

APPENDIX 112P

**PUBLICLY OWNED TREATMENT WORKS
(40 CFR 63 Subpart VVV)**

CAA SECTION 112 NESHAP

REGULATION STATUS

EPA issued the Publicly Owned Treatment Works (POTW) NESHAP on 26 Oct 99 ([64 FR 57572](#)). This rule only affects major HAP sources. According to EPA's Integrated Urban Air Toxics Strategy (UATS), they plan to issue a POTW rule for area sources in 2004. [Appendix C](#) contains information on the UATS.

In the final major source rule, the definition of POTW includes certain federally owned treatment works (FOTWs). Despite this unprecedented mixing of terminology by EPA, the rule ultimately is not expected to apply to any military FOTWs. For background information on the impact of this rule on FOTWs, refer to the document titled "[Impact of the POTW NESHAP on FOTWs](#)" on the [Appendix 112P](#) Web Site.

RULE SUMMARY

Applicability

Figure 1 provides a visual means of determining if your POTW or FOTW is subject to the rule.

The treatment works (TW) must be (or be located on) a major source of HAPs. If not, this rule does not apply.

A "publicly owned" POTW must be subject to pretreatment standards in 40 CFR 403.8. If not, this rule does not apply.

A "federally owned" POTW must meet *all of the following*, otherwise this rule does not apply.

- 1) The majority of waste treated must be domestic sewage per the definition of FOTW in section 3023(d) of the Solid Waste Disposal Act which is codified in [42 USC 6939e](#); and
- 2) The plant must be described in [42 USC 6939e](#) looking at the section holistically; and
- 3) The plant must meet the general criteria that trigger pretreatment for POTWs in [40 CFR 403.8](#). For example, one criteria is that the FOTW (or combination of FOTWs operated by the same authority) must have a total design flow greater than 5 million gallons per day.

Even if a POTW or FOTW is not excluded by the preceding criteria, applicability is further limited by the definitions of "industrial POTW" and "nonindustrial POTW" contained in the Key Definitions section below. Any FOTW that is not already excluded will likely be excluded because it will probably be classified as a nonindustrial POTW and the rule does not affect existing nonindustrial facilities.

Industrial TWs

The rule affects new, reconstructed and "existing" industrial TWs. However, the military should not have any industrial FOTWs as defined in the rule (those that treat a NESHAP regulated waste stream). Even FOTWs treating 49% industrial waste will likely be classified as nonindustrial. Only a few NESHAPs currently regulate industrial waste streams, however, future chemical manufacturing NESHAPs may include such requirements. Already issued NESHAPs that regulate industrial waste streams include:

- Benzene Waste Operations NESHAP (40 CFR 61 Subpart FF)
- Hazardous Organics NESHAP (40 CFR 63 Subparts F, G, H, I)
- Pharmaceuticals Production NESHAP (40 CFR 63 Subpart GGG)
- Pulp and Paper Production NESHAP (40 CFR 63 Subpart S).

If the TW is not an industrial TW as defined in this rule then it is a nonindustrial TW.

Nonindustrial TWs

This rule affects new or reconstructed nonindustrial TWs but does not affect "existing" nonindustrial TWs. If a TW is classified as nonindustrial, it is then necessary to determine if the TW is an existing, new, or reconstructed source. An existing TW is one constructed or reconstructed before 01 Dec 98 which was the date this rule was proposed.

Key Definitions

Industrial POTW means a POTW that accepts a waste stream regulated by an industrial NESHAP and provides treatment and controls as an agent for the industrial discharger. The industrial discharger complies with its NESHAP by using the treatment and controls located at the POTW. For example, an industry discharges its benzene-containing waste stream to the POTW for treatment to comply with 40 CFR part 61, Subpart FF--National Emission Standard for Benzene Waste Operations. This definition does not include POTW treating waste streams not specifically regulated under another NESHAP.

Non-industrial POTW means a POTW that does not meet the definition of an industrial POTW as defined above.

