Title 40—Protection of the Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
SUBCHAPTER H—EPA GUIDELINES AND STANDARDS
PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY
Catfish, Crab, Shrimp, and Tuna Processing Subcategory

On February 25, 1974, notice was published in the Federal Register (38 FR 1624) 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 farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory, farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory, conventional blue crab processing subcategory,机械化 blue crab processing subcategory, Alaskan crabs and crab shellfish subcategory, Alaskan whole crab and crab section subcategory, dungeness and tanner crab processing in the contiguous States subcategory, shrimp processing subcategory, northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, norther non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, Alaskan whole crab and crab section subcategory, dungeness and tanner crab processing in the contiguous States subcategory, Alaskan shrimps processing in the contiguous States subcategory, Alaskan non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, and the tuna processing subcategory of the Canned and Preserved Seafood Processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the Canned and Preserved Seafood Processing category of point source—by amending 40 CFR Chapter I, Subchapter N, to add a new Part 408. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated at 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the Part II section of this Federal Register, at 39 FR 21354, stating that the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment regulations under standards under 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

(a) Summary of Comments. The following response to the request for written comments contained in the preamble to the proposed regulations defines the EPA's role in this rulemaking. The agency listens carefully to the public comment, takes into account this comment, and uses this comment as a basis for making decisions on the proposed regulation.

(b) Comments received. In response to the agency's request for written comments, the EPA received 27 comments. These comments were reviewed and analyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) A number of commenters feel that EPA has failed to adequately justify treatment of all seafood process wastes prior to their return to the ocean environment because fish waste provides nutrients to the receiving water ecosystem.

The disposal of seafood processing waste waters in limited areas, frequently estuaries or coastal areas, does affect the ecosystem of the receiving waters. Moreover, the EPA does not believe that a showing is made regarding the effect of the pollutional discharge upon the quality of the receiving water on a waterbody basis, namely, the receiving water environment.

(2) The proposed effluent limitations guidelines are to be based upon defined levels of technology which are specified in the Act itself. Nevertheless, effluent limitations derived from water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where technology-based effluent limitations are not stringent enough to provide for the achievement of water quality standards.

Contrary to the assumption of many commenters, Water Quality Criteria are not established on an industry-by-industry basis, but rather on a pollutant parameter basis. Notice of publication for the "Proposed Criteria for Water Quality, Volume 1" was contained in the October 26, 1973 Federal Register and for the "Proposed Water Quality Informa-
The regulations and Development Document do not provide the means to determine subcategory classification for multi-product plants with respect to establishing effluent limitations.

A primary reason for establishing effluent limitations guidelines on the basis of production of raw material, to provide the means to consider the single product as well as the multiple product seafood processor without setting separate guideline numbers for every possible combination of species and processing rates.

As stated in the preamble to the proposed regulations, when a plant is subject to effluent limitations covering more than one plant activity, the resulting limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory. For example, if a plant processes several species concurrently, then the plant's effluent limitation may be the sum of the products of the volume of each species processed and the respective effluent limitations for each species. In series, then the effluent limitation may be based on the subcategory classification of the individual species while it is being processed. In other words, the aggregate effluent limitation guideline number may vary as a function of the product mix at any particular point in time.

EPA recognizes that the effluent limitations guidelines contained herein are applied to plants processing Phase I commodities. When the Phase II guidelines are promulgated, the guidelines now being promulgated will be revised on the basis of this analysis to indicate their applicability to multi-product plants now excluded from coverage.

Some commenters criticized as inadequate the data base upon which the proposed reductions were calculated. As was explained in the preamble to the notice of proposed rulemaking, the Agency is well aware that the amount of information available on raw waste loadings and treatment efficiencies is less than that which would exist in ideal circumstances. However, as the preamble also observed, the historical data on expected raw waste loads is of diminished utility because of the variability due to sampling methods previously employed and the even smaller amount of data on treatment plant efficiencies. The inadequacy of the data is due to the generally inadequate level of treatment which has prevailed historically in the industry.

