

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 404-1]

PART 443—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE PAVING AND ROOFING MATERIALS (TARS AND ASPHALT) POINT SOURCE CATEGORY

On January 10, 1975, notice was published in the FEDERAL REGISTER (40 FR 2352), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asphalt emulsion subcategory, asphalt concrete subcategory, linoleum and printed asphalt felt subcategory and paving and roofing materials (tars and asphalt) subcategory of the paving and roofing materials (tars and asphalt) 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 paving and roofing materials (tars and asphalt) category of point sources by amending 40 CFR Chapter I, Subchapter N, by adding thereto Part 443 which includes the asphalt and emulsion subcategory (Subpart A), the asphalt concrete subcategory (Subpart B), the linoleum and printed asphalt felt subcategory (Subpart C), and paving and roofing materials (tars and asphalt) (Subpart D). 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 paving and roofing materials (tars and asphalt) subcategory. 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 Paving and Roofing Materials (Tars and Asphalt) Point Source Category" (December, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Paving and Roofing Materials (Tars and Asphalt) (September, 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 requests for written comments contained in the preamble to the proposed regulation: Effluent Standards and Water Quality Information Advisory Committee, U.S. Department of Health, Education, and Welfare, U.S. Department of the Interior and Bird and Son.

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) One commenter indicated that the January 10, 1975 proposed total suspended solids (TSS) limitations for the asphalt roofing subcategory are more stringent than those TSS limits presented in the April 1974 draft Development Document.

Technical review of the TSS limitations for the asphalt roofing subcategory as presented in the April 1974 draft Development Document has revealed that these limits were higher than the limits that are reasonably achievable by settling basins treating inert solid materials. Accordingly, these limitations were based on achievable concentrations of TSS which have been demonstrated in this and other similar industries.

(2) The same commenter stated that the unit of production for determining effluent limitations for asphalt roofing plants should be the throughput of material from equipment and include recycle or rework material as well as product for sale.

The production basis of effluent limitations for asphalt roofing plants is the production capacity which is defined as throughput of material from equipment. Therefore, the production capacity basis for effluent limitations does take into account rework material as well as product for sale.

(3) It was suggested by one commenter that a limit of zero discharge of pollutants be imposed on all segments of the paving and roofing category due to

the potentially harmful nature of the wastewaters which result from contact with asphalt, tars and other materials.

It is noted that the authority for establishing effluent limits on toxic substances is specifically granted under section 307 (a) of the Water Pollution Control Act (Pub. L. 92-500). Effluent limits for this industry are imposed under authority of sections 301, 304(b), 306 and 307(c) of the Act which require that such limits be based primarily on technology related considerations. Moreover, the data base for technology based limitations is not specifically applicable for the consideration of toxicity or health effects.

(4) One commenter noted that on page 71 of the Development Document, solid wastes from linoleum and printed asphalt felt plants were said to be generally disposed of in sealed containers due to the potentially harmful nature of these solids. It was suggested that appropriate criteria be presented for the disposal of harmful solids.

The Agency's present policy regarding the disposal of solid wastes has been included in Section VIII of the Development Document. Proper care must always be taken when disposing of solid wastes which are toxic and/or hazardous. State and local authorities should be consulted to insure that the disposal of toxic and hazardous solid wastes is in compliance with regulations governing the disposal of such wastes.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, it was determined that no changes in the proposed regulations were warranted.

(c) *Economic impact.* Generally, the costs of compliance are low and are not expected to significantly affect prices, profitability, industry production or growth. The investment costs range from \$3.5-\$4.2 million for BPT by 1977 with an additional \$1.4-\$2.3 million for BAT by 1983. In most cases, it is expected that these costs can be passed on to the consumer through price increases. However, in the asphalt concrete segment, some producers, especially the smaller ones in urban areas, may be forced to absorb part of these costs in their profit margins. As a result, it is expected that ten to fifteen small plants in this segment may close. These plants represent only 0.2 percent of the industry capacity, and would, thus, result in an insignificant impact on production since the industry normally operates at only 35-40 percent of capacity. Approximately fifty employees would be affected by these closures. However, there would be no significant impact on local communities, balance of trade or industry growth for these segments.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflation-

ary impact of the proposal has been evaluated.

OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding \$100 million or annualized costs in excess of \$50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be considerably less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices and estimates that the increase will range between 0.02 and 1.4 percent for BPT and between zero and an additional 0.52 percent for BAT.

The detrimental effects of the constituents of waste waters now discharged by point sources within the paving and roofing materials (tars and asphalt) point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category" (June, 1975). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Paving and Roofing Materials (Tars and Asphalt) Industry" (September, 1974). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the Paving and Roofing Materials 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.

(d) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from linoleum and printed asphalt felt plants may contain toxic or potentially hazardous substances in various forms as a part of the suspended solids pollutant. Best practicable control technology, and best available control technology as they are known today, require that pollutants be removed from wastewaters in these plants in the form of solid wastes and liquid concentrates. In some cases, these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All land fill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be employed to ensure long term protection to the environment from hazardous materials. Where appropriate, the locations of hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the sites are located.

