

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES
AND STANDARDS

[FRL 460-5]

PART 408—CANNED AND PRESERVED
SEAFOOD PROCESSING POINT SOURCE
CATEGORY

On January 30, 1975, notice was published in the FEDERAL REGISTER (40 FR 4582), that the Environmental Protection Agency (EPA or Agency) set forth interim final effluent limitations guidelines for existing sources, proposed pretreatment standards for existing sources amending 40 CFR Part 408, and proposed standards of performance and pretreatment standards for new sources within the fish meal, Alaskan hand-butchered salmon, Alaskan mechanized salmon, West Coast hand-butchered salmon, West Coast mechanized salmon, Alaskan bottom fish, non-Alaskan conventional bottom fish, non-Alaskan mechanized bottom fish, hand-shucked clam, mechanized clam, Pacific Coast hand-shucked oyster, Atlantic and Gulf Coast hand-shucked oyster, steamed and canned oyster, sardine, Alaskan scallop, non-Alaskan scallop, Alaskan herring fillet, non-Alaskan herring fillet, and abalone processing subcategories of the canned and preserved seafood processing category of point sources. Concomitantly the Agency set forth interim final and proposed amendments to the regulations which were promulgated in the June 26, 1974, FEDERAL REGISTER (39 FR 23134) for the catfish, crab, shrimp, and tuna processing segment of the canned and preserved seafood processing category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the canned and preserved seafood processing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 408 by revising § 408.10 of the farm-raised catfish processing subcategory (Subpart A), § 408.20 of the conventional blue crab processing subcategory (Subpart B), § 408.30 of the mechanized blue crab processing subcategory (Subpart C), § 408.40 of the non-remote Alaskan crab meat processing subcategory (Subpart D), § 408.50 of the remote Alaskan crab meat processing subcategory (Subpart E), § 408.60 of the non-remote Alaskan whole crab and crab section processing subcategory (Subpart F), § 408.70 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), § 408.80 of the dungeness and tanner crab processing in the contiguous States subcategory (Subpart H), § 408.90 of the non-remote Alaskan shrimp processing subcategory (Subpart I), § 408.100 of the remote Alaskan shrimp processing subcategory (Subpart J), § 408.110 of the northern shrimp processing in the contiguous States subcategory (Subpart K), § 408.120 of the southern non-breaded shrimp processing in the contiguous

States subcategory (Subpart L), § 408.130 of the breaded shrimp processing subcategory (Subpart M), and § 408.140 of the tuna processing subcategory (Subpart N) to expand the applicability thereof; by revising § 408.55 of the remote Alaskan crab meat processing subcategory (Subpart E), § 408.75 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), and § 408.105 of the remote Alaskan shrimp processing subcategory (Subpart J) to change the standards of performance for new sources based on screening to standards based on comminutors or grinders; and by adding thereto the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed and canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307 (c) of the 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. A regulation regarding cooling water intake structures for all categories of point sources under section 316 (b) of the Act will be promulgated in 40 CFR Part 402.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of interim final and proposed rulemaking for the fish meal, salmon, bottom fish, sardine, herring, clam, oyster, scallop, and abalone segment of the canned and preserved seafood processing point source category. In addition, the regulation as set forth was supported by two other documents: (1) The document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Sar-

dine, Herring, Clam, Oyster, Scallop, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" (January 1975) and (2) the document entitled "Economic Analysis of Interim Final Effluent Guidelines, Seafood Processing Industry—Fish Meal, Salmon, Bottom Fish, Clams, Oysters, Sardines, Scallops, Herring, Abalone (February 1975). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of the notice of availability (40 FR 15096). Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the interim final regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the interim final and proposed regulation: National Cannery Association; New England Fish Company; Peter Pan Seafoods, Inc.; East Point Seafood Company; Maine Sardine Packers Association, Inc.; Virginia Seafoods Inc.; Shellfish Institute of North America; American Shrimp Cannery Association; U.S. Department of Commerce, National Marine Fisheries Service; Department of Health, Education, and Welfare; and U.S. Department of Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) Several commenters cited section 102(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532) which exempts from the ocean dumping permit requirements "the transportation for dumping or the dumping of fish wastes, except when deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location." The commenters then suggest that, contrary to section 306(b)(1)(A) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), the canned and preserved seafood processing point source discharges should be exempt from effluent limitations, except in protected areas where tidal flushing action or stream flow is inadequate for assimilation or dispersal of the organic fish wastes.

The majority of the existing seafood processing facilities are located near bays, inlets, estuaries, rivers, harbors, or other areas which provide some refuge from the vagaries of adverse weather or sea conditions. The waste quantities from these plants can range from 30 to

80 percent or more of the weight of raw material which, in many cases, are discharged directly to adjacent receiving waters with little or no treatment.

The Agency has documented cases where water quality degradation resulted from the discharge of seafood processing effluents. For example, the effluents from 15 seafood processors in Kodiak, Alaska resulted in the formation of a sludge deposit covering nearly 51 acres. About 25 percent of the area was polluted to the extent that it was devoid of any macroscopic life. The presence of floating solids, floating sludge mats, and the evolution of hydrogen sulfide gas were noted during the survey. A subsequent study of 32 other Alaskan processors states that waste discharges from many seafood processors were causing environmental damage in receiving waters and violating Alaskan Water Quality Standards. The environmental damage was evidenced by: a) accumulations of seafood wastes resulting in sludge beds and, b) aesthetically degrading conditions such as bloody water, accumulations of seafood wastes on the beaches, and foam and floating seafood wastes on the water surface.

Canadian Environmental Protection Service study presented at the April 1974 Fish Processing Plant Effluent Treatment and Guidelines Seminar in St. Johns, Nfld. indicated that fish processing facilities can affect the biological ecosystem up to a distance of one mile. By evaluating several sediment and diversity indexes, the study found that seafood processing effluents have a definite effect upon the relative abundance of species in the receiving waters. One conclusion of the report suggests that the presence of large schools of fish feeding in the effluent from seafood processing facilities is not indicative of its non-toxic characteristics, because these pelagic or migratory fish do not reproduce, live or carry out normal life functions in the effluent stream. The report also states that "the fish processing industry may not be classed as an emitter of highly toxic waste, although there have been documented cases of fish kills in the Atlantic Provinces. The effluent is more sublethal in action tending to reduce the diversity and thereby affecting the stability of the community structure."

In sec. 101 of the Act, Congress declared its objective "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" and declared "the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985."

To achieve these ends, the Act adopts a coordinated state-federal program to initiate clean-up efforts. Water quality standards are no longer the primary control mechanism. Instead, Congress has directed federal officials to establish effluent limitations for categories and classes of individual point sources. Each polluter within a category or class of industrial sources must, at a minimum, thereafter meet these uniform effluent limitations (Congressional Research

Service, Library of Congress, *A Legal History of the Water Pollution Control Act Amendments of 1972*, Vol. 1, p. 162 (Comm. Print, 1973) hereinafter referred to as Leg. Hist.). This shift from water quality standards to effluent limitations as the basic control mechanism was because of the great difficulty associated with establishing reliable and enforceable precise effluent limitations on the basis of a given stream quality (see Leg. Hist., Vol. 2, p. 1426). Water quality standards, in addition to their deficiencies in relying on the assimilative capacity of receiving waters, often cannot be translated into effluent limitations because of the imprecision of models for water quality and the effects of effluents in most waters.

Nevertheless, the water quality standards are not totally disregarded. The old water quality standards program of the Water Quality Act of 1965 is retained, substantially strengthened, and dovetailed with the new effluent limitations program of the new Act. Under section 303 of the Act water quality standards for interstate waters remain effective. States are to submit new water quality standards for intrastate waters to the Administrator for approval or necessary modifications, and all water quality standards are to be brought up to the requirements of the new Act over a period of time.

Both the States and the Administrator may go beyond the national effluent limitations of section 301 to require a greater reduction in discharge into specific receiving waters where the national effluent limitations are not stringent enough to meet applicable water quality standards for those particular waters (sections 303(d) and 302). Therefore, the technology-based section 301 national effluent limitations are a minimum which all plants must meet and local conditions may result in the imposition of more stringent (but not less stringent) effluent limitations.

(2) Several commenters stated that the selection of plants for sampling and the selection of data for subcategory averages resulted in inequitable and unattainable limitations. They also requested further explanation of the procedures used to decide whether plants in a subcategory were either typical or nontypical and the criteria used for inclusion or exclusion of data.

