



DEPARTMENT OF THE ARMY  
U.S. ARMY CENTER FOR HEALTH PROMOTION AND PREVENTIVE MEDICINE (PROVISIONAL)  
ABERDEEN PROVING GROUND, MARYLAND 21010-5422



REPLY TO  
ATTENTION OF

MCHB-ME-WM

- 6 OCT 1994

**WATER QUALITY INFORMATION PAPER NO. 48**

**THE FEDERAL FACILITIES COMPLIANCE ACT OF 1992  
HOW IT AFFECTS FEDERALLY-OWNED TREATMENT WORKS**

**1. ABSTRACT.** The Federal Facilities Compliance Act (FFCA) of 1992 passed the House and Senate in September 1992. Section 108 of the FFCA attempts to clarify hazardous waste (HW) exclusions for Federally-owned treatment works (FOTW). It grants to FOTWs an exclusion from the definition of HW for mixtures of domestic sewage and other wastes if one of four conditions is met. The objectives of this paper are to briefly explain the contents of FFCA-Section 108 and some possible consequences for Army and other Federal facilities. One consequence could be the requirement for FOTWs to implement pretreatment programs. Development of pretreatment programs for FOTWs should proceed in a phased approach and be modeled after existing programs used by publicly-owned treatment works (POTW). Good pretreatment programs could provide the documentation necessary to verify compliance with FFCA-Section 108. A successful pretreatment program can require significant resources and must have commitment from installation personnel at all levels of management.

**2. INTRODUCTION.**

a. The FFCA of 1992 passed the House and Senate in September 1992; its initial introductory date was November 12, 1991. Then-President Bush signed the bill into law on October 6, 1992. The primary purpose of the FFCA was to amend various sections of the Solid Waste Disposal Act (SWDA) to clarify their applicability to Federal facilities. Section 108 of the FFCA (complete text in Appendix B) attempts to clarify hazardous waste exclusions for FOTWs.

b. Prior to the enactment of this legislation, there were differences among regulators and the regulated community as to the applicability of certain exclusions found in the SWDA to Federal facilities. Most important, was the exclusion from the definition of solid waste (and therefore the definition of HW) for mixtures of domestic sewage and other wastes that passed through a POTW. The U.S. Environmental Protection Agency (EPA) further expanded this exclusion [Title 40, Code of Federal Regulations (CFR), Part 261.4] to include industrial wastewater point source discharges permitted under Section 402 of the Clean Water Act (CWA).

c. Unfortunately for Federal facilities, the definition of a POTW found in the SWDA, and EPA regulations, clearly excludes FOTWs. They are excluded despite the fact that most FOTWs provide levels of treatment greater than, or comparable to, their publicly-owned counterparts. The only real difference among the two groups is the source of their funding. Nevertheless,

regulators, in at least two instances, have used this non-exclusion for FOTWs to initiate enforcement actions at Department of Defense (DOD) installations. In those instances, the **discharges** from metal finishing wastewater pretreatment facilities were considered HW because they contacted a listed HW (F006 waste, sludges generated during the treatment of electroplating wastewater) and did not pass through a wastewater collection system to a POTW. In both cases, the pretreatment facilities were permitted as separate outfalls on the installation's National Pollutant Discharge Elimination System (NPDES) permit. Furthermore, although each discharge was permitted as a separate outfall, they actually emptied into domestic wastewater collection systems and received additional treatment at the installation's NPDES permitted FOTW. However, since the pretreatment systems were not direct dischargers, and the final sewage treatment plants (STPs) were not POTWs, the discharge could not be excluded from the definition of HW.

d. The end result of EPA's position in these two cases was the possibility that Federal facilities would be required to manage their entire wastewater collection and treatment systems as HW treatment facilities. In addition, since the sewage sludge generated at the FOTWs would have contacted a listed HW, it too would be hazardous. The expense of this interpretation of the law would obviously be enormous, especially considering the number of similar situations throughout the Federal community (i.e. industrial facilities discharging to FOTWs). Despite the fact that little additional protection of human health and the environment would be provided by this interpretation, EPA's position was upheld in one of the cases and steadfastly maintained in the second.

