

Wastewater Treatment Tank Systems

EPA's Office of Underground Storage Tanks developed this document to provide information regarding which wastewater treatment tanks systems are regulated under the existing underground storage tank (UST) regulations and which ones EPA is proposing to regulate under the proposed UST regulations. Page 5 contains an illustration that can help determine which wastewater treatment tank systems will be affected by the proposed UST regulations. For information about the proposed UST regulations, see EPA's website www.epa.gov/oust/fedlaws/proposedregs.html

This document is designed to further inform public comment and contains background information about EPA's proposal to change the 1988 federal UST regulations. It is not a substitute for information in 40 CFR parts 280 and 281 or EPA's notice of proposed rulemaking published in the November 18, 2011 *Federal Register*.

What is a wastewater treatment tank system?

A wastewater treatment tank system is designed to receive and treat influent wastewater through physical, chemical, or biological methods. That means if wastewater flows through a system and is treated in some way, then that system is considered a wastewater treatment tank system. For example, oil-water separators treat wastewater by separating the oil from the water and therefore are wastewater treatment tank systems.

When is a wastewater treatment tank system regulated under the underground storage tank (UST) regulation (40 CFR part 280)?

To determine whether a wastewater treatment tank system is regulated, you need to determine whether the system meets the definition of an UST and whether the system is excluded from the regulations.

1. Is the wastewater treatment tank system considered an UST system?

Is 10 percent of the wastewater treatment tank system beneath the surface of the ground? To be considered an UST, the tank, including underground piping, must be 10 percent or more beneath the surface of the ground. The term UST **does not** include the following systems: septic tanks; surface impoundments, pits, ponds or lagoons; storm-water or wastewater collection systems; flow-through process tanks; or liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.¹

and

Does the wastewater treatment tank system contain an accumulation of substances covered under the UST regulation? To be considered an UST system, the system must contain an accumulation of regulated substances.

¹ 40 CFR part 280.12. Definition of Underground Storage Tank

Regulated substances are: petroleum that is liquid at standard temperature and pressure, and hazardous substances listed in section 101(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. EPA considers petroleum to be a complex blend of hydrocarbons. Examples of petroleum include motor fuel, jet fuel, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.² The UST regulation does not apply to substances such as cooking grease or cooking oil because they are not complex blends of hydrocarbons.

2. Is the UST system currently excluded? This means that none of the UST regulations will apply to the UST system. The current UST rule excludes³:
 - Any UST system holding hazardous wastes listed or identified under Subtitle C of the Resource Conservation and Recovery Act (RCRA), or a mixture of such hazardous waste and other regulated substances;
 - Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act;
 - Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - Any UST system whose capacity is 110 gallons or less;
 - Any UST system that contains a *de minimis* concentration of regulated substances; and,
 - Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

Note that a separate UST used to collect and store regulated substances discharged from the wastewater treatment tank system is currently regulated and will continue to be regulated under the proposal.

How are wastewater treatment tank systems currently regulated?

Wastewater treatment tank systems are currently regulated as follows:

- Wastewater treatment tank systems that are part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act (CWA) **are excluded** from the UST regulation.⁴ This means none of the UST regulatory requirements apply.
- All other wastewater treatment tank systems **are deferred** from most of the UST regulation.⁵ These systems are only required to meet interim prohibition, release response, and corrective action requirements.

² 40 CFR part 280.12 Definition of Regulated Substance

³ 40 CFR part 280.10(b)

⁴ 40 CFR part 280.10(b)

⁵ 40 CFR part 280.10(c)(1)

How is EPA proposing to regulate wastewater treatment tank systems?

EPA is proposing to regulate wastewater treatment tank systems as follows:

- Wastewater treatment tank systems that are part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act will **continue to be excluded** from the UST regulation.
- EPA is proposing to **remove the deferral** for all other wastewater treatment tank systems, which means those systems would be regulated the same as other UST systems under the current requirements of 40 CFR part 280. In addition to the current requirements, EPA's proposal includes new secondary containment, operator training, and periodic operation and maintenance requirements.

What does it mean to be regulated under sections 402 or 307(b) of the Clean Water Act (CWA) and *not be* regulated under the current or proposed UST regulations?

The Clean Water Act authorizes the National Pollutant Discharge Elimination System (NPDES) program, which regulates point source discharges of treated water into the nation's waters. Examples of point sources include the points of discharge from conveyances such as pipes or man-made ditches.

Facilities regulated under the CWA must be permitted to discharge into the nation's waters (section 402) or must follow pretreatment standards (section 307(b)) to control pollutant discharges into publicly owned treatment works (POTWs) and municipal sewer systems. For wastewater treatment tanks at facilities regulated by the CWA, EPA decided to exclude those tanks from regulation in its original regulations. For more information on the NPDES program see: http://cfpub.epa.gov/npdes/regs.cfm?program_id=45

Under the NPDES program, facilities that discharge treated water to the nation's waters must be permitted according to section 402. Prior to discharge, affected facilities must obtain a NPDES permit issued by the implementing agency. The NPDES permit contains discharge limits and conditions that must be followed to achieve compliance. For more information on section 402, see: <http://water.epa.gov/lawsregs/guidance/wetlands/section402.cfm>

In addition, under the NPDES program, wastewater treatment tanks that discharge to a POTW or a municipal sewer system are regulated by standards listed in section 307(b): National Pretreatment Program. Before discharging to the POTW, affected facilities should ask the implementing agency whether a permit is required or ask the POTW if other control mechanisms are required. For more information on section 307(b), see: http://cfpub.epa.gov/npdes/home.cfm?program_id=3

What wastewater treatment tank systems would be regulated under the proposal?

There are three categories of wastewater treatment UST systems ("wastewater treatment tanks") that would be regulated under the proposed UST regulations. These wastewater treatment tanks must contain an accumulation of regulated substances and not otherwise be excluded under 280.10(b).

1. Those that are regulated under the Underground Injection Control (UIC) program, which is authorized by the Safe Drinking Water Act. For example, wastewater treatment tanks that discharge to one of the classes of underground injection wells identified by the UIC program would be regulated by the proposed regulation. For detailed information on underground injection wells see: <http://water.epa.gov/type/groundwater/uic/index.cfm>.
2. Those which do not discharge wastewater. These tanks receive, treat, and store wastewater until it is pumped out and hauled off-site.
3. Those that discharge wastewater but are not regulated by either the CWA or SDWA. For example, wastewater treatment tanks that discharge to the environment but not to waters of the U.S. or to a UIC well would be regulated by the proposed regulations.

What questions does EPA pose in the UST proposal?

- Are there wastewater treatment tanks that would be subject to the proposed UST regulations? See the illustration on page 5 to help determine if proposed regulations will affect your tank.
 - Please provide information about the number and location of wastewater treatment tank systems that would be regulated.
- Is it most appropriate to regulate, exempt, or continue to defer these systems?
 - Please explain why.

Will my wastewater treatment tank system be affected by the proposed UST regulations?