The time constraints imposed by the statutory deadlines preclude the Agency from organizing an extensive sampling program. Nevertheless in the time available, the contractor (a recognized authority on waste management in the seafood processing industry) carried out the first national scale empirical study of the industry's waste characteristics and treatment. For example, (A) five catfish processing plants, representative of the approximately 30 plants in the category and producing over 30 percent of all catfish processed, were sampled. (B) Seven of the approximately 160 blue crab processing plants were visited; two conventional blue crab plants and two mechanized blue crab plants were sampled. Consultation with Mr. Michael W. Paparella, Extension Specialist, Seafoods Processing Laboratory, University of Maryland, Crisfield, Maryland; Mr. Roy Carawan, Food Science Extension Specialist (Engineering), Department of Food Science, North Carolina State University; and Mr. Frank Thomas, Food Science Extension Specialist (Seafoods), Department of Food Science, North Carolina State University indicated that differences between the blue crab processors of the South Atlantic region and the Gulf Coast region and those further north. They also indicated that the waste characteristics of plants employing simple manual crab meat picking would differ from those plants utilizing mechanical crab picking machines, as was confirmed by Mr. M. A. Gray, Melvin Waters and Mr. Bobby J. Wood of the Pascagoula Laboratory of the National Marine Fisheries Service, Dr. Arthur No- vak and Dr. M. B. Ray of the Department of Food Science, Louisiana State University; and Mr. Ray Robinson of the American Shrimp Canners Association, New Orleans, Louisiana assisted in locating "representative" shrimp processing plants. Five of the approximately 125 southern non-breaded shrimp processing plants were visited of which three were sampled. (D) Data presented for breaded shrimp processing, northern processing and dungeness and tanner crab processing in the contiguous States were obtained through a previous EPA grant study conducted by Mr. M. A. Grav and Mr. Edgar (E) Schurig of the Department of Food Science and Technology at Oregon State University. Six of the approximately 70 tanner crab processing plants were visited; two which were considered representative of the industry were sampled. Also, three of the approximately 34 dungeness and tanner crab processing plants in the contiguous States were sampled. (E) In selecting representative crab and shrimp processing plants in Alaska the contractor consulted Mr. Roger DeCamp of the National Canners Association; Mr. John G. Dassow, Mr. M. R. Sanderson and Mr. Jeff Collins of the National Marine Fisheries Service. Fourteen of the approximately 89 Alaskan crab processing plants were visited; seven plants which were considered representative of the Industry were sampled. Six of the approximately 30 Alaskan shrimp processing plants were visited; two plants which were considered representative of the Industry were sampled. (F) In the tuna subcategory, nine plants, representing over 56 percent of the annual industry capacity were sampled. No less than two to three weeks of on-site sampling were carried out in any subcategory and generally substantially longer periods. All samples were 24 hour, flow-proportioned, composite samples in order to reflect as accurately as possible the actual pollutant characteristics of the plant's effluent.

The existing scientific literature was also reviewed, of course, though because of the variability referred to in Item (12) below, the results were less useful than EPA's own sampling program.

As far as the effluent limitations guidelines themselves are concerned, the effluent reductions specified are predominately upon (1) the performance of systems now in operation in the industry, (2) the results of the Agency's research demonstration grant project on shrimp waste with agencies of the contiguous States and other federal agencies programs (such as the National Marine Fisheries Service pilot study of air flotation), and (3) the informed advice of consultants on treatment of seafood processing wastes. The effluent reductions obtained by specific treatment technologies as applied to waste water from agency studies of cleared waste and other food processing industries were also considered in developing the effluent limitation guidelines.

A number of commenters suggested that the technology specified as best available technology economically achievable had not been adequately demonstrated for this industrial category.

