

Title 40—Protection of the Environment

[FRL 312-6]

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDSPART 406—GRAIN MILLS MANUFACTURING
POINT SOURCE CATEGORY

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 33470), 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 animal feed subcategory (Subpart G), hot cereal subcategory (Subpart H), ready-to-eat cereal subcategory (Subpart I), and the wheat starch and gluten subcategory (Subpart J) subcategory of the grain mills manufacturing 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 grain mills manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, Part 406 by adding thereto the animal feed subcategory (Subpart G), the hot cereal subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I), and the wheat starch and gluten subcategory (Subpart J). 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.

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 animal feed, hot cereal, ready-to-eat cereal, and wheat starch and gluten subcategories. In addition, the regulation as proposed was supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing

Point Source Category" (July, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, for Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category", (July, 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 written comments contained in the preamble to the proposed regulation: A. E. Staley Manufacturing Company; Centennial Mills; 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 the Agency's response to them.

(1) General concern was expressed that the high pollutant removals (BOD and suspended solids) required for the wheat starch and gluten subcategory are higher than can reasonably and realistically be expected through presently demonstrated or experimental technology.

In establishing the effluent guidelines limitations, the treatment technology as presently practiced in the wheat starch industry has been judged uniformly inadequate for purposes of process waste water discharge to navigable waters. Under such conditions, a consideration of alternative technology for pollutant reduction is proper and appropriate. The pollutant properties of wheat starch wastes, while relatively strong as compared to domestic and many other industrial wastes, have been readily identified and quantified. Knowledge of the nature of these principal waste water characteristics (BOD and suspended solids) and the performance of commonly applied waste water treatment technology for other wastes allows a reasonable expectation of pollutant reduction levels to be achieved for this specific waste. This conclusion is supported by data from one existing full-scale pretreatment facility and from pilot plant studies, which demonstrate the treatability and ready biodegradability of wheat starch wastes. While the specified level of pollutant reduction has not been attained at the existing pretreatment plant or during the pilot studies, it is recognized that these systems are not designed with the capability to achieve such reductions.

However, within expected operational efficiencies of additional unit operations, as demonstrated and proven for similar wastes, it can be reasonably predicted that the pollutant reduction levels can be attained.

(2) It was contended by several commenters that age and plant capacity of wheat starch plants strongly impact the nature of the raw waste load for wheat starch and gluten manufacturing operations, and as such may be a basis for subcategorization of the industry.

The analysis of data currently available to the Agency does not substantiate subcategorization of the wheat starch and gluten subcategory on the basis of plant size and age. This conclusion is discussed fully in Section V of the Development Document. Even though some correlation between per unit suspended solids production, plant age and plant capacity is suspected, no clear inference from this possible relationship can be made. It is known that the older plants within the wheat starch industry are generally of larger capacity, and older plants may be expected to have greater cleanup water needs with increased pollutant loads. However, the data indicate that cleanup water accounts for a rather insignificant waste flow by volume (generally 5 to 10 percent or less) compared to the total process waste water generation.

(3) Several commenters questioned the achievement of the effluent limitations guidelines standards for the wheat starch and gluten manufacturing subcategory as being economically practicable or effective. Cost information for waste treatment and handling is asserted to be unrepresentative particularly in regard to solids handling and disposal.

As noted in the Development Document, six of the seven wheat starch and gluten plants now in operation do not provide separate treatment, but discharge into nearby publicly owned treatment facilities. With the sixth plant, the starch-laden waste from the wheat starch and gluten operation is used as a raw product in an adjoining distillery facility.

All cost data employed for estimation of waste water treatment and handling was adopted from currently available and reliable sources which are commonly employed and widely accepted in estimating the cost of unit treatment processes. One of the sources used, Capital and Operating Costs of Pollution Control Equipment Modules-Vol II—Data Manual, EPA-R5-73-023b July 1973, Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. 20460, presents current and reliable information for estimating capital and operating cost for waste water treatment and sludge handling equipment. Costs do vary somewhat from industry to industry; however, this variance for the wheat starch industry would not be expected to result in a significant disparity in estimated costs.

The economic study concluded that if separate on-site waste treatment was re-

quired of existing wheat starch and gluten plants to comply with the BPCFCA, as many as two out of seven existing plants might close. However, the Agency considers that this represents a "theoretical" adverse condition in view of the large percentage of the plants that discharge their waste directly to publicly owned treatment works. The high degree of BOD and suspended solids removals required are necessary, where separate discharge to navigable waters may result, because of the inherently high potential pollutant load. The technology for reducing the high potential pollutant load to achieve the effective limitations guidelines is available and economically possible. It is acknowledged that local publicly owned treatment works receiving wheat starch and gluten plant waste may require an additional cost for treatment of the wastes, or that on-site plant pretreatment facilities may be necessitated to reduce the potency of the waste prior to discharge to present municipal systems. However, it is the Agency's conclusion on the basis of the studies conducted, that these requirements, to the extent which they may result, would not pose a substantial economic burden on a plant in terms of investment and operating costs.

(b) *Revision of the proposed regulations prior to promulgation.* After consideration of the public comments and further review and evaluation of the proposed regulation by the Agency, it was determined that no changes were required in the regulation.

