

Environmental Protection Agency

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corresponding limitation specified in § 444.16.

[65 FR 4381, Jan. 27, 2000; 65 FR 33423, May 23, 2000]

PART 445—LANDFILLS POINT SOURCE CATEGORY

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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)

SOURCE: 65 FR 3048, Jan. 19, 2000, unless otherwise noted.

§ 445.1 General applicability.

(a) As defined more specifically in each subpart and except as provided in paragraphs (b) through (h) of this section, this part applies to discharges of wastewater from landfill units.

(b) The provisions of this part do not apply to wastewater discharges from land application or land treatment units, surface impoundments, underground injection wells, waste piles, salt dome formations, salt bed formations, underground mines or caves as these terms are defined in 40 CFR 257.2 and 260.10.

(c) The provisions of this part do not apply to wastewater generated off-site of a landfill facility, including wastewater generated off-site from washing vehicles or from waste transfer stations.

(d) The provisions of this part do not apply to discharges of contaminated ground water or wastewater from recovery pumping wells.

(e) This part does not apply to discharges of landfill wastewater from landfills operated in conjunction with other industrial or commercial operations when the landfill only receives wastes generated by the industrial or commercial operation directly associated with the landfill.

(f) This part does not apply to discharges of landfill wastewater from landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes provided the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR subchapter N as the industrial or commercial operation or the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation.

(g) This part does not apply to landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR part 437 so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills.

(h) This part does not apply to landfills operated in conjunction with other

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industrial or commercial operations when the landfill receives wastes from public service activities so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

§ 445.2 General definitions.

In addition to the definitions set forth in 40 CFR 122.2, 257.2, 258.2, 264.10, 265.10, 401.11, and 403.3 the following definitions apply to this part:

(a) *Contaminated ground water* means water below the land surface in the zone of saturation which has been contaminated by activities associated with waste disposal.

(b) *Contaminated storm water* means storm water which comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in paragraph (f) of this section. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas.

(c) *Landfill* directly associated with an industrial or commercial operation means:

(1) A landfill located on the same site as industrial or commercial operations; and

(2) A landfill not located on the same site as the industrial or commercial operations (off-site), but “wholly-owned” by the industrial or commercial facility and primarily dedicated to receiving waste from the related industrial or commercial facility.

(d) *Facility* means all contiguous property owned, operated, leased or under the control of the same person or entity.

(e) *Landfill unit* means an area of land or an excavation in which wastes are placed for permanent disposal, that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, a salt bed formation, an underground mine or a cave as these terms are defined in 40 CFR 257.2, 258.2 and 264.10.

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(f) *Landfill wastewater* means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.

(g) *Non-contaminated storm water* means storm water which does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater that is defined in paragraph (f) of this section. Non-contaminated storm water includes storm water which flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

(h) *Off-site* means outside the boundaries of a facility.

(i) *On-site* means within the boundaries of a facility.

(j) *Public service* means the provision of landfill waste disposal services to individual members of the general public, publicly-owned organizations (schools, universities, government agencies, municipalities) and not-for-profit organizations for which the landfill does not receive a fee or other remuneration.

(k) The regulated parameters for this part, numbered (P) and listed with approved methods of analysis in Table 1B at 40 CFR 136.3, are defined as follows:

(1) *Ammonia (as N)* means ammonia reported as nitrogen. P4.

(2) *BOD₅* means 5-day biochemical oxygen demand. P9.

(3) *Arsenic* means total arsenic. P6.

(4) *Chromium* means total chromium. P19.

(5) *Zinc* means total zinc. P75.

(l) The regulated parameters for this part, numbered (P) and listed with approved methods of analysis in Table 1C at 40 CFR 136.3, are as follows:

(1) Naphthalene. P68.

(2) Phenol. P85.

(m) The regulated parameters for this part listed with approved methods