



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 1 1977

OFFICE OF ENFORCEMENT

n-77-10

MEMORANDUM

TO: Enforcement Directors, Regions I-X

FROM: Deputy Assistant Administrator for Water Enforcement (EN-335)

SUBJECT: Implementation of Promulgated Section 307(a) Toxic Standards

The Agency promulgated effluent standards for the discharge of Aldrin/Dieldrin, Benzidine, DDT (DDD, DDE), Endrin, and Toxaphene on January 12, 1977, and promulgated effluent standards for the discharge of Polychlorinated Biphenyls (PCBs) on February 2, 1977. Copies of these standards are attached. The standards apply only to direct dischargers of these chemicals into navigable waters (existing and new sources). The standards for Aldrin/Dieldrin, DDT (DDD, DDE), Endrin and Toxaphene apply to formulators and manufacturers of these pesticides; the benzidine standards apply to benzidine manufacturers and benzidine-based dye applicators; and the PCB prohibitions apply to manufacturers of PCBs, manufacturers of electrical capacitors, and manufacturers of electrical transformers. Compliance with these standards is required one year from the date of their publication in the Federal Register.

Please note that 40 CFR 129.5(a) requires that each owner or operator subject to these standards notify the Regional Administrator (or State Director) of such discharge. Upon receipt of an application for a permit modification, the permitting authority is then required to proceed with the applicable provisions of either 40 CFR Part 124 or Part 125, whichever is applicable. In accordance with 40 CFR 124.45(g) or 125.22(a)(6), many permits contain the general condition that when a toxic pollutant effluent standard more stringent than the existing limitation in the permit is established, the permit shall be modified or revised accordingly, and the permittee shall be so notified. If no application for permit modification is made, the standards are still independently enforceable under section 307(d) of the Federal Water Pollution Control Act. If a permit modification is sought, the permittee is entitled to notice and an opportunity for a public hearing and may request an adjudicatory hearing on appropriate limited issues of fact but not on the validity of the standards themselves. Issues relative to credit adjustment of the standard (40 CFR 129.6) and requirements for more stringent effluent limitations (40 CFR 129.7) may also be raised at that time.

Please identify the facilities subject to these standards and advise them of the standards, the compliance dates and the opportunity for them to make application for issuance, reissuance or modification of their NPDES permit. States having NPDES authority should do the same; therefore, it is important that you forward this memorandum to all approved NPDES States. The application shall include such information and follow such procedures as the Regional Administrator (or the State Director, if appropriate) may require. This should include, as a minimum, (1) identification of the discharger such as name, location of facility, discharge points, receiving waters, and the industrial process or operation discharging the toxic pollutant; (2) existing NPDES permit number and issue dates; (3) toxic pollutant concentrations and toxic pollutant mass discharge rate and (4) schedule by which compliance shall be achieved.

To assist you (and the NPDES States) in identifying the facilities to be notified, I have attached material provided by the Criteria Branch, Office of Water Planning and Standards, Office of Water and Hazardous Materials.

When developing the permit conditions you should note the monitoring requirements of 40 CFR Part 124.61(b)(3), Part 125.27(b)(3) and the new Part 129.5(d)(1) and Part 129.6(c). These paragraphs require the issuing authority to give written notice of monitoring, sampling, recording and reporting conditions. In addition to these requirements, compliance reports are required within sixty days following the close of each calendar year.



Jeffrey G. Miller

Attachments

cc: J. Brian Molloy