The time constraints imposed by the statutory deadlines precluded the Agency from conducting an exhaustive sampling program. Nevertheless in the time available, the contractor (a recognized authority on waste management in the seafood processing industry) carried out the first national scale empirical study of the industry's waste characteristics and treatment. Project consultants, industrial trade associations, individual companies, Universities, and State and Federal government contacts assisted in identifying representative seafood processing facilities. The following individuals were among those that provided information and advice: Mr. Russell Norris, Mr. Frank Riley, and Mr. Robert

Hall of the Northeast Regional Office, National Marine Fisheries Service (NMFS); Mr. Hugh O'Rourke of the Massachusetts Seafood Council; Mr. Richard Reed of the Maine Sardine Council; Mr. Clarence Carlson of the Atlantic Fishery Products Technology Center; Mr. Roy Martin of the National Fisheries Institute; Mr. Steele Culbertson of the National Fish Meal and Oil Association; Mr. James Douglas, Jr. of the Virginia Marine Resources Commission; Mr. Jack Wright of the Virginia Seafood Council; Mr. Everett Tolley of the Shellfish Institute of North America; Mr. Jack Gehringer of the Southeast Regional Office, NMFS; Mr. Bobby J. Wood and Mr. Melvin Waters of the NMFS Pascagoula Laboratory; Mr. James Bybee of the Southwest Regional Office, NMFS; Mr. Richard Moore and Mr. Jerry Sprat of the State of California, Department of Fish and Game; Mr. Robert Patta, NMFS; Mr. Maynard Steinberg, Mr. John Dassow, Mr. Harold Barnett, and Mr. Richard Nelson of the NMFS Pacific Fishery Technology Laboratory; Mr. Walter Yonker and Mr. Roger DeCamp of the National Cannery Association; Dr. Dave Crawford of the Oregon State University Seafood Laboratory; Mr. Jeffrey Collins and Mr. Richard Tenney of the NMFS Kodiak Fishery Products Technology Laboratory; Mr. Charles Perkins of the New England Fish Company and the Pacific Fisheries Technologists; and Mr. Charles Jensen of the Kodiak Seafood Processors Association.

After identifying representative processing facilities, one of the criteria for selecting a plant for detailed study was physical ease of collecting unit operation and end-of-pipe full shift flow proportioned composite samples. Some facilities would have required plumbing changes to facilitate a detailed sampling effort. Other considerations included individual plant cooperation, labor strikes, and seasonality. Because of the need to obtain the data as rapidly as possible, the sampling effort concentrated on plants which had indicated a willingness and ability to provide the requested data promptly. Even though many companies were very cooperative, labor strikes restricted sampling in some locations. Seasonality or availability of raw material also restricted the sampling effort in some parts of the country during the time frame of the study.

The available historical data which was compatible with the Agency's sampling and analytical procedures were included in the data base. The Agency's samples were screened prior to compositing to remove the larger solid particles which reduced the resultant "scatter" of the data points. This method is especially valuable in developing a precise base-line value for each parameter from a limited number of samples.

Several examples extracted from the "Subcategorization Rationale" portions of the Development Document illustrate the method of selecting typical plants for determining subcategory summary data. For salmon processing, 18 sets of summary data covering several process-

ing techniques were obtained from 12 processing facilities. Nine sets of summary data represented mechanized salmon processing; however, only the 4 plants which utilized butchering machines exclusively were included in the subdivision average. The other 5 plants, which were excluded, practiced a mixture of hand and mechanized butchering which resulted in lower raw waste loads. Partial or hybrid processes are not used in the subcategory summaries because the subcategory effluent limitations are intended to serve as "building blocks" for establishing total effluent limitations for multi-product plants. In the case of hand-butchered salmon 6 of the 9 available sets of plant summary data were used for calculating the subdivision average. The excluded summary data represented facilities with lower raw waste loads because the salmon were "troll dressed" or eviscerated at sea. For conventional bottom fish, 14 sets of data were available for use, however, one plant was omitted from the subcategory average because only a small number of fish were being handled in the round, whole, on the day the sample was taken. This situation was considered to be atypical and resulted in relatively low raw waste loads. In the case of mechanized bottom fish, 2 of the 5 sets of data were excluded from the subcategory summary data because the machinery was unique and resulted in much lower raw waste loads than the other mechanized processing facilities. However, the excluded plants are still considered a part of the mechanized bottom fish subcategory.

In general, the plant selection procedures resulted in higher, not lower, subcategory waste load summaries. With one exception, all BOD₅, suspended solids, and grease and oil data points of the facilities selected were included in the calculation of subcategory summaries. (As discussed in item 18 below, the only exception involved the grease and oil parameter summary for herring-fillet processing subcategories.) The outliers for these regulated parameters were not deleted from the subcategory data base. However, the flow ratios (not a regulated parameter) were eliminated from the summary data of 8 of the 60 plants utilized in subcategory summaries for the following reasons: (a) the poor water conservation practice of letting water run through butchering machines in between periods of operation, (b) allowing hoses to run even when not in use, (c) allowing water to flow through filleting stations even when not in use, (d) excessive overflow rates in oyster blow tanks, and (e) poor control of water flowing through spray washers.

(3) Several commenters stated that the use of an average subcategory raw waste load is inequitable because effluent limitations calculated from a mean value result in half of the plants having to do more to meet the limitations. They suggest that the Agency utilize a case-by-case basis to establish effluent limitations for each plant or utilize the highest waste load observed within a subcategory as the basis for the effluent limitations.

It is inherent in developing subcategory raw waste loads that some plants presently will fall above the average waste loads. However, by employing "good housekeeping" practices and developing an effective waste management program to optimize plant operation, many of these facilities may reduce their raw waste loads before 1977.

In developing effluent limitations, the Agency must be responsive to the requirements of the Act. The legal standards for 1977, like those for 1983 and for new sources, are delineated in Sections 304 and 306 of the Act as "best practicable control technology currently available" (1977), "best available technology economically achievable" (1983), and "best available demonstrated technology" (new sources). As stated in the Senate Report (Leg. Hist., Vol. 2, p. 1468):

"The Administrator should establish the range of best practicable levels based upon the average of the best existing performance by plants of various sizes, ages, and unit processes within each industrial category."

The Agency is mandated to rely upon the most effective pollution control achieved in a particular industry subcategory in setting effluent limitations, and must require all point sources in the subcategory, by 1977, to meet this level of currently achieved control.

In enacting the Federal Water Pollution Control Act Amendments of 1972, Congress meant to do more than leave industry at status quo for another decade and reward environmentally laggard businesses by utilizing worst case waste loads as the basis for effluent limitations. Therefore, the sampling program covered plants identified by trade associations and industry experts as representative of the subcategories regulated.

(4) A number of commenters expressed concern about the use of the log normal distribution and suggested that its use was simply a device utilized to mask the variability of the collected data.

An analysis of the natural distribution of the major waste water parameters indicated that the standard normal distribution model was inadequate for most cases because the range of data was large and the data tended to be skewed with some relatively large values. Also, the normal distribution allowed for negative values which do not occur in actuality for the pollution parameters being examined. The log normal distribution was investigated and found to adequately describe the data collected from this industry segment. The log normal distribution is the distribution commonly used for only positive values which are skewed right to allow for some large values. The set of the logarithm of values in the distribution conforms to the normal distribution and standard statistical techniques can be employed. Because the log normal distribution model described the data distribution better than the normal distribution, the log normal distribution was used to establish subcategory summary waste loads.

If the standard normal distribution had been used, the extreme outliers could have been statistically eliminated from the calculated averages. Therefore, the subcategory raw waste load summaries might have been lower than those calculated from the log normal distribution.

(5) Many commenters suggest that the true causes of variability in raw waste loads were not adequately taken into consideration in the establishment of effluent guidelines.

As discussed in the Development Document, the contributing causes of raw waste variability include factors such as variety of the species being processed, variability in raw product supply, harvesting methods, condition of raw product on delivery to the processing plant, and in plant materials management practices. In general, the first four factors are beyond the immediate control of individual processing facilities.

The variety of species utilized in each commodity group is usually limited to those which are quite similar. In general, the processes which have the largest capacities and produce the most waste utilize the fewest species. Those which handle a large variety of species, such as conventional bottom fish processes, are typically smaller and utilize manual unit operations, which produce lower waste loads. The subcategorization rationale reflects a consideration for the variety of species when they are processed in a similar manner.

In the case of salmon processing the practical aspects of the problem precluded subcategorization by salmon species. For example, in Alaska production volumes for red and pink salmon are much greater than those for chum, king, and coho. Since all five species are many times processed during the same shift, sometimes intermingled with one another, obtaining full-shift flow proportioned composite samples for each species could not be practicably accomplished.

The variability in raw product supply and production is strongly correlated with the type of product being processed and occasionally with geographic location and production capacity. The subcategorization scheme and sampling program inherently includes the variability in raw material supply, because this factor influences all food processing facilities dependent on the vagaries of nature for raw material.

The harvesting methods are generally similar within a commodity group. However, it is recognized that different harvesting methods can affect the condition of the raw material or the degree of pre-processing. For example, salmon are harvested primarily by three different methods: trolling, purse seining, and gill netting. Larger vessels, called tenders, usually bring the salmon from the fishing grounds to the processing plants. Fishing boats coming into the port because of breakdowns and supply shortages also deliver fish to the plants. It is more common for trollers to deliver directly to plants than seiners and gill netters. Tenders using chilled brine can store fish up to four days without freezing, whereas

dry tenders, which are rapidly becoming obsolete, must return to the processing plants daily. A few tenders ice their fish. A plant may process on the same day, or from day to day, fish harvested by any permutation of the above methods.