(c) *Economic impact.* The economic impact analysis indicates that the impact of the guidelines is minimal. No plant closures are anticipated under the assumption that current practices are continued. No significant economic impact is anticipated for the animal feed, hot cereal, and ready-to-eat cereal manufacturing subcategories. Significant economic consequences would result within the wheat starch and gluten subcategory should existing plants choose to provide separate treatment of process waste waters to comply with the guidelines, or to a lesser degree, if substantial pretreatment is given to the wastes prior to discharge to a municipal system. Trends of growth in the wheat starch and gluten industry will not be affected by these guidelines. The economic analysis indicates that new plants similar to existing facilities will not be built even without imposition of the new source standards.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the animal feed, breakfast cereal and wheat starch segment of the grain mills manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category" (July 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 for Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category" (July 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 grain mills manufacturing 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 Animal Feed, Breakfast Cereal and Wheat Starch Manufacturing Segment of the Grain Mills Manufacturing Point Source Category," will be published 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.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 406, Grain Mills Manufacturing Point Source Category, is hereby amended by adding additional subparts G, H, I and J, 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 (Cy. 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 3, 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 3, 1975.

Dated: December 18, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart G—Animal Feed

- Sec. 406.70 Applicability; description of the animal feed subcategory.
- 406.71 Specialized definitions.
- 406.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.74 [Reserved]
- 406.75 Standards of performance for new sources.
- 406.76 Pretreatment standards for new sources.

Subpart H—Hot Cereal Subcategory

- Sec. 406.80 Applicability; description of the hot cereal subcategory.
- 406.81 Specialized definitions.
- 406.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.84 [Reserved]
- 406.85 Standards of performance for new sources.
- 406.86 Pretreatment standards for new sources.

Subpart I—Ready-to-eat Cereal Subcategory

- Sec. 406.90 Applicability; description of the ready-to-eat cereal subcategory.
- 406.91 Specialized definitions.
- 406.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.94 [Reserved]
- 406.95 Standards of performance for new sources.
- 406.96 Pretreatment standards for new sources.

Subpart J—Wheat Starch and Gluten Subcategory

- Sec. 406.100 Applicability; description of the wheat starch and gluten subcategory.
- 406.101 Specialized definitions.
- 406.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec.
406.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
406.104 [Reserved.]
406.105 Standards of performance for new sources.
406.106 Pretreatment standards for new sources.

AUTHORITY: Pub. L. 92-500, 86 Stat. 816 et seq. (33 U.S.C. 1251, 1311, 1314 (b), (c), 1316 (b), (c), 1317(c)).

Subpart G—Animal Feed Subcategory

§ 406.70 Applicability; description of the animal feed subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) using primarily grain and grain by-products which may be supplemented by proteins, pharmaceuticals, vitamins or mineral additives.

§ 406.71 Specialized definitions.

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

§ 406.72 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, 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.

§ 406.73 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.

§ 406.74 [Reserved]

§ 406.75 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.

§ 406.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the animal feed subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 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 Part 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 ₅	Do.
TSS	Do.

Subpart H—Hot Cereal Subcategory

§ 406.80 Applicability; description of the hot cereal subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of various breakfast cereals from grains, principally wheat and oats, requiring cooking prior to normal human consumption.

§ 406.81 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "cereal" shall mean breakfast cereal.

§ 406.82 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, 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.

§ 406.83 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.

§ 406.84 [Reserved]

§ 406.85 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.

§ 406.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the hot cereal subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 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 Part 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 ₅	Do.
TSS	Do.

Subpart I—Ready-To-Eat Cereal

§ 406.90 Applicability; description of the ready-to-eat cereal subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar, and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.

§ 406.91 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "cereal" shall mean breakfast cereal.

§ 406.92 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:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of cereal product		
BOD ₅	1.2	0.49
TSS	1.2	0.49
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of cereal product		
BOD ₅	1.2	0.49
TSS	1.2	0.49
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of cereal product		
BOD ₅	1.2	0.49
TSS	1.2	0.49
pH	Within the range 6.0 to 9.0.	

§ 406.93 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 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 available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 406.94 [Reserved]

§ 406.95 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 one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 406.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the ready-to-eat cereal subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 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 Part 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 ₅	Do.
TSS	Do.

Subpart J—Wheat Starch and Gluten Subcategory

§ 406.100 Applicability; description of the wheat starch and gluten subcategory.

The provisions of this subpart are applicable to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.

§ 406.101 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.

§ 406.102 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:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed

(Metric units) kg/kg of raw material (wheat flour)

BOD ₅	6.0	2.0
TSS	6.0	2.0
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of raw material (wheat flour)

BOD ₅	6.0	2.0
TSS	6.0	2.0
pH	Within the range 6.0 to 9.0.	

§ 406.103 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, 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 one day	Average of daily values for 30 consecutive days shall not exceed

(Metric units) kg/kg of raw material (wheat flour)

BOD ₅	1.5	0.50
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of raw material (wheat flour)

BOD ₅	1.5	0.50
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	

§ 406.104 [Reserved]

§ 406.105 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:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed

(Metric units) kg/kg of raw material (wheat flour)

BOD ₅	3.0	1.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	

(English units) lb/1,000 lb of raw material (wheat flour)

BOD ₅	3.0	1.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	

§ 406.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the wheat starch and gluten subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 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 Part 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 ₅	Do.
TSS	Do.

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