Publicly owned treatment works (POTW) means a treatment works, as that term is defined by section 112(e)(5) of the Clean Air Act, which is owned by a municipality (as defined by section 502(4) of the Clean Water Act), a State, an intermunicipal or interstate agency, *or any department, agency, or instrumentality of the Federal Government*. This definition includes any intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment. The wastewater treated by

these facilities is generated by industrial, commercial, and domestic sources. As used in this regulation, the term POTW refers to both any publicly owned treatment works which is owned by a State, municipality, or intermunicipal or interstate agency and therefore eligible to receive grant assistance under the Subchapter II of the Clean Water Act, *and any federally owned treatment works as that term is described in section 3023 of the Solid Waste Disposal Act.*

POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Reconstruction means the replacement of components of an affected or a previously unaffected stationary source such that:

- (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and
- (2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of HAP from that source.

Standards

Control Requirements

The emission points and control requirements for *existing industrial TWs* are specified in the NESHAP for the industrial user.

The emission points and control requirements for *new or reconstructed industrial TWs* are either the ones specified in the appropriate NESHAP for the industrial user, or those specified in §63.1586, whichever are more stringent.

There are no control requirements for *existing nonindustrial TWs*.

The control requirements for *new or reconstructed nonindustrial TWs* consist of the covers specified in §63.1586(a). Alternatively, facilities can comply with an annual rolling average emission fraction of 0.014 or less as specified in §63.1586(b).

Other Requirements

Owners of affected TWs must also comply with applicable inspection, recordkeeping, reporting, notification, and general provision requirements.

An *existing industrial TW* is subject to the additional requirements contained in the industrial NESHAP.

Depending on which control requirements apply based on the determination required in §63.1585(b), a *new or reconstructed industrial TW* must meet either 1) the additional requirements of the industrial NESHAP or 2) the requirements contained in §§63.1586-1590 of the POTW NESHAP.

According to Bob Lucas, EPA, an *existing nonindustrial TW* (constructed or reconstructed before 01 Dec 98) is not subject to any of the additional requirements until such time as it undergoes reconstruction.

A *new or reconstructed nonindustrial TW* (constructed or reconstructed on or after 01 Dec 98) is subject to the additional requirements of sections §§63.1588-1592.