The condition of the raw material on delivery to the processing facility is, perhaps, the major uncontrollable factor affecting plant raw waste loads. The raw material can be very fresh, only a few hours old, or it can be quite old and on the verge of spoilage. It is not uncommon for a processing facility to refuse raw material which has decomposed beyond the point of safe processing for human consumption. The data collected reflects a wide range in the condition of the raw material. In several cases the sampling program at some plants reflects high raw waste loads because the raw material was "older and softer than usual." In another case, due to a shortage of fish, a plant purchased a load of fish which would normally be rejected. The fish were reportedly caught just after feeding which caused the bellies to bloat and soften the adjacent meat, thereby increasing the raw waste load.

In an attempt to account for the temporal variations in raw waste loads due to some of these factors, whenever possible a given plant was sampled over several weeks rather than for several consecutive days. In the case of salmon processing in Alaska, the major portion of the season falls from mid-June to mid-September. The Agency's sampling effort and the historical data covers the calendar months from mid-July to the early part of November. In the case of bottom fish processing, the Agency's sampling program generally covers the calendar months from July through October with historical data at one plant covering an 8 month period and at two other plants covering 5 month periods. In general the oyster processing data covers the calendar months of October and November.

As stated previously variations in raw material quality are normal and should be expected. Therefore, the waste management program should be designed with sufficient flexibility to handle the problems inherent in the industry due to expected raw material quality variations. It is also suggested that a processing plant attempt to work out an emergency plan to handle a situation where uncontrollable, significant deterioration in its raw material quality causes significantly high waste loads.

The fifth item listed above, plant materials management practices, directly affects the variability in raw waste loads. Many plants hose solids, which accumulate on the floor near the various unit operations, into drains or troughs. These solids could be removed by shovel and placed into dry bins for disposal or solids recovery. Many plants allow solids to accumulate in sumps which results in leaching of the soluble fractions. In general, any unnecessary water-solids contact increases the waste load of the effluent stream. Water use practices which

affect raw waste loads are discussed separately in Items 6, 7, and 8 below.

(6) According to many commenters, the Agency should not emphasize water use practices because the wide fluctuations in water use ratios are beyond the control of individual processors due to FDA and public health mandates.

The waste characterization studies indicate that water usage in the seafood processing industry varies widely and is not always a direct function of the needs of the various unit operations or of sanitation requirements. The large variations in water usage for the same process configuration among different plants and among different stations of the same unit operation in a single plant indicates that there is ample opportunity for the reduction of water usage without adversely affecting the quality of the product. Many plants keep the floors flooded at all times of processing. There is a general lack of controls to adjust water use with the volume of seafood processed. In many cases several valves control the entire plant water flow and these are adjusted at the start and turned off at the end of processing operations.

The following specific practices were observed during the Agency's sampling program. (a) In some plants hoses were used continuously during some shifts to wash down an area of waste build up, but were not used on every shift or day of operation; (b) Water was observed to run through many machines or stations even though they were not processing fish; (c) In many cases pumps were not flow regulated, therefore requiring large amounts of water to prevent the loss of vacuum; (d) Some plants did not shut off or reduce water flow during rest breaks; and (e) At one plant sampled the flows among 13 filleting stations ranged from 0.08 gpm to 2.70 gpm at the same point in time, a difference of over 3000 percent; and at another plant, the flows among 7 butchering stations ranged from 0.8 gpm to 3.5 gpm, a difference of over 300 percent.

The Agency believes it to be evident that a significant proportion of the observed water use variability does not result from public health mandates but rather from inefficient housekeeping and water management practices.

Again, it should be emphasized that water use is not a regulated parameter. However, in developing cost estimates of the end of pipe technology utilized as the basis of the 1977 effluent limitations, it was assumed that the flow ratios should be based on "good housekeeping" practices which are considered normal practice within the seafood processing industry. This includes turning off faucets and hoses when not in use or using spring-loaded hose nozzles.

The extensive discussions of water use in the Development Document is intended to illustrate the fact that hydraulic load is an important engineering design and cost factor. It would behoove a processor to evaluate the water flow in all unit operations to reduce unnecessary water-solid contact and indiscriminate water use because prolonged water-

solid contact tends to increase raw waste load and unnecessary water use tends to increase the cost of end of pipe treatment.

(7) Several commenters suggest that there is no relationship between water use and waste load by referring to several plants with similar BOD5 ratios and considerably different flow ratios.

The study revealed two major facets of water use within the seafood industry. First, unnecessary flows through hoses and machinery or stations not in use increase water consumption without a noticeable effect on waste load ratios based on production volume. However, the concentration of the total plant effluent decreases due to the dilution effect of unnecessary water consumption. Second, any water-solids contact such as rinses or spray washes removes undesirable material from the surface of the product. Public health or product quality criteria determines some optimum water consumption level for the wash. Beyond this point unnecessary water-solids contact can affect the product surface which may increase suspended solids and induce additional leaching of soluble material. In this case, the additional water-solids contact may increase the waste load per unit of production while the total plant effluent concentration may actually decrease depending on the amount of excess water.

Some plans sweep or wash solids into drains while others utilize dry-capture techniques before cleaning equipment. This has a definite effect on waste load which is not directly related to water use. To be more precise, there is, in fact, a definite relationship between water-solids contact and waste load as illustrated by data presented in Section VII of the Development Document. When unnecessary and indiscriminate water use is eliminated, the water use to waste load relationship will be easier to detect in the processing plant situation.

In general, no comparison can be made of the water use and waste load ratios between different processing plants, unless the facilities have identical raw material, unit operations, and end products. For example, if one plant has a flume which is twice as wide as one in another plant, then with everything else being equal, the first plant will use twice the water volume to maintain the same velocity in the flume.

(8) The comment was made that the premise of water recycling and its part to play in setting guidelines is at present unattainable and consequently upsetting to the food processors treatment program planning.

The effluent limitations are not predicated upon water recycling or water reuse. The discussion presented in the Development Document includes water recycling or water reuse as one of many alternatives in a plant water management program.

(9) Several commenters considered the discussion of by-product recovery in the preamble and Development Document to be overly optimistic by stipulating that fish waste can be converted into mar-

ketable by-products. They state that "wherever, and more realistically whenever, the economics of such marketing are favorable, the industry has and will continue to produce and market such products."

It should be noted that neither the technical justification for the 1977, 1983, and new source effluent limitations nor the economic impact analysis utilize by-product recovery as the basis for the regulations. The purpose of the by-product recovery discussion is to outline several of the major developments that are currently in use, ready for use, or will be available within the next few years.

If the intent and objectives of the Act are to be met, the industry has a choice of treating the waste load at the end of the pipe or making in-plant modifications which may include recovery of secondary products. Because a company expects to sell a by-product, it may make a profit, break even, or recover only a fraction of the cost of production. However, it may be less expensive to sell a secondary product at a loss, than incur the cost of end-of-pipe disposal or treatment for that portion diverted to by-product recovery.

One example cited in the Development Document was the conversion of waste crustacean shells into protein and chitin and chitosan fractions. To quote the October 1974 Proceedings of the Sea Grant Association the following goals and objectives of the Chitin/Chitosan Shellfish Waste Utilization Program were met successfully: "beneficial utilization of a waste product, elimination of a major source of pollution, demonstration of methodology for technical assessment and thence utilization of the by-products of a primary objective, attract additional research in chitin and chitosan utilization, and develop commercial interest in establishment of shellfish waste conversion plants."

In addition to the Japanese production of chitin and chitosan, a U.S. commercial processing facility in Brownsville, Texas is presently producing chitin and is scheduled to commence full-scale production of chitosan in the near future. If a few of the myriad uses of chitin and chitosan attain commercial application, the demand for crustacean shell will increase in the foreseeable future. This may result in the construction of other processing plants and preprocessing or stabilization facilities, which could have a positive economic impact on the existing crustacean and fish meal plants in Alaska and other sources of raw or stabilized shell throughout the country. Notwithstanding the concern of several commenters who indicated that meal plants in Alaska are operating presently at a loss, an increase in demand for stabilized shell could improve the economic condition of the entire by-product operation of these plants. At present, the selling price for crustacean and fish meal is determined by the vacillating world wide supply and demand for protein. An increasing demand for chitin and chitosan in the chemical markets may tend to stabilize the fluctuating selling price of

crustacean meal due to competitive markets for the same raw material.

(10) Several commenters state that they prefer to work with some other types of treatment systems than those utilized as the basis of effluent limitations and request that their options be left open accordingly.

The technologies which form the bases for the effluent limitations are used as a point of reference for evaluating the economic impact. The industry may select alternative methods such as those discussed in the Development Document or other sources to meet the published effluent limitations.