e. One goal of FFCA-Section 108 was to eliminate the discrepancies between the Federal facility aspects of two, sometimes overlapping, environmental statutes (SWDA and the CWA). However, the Act did not specifically require EPA to develop implementing regulations and/or guidance. Informal discussions with EPA personnel revealed that regulations or guidance in regard to the FFCA/FOTWs would be delayed until after the next reauthorization of the CWA. These individuals also indicated that the EPA would push for similar language (as found in FFCA-Section 108) applicable to both POTWs and FOTWs in the reauthorized CWA. The objectives of this paper are to briefly explain the contents of FFCA-Section 108 and some possible consequences for Army and other Federal facilities.

### 3. DISCUSSION.

a. FFCA-Section 108 amended the SWDA [42 United States Code (USC) 6921 et seq.] by adding a new section titled Section 3023, Federally-owned treatment works. Section 108 states that the **exclusion** from the definition of solid waste (and subsequently HW) includes solid or dissolved material in domestic sewage that is introduced by a source into an FOTW. This exclusion holds if any of the following four conditions are met:

**(1) *The solid or dissolved material and, subsequently, the wastewater discharge, is subject to a pretreatment standard issued under section 307 of the CWA and the discharge is in compliance with the standard.*** Section 307 of the CWA covers general and categorical effluent guidelines and standards for industrial wastewater treatment or pretreatment facilities. Appendix C lists all currently regulated effluent categories. In general, this subsection states that the discharge from a categorical industrial facility which flows to an FOTW cannot be considered a HW if it meets applicable pretreatment standards. Unlike categorical industries discharging to POTWs, however, discharges to FOTWs are **not** automatically excluded from the definition of HW. Such discharges are excluded if their only hazardous constituents are parameters regulated by an effluent standard (e.g. heavy metals, cyanide, toxic organics, etc.) and they are in compliance with that standard. Additionally, this subsection **does not** exclude the sludges generated at these facilities from the definition of HW.

**(2) *The solid or dissolved material and, subsequently, the wastewater discharge, comes from an industrial pretreatment facility in an effluent category for which the EPA Administrator has established a schedule for developing a standard.*** This subsection only covers those categories for which EPA will promulgate a standard within 7 years after the date of implementation of the FFCA (6 October 1999). In addition, the standard must be finalized by 6 October 1999 and the pretreatment facility must be in compliance with the new standard when issued (see Appendix D for recent standard development schedule). EPA's most recent effluent guideline plan was published in the Federal Register (FR) on September 8, 1992 (41000 FR, Volume 57, Number 174). EPA is required to update this plan biennially. As with the first condition, this only excludes discharges that would be considered a HW because of entrained solid or dissolved materials regulated under an effluent guideline.

**(3) *The solid or dissolved material is not covered under the first two conditions and it is not prohibited from land disposal under subsections (d), (e), (f), or (g) of section 3004 of the SWDA because it has been treated in accordance with subsection (m) of section 3004 of the SWDA.***

(a) SWDA 3004(d) prohibits land disposal of the following wastes: liquids, including free liquids associated with solids and/or sludges, whose concentration of free cyanide is  $\geq 1000$  mg/l; liquids, including free liquids associated with solids and/or sludges, that contain the following metals or elements at concentrations  $\geq$  to those specified:

- arsenic and/or compounds (as As) 500 mg/l
- cadmium and/or compounds (as Cd) 100 mg/l
- chromium [VI and/or compounds (as Cr<sup>VI</sup>)] 500 mg/l
- lead and/or compounds (as Pb) 500 mg/l
- mercury and/or compounds (as Hg) 20 mg/l
- nickel and/or compounds (as Ni) 134 mg/l

- selenium and/or compounds (as Se) 100 mg/l
- thallium and/or compounds (as Th) 130 mg/l

(b) SWDA 3004(e) provides for land disposal restrictions for dioxin containing HW (HW numbers F020, F021, F022 and F023) and solvent containing HW (HW numbers F001, F002, F003, F004, and F005). SWDA 3004(f) involves land disposal restrictions for deep well injection. The requirements of this subsection have been promulgated as regulations by EPA under 40 CFR 148, HW Injection Restrictions. SWDA 3004(g) includes additional wastes to be considered for prohibition from land disposal. These additional wastes and land disposal restrictions have been published as regulations by EPA in 40 CFR 268, Land Disposal Restrictions. These two sections of the CFR are extensive and include a great number of wastes and associated treatment standards; they are only referenced in this document and have not been included in their entirety. SWDA 3004(m) required EPA to develop the levels and methods of treatment required for land disposal. These levels of treatment can be found in 40 CFR 148 and 40 CFR 268.

