENUs)

**40 CFR 264.1(g) The requirements of this part do not apply to:**

**(6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 40 CFR 260.10 of this chapter, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR 268.40 of this chapter, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in 40 CFR 264.17(b).**



# Definitions - ENU

[40 CFR 260.10]

## *Elementary neutralization unit*

means a device which:

**(1) Is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 40 CFR 261.22, or they are listed in Subpart D 40 CFR Part 261 only for this reason; and**

**(2) Meets the definition of tank, tank system, container, transport vehicle, or vessel in 40 CFR 260.10.**



# Exempt HW Treatment - ENUs

## **Important points:**

- (1) The wastewater is a corrosive only. No other constituents allowed, like lead. If any other constituent is present that would render the waste hazardous, then it is not exempt. However, the treatment may qualify for generator treatment in a tank or container.**
- (2) The neutralization can be done in either tanks or containers.**
- (3) If neutralized, the waste is non-hazardous.**





# Exempt HW Treatment – Elementary Neutralization



ENU? - No



ENU? - Yes



# **Exempt HW Treatment – Wastewater Treatment Units (WWTU)**

*Wastewater Treatment Units (WWTUs)*



# HW Permitting Exclusions and Exemptions

**40 CFR 270.1(c)(2) *Specific exclusions and exemptions.* The following persons are among those who are not required to obtain a RCRA permit:**

**(v) Owners and operators of elementary neutralization units or wastewater treatment units as defined in 40 CFR 260.10.**



# Exempt HW Treatment – Wastewater Treatment (WWTUs)

**40 CFR 264.1(g) The requirements of this part do not apply to:**

**(6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 40 CFR 260.10 of this chapter, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR 268.40 of this chapter, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in 40 CFR 264.17(b).**





# Definitions - WWTU

[40 CFR 260.10]

**Wastewater treatment unit** means a device which:

- (1) Is part of a wastewater treatment facility that is subject to regulation under either section 402 or 307(b) of the Clean Water Act; and**
- (2) Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 40 CFR 261.3 of this chapter, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 40 CFR 261.3 of this chapter, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 40 CFR 261.3 of this Chapter; and**
- (3) Meets the definition of tank or tank system in 40 CFR 260.10 of this chapter.**



# Exempt HW Treatment - WWTU

## **Important points:**

- (1) The wastewater is a wastewater. No real definition of how much water to waste in wastestream.**
- (2) The wastewater is hazardous. The wastewater remains hazardous until it is treated. The treatment is exempt, not the waste.**
- (3) (3) All of the treatment occurs in a tank or tank system. If any treatment or storage is conducted in a container, then it does not meet the exemption. Waste may be accumulated in containers prior to treatment, but if so, then the waste must be managed under all applicable generator requirements.**
- (4) If the wastewater is treated, then the water may be non-hazardous, but there may be hazardous waste residues greeted like filter cake of sludge (example – F006 or F019)**



# Exempt HW Treatment – Wastewater Treatment Units (WWTUs)







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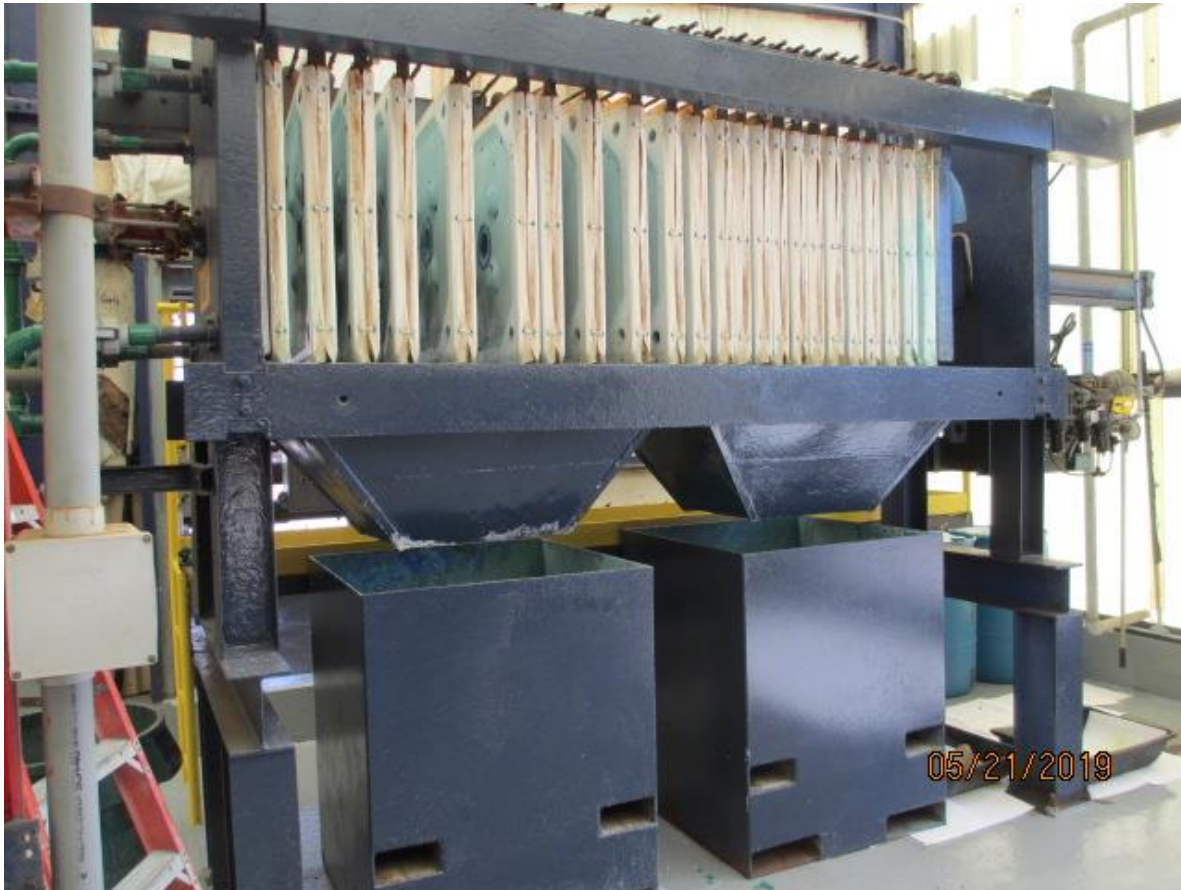


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