(11) Several commenters state that the Development Document indicates that the error in the BOD₅ analysis can be as great as 30 percent. Therefore, they request that COD be substituted for the BOD₅ parameter.

The discussion of the analytical quality control methods referred to in the Development Document states: "Five-day BOD was determined according to 'Standard Methods'. For samples with BOD₅ of higher than 20 mg/l, at least three different dilutions were made for each sample. The results among the different dilutions were generally less than plus or minus 6 percent. The data reported were the average values of the different dilutions. For samples with BOD₅ of less than 20 mg/l, one or two dilutions with two duplicate bottles were incubated. Most of replicate BOD₅ in this low range were within plus or minus 5 percent; but some had as much as plus or minus 30 percent difference. Seed for the dilution water was a specially cultivated mixed culture in the laboratory using various fish wastes as the seed."

It should be noted that the lowest BOD₅ concentration assumed for 1983 effluent limitations was 60 mg/l. Therefore, the relative error of the BOD₅ test will not fall within the plus or minus 30 percent range as suggested by the commenter.

The BOD₅ test is widely used to determine the pollutional strength of domestic and industrial wastes in terms of the oxygen these wastes will require if discharged into natural watercourses in which aerobic conditions exist. Furthermore, current engineering practice utilizes BOD₅ as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BOD₅ parameter was investigated during this study. The BOD₅ and corresponding COD data from industrial fish, finfish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BOD₅ for any or all of these groups of seafood. The analysis presented in Section VI of the Development Document indicates that the COD parameter is not a reliable predictor of BOD₅.

The relationship between COD and BOD₅ before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BOD₅ parameter, since insufficient information is available on the COD ef-

fluent levels after treatment. However, with adequate data EPA and most States could probably allow the substitution of COD for BOD₅ in the routine monitoring program.

(12) One commenter listed the anti-logarithms of the log-normal mean and standard deviation of the summary data for conventional bottom fish processing and then suggested that contrary to the statements in the Development Document the waste loadings for bottom fish plants were not relatively low and uniform.

The commenters use of the log-normal data is mathematically incorrect. The log-normal distribution is a normal distribution of the logarithms of the numbers in the data set. Any comparisons between the log-normal mean and log-normal standard deviation should be as logarithms. A comparison of the real number antilog of the log-normal mean and real number antilog of the log-normal standard deviation results in mathematically invalid conclusions. The statement in the Development Document is correct when comparing the log-normal mean and log-normal standard deviation.

(13) One commenter stated that the dissolved air flotation removal efficiencies for salmon are too restrictive because the only DAF plant operational for salmon has shown actual BOD removal to be only in the range of 11 to 35 percent instead of the 75 percent that must be achieved for an average salmon cannery to avoid exceeding the guidelines. For total suspended solids the commercial plant was represented as removing only 18 to 48 percent instead of the assumed 90 percent.

The Fisheries Research Board of Canada and the Fisheries Association of British Columbia designed and erected a full-scale demonstration dissolved air flotation waste water treatment plant which accommodates salmon canning, herring roe recovery, and ground fish filleting effluents. The information available to the Agency indicates that this is the only full-scale DAF system treating salmon cannery effluents. The 1972 Canadian operating data using alum and an anionic polyelectrolyte on salmon canning effluent indicated that suspended solids removal averaged 86 percent and that COD reduction averaged 84 percent. The 1971 operating data using alum on salmon canning effluent indicated that suspended solids removal averaged 92 percent and that COD removal averaged 84 percent.

In view of the published operating data for a full scale salmon processing waste water treatment system, the Agency believes that dissolved air flotation without chemical optimization can achieve the assumed 40 percent reduction of BOD₅ and 70 percent reduction of total suspended solids; and with chemical optimization, can achieve by 1983 the assumed 75 percent reduction of BOD₅ and 90 percent reduction of total suspended solids.

(14) One commenter indicated that sardine plants with wet fluming systems could not meet the 1977 limitations with-

out in-plant changes because the summary data was based on dry conveying systems. Additional sardine processing waste characterization data was submitted for use in reevaluating the derivation of the effluent limitations.

The information indicated that several of the larger-processing facilities employed dry conveying systems from the storage to the processing areas, but the other plants still relied on wet fluming. Therefore, the 1977 effluent limitations were revised by including two additional plants in the subcategory data summary for plants with dry conveying systems and establishing an allowance by use of historical data for plants without this in-process modification. However, the 1983 and new source effluent limitations are based on dry conveying systems.

(15) One commenter stated that the scallop subcategories have not been adequately discussed because there are significant differences between the two plants monitored (with one plant being sampled only once).

As discussed in the Development Document, the bay, sea, and Alaskan scallops are shucked and eviscerated at sea to avoid deterioration. The unit operations at land-based processing plants are essentially washing and freezing. This results in a yield of nearly 100 percent of the raw material entering the plant since the only wastes produced are small scallop pieces not suitable for freezing, solid waste removed during inspection, and small amounts of dissolved organic matter. The observed washing methods were different at each plant sampled. One plant used a two stage continuous flow washing system, whereas, the other employed a non-flowing brine tank which was dumped approximately every eight hours. With the exception of flow ratios, the other waste parameters were considered similar. The available information did not warrant further subcategorization on the basis of the washing operation.

Although the two Alaskan plants were the only ones sampled, other facilities were observed in the middle Atlantic region using essentially the same process; therefore, it was assumed that the waste loads would be similar for similar "wash and freeze" operations.

It should be noted that, as stated in § 408.300, the calico scallop process which employs land-based machinery for shucking and eviscerating the scallops is not covered by the regulations set forth herein.

(16) Several commenters expressed concern about the accuracy of the development of the steamed and canned oyster effluent limitations and discussed the effects of the oyster beds and harvesting techniques on the processing waste loads. One Gulf Coast processor submitted data to support his statements.

A review of the data for steamed and canned oysters indicated that plant C01 data should not have been included in the subcategory average. Unlike the other plants, the raw material was pre-

washed before entering the processing facility, thus reducing the raw waste load due to partial processing. The revised subcategory average excludes plant C01 data, and includes the Gulf Coast data.

(17) Several commenters objected to the establishment of two hand-shucked oyster subcategories with revised effluent limitations because the contractor's draft report originally recommended one hand-shucked oyster subcategory with higher effluent limitations.

One result of the review of the contractor's draft report and evaluation of the public comments, prompted further subcategorization of the original Hand-Shucked Oyster Subcategory into the Pacific Coast Hand-Shucked Oyster Subcategory and the East and Gulf Coast Hand-Shucked Oyster Subcategory with data based on the specific species processed in the two geographic areas. The contractor's draft report presents hand-shucked oyster data for ten processing plants—four located on the West Coast and six, on the East Coast. Utilizing Total Suspended Solids (TSS) as an example, it can be seen that the TSS arithmetic average for the West Coast plants processing the Japanese or Pacific oyster is 25.7 kg/kg of shucked oyster produced; the TSS arithmetic average for the East Coast plants processing the American, Eastern, or Virginia oyster is 10.8 kg/kg. However, as noted in the contractor's draft report, the Hand-Shucked Oyster's Process Summary was based on the four West Coast plants alone.

Another result of the review, as explained in the preamble to the FEDERAL REGISTER notice (40 CFR 4582) and the Interim Final Development Document, prompted the use of the logarithmic—normal frequency distribution to determine subcategory summary data. Again using TSS as an example, the log-normal transform increases the Pacific Coast Hand-Shucked Oyster Subcategory TSS average from 25.7 to 34.2 kg/kg of product, and the East and Gulf Coast Hand-Shucked Oyster Subcategory TSS average from 10.8 to 13.6 kg/kg of product.

The Agency believes that effluent limitations based on these revisions are equitable because they present a more accurate reflection of the characteristics of the hand-shucked oyster industry.

(18) One commenter suggests that the herring fillet subcategories have not been adequately characterized because no remote Alaskan herring fillet plant was sampled and only one day of production was monitored at a non-remote Alaskan plant.

As stated in the Development Document, two herring filleting plants were sampled during August, 1973, one in New England and one in Alaska. In addition, historical data were obtained from a plant operating in Canada. The sampling interval was during a period of peak production for New England, however, due to a poor harvest in 1973, the plants were operating on an intermittent basis. The sampling interval in Alaska was during a slack season, therefore, only one day of operation was observed.

In general, the waste characteristics for all three plants were similar. One difference was the relatively high flow ratio observed at the Alaskan plant. This high ratio is not considered to be typical because only a few fish were being processed and the flow through the filleting machines at the plant monitored tends to be independent of the production rate.