(c) In general, this condition of the FFCA means that a discharge to an FOTW is excluded from the definition of a HW if it does not contain a HW prohibited from land disposal, or it contains a land disposal-prohibited HW at a concentration below that found in the treatment standards. These treatment standards include those listed here [para. 3.a.(3)(a)] and those in 40 CFR 148 and 40 CFR 268. The treatment standards of concern in 40 CFR 148 and 268, with respect to the FFCA, are those given for wastewater. To comply with this condition, a discharger to an FOTW would have to determine which, if any, land disposal-prohibited HW are present and ensure they are present at concentrations below the applicable treatment standard.

**(4) *The solid or dissolved material is generated by a household or person which generates less than 100 kilograms of HW per month. This exclusion does not hold if the solid or dissolved material would otherwise be an acutely HW (i.e. if it were not discharged to a FOTW).*** Acutely HW is given an "H" hazard code by EPA; the list of these HW can be found in 40 CFR 261, Identification and Listing of HW. This condition would generally provide a HW exclusion to discharges from individual housing units that flow to an FOTW (provided the discharges do not contain acutely HW). If acutely HW was present, the entire volume of waste would have to be treated as a HW in accordance with the SWDA.

b. FFCA-Section 108 also includes a prohibition that states: *It is unlawful to introduce into a FOTW any pollutant that is a hazardous waste.* This prohibition is obviously meant to prevent the introduction of HW into an otherwise exempted discharge (exempted by FFCA-Section 108). Restated, it prohibits the introduction of a HW that otherwise would require disposal in accordance with the SWDA, into an excluded discharge to an FOTW.

c. In addition, Section 108 provides for enforcement. It states that enforcement actions shall not require closure of the FOTW. However, this would only be true if all HW present is removed and/or decontaminated to the satisfaction of the EPA Administrator or authorized state (states that have primacy over Federal facilities). This subsection may allow FOTWs that previously accepted a discharge not meeting the conditions of FFCA-Section 108 to remain open. This would only be possible if the FOTW could verify that its treatment and, presumably, its collection systems, had been or would be cleaned and decontaminated.

d. While the first subsection allows an FOTW to remain open, the second subsection allows the EPA Administrator or authorized State to close an FOTW if it is threatening human health or the environment. If a source discharges, or a FOTW accepts, an effluent that is not in compliance with FFCA-Section 108, then the entire treatment plant can be closed. Such a situation would effectively close entire Federal installations that violate FFCA-Section 108.

e. The third subsection states that enforcement authorities given in this section (to EPA or authorized States) in no way affect enforcement authorities given elsewhere in the SWDA.

f. FFCA-Section 108 defines "federally owned treatment works" as a facility owned by any Agency or Department of the Federal government that treats wastewater, a majority of which is domestic sewage. Such treatment facilities must be operating under a permit issued under Section 402 of the CWA. Essentially, any domestic STP owned by the Federal government and operating under a valid NPDES permit would be included in this definition. However, it is important to realize that FFCA-Section 108 does not define "majority." It is assumed that majority means > 50% domestic wastewater relative to the entire flow. Based on this assumption, only heavily industrialized facilities would need to consider verifying these percentages.

