

Appendix D. New Source Dates by Effluent Guideline Category

This appendix provides the applicable new source dates used in making new source determinations by effluent guideline category as provided in Appendix B of the U.S. Environmental Protection Agency (EPA) memorandum *New Source Dates for Direct and Indirect Dischargers*¹

<www.epa.gov/npdes/pubs/newsources_dates.pdf> sent by the directors of EPA's Water Permits Division and the Engineering and Analysis Division to the Regional Water Division Directors on September 28, 2006. Section 5.2.2.4 of this manual discusses the determination of whether existing or new source standards apply.

EPA has promulgated regulations under the Clean Water Act (CWA) that establish effluent limitations guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources. EPA has codified these regulations at Title 40 of the *Code of Federal Regulations* (CFR) Subchapter N. As discussed in section 5.2.1 of this manual, EPA has published effluent guidelines for 56 major industrial categories (over 450 subcategories) since the passage of the 1972 CWA. Those regulations limit the discharge of pollutants to surface waters by point source dischargers (*direct dischargers*). The regulations also limit the introduction of pollutants into publicly owned treatment works (POTWs) by industrial users (*indirect dischargers*). The CWA and EPA regulations define when a source is a *new source*. A discharger is defined as a new source in CWA sections 306(a)(2) and 307(c) and §§ 122.2 (for direct dischargers) and 403.3(m) (for indirect dischargers). In general, a facility is a new source if it begins construction after either the date of promulgation of new source performance standards applicable to the direct dischargers or the date of publication of a proposed new source performance standard applicable to an indirect discharger.

Exhibit D-1 lists new source dates for direct or indirect dischargers based on regulatory definitions. In some cases, effluent guidelines in 40 CFR Chapter I, Subchapter N, specify New Source Dates, and these dates are reported in the table below. If dates are not specified in the rule language, EPA based the date on the regulatory definitions of new source, which are cited above. EPA's General Pretreatment Regulations provide that an indirect source is a new source if construction of the source began after the publication of proposed pretreatment standards for new sources if the proposed standard is later finalized [§ 403.3(m)]. For direct dischargers, § 122.2 states that the New Source date is the proposal date if the standard is finalized within 120 days after its proposal; otherwise, the New Source date is the *promulgation date*. EPA's regulations establish the time and date of EPA's actions for purposes of determining when the action is subject to judicial review. The regulations, in the case of the CWA, define the date of an EPA promulgation action as two weeks after the rule appears in the *Federal Register* (see § 23.2). Before February 1985, the date on which the final rule was published was considered the promulgation date.

This document is not a regulation itself, nor does it substitute for any requirements under the CWA or EPA's regulations. Thus, it does not impose legally binding requirements on EPA, states or the regulated community. While EPA has made every effort to ensure the accuracy of this table, dischargers' obligations are determined, in the case of direct dischargers, by the terms of their NPDES permit and the CWA and EPA's regulations, and, in the case of indirect dischargers, by permits or equivalent control

mechanisms issued to POTW industrial users and the CWA and EPA regulations. Nothing in this document changes any statutory or regulatory requirement. If the discussion in this memorandum conflicts with any permit or regulation, this document would not be controlling.

Exhibit D-1 New source dates by effluent category

40 CFR Part	Category	New source date for direct dischargers	New source date for indirect dischargers
467	Aluminum Forming	Subparts A-F: 10/24/83	Subparts A-F: 11/22/82
427	Asbestos Manufacturing	Subparts A-K: 10/30/73 ²	Not Applicable
461	Battery Manufacturing	Subparts A-G: 03/09/84	Subparts A-G: 11/10/82
407	Canned and Preserved Fruits and Vegetables Processing	Subparts A-H: 03/21/74	Not Applicable
408	Canned and Preserved Seafood Processing	Subparts A-J, N: 06/26/74 Subparts O-AG: 12/01/75	Not Applicable
458	Carbon Black Manufacturing	Subparts A-D: 01/09/78	Subparts A-D: 05/18/76
411	Cement Manufacturing	Subparts A-C: 02/20/74	Not Applicable
437	Centralized Waste Treatment (CWT)	Subparts A-D: 01/05/01	Subparts A-D: 01/13/99
434	Coal Mining	Subparts B-E, H: 05/04/84 ³ Subpart G: 02/22/02 ⁴	Not Applicable
465	Coil Coating	Subparts A-C: 12/01/82 Subpart D: 11/17/83	Subparts A-C: 01/12/81 Subpart D: 02/10/83
412	Concentrated Animal Feeding Operations (CAFO)	Subparts A-B: 02/14/74 Subparts C-D: 04/14/03 ⁵	Subpart B: 09/07/73
451	Concentrated Aquatic Animal Production	Subparts A-B: 09/07/04	Not Applicable
468	Copper Forming	Subpart A: 08/15/83	Subpart A: 11/12/82
405	Dairy Products Processing	Subparts A-L: 05/28/74	Not Applicable
469	Electrical and Electronic Components	Subparts A-B: 04/08/83 Subparts C-D: 12/14/83	Subparts A-B: 08/24/82 Subparts C-D: 03/09/83
413	Electroplating	Not Applicable ⁶	See Metal Finishing ⁷
457	Explosives Manufacturing	Not Applicable	Not Applicable
424	Ferroalloy Manufacturing	Subparts A-C: 02/22/74	Not Applicable
418	Fertilizer Manufacturing	Subparts A-D: 04/08/74 Subpart E: 01/16/76 Subparts F-G: 10/07/74 ⁸	Subparts A-D ⁹ : 12/07/73 Subpart E: 01/16/76 Subparts F-G: 10/07/74
426	Glass Manufacturing	Subpart A: 01/22/74 Subparts B-D: 02/14/74 Subparts E-G: 02/14/74 Subparts H, J-M: 01/16/75	Subparts H, K-M: 08/21/74
406	Grain Mills	Subparts A-J: 12/04/73 ¹⁰	Subpart A: 12/04/73
454	Gum and Wood Chemicals	Not Applicable	Not Applicable
460	Hospitals	Not Applicable	Not Applicable
447	Ink Formulating	Subpart A: 07/28/75	Subpart A: 02/26/75