One relatively high grease and oil data point at the Alaskan processing facility, resulted in a distorted log normal projection for the grease and oil daily maximum of 86.6 kg per kkg of raw material, i.e., over 8 percent of the weight of raw material. Since the typical fat composition of herring ranges from 2 up to 11 percent of body weight, it would be unlikely for 78 percent or more of this fat to reach the waste water effluent stream because a major proportion of the fat is contained in the food product and waste solids. A comparison of the mechanically butchered salmon processing raw waste load to the mechanized herring filleting raw waste load indicates that TSS averages are virtually identical, 20.3 kg/kg for salmon and 20.9 kg/kg for herring filleting; the salmon GOD5 waste load is higher, 50.8 kg/kg for salmon versus 32.2 kg/kg for herring filleting; the salmon grease and oil average is also virtually identical to the average for the New England herring filleting plant, 6.49 kg/kg for salmon versus 6.11 kg/kg for New England herring filleting. Because the one data point at the Alaskan herring filleting plant appeared to be abnormally high in comparison to the other available information, it was not used to determine a subcategory average. Instead, the mechanized salmon process grease and oil data was utilized to derive conclusions regarding effluent limitations for the herring fillet processing plants.

Since the herring filleting process is essentially the same from plant to plant, geographic location was considered to be the only factor requiring further attention in the subcategorization process. As explained in the Development Document and preamble to the interim final effluent limitations, subcategorization based on geographic regions (Alaska versus non-Alaska, and remote Alaska versus non-remote Alaska), was developed to account for the differences in the relative costs of business and treatment technologies, not for differences in raw waste loads, treatability of wastes or other technical factors.

(19) Several commenters criticized the fact that the log-normal transform was used in most cases to determine parameter averages while in some cases an arithmetic average was used.

In reviewing the data base, it was decided to use the log-normal distribution exclusively instead of the standard normal distribution for the reasons previously cited in item 4. However, the weighing factors were deleted from the log-normal transform, even though this results generally in higher subcategory averages, in order to supplement the data base with historical data or available plant data which does not include temporal variability for the regulated parameters.

(20) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(21) One commenter observed that EPA did not take into account the economic impact from regulations imposed by other regulatory agencies.

The Agency realizes that there will be an economic impact from regulations set by other regulatory agencies. In its economic impact analysis, EPA included costs incurred as a result of pre-1972 regulations.

It is difficult to estimate what other costs will be incurred in the years ahead as there is no way to determine what other agencies will propose. However, it is valid to assume that these agencies, when considering the economic impact of their proposed regulations, will consider the costs incurred as a result of previously imposed EPA regulations.

(22) Several comments stated that the new source and 1983 effluent limitations based on extended aeration for the hand shucked oyster industry will have a severe economic impact.

As part of the Agency's overall re-assessment of the economic impact, the above comment was carefully evaluated. In this analysis, the impact was investigated over a range for several variables (e.g. cost of capital, operating and maintenance cost). Because the review indicated that the comment was generally valid, the Agency rejected extended aeration as the basis of the 1983 effluent limitations. The Agency believes that extended aeration still represents a technically feasible alternative for hand-shucked oyster processing. Nevertheless, the 1983 limitations and new source performance standards have been revised so that the best available technology economically achievable and the best available demonstrated control technology consists of "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The provisions of section 301(d) of the Act require that the effluent limitations based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2). The Agency has initiated a study to identify alternative economically viable technology applicable to hand-shucked oyster processing. Therefore, the 1983

limitations may be revised in the future pursuant to section 301(d) of the Act to reflect a higher level of technology than screening.

(23) Several commenters were concerned that monitoring costs were excluded from the Agency's cost calculations.

The Agency did not include monitoring costs in its calculations because in many cases they prove to be an insignificant amount of the cost of compliance with the effluent limitations.

Laboratory analyses were estimated to cost about \$25 per sample. Some permits are written which require only one sample per season. For example, using the cost figures for a medium-size East Coast hand shucked oyster plant, that amounts to approximately 0.8 percent of the total annual costs of \$3,000. Even if once per month sampling was required during the operating season (7 months), monitoring cost would amount to approximately 6 percent of the total annual cost.

Most processors are currently required to (and do) monitor their discharges; the effluent limitations may not require any additional monitoring. Therefore, no additional monitoring costs are incurred as a result of these effluent limitations.

(24) Comments were received which said that dissolved air flotation (DAF) was not economically feasible for the West Coast canned salmon industry.

The Agency reevaluated the cost of DAF technology, and the potential economic impact on the West Coast canned salmon industry. Based on this evaluation, EPA is revising the effluent limitations so that (1) DAF is no longer the basis for the 1977 limitations; however (2) DAF will be retained as the basis for the 1983 and new source standards.

The Agency considered the cost of the technology, the economic history and status of the industry, and its future prospects. The West Coast canned salmon industry has been in a depressed state during 1973 and 1974. However, the industry has a cycle of about four years; usually the first two years are profitable, while the last two years are not. Historically, the profits have covered the losses. However, in the last cycle, 1971-1974, losses exceeded profits.

The economic outlook for the immediate future is uncertain. Landings for June 1975 were several times greater than landings in June 1974. There are indications that a new cycle is starting, but whether the cycle will be profitable (net positive cash flow) still remains to be seen. The DAF basis for the 1983 and new source standards is retained because the industry may, in fact, prove profitable. However, section 301(c) of the Act provides for modification of the effluent limitations with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reason-

able further progress toward the elimination of the discharge of pollutants. Furthermore, section 301(d) of the Act states that the effluent limitations based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2). If adverse economic conditions are found to exist at a later time, there is ample opportunity to revise the regulations.

(25) Several commenters stated that dissolved air flotation was not economically feasible for the Alaskan non-remote fresh and frozen salmon processors and the Alaskan canned salmon processors.

The Agency reevaluated the cost of DAF technology, and the potential economic impact on the Alaskan fresh and frozen and canned salmon industries. Based on this evaluation DAF was shown to be economically feasible and, therefore, will be retained as the basis for the 1983 effluent limitations.

EPA considered the cost of the technology, the economic history and status of the industry, and its future prospects. The salmon industry in Alaska has been hampered by a steady and continuous decline in landings (due in large part to foreign fishing offshore) and, concomitantly, rising exvessel prices for the raw product. The industry has not been profitable in the last few years.

If the future profitability is the same as over the most recent cycle, EPA realizes that there could be a great impact on this industry if DAF is retained as the basis for the 1983 effluent limitations. However, the outlook for this industry is subject to great uncertainty. The DAF basis for 1983 regulations is retained because this industry may, in fact, prove profitable. However, section 301(c) of the Act provides for modification of the effluent limitations guidelines with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants. Furthermore, section 301(d) of the Act states that the effluent limitations guidelines based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2). If adverse economic conditions are found to exist at a later time, there is ample opportunity to revise the regulations.

(b) *Revision of the interim final and proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation:

(1) The use of the unweighted log normal distribution resulted in the following changes:

(i) generally higher effluent limitations for the Alaskan bottom fish (Subpart T), scallop (Subparts AC and AD), and hand-shucked clam (Subpart W) processing subcategories; and

(ii) higher effluent limitations within the herring fillet (Subparts AE and AF), sardine (Subpart AB), and abalone (Subpart AG) processing subcategories because of expansion of the respective subcategory data bases to include plant data without the temporal variability weighing factor.

(2) The revised technology basis for the sardine processing 1977 effluent limitations (Subpart AB) accounts for separation of those plants with dry conveying systems to the processing area from those plants with wet fluming transportation systems. The 1983 and new source effluent limitations are based on dry conveying systems alone.

(3) The mechanized clam processing subcategory effluent limitations increased because one plant which utilized a "partial process" was deleted from the subcategory summary.

(4) The steamed and canned oyster processing subcategory effluent limitations increased because of the addition of historical data received during the comment period and the deletion of one plant which utilized a "partial process."

(5) A reassessment of the economic impact of the interim final effluent limitations for the West Coast Mechanized Salmon Processing Subcategory indicates that dissolved air flotation is not an economically feasible technology basis for the 1977 limitations. The promulgated effluent limitations have been revised to eliminate this impact. The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist, of, in addition to the aforementioned treatment, dissolved air flotation and appropriate processed design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(6) A reassessment of the economic impact of the effluent limitation for the Pacific Coast Hand Shucked Oyster and East and Gulf Coast Hand Shucked Oyster Processing Subcategories indicates that extended aeration is not an economically feasible technology basis for the new source and the 1983 limitations. The promulgated effluent limitations have been revised to eliminate this impact. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of "good housekeeping" practices which are considered nor-

mal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

(c) *Economic and inflationary impact.* The Agency considered the economic impact of the internal and external costs of the effluent limitations. Internal costs are defined as investment and annual cost (operating costs plus the cost of capital and depreciation) for a typical plant. External cost deals basically with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments or plant closures, resultant unemployment, community and regional impacts, international trade, and future industry growth.

In its reassessment of the economic impact, the Agency made a concerted and serious effort to contact new sources and obtain new data. Inquiries were made to government agencies, private companies, and trade associations. The Agency re-evaluated previous data and evaluated new data furnished to the Agency.