#### 4. FINDINGS.

a. The net effect of FFCA-Section 108 was to allow FOTWs to enjoy some of the benefits and rights of their publicly-owned counterparts. Federal installations operating domestic STPs which accept "industrial wastewater" can now enjoy **some** of the regulatory relief given to POTWs from the SWDA. However, this section of the FFCA **does not** give FOTWs the same blanket exclusion from the definition of HW given to public facilities. Mixtures of solid or dissolved material and domestic sewage which flow to a POTW for treatment are, by definition, not solid waste and, therefore, not HW. Mixtures of solid or dissolved material and domestic sewage that flow to a Federally-owned STP, however, are not solid or HW **only** if the discharge meets the conditions found in FFCA-Section 108.

b. The FFCA-Section 108 was self-implementing; it did not direct the regulatory community to develop any guidance or implementing regulations. Federal facilities must independently determine compliance status and implement any necessary controls. When

developing an approach for determining compliance, the following major points should be considered:

- Industrial flow as % of the total influent to the facility's FOTW
- Number and location of non-domestic wastewater sources
- Applicable categorical effluent standards
- Water quality characteristics of each industrial discharge
- Necessary pretreatment or other control mechanisms

c. Some of these points raise additional questions. For instance, what about installations that treat more than 50% "non-domestic" waste at their FOTW? As interpreted here, they would not qualify for this HW exclusion and could theoretically be required to operate wastewater collection/treatment systems as HW treatment/storage/disposal facilities (TSDF). For that matter, definitions of "non-domestic" could vary greatly and significantly alter any percentage calculations. Additionally, there are wastewater discharges that are essentially "categorical" effluents but do not meet some requirement of EPA's definition. Most notable would be photographic-processing. There are many small Federally-owned photo labs (e.g., print processing, X-ray machines, etc.) that do not meet the quantity requirements (1600 sq.ft./day) found in 40 CFR 459 (photographic category). If these small discharges meet the water quality limits of that part, do they qualify for the HW exclusion when they do not meet all definition requirements of the category? Regulators and the regulated community must address some of these issues when establishing regulations and/or guidance.

d. Although not specifically required by this Act, a possible outcome of this legislation is the requirement for formal pretreatment programs at Federal facilities. In fact, pretreatment programs could be, and have been in several cases, included as an enforceable part of an NPDES permit. EPA personnel have informally indicated that this approach would be used as a means of achieving the goals of FFCA-Section 108. Pretreatment programs have been required for many POTWs for years. The success of each program varies, however; their development and implementation is similar and well documented. Federal facilities starting their own pretreatment programs would benefit from following the procedures used by many of their publicly-owned counterparts.

e. The objectives of any pretreatment program must include the following:

(1) **Protection of receiving water quality.** In the case of pretreatment programs, the receiving water of concern is that which the treatment plant (POTW or FOTW) discharges into. Many NPDES permits include water quality-based standards that are developed to maintain the quality of specific receiving water bodies. Non-domestic discharges to a treatment works can obviously have a significant impact on the final discharge and compliance with those standards. An effective pretreatment program will prevent, reduce and/or treat those industrial inputs.

(2) **Protection of sludges.** Maintaining sludge quality is another important objective of pretreatment programs. Uncontrolled industrial discharges into a treatment facility can drastically affect the usability of sludges produced there. This becomes extremely important for those facilities which reuse, land apply or incinerate sludge. Disposal options for heavily contaminated sludges are limited and come with extremely high costs, especially if determined to be HW.

(3) **Prevention of operational problems.** Industrial users (IUs) can release a wide variety of wastes into a sewage collection system. Many of the wastes, if uncontrolled and/or discharged in large quantities, could upset normal operations of a treatment facility. Additionally, some, or all, of these wastes could pass-through the plant untreated. Either of these conditions could directly cause a violation of NPDES permit conditions. Uncontrolled discharges could also result in unnecessary reseeding and stabilization of biological treatment systems.

(4) **Protection of worker health and safety.** It should be apparent that allowing certain wastes to enter treatment facilities could result in either direct or indirect hazards to operators. Both acute (fire, explosions, asphyxiation) and chronic (exposure to carcinogens) hazards are possible. A good pretreatment program must address these possible dangers.

f. The first phase in the pretreatment program development process is to identify all known and potential industrial discharges entering the collection system. The environmental staff at a Federal facility should already possess a good working knowledge of the obvious ones. However, it is important to realize that some seemingly insignificant sources may in fact be major contributors to the total non-domestic waste stream. Small laboratories, photo shops, and clinics are just a few members of this group. A thorough survey of all possible sources on an installation must be completed. Some of the more obvious operations to survey include: metal finishing shops, large laboratories, hospitals, material maintenance activities, industrial laundries, explosives manufacturing/rework facilities and motor pools.

