

2. The proposed tolerances are adequate to cover residues in eggs, meat, milk, and poultry.

3. The tolerances established by this order will protect the public health.

4. The old chemical name of the herbicide (4-amino-6-*tert*-butyl-3-(methylthio)-as-triazin-5-(4*H*)-one) as listed in the Code of Federal Regulations should be changed to the new name as written in this order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.332 is revised in the heading and text to read as follows:

§ 180.332 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-5(4*H*)-one; tolerances for residues.

Tolerances are established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one, and its triazinone metabolites in or on raw agricultural commodities as follows:

0.6 part per million in or on potatoes.

0.2 part per million in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.1 part per million in or on soybeans.

0.01 part per million in eggs.

0.01 part per million in milk.

Any person who will be adversely affected by the foregoing order may at any time on or before February 18, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on January 16, 1975.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: January 13, 1975.

EDWIN L. JOHNSON,  
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 75-1552 Filed 1-15-75; 8:45 am]

#### SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 321-4]

#### PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

##### Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards

On August 26, 1974, notice was published in the FEDERAL REGISTER (39 FR 30892), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the wet storage, the log washing, the sawmills and planing mills, the finishing, the particleboard manufacturing, the insulation board manufacturing, and the insulation board manufacturing with steaming or hardboard production subcategories of the timber products processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the timber products processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, Part 429 by adding thereto the wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L) and the particleboard manufacturing subcategory (Subpart M). 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. Regulations 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.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

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 proposed rulemaking for the wet storage, the log washing, the sawmills and planing mills, the finishing, the particleboard manufacturing, the in-

insulation board manufacturing, and the insulation board manufacturing with steaming or hardboard production subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category" (August 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the Timber Processing Industry" (August 1974). 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 publication. 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 proposed 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 comments which was made in the preamble to the proposed regulation (includes only those commenters applicable to subparts I, J, K, L and M): the National Forest Products Association, the Northern Hardwood & Pine Manufacturers Association, Inc., State of Mississippi, Air and Water Pollution Control Commission, and the Effluent Standards and Water Quality Information Advisory Committee.

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

(1) A commenter questioned the application of a single number guideline to subcategories in the timber products processing industry, i.e., the limitations do not acknowledge or accommodate the great amount of variation which exists among individual plants in this category.

The effluent limitations guidelines and standards take differences within an industry into account through subcategorization. The subcategorization considers process employed, raw materials, treatment options available, process water requirements, the cost of treatment and other factors. The guidelines and standards development effort also included consideration of reasonable water use and process control. A provision allowing flexibility in the application of the limitations representing best

practicable control technology currently available (BPCTCA) is included in the regulation to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(2) A comment stated that the technologically based proposed regulations do not adequately consider the energy requirements, ground water supplies, land use, and air quality environmental trade-offs involved.

The effluent guidelines and standards development program took into consideration many factors in the determination of BPCTCA. Included was the cost of pollution control, the capability of industrial segments to handle these costs, the nonwater quality environmental impact of these limitations, and the energy requirements.

(3) A comment was received that questioned the Agency's interpretation of the Act. The commenter stated that the Agency is administering the Act as if zero discharge by 1985 is a requirement rather than a goal, i.e., instead of focusing on "end-of-pipe" treatment in identifying BPCTCA, inplant process changes and modifications were considered as part of BPCTCA.

Section 304(b) (1) (B) of the Act states that "the engineering aspects of the application of various types of demonstrated control techniques" shall be a factor in determining the control measures and practices to be applicable to any point sources. Procedures that are practiced in the subcategory to which these regulations are applicable are considerations in the determination of best practicable control technology.

(4) A comment was received that noted that the wet storage regulation, as proposed, does not include log ponds which received influent water from surface streams or springs. The question was raised regarding how limitations for these facilities are to be applied.

Adequate information was not available during the guidelines development program to present limitations for these facilities. Wet storage facilities currently in existence total more than 1,000. The variations in hydraulic throughput rate, geographical layout of the wet storage facility and drainage area, type of raw material stored, the length of the period of storage are such that further study in this area is necessary before limitations on these facilities can be proposed.