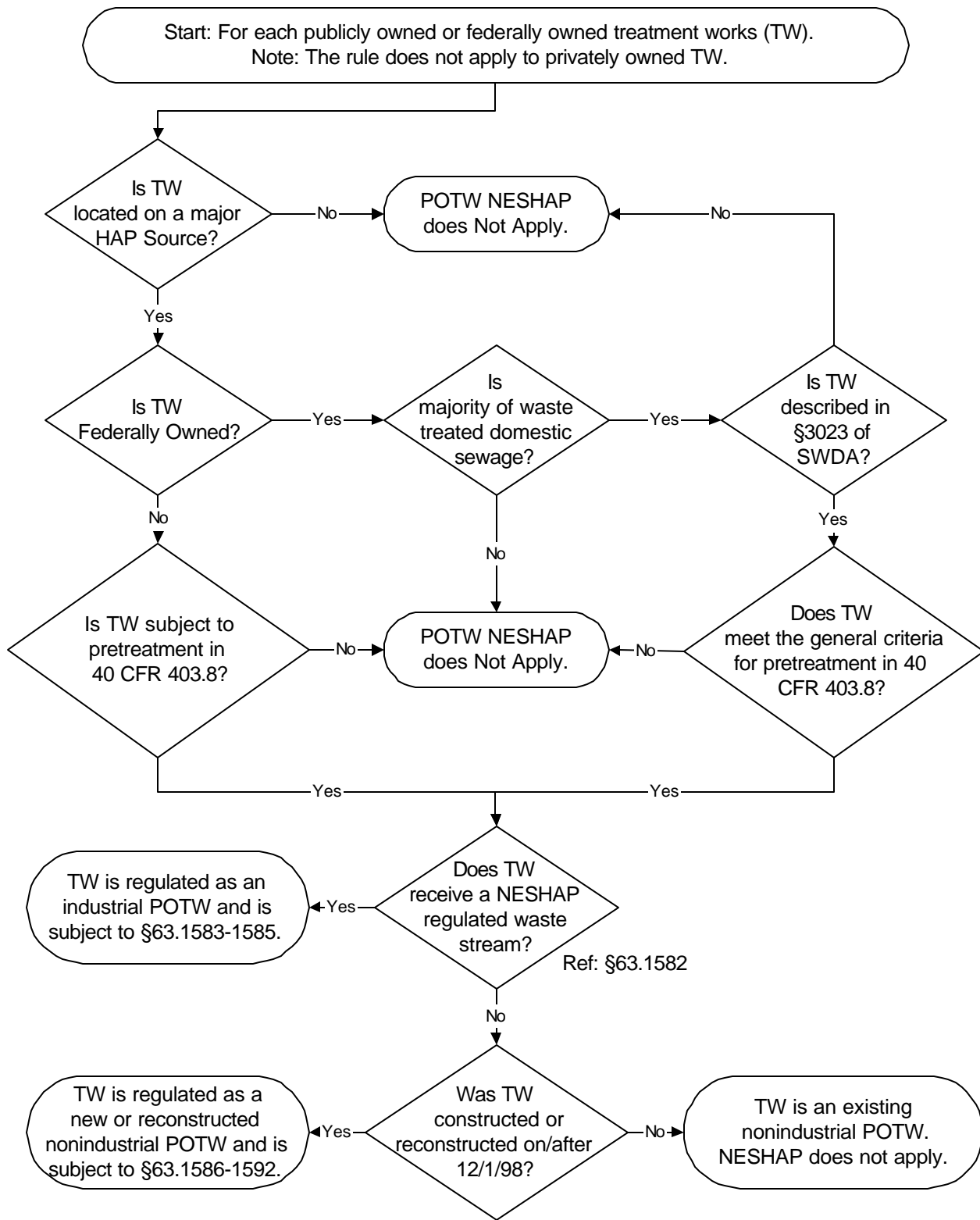
Compliance Deadlines

Existing industrial TWs must comply by the deadline established in the industrial NESHAP or 26 Dec 99, whichever is later.

New or reconstructed industrial TWs must comply as soon as you begin accepting the waste stream(s) for treatment. If, in the future, you begin accepting a specific regulated industrial waste stream(s) for treatment, you must comply by the time specified in the NESHAP for the industrial user.

Existing nonindustrial TWs are not subject to any control requirements or compliance deadlines until such time as it undergoes reconstruction.

New or reconstructed nonindustrial TWs must comply upon startup or by 26 Apr 00, whichever is later.

Figure 1: POTW NESHAP Applicability Flowchart (11/2/99)

MILITARY SOURCES

Industrial FOTWs

The HAP Subcommittee is not aware of any federally-owned industrial POTWs that would be affected by this rule.

Nonindustrial FOTWs

The only foreseeable military impact of this rule will be to federally-owned "nonindustrial" POTWs that:

- 1) are located on a major HAP source, and
- 2) are described in section 3023 of the Solid Waste Disposal Act which is codified in [42 USC 6939e](#), and
- 3) meet the general criteria for triggering pretreatment specified in [40 CFR 403.8](#) (total design capacity exceeding 5 million gallons per day, etc), and
- 4) are (or were) constructed or reconstructed on or after 01 Dec 98.

A few military installations have TWs with a total design capacity exceeding 5 million gallons per day. These facilities would be required to control all emission points if they meet all four of the preceding criteria.

CONTACTS

EPA: [State and Local Regulators](#)

[EPA Regional Offices](#) (The final rule contains a list of [specific contacts](#) for each region.)

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Military: [HAP Subcommittee Members](#)