Exhibit D-1 New source dates by effluent category

40 CFR Part	Category	New source date for direct dischargers	New source date for indirect dischargers
415	Inorganic Chemicals	Subparts B-F, H, K-N, P, Q, T, V, W, AJ [CuSO ₄ manufacturing], AH, AP, AU [NiSO ₄ manufacturing], BB: 06/29/82 Subparts AJ [except CuSO ₄ manufacturing], AU [except NiSO ₄ manufacturing], BL - BO: 08/22/84	Subparts B-F, H, K-N, P, Q, V, AH, AJ [CuSO ₄ manufacturing], AP, AU [NiSO ₄ manufacturing], BB: 07/24/80 Subparts T, AA, AC, AE, AI, AJ [except CuSO ₄ manufacturing], AL, AN, AQ, AR, AU [except NiSO ₄ manufacturing], AX, BC, BH, BK-BO: 10/25/83
420	Iron and Steel Manufacturing	Subparts A-B: 11/18/02 ¹¹ Subpart C: 05/27/82 Subpart D, Semi-Wet: 10/31/02 Subpart D, Other: 05/27/82 Subparts E-L: 05/27/82 Subpart M: 10/31/02	Subparts A-B: 11/18/02 ¹² Subpart C: 01/07/81 Subpart D, Semi-Wet: 12/27/00 Subpart D, Other: 01/07/81 Subparts E-F, H-J,L: 01/07/81 Subpart M: 12/27/00
445	Landfills	Subparts A-B: 02/02/00	Not Applicable
425	Leather Tanning and Finishing	Subparts A, B, D-I: 11/23/82 Subpart C: 04/04/88	Subpart A, B, D-I: 07/02/79 Subpart C: 01/21/87
432	Meat and Poultry Products	Subparts A-D, Small Facilities: 02/28/74 ¹³ Subparts A-D, Other: 09/22/04 Subparts E-I, Small Facilities: 01/03/75 ¹⁴ Subparts E-I, Other: 09/22/04 Subpart J-L: 09/22/04	Not Applicable
433	Metal Finishing	Subpart A: 07/15/83	Subpart A: 08/31/82
464	Metal Molding and Casting	Subparts A-D: 11/13/85	Subparts A-D: 11/15/82
438	Metal Products and Machinery	Subpart A: 06/12/03 ¹⁵	Not Applicable
436	Mineral Mining and Processing	Not Applicable	Not Applicable
471	Nonferrous Metals Forming and Metal Powders	Subparts A-J: 09/06/85	Subparts A-J: 03/05/84
421	Nonferrous Metal Manufacturing	Subparts B-I (except molybdenum acid plants), K-M: 03/08/84 Subparts N-AE, molybdenum acid plants in subpart I: 10/04/85 Subpart J: 02/04/88	Subparts B-I (except molybdenum acid plants), K-M: 02/17/83 Subparts N-AE, molybdenum acid plants in subpart I: 06/27/84 Subpart J: 01/22/87
435	Oil and Gas Extraction ¹⁶	Subparts C (Onshore), D (Coastal), and E (Agriculture & Wildlife): 03/04/93 Subparts A and D (Synthetic-Based Drilling Fluids): 02/05/01	Subpart D: 02/17/95
440	Ore Mining and Dressing	Subparts A-F, J, M: 12/03/82	Not Applicable