g. With a complete list of sources, the next step is to determine both the quantity and quality of waste contributed by each one. Undoubtedly, this will require the collection and laboratory analysis of samples from each source. Empirical calculations of waste discharges, based on the types of operations, chemicals used, etc., can be helpful, but would not provide the level of detail required in most cases. The results of efforts in this area will be used to help focus the entire program and must be accurate. In addition, analytical results would be necessary, in most cases, to determine the compliance status (with respect to FFCA-Section 108) of individual waste streams. It should be realized that this stage of the program could require significant resources and manpower. Nevertheless, a complete picture of all industrial sources, to include location, quantity and quality, is the cornerstone of an effective pretreatment program.

h. Once a comprehensive list of sources has been compiled, the next step would be to prioritize them. One of the keys to success in this phase is to focus the efforts on those sources that have the greatest effect on the treatment plant itself. This determination would require additional sampling of the FOTW's influent, effluent and any other in-process streams deemed appropriate. The use of toxicity identifications and evaluations would also prove extremely beneficial in this regard. Ultimately, through the use of all available analytical and survey data, local discharge limits, best management practices (BMPs) and prevention and control priorities can be assigned to each waste source. The development of specific discharge limits can require some effort and is beyond the scope of this work. In general, these limits are based on allowable concentrations of pollutants at the influent and effluent of the FOTW and the contributions from each IU. BMPs and prevention and control techniques can include: material substitution, source reduction, wastewater pretreatment systems, spill prevention plans, chemical management plans, and slug discharge control plans.

i. The last step, and perhaps the most difficult of any pretreatment program, is to establish a means of prevention and control. In the public sector, the POTW has legal authority to enforce monitoring and compliance for all IUs that discharge to its collection system. However, on a Federal installation, the treatment plant and all IUs are ultimately "owned" and operated by the same group. Because of this, a serious commitment must be made from top management to support pretreatment programs in their entirety. This commitment must include the survey and sampling needed to start the program, and any subsequent prevention and control required of the IUs. EPA's position (unofficially) in this regard is that although routine program management would be the responsibility of the FOTW, they would retain enforcement authority. Regardless of who is delegated what responsibility, a successful program requires a concerted effort from individuals at all levels. In addition, a well developed and maintained program could provide the documentation necessary to verify compliance with FFCA-Section 108.

j. In general, every Army installation operating an FOTW will be affected to some extent by FFCA-Section 108. Those installations that produce industrial discharges (whether or not regulated by an effluent guideline) which flow to a FOTW should be especially concerned. Affected installations may be able to use FFCA-Section 108 to exclude many of these discharges from the definition of HW. This should enable these installations to avoid the expensive closure, clean-up, and corrective actions at their sewage treatment facilities that may have been required if this HW exclusion was not available.

## 5. SUMMARY.

a. The net effect of FFCA-Section 108 was to allow FOTWs to enjoy some of the benefits and rights of their publicly owned counterparts. Army installations operating domestic sewage treatment plants which accept "industrial wastewater" can now enjoy some of the regulatory relief from the SWDA given to POTWs. However, this section of the FFCA does not

give FOTWs the same blanket exclusion from the definition of HW given to public facilities. Mixtures of solid or dissolved material and domestic sewage which flow to a POTW for treatment are, by definition, not solid waste and, therefore, not HW. Mixtures of solid or dissolved material and domestic sewage flowing to an Army owned STP, however, are not solid or HW **only** if the discharge meets the conditions found in FFCA-Section 108.

b. Additionally, this section of the Act has yet to be interpreted or codified by the EPA. It is possible that their interpretation of could differ from the one presented here. This may affect the ability of Army installations to use the FFCA as a means for regulatory relief. Furthermore, EPA may develop additional administrative and informational requirements for FOTWs similar to those currently required of POTWs. These could include, among others, the development of formal pretreatment programs, industrial source surveys and additional permitting.

## 6. CONCLUSIONS.

a. FFCA-Section 108 grants to FOTWs an exclusion from the definition of HW for mixtures of domestic sewage and other wastes if one of four conditions is met.

b. The FFCA was a self-implementing law, and Federal facilities must self-determine their compliance status.

