

## Nov. 12, 2008 NEWOA Call on the Clean Water Act and RCRA Regulatory Interface

### Agenda

- Jeff Fowley, EPA Region 1 Attorney, will summarize federal CWA-RCRA requirements, address questions submitted by state programs prior to the call, and comment generally on Region I state programs.
- Representatives from each state will briefly describe their state programs and raise questions/issues for discussion.
- Discussion, Q&A and determination of any follow-up activities by NEWMOA/other participants will follow.

### Minutes

#### **Conn.** – Ross reporting

- RCRA and CWA programs are separate with separate staff. Joint inspections occur rarely.
- They have had training for DEP program staff on other DEP programs.
- They have a multimedia checklist.
- Pouring hazardous waste down the drain is both a violation of RCRA and CWA and in Conn. one or the other program takes the lead with enforcement.
- Conn. has an evaporator policy – can't evaporate a HW, but can evaporate a non-HW until it becomes a HW.
- Conn. points out there is no definition of "wastewater"
- Definition of sludge includes liquid

#### **Maine** - Rick Kaselis reporting

- Maine does not have WWT unit exemption from RCRA.
- Abbreviated license needed for units treating haz waste and POTW needs license by rule for treating waste (not just dilution). The POTW must demonstrate that it can treat the proposed hazardous waste stream.

#### **Mass**

- adopted EPA guidance
- Operation & Maintenance standards have been adopted
  - if unit connected with hard piping to POTW then HW is exempt from count of generator HW when determining status
  - if unit is not connected and waste brought to off site POTW, then POTW is a TSDF and needs a permit. Mass is more stringent here than EPA and some other states

#### **NH**

- wastewater treatment unit defined similar to Feds
- Doesn't have mixtures with domestic sewage exemption
- waste is HW until it gets to elementary neutralization unit
- NH does look at air quality
- Limited permit required for closed loop system to POTW

- Prohibits dumping lab chemicals down the drain
- NH RCRA program touches base with CWA programs before inspections. RCRA/CWA people going to go out together for cross training
- Interacts with NPDES too

**NJ** - Mike reporting.

- Extensive programs but try to keep it simple (any unit to treat wastewater is not RCRA) “to keep from stepping on others toes”
- Evaporators go to air program
- water treatment not designed for disposal of chemicals and would be illegal (designed for industrial process water)

**NY** - DEC. Same as EPA but no underground injection program. RCRA same as EPA but in some cases more stringent (training)

- Like EPA, no specific definition of “wastewater” but there is an advantage to this... (gave example)
- Conflicting EPA guidance related to evaporators (DEC letter to EPA Region 2 pointing to 6 different EPA guidances where conflict)
- Use of misters same as evaporators? NY thinks no (no thermal input).
- Had cross-training a few years ago
- CWA or RCRA program takes the lead on a case by case basis

**RI** - Not on call

**Vermont** - Steve reporting

- Vt does not do joint inspections, but do interact with other programs as necessary.
- industrial discharge exemption, need paperwork for exemption to apply
- No evaporation of federal hazardous waste, may permit state-regulated waste for evaporation
- No dumping lab chemicals down the drain
- no cross training recently
- Vermont’s wastewater folks rarely contact RCRA folks but sometimes RCRA contacts wastewater program

At end of call it was discussed if HQ should do a training on the new redefinition of solid waste. The states tended to agree that this should be a Q&A rather than a presentation. It was suggested that a call be scheduled for January.