(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 Paving and Roofing Materials (Tars and Asphalt) 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, is hereby amended by adding Part 443—Subparts A, B, C and D for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category. 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 on July 24, 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 on or before August 25, 1975.

Dated: July 16, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart A—Asphalt Emulsion Subcategory

- Sec.
- 443.10 Applicability; description of the asphalt emulsion subcategory.
 - 443.11 Specialized definitions.
 - 443.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
 - 443.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
 - 443.14 [Reserved]
 - 443.15 Standards of performance for new sources.
 - 443.16 Pretreatment standards for new sources.

Subpart B—Asphalt Concrete Subcategory

- 443.20 Applicability; description of the asphalt concrete subcategory.
- 443.21 Specialized definitions.
- 443.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 443.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.24 [Reserved]
- 443.25 Standards of performance for new sources.
- 443.26 Pretreatment standards for new sources.

Subpart C—Asphalt Roofing Subcategory

- 443.30 Applicability; description of the asphalt roofing subcategory.
- 443.31 Specialized definitions.
- 443.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 443.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.34 [Reserved]
- 443.35 Standards of performance for new sources.
- 443.36 Pretreatment standards for new sources.

Subpart D—Linoleum and Printed Asphalt Felt Subcategory

- 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.
- 443.41 Specialized definitions.
- 443.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec. 443.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 443.44 [Reserved]
- 443.45 Standards of performance for new sources.
- 443.46 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 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 A—Asphalt Emulsion Subcategory
§ 443.10 Applicability; description of the asphalt emulsion subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of asphalt paving and roofing emulsions.

§ 443.11 Specialized definitions.

For the purpose of this subpart:
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.
 (b) The term "production area size" shall mean that area in which the oxidation towers, loading facilities, and all buildings that house product processes are located.
 (c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewaters and rainwater runoff.

§ 443.12 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 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/cu m of runoff)		
Oil and grease.....	0.020.....	0.015
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 gal of runoff)		
Oil and grease.....	0.167.....	0.125
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/cu m of runoff)		
TSS.....	0.023.....	0.015
Oil and grease.....	0.015.....	0.010
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 gal of runoff)		
TSS.....	0.183.....	0.125
Oil and grease.....	0.125.....	0.083
pH.....	Within the range 6.0 to 9.0.	

§ 443.14 [Reserved]

§ 443.15 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/cu m of runoff)		
TSS.....	0.023.....	0.015
Oil and grease.....	0.015.....	0.010
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 gal of runoff)		
TSS.....	0.183.....	0.125
Oil and grease.....	0.125.....	0.083
pH.....	Within the range 6.0 to 9.0.	

§ 443.16 Pretreatment standards for new sources.

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

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease.....	100 mg/l.

Subpart B—Asphalt Concrete Subcategory
§ 443.20 Applicability; description of the asphalt concrete subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Asphalt Concrete.

§ 443.21 Specialized definitions.

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

(b) The term "process wastewater" shall mean any water which, during the

manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of paving asphalt concrete.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

§ 443.22 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 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.

§ 443.23 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 applica-

tion of the best available technology economically achievable: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 443.24 [Reserved]

§ 443.25 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 wastewater pollutants to navigable waters.

§ 443.26 Pretreatment standard for new sources.

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

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart C—Asphalt Roofing Subcategory

§ 443.30 Applicability; description of the asphalt roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Asphalt Roofing materials.

§ 443.31 Specialized definitions.

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

(b) The term "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of asphalt roofing materials.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

§ 443.32 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 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS	0.056	0.033
pH	Within the range 6.9 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.056	0.033
pH	Within the range 6.9 to 9.0.	

§ 443.33 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

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best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS.....	0.028.....	0.010.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.028.....	0.010.....
pH.....	Within the range 6.0 to 9.0.	

§ 443.34 [Reserved]

§ 443.35 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS.....	0.028.....	0.019.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.028.....	0.019.....
pH.....	Within the range 6.0 to 9.0.	

§ 443.36 Pretreatment standard for new sources.

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

Pollutant or pollutant property	Pretreatment standard
BOD5.....	No limitation.
TSS.....	Do.
pH.....	Do.
Oil and grease.....	100 mg/l.

Subpart D—Linoleum and Printed Asphalt Felt Subcategory

§ 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Linoleum and Printed Asphalt Felt floor coverings.

§ 443.41 Specialized definitions.

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

(b) The term "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of linoleum and printed asphalt felt floor coverings.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

§ 443.42 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 efflu-

ent 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 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS.....	0.038.....	0.025.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.038.....	0.025.....
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS.....	0.019.....	0.013.....
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS.....	0.019.....	0.013.....
pH.....	Within the range 6.0 to 9.0.	

§ 443.44 [Reserved]

§ 443.45 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 limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kg of product)		
TSS	0.019	0.013
pH	Within the range 6.0 to 9.0	
English units (lb/1000 lb of product)		
TSS	0.019	0.013
pH	Within the range 6.0 to 9.0	

§ 443.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source

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

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

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