(5) A comment was received that the comment and response section of the preamble to the proposed regulation (Comment 1) implied that glue waste and wash up water from glue systems should be discharged to log storage ponds.

The regulations promulgated April 18, 1974 (40 CFR, Part 429, Subpart C) prohibit any discharge of process waste water pollutants from plywood manufacturing facilities that do not store or hold raw materials in wet storage conditions. The Development Document supporting that regulation presents information on operating practices and procedures to minimize the generation of

process waste water from plywood manufacturing operations, and control technologies available to dispose of these waste waters. It is the intent of this regulation to eliminate the discharge of process waste water from plywood manufacturing to navigable waters. The development document to support the Subpart C regulation establishes that the elimination of the discharge of process waste water pollutants either directly to the navigable waters or indirectly through a wet storage facility is achievable.

An amendment to Subpart I—Wet Storage Subcategory is being simultaneously proposed that will establish a limit on the allowable discharge of biochemical oxygen demand from wet storage facilities.

(6) Commenters indicated that the volume limitation on discharges from wet storage facilities essentially eliminated the construction of log ponds as a wood storage facility and that the precipitation, evaporation relationship, as presented in the proposed regulations is incompatible with the NPDES permit program.

Wet storage operations are located in a variety of geographical situations. The physical placement of existing facilities was determined by many factors. The practicability of determining, with the necessary degree of accuracy, the drainage area into the wet storage facility is in many situations limited. For a newly constructed wet storage facility, considerations of location, design, and operating practices, including the exclusion of other process waste waters from the wet storage water system, indicate that it is usually practicable to control the discharge of process water during periods when evaporation is greater than precipitation. Because of the variety and interrelationships of these factors, it is not feasible to implement an absolute volume limitation for new sources in the wet storage subcategory. These factors should, however, be considered. Information on the relationship between precipitation and evaporation is available in the "Climatic Atlas of the United States," published by the Department of Commerce, June 1968, and also is available through the National Climatic Center, National Oceanic and Atmospheric Administration.

(7) One comment questioned the ability of the industry to achieve no discharge from log washing operations.

Section VII of the development document states that at least two facilities are achieving total recycle of settled effluent. The operation of log washing is not widely practiced at the present time, although it is anticipated that the practice will increase in the future because of the industry's efforts to maximize utilization of the raw material. The costs related to retrofitting an existing log washing operation may require modification or relocation of associated equipment, and the benefits associated with the elimination of discharge of process waste water pollutants from this operation may be less than the back fitting costs. The costs

required to install a closed system in a new installation are usually less as a result of planning in the design stages of installation of a new facility. An effluent limitation of 50 mg/l total suspended solids and pH within the range of 6.0 to 9.0 is included in the regulation as BPCT because these levels of effluent discharge are readily achievable.

(8) A commenter stated that the forest products industry is typified by many small privately owned firms. These firms are sensitive to small cost increments such as might be required to implement the regulations as proposed, and these firms may not have access to the funds necessary to comply with pollution control requirements.

The effluent guidelines and standards development program included the collection of cost information. This information was used in a separate study, "Economic Analysis of Proposed Effluent Guidelines, Timber Processing Industry" and determined the financial status of the various segments of the timber products processing industry. Included were considerations of internal and external costs, financial impact in terms of cost/profitability changes, forced mill closures, and employment impact. The conclusion of the economic impact study was that the associated costs are small and will not significantly affect profit margins or present a capital availability problem.

(9) A comment questioned the applicability of the proposed regulations to process waters such as boiler blowdown and cooling water.

The regulations promulgated below are not applicable to boiler blowdown and non-contact cooling water. The Agency has studies underway to establish effluent guidelines and standards for discharges of boiler blowdown and cooling water. Regulations applicable to boiler blowdown and cooling water discharges from subcategories in 40 CFR Chapter I, Subchapter N, Part 429 will be proposed in the near future.

(10) An internal comment was received that indicated that materials used in the various operations included in the finishing subcategory may either pass through untreated or have an adverse effect on a publicly owned treatment works.

It is recognized that this situation may exist. However, because of the variety of materials used and the differences in biodegradability, possible toxicity, treatability and control of these materials as well as the differences in the capabilities of municipal treatment systems to handle these waste waters, it is not feasible to establish a national standard. Operators of a publicly owned treatment works will exercise judgment in controlling wastes that will interfere with the treatment systems efficiency.

