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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
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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

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of analysis in the attachments to Methods 625 and 1625B in Appendix A at 40 CFR Part 136 are as follows:

- (1) Aniline.
- (2) Benzoic acid.
- (3) p-Cresol.
- (4) Pyridine.
- (5) a-Terpineol.

§ 445.3 General pretreatment standards.

Any source subject to this part that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with 40 CFR part 403.

Subpart A—RCRA Subtitle C Hazardous Waste Landfill**§ 445.10 Applicability.**

Except as provided in § 445.1, this subpart applies to discharges of wastewater from landfills subject to the provisions of 40 CFR Part 264, *Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart N—(Landfills)*; and 40 CFR Part 265, *Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart N—(Landfills)*.

§ 445.11 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations which represent the application of BPT:

EFFLUENT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
BOD ₅	220	56
TSS	88	27
Ammonia (as N)	10	4.9
α-Terpineol	0.042	0.019
Aniline	0.024	0.015
Benzoic acid	0.119	0.073
Naphthalene	0.059	0.022
p-Cresol	0.024	0.015
Phenol	0.048	0.029
Pyridine	0.072	0.025
Arsenic	1.1	0.54
Chromium	1.1	0.46
Zinc	0.535	0.296

EFFLUENT LIMITATIONS—Continued

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
pH	(²)	(²)

¹ Milligrams per liter (mg/L, ppm).

² Within the range 6 to 9.

[65 FR 3048, Jan. 19, 2000; 65 FR 14344, Mar. 16, 2000]

§ 445.12 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations which represent the application of BCT: Limitations for BOD₅, TSS and pH are the same as the corresponding limitations specified in § 445.11.

§ 445.13 Effluent limitations representing the degree of effluent reduction attainable by the application of best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations which represent the application of BAT: Limitations for ammonia (as N), a-terpineol, aniline, benzoic acid, naphthalene, p-cresol, phenol, pyridine, arsenic, chromium and zinc are the same as the corresponding limitations specified in § 445.11.

§ 445.14 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following performance standards: Standards are the same as those specified in § 445.11.

Subpart B—RCRA Subtitle D Non-Hazardous Waste Landfill**§ 445.20 Applicability.**

Except as provided in § 445.1, this subpart applies to discharges of wastewater from landfills subject to the provisions of 40 CFR part 258, *Criteria for Municipal Solid Waste Landfills*; and 40 CFR part 257, *Criteria for Classification*

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of Solid Waste Disposal Facilities and Practices.

§ 445.21 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations which represent the application of BPT:

EFFLUENT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ²
BOD	140	37
TSS	88	27
Ammonia (as N)	10	4.9
α -Terpineol	0.033	0.016
Benzoic acid	0.12	0.071
p-Cresol	0.025	0.014
Phenol	0.026	0.015
Zinc	0.20	0.11
pH	(?)	(?)

¹ Milligrams per liter (mg/L, ppm)

² Within the range 6 to 9.

[65 FR 3048, Jan. 19, 2000; 65 FR 14344, Mar. 16, 2000]

§ 445.22 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations which represent the application of BCT: Limitations for BOD₅, TSS and pH are the same as the corresponding limitations specified in § 445.21.

§ 445.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations which represent the application of BAT: Limitations for ammonia (as N), α -terpineol, benzoic acid, p-cresol, phenol and zinc are the same as the corresponding limitations specified in § 445.21.

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§ 445.24 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following performance standards: Standards are the same as those specified in § 445.21.

PART 446—PAINT FORMULATING POINT SOURCE CATEGORY

Subpart A—Oil-Base Solvent Wash Paint Subcategory

Sec.

446.10 Applicability; description of the oil-base solvent wash paint subcategory.

446.11 Specialized definitions.

446.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

446.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

446.14 [Reserved]

446.15 Standards of performance for new sources.

446.16 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304(b) and (c), 306(b) and (c) and 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c) and 1317(c); 86 Stat. 816 *et seq.*; Pub. L. 92–500.

SOURCE: 40 FR 31725, July 28, 1975, unless otherwise noted.

Subpart A—Oil-Base Solvent Wash Paint Subcategory

§ 446.10 Applicability; description of the oil-base solvent wash paint subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of oil-base paint where the tank cleaning is performed using solvents. When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered in each subcategory.

§ 446.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and