The Agency recognizes that the technology specified herein as best available technology economically achievable has
not been demonstrated for every subcategory in day-to-day operations in this industrial category. However, in determining whether technology has been “demonstrated” for a subcategory, which must be achieved by 1983, the Agency does not believe that the same high degree of confidence that the technology will work must exist, as the case for 1977 standards. Thus, in making the judgment as to whether or not the technology is “available,” the Agency examined a wide range of information, including the use of the technology to treat similar wastes in other industrial categories, pilot plant and demonstration projects, and laboratory and other experimental data on various waste treatment processes. Based on such data and information, and the application of the Agency’s best judgment, the technology specified herein was determined to constitute the best available technology economically achievable.

It is recognized that, in some cases, the industry must itself perform some of the pilot plant and other developmental work which will be necessary to bring the technology into full utilization. This does not, however, alter the Agency’s judgment that the technology is “available,” is “economically achievable,” and can be brought on line in time to achieve full compliance by 1983, as required by the Act.

The technology which forms the basis for the effluent limitations guidelines is used only as a point of reference for available treatment systems. The industry may select alternative methods as discussed in the Development Document to meet the effluent limitations.

(5) Some correspondents endorsed the proposal made to the Administrator by the Efluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee’s proposal is under consideration by the Agency toward future refinements of guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency’s delaying issuance of any standard in hopes that an alternative approach might be preferable.

(6) One commenter suggested that, contrary to the provisions of the Act, in-plant control and process changes form the basis for both the 1977 and 1983 effluent limitations guidelines.

The 1977 effluent limitations guidelines are based on end-of-pipe treatment and “good housekeeping” practices which are considered normal practice within the seafood processing industry such as turning off faucets between users, using degreasing equipment to recover or using spring-loaded hose nozzles, and do not assume significant equipment changes. The large variation in water usage for the same process configuration among different plants indicates that there is ample opportunity for the reduction of water usage without adversely affecting the quality of the product.

The Development Document on adequate in-plant control and process changes which substantially reduce the end-of-pipe waste load and flow as well as the associated waste treatment cost, is intended for those processors who recognize the possible cost trade-offs between end-of-pipe treatment and In-plant changes or recovery techniques.

The 1983 guidelines and new source standards include consideration of in-plant changes to effect water use reductions, as provided by the Act.

(7) A number of commenters suggest that neither the effluent limitations guidelines nor the economic justification for mandatory installation of pollution control technology should be based on the recovery of by-products because of fluctuating market potentials.

The technical and economic analyses were not based on by-product recovery techniques or by-products. The by-product recovery discussion in the Development Document is to outline several of the major developments that may, or could, be brought on to market within the next few years.

(8) EPA should use the COD test instead of the BOD test because it is faster and more reproducible than the BOD test.

The COD test is widely used to determine the pollutional strength of domestic and industrial wastes in terms of the oxygen that they will require if discharged into natural watercourses in which aerobic conditions exist. Furthermore, common engineering design practice utilizes BODS as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BODS parameter was investigated during the Phase II study. The BODS and corresponding COD data from industrial fish, fish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BODS for any or all of these groups of seafood. The analysis indicates that the COD parameter is not a reliable predictor of BODS.

The relationship between COD and BODS before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BODS parameter, since insufficient information is available on the COD effluent levels after treatment.

(9) One commenter considers 50 to 100 parts per million of fats and oils to be the lowest practical limit of detection without resorting to gas—liquid chromatography. Therefore, the oil and grease effluent limitations are impracticable in terms of analytical techniques and removal processes.

The oil and grease limitations are realistic in terms of the analytical techniques used to develop the data reported in the Development Document and pollution abatement technology that is currently used in the seafood processing industry.

As stated in the preamble to the proposed regulation, the oil and grease parameter refers to those components of a waste water amenable to measurement by the method described in “Methods for Chemical Analysis of Water and Waste,” 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 517. The scope and application of this method covers the range from 5 to 1000 parts per million (approximately 5 to 1000 parts per million) of extractable material.

(10) Some commenters feel that discharges of oil and grease from shrimp processing plants should not be specifically restricted because they are biodegradable and non-detrimental to water quality in the quantities discharged.