(11) 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 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.

(b) Revision of the proposed regulation 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) Sections 429.111, 429.121, and 429.131 entitled "Specialized definitions" now include specific clarifying statements regarding waters subject to these limitations.

(2) Subpart I, Wet Storage Subcategory was modified to eliminate the volume limitation on discharge from wet storage operations and also was modified to make the pH limitation consistent with limitations required for other dischargers.

(3) Sections 429.92, 429.93 and 429.95 of Subpart I—Wet Storage Subcategory were modified to present the limitations in a narrative form rather than tabular, as they were proposed. This modification was made to more clearly state the regulation and eliminate the possibility of misinterpretation of the limitation.

(4) Subpart J, Log Washing subcategory was modified to allow a discharge from existing log washing facilities.

(5) The pretreatment standards for new sources promulgated below for the wet storage (Subpart I), the log washing (Subpart J), the sawmills and planing mills (Subpart K), the finishing (Subpart L), and the particleboard manufacturing (Subpart M) subcategories were modified to indicate the pollutants present in process waste waters generated by these subcategories and to allow the discharge of pollutants in amounts that can be adequately treated by publicly owned treatment systems.

(6) The Agency originally proposed regulations applicable to two additional subcategories not included in this regulation: Subpart N—Insulation Board Manufacturing Subcategory and Subpart O—Insulation Board Manufacturing with Steaming or Hardboard Production Subcategory. As a result of public comments received on the proposed regulation additional information is being gathered concerning these subcategories. After this data is obtained and analyzed, final regulations applicable to these subcategories will be published.

(c) Economic impact.

The changes to the regulations mentioned above will have no adverse effects on the conclusions of the economic impact study conducted as part of the effluent guidelines development program. In none of the subcategories for which these limitations apply are the regulations more stringent. The clarification of the definitions of process waste waters for the point sources affected by these limitations will decrease the volume of water requiring treatment or disposal.

The changes therefore will only result with economic impact being less severe.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the wet storage, sawmills, particleboard and insulation board segment of the timber products processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category" (August 1974). 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 guidelines 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 Proposed Effluent Guidelines, the TIMBER PROCESSING INDUSTRY" (August 1974). Implementing the effluent limitations guidelines 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 timber products processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(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 Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category," will be published and available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 429 Timber Products Processing Point Source Category, is hereby amended by adding additional subparts I, J, K, L and M 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 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 January 16, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective February 18, 1975.

Dated: January 7, 1975.

RUSSELL E. TRAIN,  
Administrator.

Subpart I—Wet Storage Subcategory

Sec.	
429.90	Applicability; description of the wet storage subcategory.
429.91	Specialized definitions.
429.92	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.93	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.94	Reserved.
429.95	Standards of performance for new sources.
429.96	Pretreatment standards for new sources.

Subpart J—Log Washing Subcategory

429.100	Applicability; description of the log washing subcategory.
429.101	Specialized definitions.
429.102	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.103	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.104	Reserved.
429.105	Standards of performance for new sources.
429.106	Pretreatment standards for new sources.

Subpart K—Sawmills and Planing Mills Subcategory

429.110	Applicability; description of the sawmills and planing mills subcategory.
429.111	Specialized definitions.
429.112	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec.  
 429.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
 429.114 [Reserved]  
 429.115 Standards of performance for new sources.  
 429.116 Pretreatment standards for new sources.
- Subpart I—Finishing Subcategory
- 429.120 Applicability; description of the finishing subcategory.  
 429.121 Specialized definitions.  
 429.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
 429.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
 429.124 [Reserved]  
 429.125 Standards of performance for new sources.  
 429.126 Pretreatment standards for new sources.
- Subpart M—Particleboard Manufacturing Subcategory
- 429.130 Applicability; description of the particleboard manufacturing subcategory.  
 429.131 Specialized definitions.  
 429.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
 429.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
 429.134 [Reserved]  
 429.135 Standards of performance for new sources.  
 429.136 Pretreatment standards for new sources.