Exhibit D-1 New source dates by effluent category

40 CFR Part	Category	New source date for direct dischargers		New source date for indirect dischargers	
414	Organic Chemicals, Plastics, and Synthetic Fibers	Subparts B-H:	11/19/87	Subparts B-H:	03/21/83
446	Paint Formulating	Subpart A:	07/28/75	Subpart A:	02/26/75
443	Paving and Roofing Materials (Tars and Asphalt)	Subparts A-D:	07/28/75	Subparts A-D:	01/10/75
455	Pesticide Chemicals	Subparts A-B: Subparts C, E:	10/12/93 11/20/96	Subparts A-B: Subparts C, E:	04/10/92 04/14/94
419	Petroleum Refining	Subparts A-E:	10/18/82	Subparts A-E:	12/21/79
439	Pharmaceutical Manufacturing	Subparts A-D:	11/20/98 ¹⁷	Subparts A-D:	05/02/95
422	Phosphate Manufacturing	Subparts D-F:	06/23/76	Not Applicable	
459	Photographic	Not Applicable		Not Applicable	
463	Plastics Molding and Forming	Subparts A-C:	12/17/84	Not Applicable	
466	Porcelain Enameling	Subparts A-D:	11/24/82	Subparts A-D:	01/27/81
430	Pulp, Paper, and Paperboard	Subparts B, E: Subparts A, C, D, F, G, I-L:	06/15/98 ¹⁸ 11/18/82	Subparts B, E: Subparts A, C, D, F, G, I-L:	12/17/93 01/06/81
428	Rubber Manufacturing	Subparts A-D: Subparts E-J:	02/21/74 01/10/75	Subparts E-K:	08/23/74
417	Soap and Detergents Manufacturing	Subparts A-S:	4/12/74	Subpart Q: Subparts O, P, R:	12/26/73 02/20/75
423	Steam Electric Power Generation		11/19/82 ¹⁹		10/14/80
409	Sugar Processing	Subpart A: Subparts B, C:	1/31/74 12/07/73 ²⁰	Not Applicable	

¹ Boornazian, Linda and Mary Smith. 2006. *New Source Dates for Direct and Indirect Dischargers*. U.S. Environmental Protection Agency, Office of Water Memorandum. September 28, 2006. <www.epa.gov/npdes/pubs/newsources_dates.pdf>.

² The rule was finalized within 120 days of its October 30, 1973, proposal (38 FR 22606).

³ The New Source date is specified in 40 CFR 434.11(j)(1).

⁴ The New Source date is specified in 40 CFR 434.11(j)(1).

⁵ New Source date derived from the 10-year protection period [see 40 CFR 412.35(d) and 412.43(d)].

⁶ Direct dischargers formerly regulated under Part 413 are now regulated under Part 433 (metal finishing).

⁷ Pretreatment categorical standards in Part 413 currently apply only to job shop electroplaters and independent printed circuit board manufacturers that were in existence before the New Source date for Part 433 (metal finishing). Job shop electroplaters and independent printed circuit board manufacturers that are "New Sources" must comply with PSNS in Part 433. Except for these "existing" job shop electroplaters and independent printed circuit board manufacturers, all other operations formerly subject to Part 413 are now subject to Part 433.

⁸ The rule was finalized within 120 days of its October 7, 1974, proposal.

Endnotes for this chapter continued on the next page.

⁹ Section 41 8.46 (the PSNS under Subpart D) was suspended until further notice, at 40 FR 26275, June 23, 1975, effective July 20, 1975.

¹⁰ The rule was finalized within 120 days of its December 4, 1973, proposal (38 FR 33438).

¹¹ Date specified in 40 CFR 420.14(a)(2), 420.16(a)(2), 420.24(b), and 420.26(a)(2).

¹² See previous footnote.

¹³ The 2004 Amendment did not revise NSPSs for small meat products facilities in Subparts A-I, so the 2004 New Source date does not affect these facilities.

¹⁴ See previous footnote.

¹⁵ Date specified in 40 CFR 438.15.

¹⁶ See promulgated standards at 40 CFR 58 FR 12505 and 66 FR 6850 for complete information on the applicability of New Source standards.

¹⁷ New Source date derived from the 10-year protection period [see 40 CFR 439.15(c), 439.35(c), and 439.45(b)].

¹⁸ Date specified in 40 CFR 430.25(b) and 430.55(b). Refer to these sections for additional information regarding the applicability of NSPSs.

¹⁹ NSPS promulgated were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS. The New Source date for the 1974 regulations was 10/8/1974.

²⁰ The rule was finalized within 120 days of its December 7, 1973, proposal (38 FR 33846).