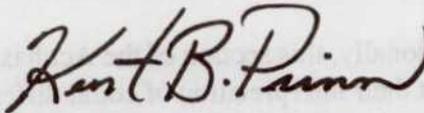
c. FOTWs may be required to develop formal pretreatment as a result of FFCA-Section 108.

d. Development of pretreatment programs for Federal facilities should proceed in a phased approach and be modeled after existing programs used by POTWs.

e. Good pretreatment programs could provide the documentation necessary to verify compliance with FFCA-Section 108.

f. A successful pretreatment program can require significant resources and must have commitment from installation personnel at all levels of management.

**6. TECHNICAL ASSISTANCE.** Any questions or comments concerning the material presented should be directed to Mr. Kent Prinn, P.E. at DSN 584-3816 or 410-671-3816. This Center will provide, to the extent possible, technical assistance in interpreting how this legislation, or any future regulations, affect Army installations and FOTWs.



KENT B. PRINN, P.E.  
Supervisory Environmental Engineer  
Water Quality Engineering Division

**APPENDIX A**

**REFERENCES**

1. Cost Implications of the Federal Facilities Compliance Act for Army FOTWs Seeking the Domestic Sewage Exemption (1993), prepared for the Army Environmental Policy Institute.
2. Hammer, LeAnne (1987) Guidance Manual on the Development of Local Discharge Limitations Under the Pretreatment Program, US Environmental Protection Agency, Washington D.C.
3. Myers, David (1986) The National Pretreatment Program, EPA/625/10-86/005, US Environmental Protection Agency, Washington D.C.
4. Okster, Lee (1994) Industrial User Inspection and Sampling Manual for POTWs, EPA 831-B-94-001, US Environmental Protection Agency, Washington D.C.

APPENDIX A

REFERENCES

1. Cost Implications of the Federal Facilities Compliance Act for Army POTW's Seeking the Domestic Sewage Exemption (1993), prepared for the Army Environmental Policy Institute.
2. Hamner, L. Anne (1987) Guidance Manual on the Development of Local Discharge Limitations Under the Treatment Program, US Environmental Protection Agency, Washington D.C.
3. Myers, David (1986) The National Treatment Program, EPA 622/10-86-002, US Environmental Protection Agency, Washington D.C.
4. Oester, Lise (1991) Industrial User Inspection and Sampling Manual for POTW's, EPA 831-B-94-001, US Environmental Protection Agency, Washington D.C.

**APPENDIX B**

**SECTION 108 OF THE FEDERAL FACILITIES COMPLIANCE ACT OF 1992  
FEDERALLY OWNED TREATMENT WORKS**

**SEC. 108. FEDERALLY OWNED TREATMENT WORKS.**

(a) Amendment.-- Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

**"SEC. 3023. FEDERALLY OWNED TREATMENT WORKS.**

"(a) In General.-- For purposes of section 1004(27), the phrase 'but does not include solid or dissolved material in domestic sewage' shall apply to any solid or dissolved material introduced by a source into a federally owned treatment works if--

"(1) such solid or dissolved material is subject to a pretreatment standard under section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), and the source is in compliance with such standard;

"(2) for a solid or dissolved material for which a pretreatment standard has not been promulgated pursuant to section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), the Administrator has promulgated a schedule for establishing such a pretreatment standard which would be applicable to such solid or dissolved material not later than 7 years after the date of enactment of this section, such standard is promulgated on or before the date established in the schedule, and after the effective date of such standard the source is in compliance with such standard;

"(3) such solid or dissolved material is not covered by paragraph (1) or (2) and is not prohibited from land disposal under subsections (d), (e), (f), or (g) of section 3004 because such material has been treated in accordance with section 3004(m); or

"(4) notwithstanding paragraphs (1), (2), or (3), such solid or dissolved material is generated by a household or person which generates less than 100 kilograms of hazardous waste per month unless such solid or dissolved material would otherwise be an acutely hazardous waste and subject to standards, regulations, or other requirements under this Act notwithstanding the quantity generated.

