



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

OCT - 8 2014



9040.1c

PEP/NRM

## PEP – ENVIRONMENTAL COMPLIANCE MEMORANDUM NO. ECM 14-3

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director  
Office of Environmental Policy and Compliance

Subject: Clarification of the Definition of Large-Capacity Cesspools

Environmental Compliance Memoranda (ECMs) are issued under the authority provided to the Office of Environmental Policy and Compliance (OEPC) by the Departmental Manual (381 DM 4.5B) to convey instructions and guidance related to compliance. This ECM provides guidance to bureaus and offices of the Department of the Interior (Department) to ensure compliance with the U.S. Environmental Protection Agency (EPA) and the Safe Drinking Water Act of 1974 pertaining to the definition of large-capacity cesspools throughout the Department. In 1999, EPA added new requirements for large-capacity cesspools and motor vehicle waste disposal wells. There are six classes of Underground Injection Control wells (UIC); large-capacity cesspools fall into the Class V category. The Class V Rule, effective 4-05-2000, prohibited new large-capacity cesspools and new motor vehicle waste disposal wells nationwide and also required existing large-capacity cesspools to be phased out nationwide by April 2005.

The Inspector General issued the “Draft Evaluation Report-U.S. Department of Interior’s Underground Injection Well Control Activities,” Report No. CR-EV-MOA-0006-2012. This report contained a recommendation for the Department to work with the EPA to clarify the definition of a large-capacity cesspool for the Department. A large-capacity cesspool is a Class V well which is typically a shallow on-site disposal system used to place various non-hazardous fluids below the land surface (40 CFR 144.80). EPA defines large-capacity cesspools as:

- Residential multiple-dwelling, community, or regional systems (e.g., townhouse complexes or apartment buildings) that dispose of sanitary waste, *or*
- Non-residential cesspools that have the capacity to serve 20 or more persons per day (e.g., rest areas or churches) if they receive solely sanitary waste.

For the Department, pit toilet facilities were self-identified as the type of facility needing clarification on whether or not the facilities met the definition of “large-capacity cesspool”. According to the EPA definition, a pit toilet with either an open bottom and/or perforated sides that receives sanitary waste, and is likely to be used by 20 or more people per day (40 CFR 146 Subpart A) would be considered a regulated facility.

OEPC worked with the Department’s Sustainability Council Environmental Management Systems and Compliance Technical Working Group to develop draft Departmental guidance. Using that draft product as a starting point, in 2014, OEPC partnered with EPA and the resultant Figures 1 and 2 were developed with EPA’s Office of Groundwater and Drinking Water, Division of Drinking Water Protection, and were cleared by EPA’s Office of General Counsel. Figure 1 is the decision key with a short list of questions to determine if individual pit toilet facilities meet the definition of a large-capacity cesspool and is subject to regulation and/or closure to protect groundwater resources. Those projects meeting the definition of

large-capacity cesspool need to be coordinated with the appropriate regulatory authority. Additional information can be found on EPA's website at:

[http://water.epa.gov/type/groundwater/uic/class5/types\\_cesspools.cfm](http://water.epa.gov/type/groundwater/uic/class5/types_cesspools.cfm) .

Figure 2 shows the appropriate lead regulatory authority for each area. The definition of "large-capacity" may vary from state to state. For example, some states define large-capacity cesspools based on the amount of waste or the volume capacity of the cesspool. Thus, the bureaus need to check with the appropriate regulatory authority to determine if any identified large-capacity cesspool requires further action.

Attachments

Figure 1 : Decision Key -Underground Injection Control (UIC) program

### Decision Key for use by Federal Agencies to Determine if a Pit Toilet is a "Large Capacity Cesspool" under EPA Regulations