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

**Subpart I—Wet Storage Subcategory**

§ 429.90 Applicability; description of the wet storage subcategory.

The provisions of this subpart are applicable to discharges resulting from the holding of unprocessed wood, i.e., logs or roundwood with bark or after removal of bark in self-contained bodies of water (mill ponds or log ponds) or land storage where water is sprayed or deposited intentionally on the logs (wet decking).

§ 429.91 Specialized definitions:

For the purpose of this subpart:  
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.  
 (b) The term "self-contained body of water" shall mean a body of water that

does not have a continuous natural influent of water, either surface water or groundwater, and that is used to store, sort, grade, or feed wood raw materials by an establishment in Major Group 24, according to the U.S. Department of Commerce, Standard Industrial Classification (SIC) Manual (1972).

(c) "Debris" means a woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1.0 in) diameter round opening that might be present in the discharge from a wet storage facility.

§ 429.92 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 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.

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: There shall be no debris discharged and the pH shall be within the range of 6.0 to 9.0.

§ 429.93 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: There shall be no debris discharged and the pH shall be within the range of 6.0 to 9.0.

§ 429.94 [Reserved.]

§ 429.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no debris discharged and the pH shall be within the range of 6.0 to 9.0.

§ 429.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the wet storage subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point 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 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 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 point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
pH	No limitation.
BOD <sub>5</sub>	Do.
TSS	Do.

**Subpart J—Log Washing Subcategory**

§ 429.100 Applicability; description of the log washing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process of passing logs through an operation where water under pressure is applied to the log for the purpose of removing foreign material from the surface of the log before further processing.

§ 429.101 Specialized definitions.

For the purpose of this subpart:  
 The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 429.102 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 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: There shall be no discharge of process waste water pollutants to navigable waters containing a total suspended solids concentration greater than 50 mg/l and the pH shall be within the range of 6.0 to 9.0.

§ 429.103 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 which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.104 [Reserved]

§ 429.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the log washing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point 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 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 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 point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
pH	No limitation.
BOD <sub>5</sub>	Do.
TSS	Do.

#### Subpart K—Sawmills and Planing Mills Subcategory

§ 429.110 Applicability; description of the sawmills and planing mills subcategory.

The provisions of this subpart are applicable to discharges resulting from the timber products processing procedures that include all or part of the following operations: bark removal (other than hydraulic barking as defined in Section 429.11 of this part) sawing, resawing, edging, trimming, planing and machining.

§ 429.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Specifically excluded from the term "process waste water" for this subpart are processed wood storage yard runoff and fire control water.

§ 429.112 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 process-

es, 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 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: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.113 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 which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable. There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.114 [Reserved]

§ 429.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(C) of the Act for a new source within the sawmills and planing mills subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point 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 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 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 point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
pH	No limitation.
BOD <sub>5</sub>	Do.
TSS	Do.

Subpart L—Finishing Subcategory

§ 429.120 Applicability; description of the finishing subcategory.

The provisions of this subpart are applicable to discharges resulting from the operations following edging and trimming. These operations include drying, planing, dipping, staining, end coating, moisture proofing, fabrication, and by-product utilization not otherwise covered by specific guidelines and standards.

§ 429.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "by-product utilization" shall be the manufacture of products from bark and wood waste materials, but does not include the manufacture of insulation board, particleboard, or hardboard.

(c) Specifically excluded from the term "process waste water" for this subpart is fire control water.

§ 429.122 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 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: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.123 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 which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.124 [Reserved]

§ 429.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the finishing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point

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 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 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 point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
pH	No limitation.
BOD <sub>5</sub>	Do.
TSS	Do.

Subpart M—Particleboard Manufacturing Subcategory

§ 429.130 Applicability; description of the particleboard manufacturing subcategory.

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

§ 429.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "particleboard" means board products that are composed of distinct particles of wood or other lignocellulosic materials not reduced to fibers which are bonded together with an organic or inorganic binder.

(c) The term "dry deck storage" shall mean logs stored on land where water is not sprayed or deposited on the logs by the facility operator.

(d) Specifically excluded from the term "process waste water" for this subpart are material storage yard runoff (dry deck storage) and fire control water.