"(b) Prohibition.-- It is unlawful to introduce into a federally owned treatment works any pollutant that is a hazardous waste.

**"(c) Enforcement.--**

"(1) Actions taken to enforce this section shall not require closure of a treatment works if the hazardous waste is removed or decontaminated and such removal or decontamination is adequate, in the discretion of the Administrator or, in the case of an authorized State, of the State, to protect human health and the environment.

"(2) Nothing in this subsection shall be construed to prevent the Administrator or an authorized State from ordering the closure of a treatment works if the Administrator or State determines such closure is necessary for protection of human health and the environment.

"(3) Nothing in this subsection shall be construed to affect any other enforcement authorities available to the Administrator or a State under this subtitle.

"(d) Definition.-- For purposes of this section, the term 'federally owned treatment works' means a facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 402 of the Federal Water Pollution Control Act.

"(e) Savings Clause.-- Nothing in this section shall be construed as affecting any agreement, permit, or administrative or judicial order, or any condition or requirement contained in such an agreement, permit, or order, that is in existence on the date of the enactment of this section and that requires corrective action or closure at a federally owned treatment works or solid waste management unit or facility related to such a treatment works."

(b) Technical Amendment.-- The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item: "Sec. 3023. Federally owned treatment works."

**APPENDIX C**

**SUBPART N OF 40 CODE OF FEDERAL REGULATIONS  
EFFLUENT GUIDELINES AND STANDARDS**

(40 CFR 405-471)

CATEGORY

- |  |  |
|--|--|
| 405 Dairy Products   | 436 Mineral Mining and Processing                  |
| 406 Grain Mills  | 439 Pharmaceutical Manufacturing                   |
| 407 Canned and Preserved Fruits and<br>Vegetables Processing | 440 Ore Mining and Dressing                        |
| 408 Canned and Preserved Seafood<br>Processing               | 443 Paving and Roof Materials                      |
| 409 Sugar Processing   | 446 Paint Formulating                              |
| 410 Textile Mills  | 447 Ink Formulating                                |
| 411 Cement Manufacturing                                     | 454 Gum and Wood Chemicals<br>Manufacturing        |
| 412 Feedlots   | 455 Pesticide Chemicals                            |
| 413 Electroplating   | 457 Explosives Manufacturing                       |
| 414 Organic Chemicals, Plastics, and<br>Synthetic Fibers     | 458 Carbon Black Manufacturing                     |
| 415 Inorganic Chemicals                                      | 459 Photographic                                   |
| 417 Soap and Detergent Manufacturing                         | 460 Hospital                                       |
| 418 Fertilizer Manufacturing                                 | 461 Battery Manufacturing                          |
| 419 Petroleum Refining                                       | 463 Plastics Molding                               |
| 420 Iron and Steel Manufacturing                             | 464 Metals Molding and Casting                     |
| 421 Nonferrous Metals Manufacturing                          | 465 Coil Coating                                   |
| 422 Phosphate Manufacturing                                  | 466 Porcelain Enameling                            |
| 423 Steam Electric Power Generating                          | 467 Aluminum Forming                               |
| 424 Ferroalloy Manufacturing                                 | 468 Copper Forming                                 |
| 425 Leather Tanning and Finishing                            | 469 Electrical and Electronics<br>Components       |
| 426 Glass Manufacturing                                      | 471 Nonferrous Metals Forming and<br>Metal Powders |
| 427 Asbestos Manufacturing                                   |  |
| 428 Rubber Manufacturing                                     |  |
| 429 Timber Products Processing                               |  |
| 430 Pulp, Paper and Board Mills                              |  |
| 431 Builders Paper and Board Mills                           |  |
| 432 Meat Products  |  |
| 433 Metal Finishing  |  |
| 434 Coal Mining  |  |
| 435 Oil and Gas Extraction                                   |  |

## APPENDIX C

SUBPART N OF 40 CODE OF FEDERAL REGULATIONS  
EFFECTIVE GUIDELINES AND STANDARDS

(40 CFR 402-471)

