

Environmental Protection Agency

§ 437.1

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AUTHORITY: Secs 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended; 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

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§ 437.1 General applicability.

(a) Except as provided in paragraphs (b), (c), or (d) of this section, this part applies to that portion of wastewater discharges from a centralized waste treatment (CWT) facility that results from any of the following activities:

(1) Treatment and recovery of hazardous or non-hazardous industrial metal-bearing wastes, oily wastes and organic-bearing wastes received from off-site; and

(2) The treatment of CWT wastewater.

(b) This part does not apply to the following discharges of wastewater from a CWT facility:

(1) Wastewater from the treatment of wastes that are generated on-site when the wastes generated on-site are otherwise subject to another part of subchapter N.

(2) Wastewater from the treatment of wastes that are generated off-site if the discharger: a) demonstrates that the off-site wastes are generated at a facility that is subject to the same provisions in 40 CFR subchapter N as non-CWT wastes generated at the CWT facility or b) demonstrates that the off-site wastes are of similar nature and the treatment of such wastes are compatible with the treatment of non-CWT wastes generated and treated at the CWT.

(3) Wastewater from the treatment of wastes received from off-site via conduit (*e.g.*, pipelines, channels, ditches, trenches, etc.) from the facility that generates the wastes unless the resulting wastewaters are commingled with other wastewaters subject to this provision. A facility that acts as a waste collection or consolidation center is not a facility that generates wastes.

(4) Wastewater from product stewardship activities, the treatment of sanitary wastes and wastes of domestic origin including chemical toilet wastes, septage, and restaurant wastes or thermal drying of POTW biosolids. Product stewardship activities for purposes of this provision are limited to the following activities at a manufacturing facility: acceptance for treatment or recovery of its unused products, shipping and storage containers with product residues and off-spec products.

(5) Wastewater from solids recovery operations so long as the wastes recovered are from non-industrial sources, and recovery of the wastes does not generate a wastewater or leach appreciable metal or organic chemicals or petroleum-based oil and grease into the water. Examples of solids recovery operations to which this subpart would not apply include, but are not limited to, the recycling of aluminum cans, glass and plastic bottles.

(6) Wastewater from scrap metal processing or auto salvage operations.

(7) Wastewater from transfer stations or municipal recycling centers.

(8) Wastewater from the treatment of, or recovery of material from, animal or vegetable fats/oils from grease traps or interceptors generated by facilities engaged in food service activities.

(9) Wastewater from the treatment of, or recovery of material from, off-site wastes generated by facilities engaged only in food processing.

(10) Wastewater from facilities that are subject to 40 CFR part 442. Wastewater resulting from the treatment of off-site wastewater generated in cleaning transportation equipment (or on-site wastewater generated in cleaning equipment) along with other off-site wastes (subject to this part) not generated in cleaning transportation equipment is, however, subject to this part.

(11) Wastewater resulting from solvent recovery operations if the solvent recovery operations involve the separation of solvent mixtures by distillation.

(12) Wastewater from facilities that are engaged exclusively in centralized silver recovery from used photographic or x-ray materials activities. The discharge resulting from centralized silver recovery from used photographic or x-ray materials that is treated at a CWT facility along with other off-site wastestreams (subject to this part) is subject to this part.

(13) Wastewater from facilities that accept off-site wastes only for treatability studies, research and development, or chemical or physical analysis. The wastewater resulting from treatability studies, research and development, or chemical or physical analysis

that is treated at a CWT facility along with other off-site wastestreams (subject to this part) is subject to this part.

(c) This part also does not apply to the following activities:

(1) "Dry" fuel blending operations, "dry" waste solidification/stabilization operations, "dry" used oil filter or oily absorbents recycling operations, or "dry" high temperature metals recovery operations. However, this part does apply to wastewater discharges from a CWT resulting from any of these operations that do produce wastewater.

(2) The discharge of marine generated wastes including wash water from equipment and tank cleaning, ballast water, bilge water, and other wastes generated (while operating on inland, coastal, or open waters or while berthed) as part of routine ship maintenance and operation as long as they are treated and discharged at the ship servicing facility where it is off-loaded. The discharges resulting from the treatment of marine generated wastes that are off-loaded and subsequently sent to a centralized waste treatment facility at a separate location are, however, subject to this part.