There were certain, mostly minor, changes due to this reassessment. These include the following:

(1) The total internal cost of the 1977 effluent limitations is \$6.2 million investment (previous figure: \$6.1 million) with \$1.3 million annual cost (same as the previously published figure).

(2) An additional \$5.9 million investment is required for the 1983 standards (previous figure: \$8.2 million) plus \$1.4 million annually (previous figure: \$1.7 million).

(3) As discussed in the Comments (item (b) 24, above) there was concern that the economic impact of the 1977 effluent limitations would be too severe for the West Coast canned salmon industry. Based on the review of the economic history and status of the industry, the Agency concluded that a revision of the previously published effluent limitation was warranted. As such, the basis for the 1977 limitation was changed from air flotation systems to screening systems.

(4) The economic impact statement for the interim final regulation expressed concern about a potentially severe economic impact on the Alaskan fresh and frozen salmon industry. It was also stated that the severity could have been overestimated due to several factors. Based on a review of permit registrations, it was found that a number of the "affected" plants were not processors, but packers and wholesalers that are entirely unaffected by the effluent limitations. Based on this review, the Agency concluded that the previously stated impact is overstated and no revisions of the effluent limitations are necessary.

(5) As discussed in the comments (item (b) 22, above) there was concern that the economic impact of the 1983 and new source performance standards would be too severe for the hand-shucked oyster processors. Based on a review of the economic history and status of the

industry, the Agency concluded that a revision of the previously published effluent limitations was warranted. As such, the bases for the 1983 and new source performance standards for the hand-shucked oyster processing subcategories were changed from extended aeration systems to screening systems.

The effluent limitations for 1977 will have a minor effect on prices as price increases generally in the range of 0.3 to 0.5 percent are projected. Although price increases in this industry will, of course, be affected by foreign competition, the generally small magnitude of the projected price increases is not expected to cause any important international trade effects. A number of small plants are projected to be adversely affected by the effluent limitations, but the domestic industry capacity is not expected to be affected by the potential closure of these particular small plants.

The 1983 standards are projected to result in price increases typically in the range 0.5 to 1.5 percent (including the 1977 increase). An additional number of generally small plants are projected to be adversely affected by these 1983 guidelines, but again, the domestic industry capacity is not anticipated to be affected by the potential closure of these small plants. No significant international trade effects of the 1983 guidelines are projected.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OBM Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding \$100 million or annualized costs in excess of \$50 million will require certification. Since the estimated total capital investment and annualized cost are below the designated limits, certification of the inflationary impact statement is not necessary.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the fish meal, salmon, bottom fish, sardine, herring, clam, oyster, scallop, and abalone segment of the canned and preserved seafood processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Sardine, Herring, Clam, Oyster, Scallop, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source

Category" (August 1975). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Effluent Guidelines—Seafood Processing Industry" (August 1975). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the canned and preserved seafood processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Sardine, Herring, Clam, Oyster, Scallop, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category," will be published as soon as practicable and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

A copy of all public comments is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M St. SW., Washington, D.C. 20460. A copy of the preliminary draft contractors reports, the Development Document (cite the appropriate reports) and economic study referred above, and certain supplementary materials supporting the study of the industry concerned, is also at this location for public review and copying, etc.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 408, Canned and Preserved Seafood Processing Point Source Category, is hereby amended by revising Subparts A, B, C, D, E, F, G, H, I, J, K, L, M, and N; and by adding additional subparts O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, and AG to read as set forth below.

This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73). That order requires that effluent limitations requiring the application of the best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective on December 1, 1975.

The final regulation promulgated below which establishes effluent limitations based on the best available technology economically achievable; new source standards based on the best available demonstrated control technology; and new source and existing source pretreatment standards shall become effective December 31, 1975.

Dated: November 13, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart O—Fish Meal Processing Subcategory

Sec. 408.150 Applicability; description of the fish meal processing subcategory.

408.151 Specialized definitions.

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

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

408.154 Pretreatment standards for existing sources.

408.155 Standards of performance for new sources.

408.156 Pretreatment standards for new sources.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.

408.161 Specialized definitions.

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

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

408.164 Pretreatment standards for existing sources.

408.165 Standards of performance for new sources.

408.166 Pretreatment standards for new sources.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.

408.171 Specialized definitions.

Sec. 408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.174 Pretreatment standards for existing sources.

408.175 Standards of performance for new sources.

408.176 Pretreatment standards for new sources.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.

408.181 Specialized definitions.

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

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

408.184 Pretreatment standards for existing sources.

408.185 Standards of performance for new sources.

408.186 Pretreatment standards for new sources.

Subpart S—West Coast Mechanized Salmon Processing Subcategory

408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.

408.191 Specialized definitions.

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

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

408.194 Pretreatment standards for existing sources.

408.195 Standards of performance for new sources.

408.196 Pretreatment standards for new sources.

Subpart T—Alaskan Bottom Fish Processing Subcategory

408.200 Applicability; description of the Alaskan bottom fish processing subcategory.

408.201 Specialized definitions.

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

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

- Sec.
408.204 Pretreatment standards for existing sources.
408.205 Standards of performance for new sources.
408.206 Pretreatment standards for new sources.
- Subpart U—Non Alaskan Conventional Bottom Fish Processing Subcategory
- 408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.
408.211 Specialized definitions.
408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.214 Pretreatment standards for existing sources.
408.215 Standards of performance for new sources.
408.216 Pretreatment standards for new sources.
- Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory
- 408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.
408.221 Specialized definitions.
408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.224 Pretreatment standards for existing sources.
408.225 Standards of performance for new sources.
408.226 Pretreatment standards for new sources.
- Subpart W—Hand-Shucked Clam Processing Subcategory
- 408.230 Applicability; description of the hand-shucked clam processing subcategory.
408.231 Specialized definitions.
408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.234 Pretreatment standards for existing sources.
408.235 Standards of performance for new sources.
408.236 Pretreatment standards for new sources.
- Subpart X—Mechanized Clam Processing Subcategory
- 408.240 Applicability; description of the mechanized clam processing subcategory.
408.241 Specialized definitions.
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Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

- 408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.
408.321 Specialized definitions.
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408.324 Pretreatment standards for existing sources.
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- 408.330 Applicability; description of the abalone processing subcategory.
408.331 Specialized definitions.
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408.334 Pretreatment standards for existing sources.
408.335 Standards of performance for new sources.
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AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Farm Raised Catfish Processing Subcategory

Subpart A—The farm raised catfish processing subcategory is amended by revising § 408.10 to read as follows:

§ 408.10 Applicability; description of the farm raised catfish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of farm-raised catfish by existing facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart B—Conventional Blue Crab Processing Subcategory

Subpart B—The conventional blue crab processing subcategory is amended by revising § 408.20 to read as follows:

§ 408.20 Applicability; description of the conventional blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the

processing of blue crab in which manual picking or separation of crab meat from the shell is utilized. The effluent limitations contained in this Subpart B are applicable to existing facilities processing more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart C—Mechanized Blue Crab Processing Subcategory

Subpart C—The mechanized blue crab processing subcategory is amended by revising § 408.30 to read as follows:

§ 408.30 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory

Subpart D—The non-remote Alaskan crab meat processing subcategory is amended by revising § 408.40 to read as follows:

§ 408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in this Subpart D are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart E—Remote Alaskan Crab Meat Processing Subcategory

Subpart E—The remote Alaskan crab meat processing subcategory is amended by revising §§ 408.50 and 408.55 to read as follows:

§ 408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

§ 408.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart F—Non-Remote Alaskan Whole Crab and Crab Section Processing Subcategory

Subpart F—The non-remote Alaskan whole crab and crab section processing subcategory is amended by revising § 408.60 to read as follows:

§ 408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner and king whole crab and crab sections. The effluent limitations contained in this Subpart F are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory

Subpart G—The remote Alaskan whole crab and crab section processing subcategory is amended by revising §§ 408.70 and 408.75 to read as follows:

§ 408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king whole crab and crab sections. The effluent limitations contained in this Subpart G are applicable to facilities not covered under Subpart F of this part.

§ 408.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

Subpart H—The dungeness and tanner crab processing in the contiguous States subcategory is amended by revising section 408.80 to read as follows:

§ 408.80 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of dungeness and tanner crab in the contiguous States.

Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory

Subpart I—The non-remote Alaskan shrimp processing subcategory is amended by revising § 408.90 to read as follows:

§ 408.90 Applicability; description of the non-remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in non-remote Alaska. The effluent limitations contained in this Subpart I are applicable to facilities located in population or processing centers including but not limited

to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart J—Remote Alaskan Shrimp Processing Subcategory

Subpart J—The remote Alaskan shrimp processing subcategory is amended by revising §§ 408.100 and 408.105 to read as follows:

§ 408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in remote Alaska. The effluent limitations contained in this Subpart J are applicable to facilities not covered under Subpart I of this part.