While oils and greases are substances contributing to biochemical oxygen demand (and also chemical oxygen demand), they have a potential detrimental effect on wildlife due to competition for oxygen demand and their retention as a controlled parameter is justified. For example, oil emulsions may adhere to the gills of fish or coat and destroy algae, plankton, or other plankton by inhibiting the normal transfer of oxygen.

(11) The effluent limitations should be modified to include a range of numbers for each industrial group and for oil and grease parameters. The range should include that obtainable by screening at one extreme and air flotation or its equivalent at the other.

The available data do not indicate significant differences attributable to age and size of plant and other factors that would justify further subcategorization of the industry or establishment of ranges of limitations.

The present guidelines take differences within the seafood processing industry into account through subcategorization, and by use of ranges of numbers. For example, the food processing industry has been divided into the meat and poultry industries, canned and preserved flesh industries, and canned and preserved seafood and sugar processing categories. The canned and preserved seafood processing category has been further subdivided in Phase I into four segments: meat, fish, shellfish, and aquatic products. For example, the fish processing industry has been divided into the meat products and rendering, dairy products, canned and preserved fruits and vegetables, grain mills, canned and preserved seafood, and sugar processing categories. The canned and preserved seafood processing category has been further subdivided in Phase II into four segments: canned and preserved seafood, and aquatic products.

Further subcategories will be established in Phase II segment.

(12) The practice of screening the raw waste waters with a 20-mesh Tyler sieve prior to laboratory analysis does not measure the real organic waste load of the untreated effluent. Therefore, EPA is in error by using this data for establishing further reductions through employ-
The practice of utilizing a 20-mesh Tyler sieve has been used in industry and remote areas in developing air flotation research in both the seafood and the fruits and vegetables fields. It serves to remove the larger solid particles (such as crab legs, some shrimp shell, fish parts, etc.) and thereby greatly reduce the resultant "scatter" of the data points. The method is especially valuable in developing a precise basis for each parameter from a limited number of samples.

The problem of collecting representative samples when large solid particles are contained in the effluent becomes rather complicated for each parameter from a limited number of samples. Extremely large volumes of waste water would be necessary for a representative raw waste sample. Because of the basis for the minimum treatment effort included screening for most processors, data based on ground effluent samples would have no relationship to economically acceptable screening.

(13) The Alaskan subcategories should have been further subdivided to account for the isolated plants which do not have dependable access to landfills or ocean barging in order to dispose of screened wastes by biologically degradable techniques or by dispersion over large areas through ocean disposal because of adverse climate and geologic conditions.

After assessing the available information three additional subcategories have been added to account for differences due to crab and shrimp processing plant locations in Alaska.

There is substantial evidence that processors in isolated and remote areas of Alaska are at a comparative economic disadvantage to the processors located in population centers because of the lack of availability to commercial plant operating conditions and other avoidance of environmental problems of the dissolved air flotation process.

There are no data which support the statement that dissolved air flotation operates as a physical system will achieve the results assumed in the Development Document. EPA recognizes that almost all pilot plant and full-scale air flotation systems operating in the seafood industry rely on chemical addition and optimization to achieve the highest levels of pollution abatement or by-product recovery. The Agency expects the dissolved air flotation systems to include chemical addition. The capital cost estimates and operation and maintenance costs presented in the Development Document for air flotation equipment included the costs of chemical addition for the 1977 and 1983 estimates. However, optimization of dissolved air flotation performance is not required until 1983 because the technology is relatively new for most of the fish and seafood processing industry and requires careful selection of chemicals and dosages, as well as skilled operation for optimum pollution abatement.

(15) There are no data which support the statement that dissolved air flotation operated as a physical system will achieve the reductions assumed in the Development Document. EPA recognizes that almost all pilot plant and full-scale air flotation systems operating in the seafood industry rely on chemical addition and optimization to achieve the highest levels of pollution abatement or by-product recovery. The Agency expects the dissolved air flotation systems to include chemical addition. The capital cost estimates and operation and maintenance costs presented in the Development Document for air flotation equipment included the costs of chemical addition for the 1977 and 1983 estimates. However, optimization of dissolved air flotation performance is not required until 1983 because the technology is relatively new for most of the fish and seafood processing industry and requires careful selection of chemicals and dosages, as well as skilled operation for optimum pollution abatement.