(3) Discharge of wastewater from land treatment units or land application operations.

(4) Discharge of wastewater from facilities that are engaged exclusively in landfilling activities and/or the treatment of landfill wastewaters (whether generated on or off-site). The discharge resulting from the treatment of landfill wastewater, whether generated on-site or off-site, treated at CWT facilities along with other off-site waste is, however, subject to this part.

(5) Discharge of wastewater from facilities that are engaged exclusively in incineration activities. The discharge resulting from the treatment of off-site wastewater generated in the incineration of industrial waste that is treated at a CWT facility along with other off-site wastestreams (subject to this part) is subject to this part.

(d) Notwithstanding paragraph (a) of this section, the provisions of this part are not applicable to any metals treatment and recovery wastewater discharges which are subject to the secondary metals provisions of 40 CFR

part 421, the Nonferrous Metals Manufacturing Point Source Category. These secondary metals subcategories are Subpart C (Secondary Aluminum Smelting Subcategory), Subpart F (Secondary Copper Subcategory), Subpart L (Secondary Silver Subcategory), Subpart M (Secondary Lead Subcategory), Subpart P (Primary and Secondary Germanium and Gallium Subcategory), Subpart Q (Secondary Indium Subcategory), Subpart R (Secondary Mercury Subcategory), Subpart T (Secondary Molybdenum and Vanadium Subcategory), Subpart V (Secondary Nickel Subcategory), Subpart X (Secondary Precious Metals Subcategory), Subpart Z (Secondary Tantalum Subcategory), Subpart AA (Secondary Tin Subcategory), Subpart AB (Primary and Secondary Titanium Subcategory), Subpart AC (Secondary Tungsten and Cobalt Subcategory), and Subpart AD (secondary Uranium Subcategory).

§ 437.2 General definitions.

As used in this part:

(a) The general definitions and abbreviations in 40 CFR part 401 apply to this part.

(b) *Alternative effluent limitations or pretreatment standards* mean effluent limitations determined on a case-by-case basis under section 402(a)(1) of the CWA or pretreatment standards developed as local limits by the control authority under 40 CFR § 403.6(c) that apply to the discharge of wastewater subject to this provision. The permit writer (or control authority) will calculate these limitations or standards using a “building block” approach or the “combined wastestream formula.” Under this approach, the permit writer (or control authority) will develop flow-weighted effluent limitations or standards for the treated combined wastestream by applying the limitations or standards in 40 CFR subchapter N that would otherwise apply to a particular wastestream received from off-site if the wastestream were treated and discharged from the facility at which it was generated.

(c) *Centralized waste treatment (CWT) facility* means any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-haz-

ardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. “CWT facility” includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site. For example, an organic chemical manufacturing plant may, in certain circumstances, be a CWT facility if it treats industrial wastes received from offsite as well as industrial waste generated at the organic chemical manufacturing plant. CWT facilities may also include re-refiners and may be owned by the federal government.

(d) *Centralized waste treatment wastewater* means any wastewater generated as a result of CWT activities. CWT wastewater sources may include, but are not limited to: liquid waste receipts, solubilization water, used oil emulsion-breaking wastewater, tanker truck/drum/roll-off box washes, equipment washes, air pollution control scrubber blow-down, laboratory-derived wastewater, on-site landfill wastewaters, and contaminated storm water.

(e) *Contaminated storm water* means storm water which comes in direct contact with CWT wastes, the waste handling and treatment areas, or other centralized waste treatment wastewater as defined in paragraph (d) of this section.

(f) *Discharger* means a facility that discharges wastewater directly to waters of the United States or introduces wastewater to a publicly-owned treatment works.

(g) *Dry* means not producing a wastewater.

(h) *Equivalent treatment* means a wastewater treatment system that achieves comparable pollutant removals to the applicable treatment technology selected as the basis for the limitations and pretreatment standards. Comparable removals may be demonstrated through literature, treatability tests, or self-monitoring data.

(i) *Fuel blending* means the process of combining waste, wastewater, or used material for the purpose of regenerating a fuel for reuse. However, fuel blending may be loosely applied to any