§ 408.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory

Subpart K—The northern shrimp processing in the contiguous States subcategory is amended by revising § 408.110 to read as follows:

§ 408.110 Applicability; description of the Northern shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in this Subpart K are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory

Subpart L—The Southern non-breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.120 to read as follows:

§ 408.120 Applicability; description of the Southern non-breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in this Subpart L are applicable to existing facilities processing more

than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory

Subpart M—The breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.130 to read as follows:

§ 408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of breaded shrimp in the contiguous States by existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart N—Tuna Processing Subcategory

Subpart N—The tuna processing subcategory is amended by revising § 408.140 to read as follows:

§ 408.140 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of tuna.

Subpart O—Fish Meal Processing Subcategory

§ 408.150 Applicability; description of the fish meal processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil and solubles.

§ 408.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these

limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any menhaden or anchovy fish meal reduction facility which utilizes a solubles plant to process stick water or ball water shall meet the following limitations.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	4.7.....	3.5
TSS.....	2.3.....	1.3
Oil and grease.....	0.50.....	0.63
pH.....	Within the range 6.0 to 9.0	
(English units) lb/1,000 lb of seafood		
BOD ₅	4.7.....	3.5
TSS.....	2.3.....	1.3
Oil and grease.....	0.50.....	0.63
pH.....	Within the range 6.0 to 9.0	

(2) Any menhaden or anchovy fish meal reduction facility not covered under § 408.152(b) (1) shall meet the following limitations:

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Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	3.5.....	2.8
TSS.....	2.6.....	1.7
Oil and grease.....	3.2.....	1.4
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
BOD ₅	3.5.....	2.8
TSS.....	2.6.....	1.7
Oil and grease.....	3.2.....	1.4
pH.....	Within the range 6.0 to 9.0.....	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	4.0.....	2.9
TSS.....	2.3.....	1.3
Oil and Grease.....	0.80.....	0.63
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
BOD ₅	4.0.....	2.9
TSS.....	2.3.....	1.3
Oil and grease.....	0.80.....	0.63
pH.....	Within the range 6.0 to 9.0.....	

§ 408.154 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard

establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	4.0.....	2.9
TSS.....	2.3.....	1.3
Oil and grease.....	0.80.....	0.63
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
BOD ₅	4.0.....	2.9
TSS.....	2.3.....	1.3
Oil and grease.....	0.80.....	0.63
pH.....	Within the range 6.0 to 9.0.....	

§ 408.156 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart F—Alaskan Hand-Butchered Salmon Processing Subcategory

§ 408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon in Alaska.

§ 408.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shell fish, to be processed, in the form in which it is received at the processing plant.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a

point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any hand-butchered salmon processing facility located in population or processing centers including, but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1-day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0	
(English units) lb/1,000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0	

(2) Any hand-butchered salmon processing facility not covered under § 408.162(b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0	
(English units) lb/1,000 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0	

§ 408.164 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan hand-butchered salmon

processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.165 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any hand-butchered salmon processing facility located in population or processing centers including, but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0	
(English units) lb/1,000 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0	

(2) Any hand-butchered salmon processing facility not covered under § 408.165(a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.166 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to dis-

charge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

§ 408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon in Alaska.

§ 408.171 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry sub-categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such funda-

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mentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	27.....	22
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
TSS.....	27.....	22
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.....	

(2) Any mechanized salmon processing facility not covered under § 408.172 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

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

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	16.....	13
TSS.....	2.6.....	2.2
Oil and grease.....	2.6.....	1.0
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
BOD ₅	16.....	13
TSS.....	2.6.....	2.2
Oil and grease.....	2.6.....	1.0
pH.....	Within the range 6.0 to 9.0.....	

(2) Any mechanized salmon processing facility not covered under § 408.173 (a) (1) shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	26.....	21
Oil and grease.....	26.....	10
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
TSS.....	26.....	21
Oil and grease.....	26.....	10
pH.....	Within the range 6.0 to 9.0.....	

§ 408.174 Pretreatment standards for existing sources.

The pretreatment standard under section 307 (b) of the Act for a source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.175 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	26.....	21
Oil and grease.....	26.....	10
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
TSS.....	26.....	21
Oil and grease.....	26.....	10
pH.....	Within the range 6.0 to 9.0.....	

(2) Any mechanized salmon processing facility not covered under § 408.175 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.176 Pretreatment standards for new sources.

The pretreatment standard under section 307 (c) of the Act for a new source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters, shall be the same standards as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

§ 408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the

hand-butchered of salmon on the West Coast.

§ 408.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	1.7.....	1.4
Oil and grease.....	0.20.....	0.17
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	1.7.....	1.4
Oil and grease.....	0.20.....	0.17
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	1.2.....	1.0
TSS.....	0.15.....	0.12
Oil and grease.....	0.015.....	0.015
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	1.2.....	1.0
TSS.....	0.15.....	0.12
Oil and grease.....	0.015.....	0.015
pH.....	Within the range 6.0 to 9.0.	

§ 408.184 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pre-

treatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	1.7.....	1.4
TSS.....	0.46.....	0.37
Oil and grease.....	0.03.....	0.023
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	1.7.....	1.4
TSS.....	0.46.....	0.37
Oil and grease.....	0.03.....	0.023
pH.....	Within the range 6.0 to 9.0.	

§ 408.186 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

RULES AND REGULATIONS

Subpart S—West Coast Mechanized Salmon Processing Subcategory

§ 408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon on the West Coast.

§ 408.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point

source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS.....	27.....	22
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS.....	27.....	22
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD ₅	16.....	13
TSS.....	2.6.....	2.2
Oil and grease.....	2.6.....	1.0
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	16.....	13
TSS.....	2.6.....	2.2
Oil and grease.....	2.6.....	1.0
pH.....	Within the range 6.0 to 9.0.	

§ 408.194 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121,

128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD ₅	39.....	33
TSS.....	7.9.....	6.5
Oil and grease.....	3.8.....	1.6
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	39.....	33
TSS.....	7.9.....	6.5
Oil and grease.....	3.8.....	1.6
pH.....	Within the range 6.0 to 9.0.	

§ 408.196 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this Chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart T—Alaskan Bottom Fish Processing Subcategory

§ 408.200 Applicability; description of the Alaskan bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish such as halibut in Alaska.

§ 408.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this Chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by

this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	3.1.....	1.0
Oil and grease.....	4.3.....	0.54
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	3.1.....	1.0
Oil and grease.....	4.3.....	0.50
pH.....	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.202 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	1.0.....	1.1
Oil and grease.....	2.0.....	0.34
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	1.0.....	1.1
Oil and grease.....	2.0.....	0.34
pH.....	Within the range 6.0 to 9.0.	

§ 408.204 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source with-

in the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease.....	Do.

§ 408.205 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	1.0.....	1.1
Oil and grease.....	2.0.....	0.34
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	1.0.....	1.1
Oil and grease.....	2.0.....	0.34
pH.....	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.205 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.206 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which

would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

§ 408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations are carried out predominately through manual methods. However, the use of scaling machines and/or skinning machines are considered to be normal practice within this subcategory. The provisions of this subpart apply to the processing of currently, commercially processed species of bottom fish such as flounder, ocean perch, haddock, cod, sea catfish, sole, halibut, and rockfish. These provisions apply to existing facilities processing more than 1316 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.211 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes,

products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different from those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.01	0.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.01	0.03
pH	Within the range 6.0 to 9.0.	

§ 408.214 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.215 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	0.73.....	0.58
TSS.....	1.5.....	0.73
Oil and grease.....	0.04.....	0.03
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	0.73.....	0.58
TSS.....	1.5.....	0.73
Oil and grease.....	0.04.....	0.03
pH.....	Within the range 6.0 to 9.0.	

§ 408.216 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this Chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

§ 408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations (particularly the butchering and/or filleting operations) are carried out predominately through mechanized methods. The provisions of this subpart apply to the processing of bottom fish such as whiting and croaker.

§ 408.221 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this Chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	14.....	10
Oil and grease.....	5.7.....	3.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	14.....	10
Oil and grease.....	5.7.....	3.3
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	6.5.....	5.3
TSS.....	1.1.....	0.82
Oil and grease.....	0.45.....	0.26
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	6.5.....	5.3
TSS.....	1.1.....	0.82
Oil and grease.....	0.45.....	0.26
pH.....	Within the range 6.0 to 9.0.	

§ 408.224 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The fol-

lowing pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅ -----	No limitation.
TSS-----	Do.
pH-----	Do.
Oil and grease-----	Do.

§ 408.225 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD ₅ -----	9.1-----	7.4
TSS-----	3.3-----	2.5
Oil and grease-----	0.63-----	0.39
pH-----	Within the range 6.0 to 9.0-----	
(English units) lb/1,000 lb of seafood		
BOD ₅ -----	9.1-----	7.4
TSS-----	3.3-----	2.5
Oil and grease-----	0.63-----	0.39
pH-----	Within the range 6.0 to 9.0-----	

§ 408.226 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅ -----	No limitation.
TSS-----	Do.
pH-----	Do.
Oil and grease-----	Do.