(16) Adequate attention has not been given to the sludge disposal or recovery problems of the dissolved air flotation system.

Conventional methods of sludge handling and disposal are available and demonstrated to be effective. For example, the sludge from the dissolved air flotation system is presently being dewatered by centrifuging and recovered as a food supplement to poultry feed. A conclusion of the "Draft Shrimp Cannery Waste Treatment Document" states that dewatering of dissolved air flotation sludge will be necessary for economical disposal. Centrifugation of the sludge was demonstrated to decrease the volume by 4:1 and increase the total solids dry weight by 2:1.

(17) Several commenters stated that dissolved air flotation systems should not provide the basis for the July 1, 1977 effluent limitations guidelines for tuna and shrimp processors because the technology is not the best practicable control technology currently available.

The tuna industry is presently utilizing dissolved air flotation systems to treat its waste water effluents. Two full scale units are operating presently; three more are expected to be completed in the near future at Terminal Island, California and American Samoa; and another dissolved air flotation system is planned for installation in Puerto Rico. The tuna endorsement of dissolved air flotation technology as a logical alternative for best practicable control technology currently available. Because of this and the discussion presented in item (14), the Agency believes that the technology meets the criteria for best practicable control technology currently available.

After careful reevaluation of available data and consultation with recognized seafood waste water treatment experts, the Agency believes that dissolved air flotation can be regarded as best practicable control technology currently available for shrimp processing facilities in the contiguous States. The technology is "available" and "transferrable" as evidenced by pilot plant work discussed in item (14), (15), and (16). However, several organizations question whether the total number of shrimp processing plants affected can design, secure, construct, and line-out this particular equipment alternative by July 1, 1977. For this rea-
son, the Agency has combined the respective subcategories for the large and small shrimp processors in the contiguous States and based the July 1, 1977 effluent limitations guidelines on screening systems instead of dissolved air flotation systems. However, the July 1, 1983 standards and new source performance standards are based on dissolved air flotation technology.

(18) One commenter stated that the raw waste characteristic summary for the tuna processing industry appeared to be low compared to historical plant data. Approximately one year of plant effluent data was submitted as supportive evidence. The plant data, which meets the sampling requirements discussed in item (12) above, has been incorporated into the data base presented in the Development Document with appropriate changes reflected in the effluent limitations guidelines.

(19) The 30-day and 1-day limits are not always applicable. The 30-day average limit is based on 30 consecutive days of operation, and the one day limit is designed to allow for pump failures and other short interruptions that both figures assume relatively continuous operation which is not a valid assumption for many seafood plants. As discussed in the Development Document, the intermittent nature of the seafood processing industry has been considered in developing the effluent limitations guidelines. The average of daily values for 30 consecutive days is intended to include the average for the number of days the plant operates within the 30 day period. For example, if a plant operates for 19 days of the 30 day period then the average is based on the 19 days only.

(20) The effluent limitations guidelines should be applied on a net rather than a gross basis to allow for pollutants which may be present in the plant intake water. The effluent limitations guidelines have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by best practicable control currently available.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for such pollutants. The regulations will be proposed for public comment in the near future.

(21) The State of Georgia currently requires a minimum of secondary biological treatment or equivalent for all process waste waters from blue crab and breaded and non-breaded shrimp processors. In several cases installation has been completed. One processor is operating its secondary treatment facility and others have diverted their waste water to municipal treatment systems. EPA should propose the same requirements so that conflicting Federal and State regulations will not produce inequitable results.

Under the Act EPA is required to set uniform new source standards which apply to all processors as a minimum level of pollution abatement. More stringent requirements may be based on water quality criteria or, as provided by section 108 of the Act, by the State according to appropriate State regulatory authorities.

(22) Many commenters requested that an extension of time be given so that they could complete studies regarding the proposed standards before commenting on them. EPA extended the comment period from March 8, 1974 to March 22, 1974. An additional extension could not be given because of the court-ordered deadline filed by the United States District Court for the District of Columbia on November 22, 1973.