## CATEGORY

402 Dairy Products	436 Mineral Mining and Processing
406 Grain Mills	439 Pharmaceutical Manufacturing
407 Canned and Preserved Fruits and Vegetables Processing	440 Ore Mining and Dressing
408 Canned and Preserved Seafood Processing	441 Paving and Road Materials
409 Sugar Processing	446 Paint Formulating
410 Textile Mills	447 Ink Formulating
411 Cars and Manufacturing	454 Gum and Wood Chemicals Manufacturing
412 Factories	455 Pesticide Chemicals
413 Electroplating	457 Explosives Manufacturing
414 Organic Chemicals, Plastics, and Synthetic Fibers	458 Carbon Black Manufacturing
415 Inorganic Chemicals	459 Photographic
417 Soap and Detergent Manufacturing	460 Hosiery
418 Fertilizer Manufacturing	461 Battery Manufacturing
419 Petroleum Refining	463 Plastics Molding
420 Iron and Steel Manufacturing	464 Metals Molding and Casting
421 Nonferrous Metals Manufacturing	465 Coil Coating
422 Phosphate Manufacturing	466 Porcelain Firing
423 Steam Electric Power Generating	467 Aluminum Forming
424 Foundry Manufacturing	468 Copper Forming
425 Lumber Tanning and Finishing	469 Electrical and Electronics Components
426 Glass Manufacturing	471 Nonferrous Metals Forming and Metal Powders
427 Adhesive Manufacturing	
428 Rubber Manufacturing	
429 Timber Products Processing	
430 Pulp, Paper, and Board Mills	
431 Builders Paper and Board Mills	
432 Meat Products	
433 Metal Finishing	
434 Coal Mining	
435 Oil and Gas Extraction	

**APPENDIX D**

**SUMMARY OF EPA's EFFLUENT GUIDELINES PLAN**

41000 FR, Vol. 57, No. 174, September 8, 1992

**EFFLUENT GUIDELINES CURRENTLY UNDER DEVELOPMENT**

Category	40 CFR Part	Proposal	Final Action
Offshore Oil & Gas Extraction	435	3/13/92	1/93
Organic Chemicals, Plastics, Synthetic Fibers	414	12/6/91	5/93
Pesticide Manufacturing	455	4/10/92	7/93
Pulp, Paper and Paperboard	430	10/93	9/95
Pesticides Formulating and Packaging	455	1/94	8/95
Waste Treatment - Phase 1 *	437	4/94	1/96
Pharmaceutical Manufacturing	439	8/94	2/96
Metal Products and Manufacturing - Phase 1 *	438	11/94	5/96
Coastal Oil and Gas Extraction	435	1/95	7/96

**NOTES:**

\* Denotes a new effluent category, all other categories are being modified and/or revised. Facilities discharging to a federally owned treatment works (FOTW) would have to meet new or revised standards when finalized to qualify for the hazardous waste (HW) exclusion under the Federal Facilities Compliance Act of 1992 - FOTW

**NEW CATEGORIES TO BE REGULATED**

Category	40 CFR Part	Proposal	Final Action
Waste Treatment - Phase 2	437	1995	1997
Industrial Laundries	441	1996	1998
Transportation Equipment Cleaning	442	1996	1998
Metal Products and Machinery - Phase 2 *	438	1997	1999
Eight Additional Categories #		98-2001	2000-03

**NOTES:**

\* Discharges subject to this category, as well as all others, would only be entitled to the HW exclusion under the FFCA if: the standards are finalized by October 6, 1999; the facility discharges to a FOTW; and the facility is in compliance with the new standard.

# It is unlikely the eight additional categories would be finalized prior to the 1999 deadline; in that case they would not fall under the HW exclusion.

**PRELIMINARY STUDIES**

Category	40 CFR Part	Start	Complete
Petroleum Refining	419	1992	1993
Metal Finishing	433	1992	1993
Iron and Steel Manufacturing	420	1993	1994
Inorganic Chemicals	415	1993	1994
Leather Tanning and Finishing	425	1994	1995
Coal Mining	434	1994	1995
Onshore/Stripper Oil and Gas Extraction	435	1995	1996
Textile Mills	410	1999	1996
Three Additional Categories		1996	1997

**NOTE:**

It is unlikely that any of the preliminary studies in this table would result in final regulations or new categories prior to the October 6, 1999 deadline.