Subpart W—Hand-Shucked Clam Processing Subcategory

§ 408.230 Applicability; description of the hand-shucked clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing hand-shucked clam processing facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.231 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered, in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pol-

lutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS-----	59-----	18
Oil and grease-----	0.60-----	0.23
pH-----	Within the range 6.0 to 9.0-----	
(English units) lb/1,000 lb of seafood		
TSS-----	59-----	18
Oil and grease-----	0.60-----	0.23
pH-----	Within the range 6.0 to 9.0-----	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS-----	55-----	17
Oil and grease-----	0.50-----	0.21
pH-----	Within the range 6.0 to 9.0-----	
(English units) lb/1,000 lb of seafood		
TSS-----	55-----	17
Oil and grease-----	0.50-----	0.21
pH-----	Within the range 6.0 to 9.0-----	

§ 408.234 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this

chapter, shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.235 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	55	17
Oil and grease	0.56	0.21
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	55	17
Oil and grease	0.56	0.21
pH	Within the range 6.0 to 9.0.	

§ 408.236 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart X—Mechanized Clam Processing Subcategory

§ 408.240 Applicability; description of the mechanized clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from mechanized clam processing.

§ 408.241 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point

source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	60	15
Oil and grease	4.2	0.97
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	60	15
Oil and grease	4.2	0.97
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD5	15	5.7
TSS	28	4.4
Oil and grease	0.49	0.062
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	15	5.7
TSS	28	4.4
Oil and grease	0.49	0.062
pH	Within the range 6.0 to 9.0.	

§ 408.244 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the

purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.245 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	15	5.7
TSS	20	4.4
Oil and grease	0.40	0.092
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	15	5.7
TSS	20	4.4
Oil and grease	0.40	0.092
pH	Within the range 6.0 to 9.0.	

§ 408.246 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory

§ 408.250 Applicability; description of the Pacific Coast hand shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing Pacific Coast handshucked oyster processing facilities which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.251 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.
 (b) The term "product" shall mean the weight of the oyster meat after shucking.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pol-

lutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	37	35
Oil and grease	1.7	1.0
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants, or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	37	35
Oil and grease	1.7	1.0
pH	Within the range 6.0 to 9.0.	

§ 408.254 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121,

128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.255 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.256 Pretreatment standards for new sources:

The pretreatment standard under section 307(c) of the Act for a new source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory
§ 408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharge resulting from existing hand-shucked oyster processing facilities on the Atlantic and Gulf Coasts which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.261 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.264 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Atlantic and Gulf Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose

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of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.265 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—

(Metric units) kg/kkg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.266 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Atlantic and Gulf Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128, of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment Standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AA—Steamed and Canned Oyster Processing Subcategory

§ 408.270 Applicability; description of the steamed and canned oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from oysters which are mechanically shucked.

§ 408.271 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.
 (b) The term "product" shall mean the weight of the oyster meat after shucking.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—

(Metric units) kg/kkg of product		
TSS	270	100
Oil and grease	2.3	1.7
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of product		
TSS	270	100
Oil and grease	2.3	1.7
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—

(Metric units) kg/kkg of product		
BOD5	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of product		
BOD5	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	

§ 408.274 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the steamed and canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.275 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
BOD ₅	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
BOD ₅	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	

§ 408.276 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the steamed and canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AB—Sardine Processing Subcategory

§ 408.280 Applicability; description of the sardine processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the canning of sardines or sea herring for sardines. These provisions, however, do

not cover the relatively new steaking operation in which cutting machines are used for preparing fish steaks.

§ 408.281 Specialized definitions.

For the purpose of this subpart;
 (a) Except as provided below, the general definitions, abbreviations and methods of analyses set forth in Part 401 of this chapter shall apply to this subpart.
 (b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any sardine processing facility which utilizes dry transportation systems from the fish storage area to the fish processing area shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	36	10
Oil and grease	3.5	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	36	10
Oil and grease	3.5	1.4
pH	Within the range 6.0 to 9.0.	

(2) Any sardine processing facility not covered under § 408.282 (b) (1) shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	48	16
Oil and grease	6.3	2.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	48	16
Oil and grease	6.3	2.8
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	36	10
Oil and grease	1.3	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	36	10
Oil and grease	1.3	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.284 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.285 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS	36	10
Oil and grease	1.4	0.57
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	36	10
Oil and grease	1.4	0.57
pH	Within the range 6.0 to 9.0.	

§ 408.286 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pol-

lutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AC—Alaskan Scallop Processing Subcategory

§ 408.290 Applicability; description of the Alaskan scallop processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of scallops in Alaska.

§ 408.291 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry sub-categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may

approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan scallop processing facility not covered under § 408.292(b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	

§ 408.294 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.295 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan scallop processing facility not covered under § 408.295(a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.296 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

§ 408.300 Applicability; description of the non-Alaskan scallop processing subcategory.

With the exception of land-based processing of calico scallops, the provisions of this subpart are applicable to discharges resulting from the processing of scallops outside of Alaska.

§ 408.301 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.
 (b) The term "product" shall mean the weight of the scallop meat after processing.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Re-

gional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS.....	5.7.....	1.4
Oil and grease.....	7.3.....	0.23
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of product		
TSS.....	5.7.....	1.4
Oil and grease.....	7.3.....	0.23
pH.....	Within the range 6.0 to 9.0.....	

§ 408.304 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5.....	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.305 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS.....	5.7.....	1.4
Oil and grease.....	7.3.....	0.23
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of product		
TSS.....	5.7.....	1.4
Oil and grease.....	7.3.....	0.23
pH.....	Within the range 6.0 to 9.0.....	

§ 408.306 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5.....	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

§ 408.310 Applicability; description of the Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets in Alaska.

§ 408.311 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.
 (b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such

factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	32.....	24
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
TSS.....	32.....	24
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.....	

(2) any Alaskan herring fillet processing facility not covered under § 408.312 (b) (1), shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

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

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	6.8.....	6.2
TSS.....	2.3.....	1.8
Oil and grease.....	2.0.....	0.73
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
BOD ₅	6.8.....	6.2
TSS.....	2.3.....	1.8
Oil and grease.....	2.0.....	0.73
pH.....	Within the range 6.0 to 9.0.....	

(2) Any Alaskan herring fillet processing facility not covered under Sec. 408.313(a)(1) shall meet the following limitations:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	23.....	18
Oil and grease.....	20.....	7.3
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
TSS.....	23.....	18
Oil and grease.....	20.....	7.3
pH.....	Within the range 6.0 to 9.0.....	

§ 408.314 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.315 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	23.....	18
Oil and grease.....	20.....	7.3
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1,000 lb of seafood		
TSS.....	23.....	18
Oil and grease.....	20.....	7.3
pH.....	Within the range 6.0 to 9.0.....	

(2) Any Alaskan herring fillet processing facility not covered under § 408.315 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.316 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

§ 408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets outside of Alaska.

§ 408.321 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The

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Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	32.....	24
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	32.....	24
Oil and grease.....	27.....	10
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	6.8.....	6.2
TSS.....	2.3.....	1.8
Oil and grease.....	2.0.....	0.73
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	6.8.....	6.2
TSS.....	2.3.....	1.8
Oil and grease.....	2.0.....	0.73
pH.....	Within the range 6.0 to 9.0.	

§ 408.324 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

§ 408.325 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
BOD ₅	16.....	15
TSS.....	7.0.....	5.2
Oil and grease.....	2.9.....	1.1
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD ₅	16.....	15
TSS.....	7.0.....	5.2
Oil and grease.....	2.9.....	1.1
pH.....	Within the range 6.0 to 9.0.	

§ 408.326 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which

would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	Do.

Subpart AG—Abalone Processing Subcategory

§ 408.330 Applicability; descriptions of the abalone processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of abalone in the contiguous states.

§ 408.331 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to

such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	27.....	15
Oil and grease.....	2.2.....	1.4
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	27.....	15
Oil and grease.....	2.2.....	1.4
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section,

which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	26.....	14
Oil and grease.....	2.1.....	1.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	26.....	14
Oil and grease.....	2.1.....	1.3
pH.....	Within the range 6.0 to 9.0.	

§ 408.334 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease.....	Do.

§ 408.335 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart:

controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease.....	Do.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	26.....	14
Oil and grease.....	2.1.....	1.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	26.....	14
Oil and grease.....	2.1.....	1.3
pH.....	Within the range 6.0 to 9.0.	

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of seafood		
TSS.....	26.....	14
Oil and grease.....	2.1.....	1.3
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS.....	26.....	14
Oil and grease.....	2.1.....	1.3
pH.....	Within the range 6.0 to 9.0.	

§ 408.336 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease.....	Do.

[FR Doc.75-31837 Filed 11-28-75;8:45 am]