(23) The estimate of energy requirements should include the energy required to fabricate the treatment equipment, to ship it to the plant, install it, and to run it.

The legislative history of the Act regarding the energy requirements of waste water treatment technology clearly indicates that Congress was concerned with the energy consumption of in-place treatment systems, not the cumulative effects of fabrication, transportation, and erection of the equipment. However, no evidence has been presented to the Agency which suggests that the energy required to manufacture, transport, and install the equipment which forms the basis for the effluent limitations guidelines, constitutes a significant percentage of the total requirements over the useful life of the equipment.

The in-place energy consumption of the various treatment systems was estimated. As discussed in the Development Document, the additional energy required in the form of electrical power to achieve the effluent limitations is of a magnitude comparable to the electrical power consumption of the seafood industry.

(24) The Development Document accompanying the proposed regulation did not report specific oil and grease data for the dungeness and tanner crab processing in the contiguous States subcategory. The historical data for dungeness and tanner crab processing did not include the oil and grease parameter. Because of the similarity of the waste water characteristics for similar processing techniques of the Alaskan and Pacific Northwest dungeness and tanner crab operations, the value for the oil and grease parameters of the Pacific Northwest process was extrapolated from the Alaskan process.

(25) Many commenters suggested that the economic impact analysis of the proposed effluent limitations guidelines failed to include adequately the unique economic situation of the seafood industry. After publishing the proposed guidelines, the Agency received substantial financial and economic data which formed the basis for reexamining the impact analysis. The majority of the changes listed below are based on the economic and financial condition of the industry. One commenter suggested that the raw data for southern non-breaded shrimp was too low and submitted historical data from five shrimp canning facilities as supportive evidence.

After evaluating the method of sample collection and analysis for the historical data, the Agency concludes that the differences in "raw waste characteristics" are attributable to those factors discussed in item (12) above. The samples were composited without prior screening and then blended before analysis. For this reason, the historical data cannot be utilized as a basis for revising the summary data presented in the Development Document.

(27) One commenter feels that industry expansion will be inhibited in those instances where the new source performance standards are more restrictive than the July 1, 1977 standards, particularly in the remote Alaskan crab and shrimp subcategories.

Section 306(a)(1) of the Act defines the term "standard of performance" to be a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. In applying the definition to new source performance standards for remote Alaska crab processors, the Agency believes that the practice of direct discharge of solid waste to the receiving waters cannot be justified for new sources because of demonstrated alternative methods of solids disposal such as by-product recovery, ocean discharge or landfilling. For example, the facility services several seafood processing plants in Kodiak, Alaska. During the salmon season in locations such as Naknek, Eklutna, Dillingham, and False Pass, fish heads are partially rendered to recover oil with the resulting slush discharged to the receiving waters. In Petersburg and Ketchikan salmon fish heads and tails are recovered as an additive to pet food. Barging of solids is presently utilized during the salmon season at Chignik, King Cove, Haines Inlet and Lagoon Bay predominantly to control odors from solid waste accumulating near the plant.

(b) Revision of the proposed regulation prior to promulgation. As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) One concern of the economic impact of the proposed guidelines on the catfish processing segment utilizing additional financial data and information indicates possible severe economic dislocations within the catfish processing in-

FEDERAL REGISTER, VOL. 39, NO. 124—WEDNESDAY, JUNE 26, 1974
dustry. Therefore, the two proposed subcategories for large and small catfish processors have been combined into one subcategory which covers the 1977 effluent limitations guideline for screening, simple grease traps, and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets, spring-loaded hose nozzles, or using spring-loaded hose nozzles. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on dissolved air flotation systems and appropriate process design to provide more efficient water and waste water management.