§ 429.132 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 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: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 429.133 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 which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 429.134 [Reserved]**

**§ 429.135 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 429.136 Pretreatment Standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a new source within the particleboard manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point 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 40 CFR 128, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 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 point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
pH	No limitation.
BOD <sub>5</sub>	Do.
TSS	Do.

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#### Title 41—Public Contracts and Property Management

### CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 139]

#### PROCUREMENT BY FORMAL ADVERTISING

This amendment of the Federal Procurement Regulations implements suggestions in the Comptroller General's report "Use of Formal Advertising for Government Procurement Can, and Should, be Improved," B-176418, dated August 14, 1973. The amendment changes Subparts 1-1.3, General Policies, 1-1.10, Publicizing Procurement Actions, 1-2.1, Use of Formal Advertising, 1-2.2, Solicitation of Bids, 1-2.4, Opening of Bids and Award of Contract, and 1-7.1, Fixed-Price Supply Contracts, to provide for increased efficiency and economy in the use of formal advertising.

#### PART 1-1—GENERAL

The table of contents for Part 1-1 is amended to add the following new entry:

Sec. 1-1.1002-1 Availability of procurement information and publications.

#### Subpart 1-1.3—General Policies

1. Section 1-1.307-1 is amended to change paragraph (b) as follows:

#### § 1-1.307-1 Applicability.

(b) Purchase descriptions used in competitive procurement shall not specify a product having features which are peculiar to the product of one manufacturer, producer, or distributor, and thereby preclude consideration of a product of another company, unless it has been determined in writing by the user that those particular features are essential to the Government's requirements, and that similar products of other companies lacking those features would not meet the minimum requirements for the item. Purchase descriptions shall not include either minimum or maximum restrictive dimensions, weights, materials, or other salient characteristics which would tend to eliminate competition by other products which are only marginally outside the restrictions, unless such restrictions are determined by the user in writing to be essential to the Government's requirements

2. Section 1-1.307-2 is revised as follows:

#### § 1-1.307-2 General requirements.

Except as otherwise provided in §§ 1-1.307-3 and 1-1.307-4, purchase descriptions shall clearly and accurately

describe the salient technical requirements or desired performance characteristics of the supplies or services to be procured without including restrictions which do not significantly affect the technical requirements or performance characteristics and, when appropriate, shall describe the testing procedures which will be used in determining whether such requirements or characteristics are met. When necessary, preservation, packaging, packing, and marking requirements shall be included. Purchase descriptions may include references to formal Government specifications and standards which are to form a portion of the purchase description.

**§ 1-1.307-3 Commercial, and State and local government specifications and standards.**

Purchase descriptions may include or consist of references to specifications and standards issued, promulgated, or adopted by technical societies or associations, or State and local governments, if those specifications and standards (a) are widely recognized and used in commercial practice, (b) conform to the requirements of § 1-1.307-2, (c) are readily available to suppliers of the supplies or services to be procured, and (d) it has been determined, in writing, by the user that any features peculiar to the product of one manufacturer, producer, or distributor, or any restrictions are essential to the Government's requirements.

4. Section 1-1.307-4 is amended to change paragraph (a) as follows:

**§ 1-1.307-4 Brand name products or equal.**

(a) Purchase descriptions which refer to one or more brand name products followed by the words "or equal" may be used only in accordance with this § 1-1.307-4 and §§ 1-1.307-5 through 1-1.307-9. The term "brand name product" means a commercial product described by brand name and make or model number or other appropriate nomenclature by which that product is offered for sale to the public by the particular manufacturer, producer, or distributor. All known acceptable brand name products should be listed in the solicitation. When a "brand name or equal" purchase description is used in connection with a primary item, or a major component, prospective contractors must be given the opportunity to offer products other than those specifically referenced by brand name if those other products will meet the needs of the Government in essentially the same manner as those referenced. If modifications to standard products of prospective contractors to meet the purchase description requirements are anticipated, a minimum of 30 calendar days shall be allowed between issuance of the solicitation and opening of bids or receipt of proposals, provided that periods of less than 30 calendar days may be set in cases of urgency or when the contracting officer has reason to believe that bidders can bid effectively on the basis of a shorter period.