(2) The following subcategories have been added to account for the comparative economic disadvantages of remote as opposed to non-remote Alaskan processors in attempting to meet the proposed effluent limitations guidelines: Subpart F—Remote Alaskan Crab Meat Subcategory; Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory; and Subpart H—Remote Alaskan Shrimp Processing Subcategory. The best practicable control technology currently available for these subcategories is the process of physical prevention of the pollutants to reduce particle sizes through the use of comminutors or grinders. The best available technology economically achievable and the best available demonstrated control technology for new sources are based on dissolved air flotation systems in addition to screening.

(3) The proposed subcategories for shrimp processing in the contiguous States have been revised by eliminating the subcategory size cut-offs based on a higher level of technology for larger plants.

For Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory, Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory, Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory, the best practicable control technology currently available has been virtually eliminated for the subcategory size cut-offs based on a higher level of technology for larger plants.

(4) A reassessment of the economic impact of the proposed effluent limitations guidelines for the Dungeness crab processing is being undertaken. The proposed guidelines for this subcategory are based on the best available technology and processes for the reduction and removal of wastes and pollutants. The economic impact analysis indicates that for smaller processors the economic impact of these guidelines may be extreme, preventing the operation of these facilities. A twenty-five percent (25%) reduction of the grease and oil parameter was assumed for the proposed effluent limitations guidelines for catfish, crab and shrimp categories. This assumption is valid for the catfish and crab processing effluents because greases and oils are generally in a flotable or coagulated form, readily removed by simple grease traps. However, for shrimp processing effluents, the greases and oils are usually in a highly emulsified form which passes through simple grease traps or separators. According to the proposal, providing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(5) Economic Impact. The aforementioned changes will significantly reduce the projected economic impact of the proposed regulations.

The economic impact of the proposed effluent limitations guidelines is being evaluated. The best available technology currently available has been virtually eliminated for the subcategory size cut-offs based on a higher level of technology for larger plants. The economic impact of the proposed effluent limitations guidelines based on the best available technology economically achievable has been virtually eliminated. Therefore, the proposed guidelines for this subcategory are based on the best available technology and processes for the reduction and removal of wastes and pollutants. The economic impact analysis indicates that for smaller processors the economic impact of these guidelines may be extreme, preventing the operation of these facilities. A twenty-five percent (25%) reduction of the grease and oil parameter was assumed for the proposed effluent limitations guidelines for catfish, crab and shrimp categories. This assumption is valid for the catfish and crab processing effluents because greases and oils are generally in a flotable or coagulated form, readily removed by simple grease traps. However, for shrimp processing effluents, the greases and oils are usually in a highly emulsified form which passes through simple grease traps or separators. According to the proposal, providing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(6) Because the estimated monitoring costs for total suspended solids and oil and grease alone severely impacts the very small processors, the guidelines are intended to apply to facilities processing more than 1362 kg (3000 lbs) of raw material per day for catfish (Subpart A); more than 1362 kg (3000 lbs) of raw material per day for conventional blue crab (Subpart B); and more than 808 kg (2000 lbs) of raw material per day for Northern shrimp (Subpart K), Southern non-breaded shrimp (Subpart L) and breaded shrimp (Subpart M) in the contiguous States.

(7) For those subcategories which base the effluent limitations guidelines on screening systems, the BOD5 parameter has been eliminated from the guidelines. The economic impact analysis indicates that for the smaller processors the cost of monitoring alone significantly affects the profitability of the company. Even though BOD5 is an important pollutant parameter for the treatment of waste water effluents on receiving waters, the economic impact analysis indicates that the emission of the pollutants to reduce particle sizes through the use of comminutors or grinders is considered normal practice within the seafood processing industry such as turning off faucets, spring-loaded hose nozzles, or using spring-loaded hose nozzles. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on dissolved air flotation systems and appropriate process design to provide more efficient water and waste water management.

(8) The projected economic impact of the proposed effluent limitations guidelines based on screening and simple grease traps for the Alaskan, northern, southern non-breaded, and breaded shrimp processing categories have been reduced significantly by the revision of the requirement for new sources. Twenty-five percent (25%) reduction of the grease and oil parameter was assumed for the proposed effluent limitations guidelines for the catfish, crab and shrimp categories. This assumption is valid for the catfish and crab processing effluents because greases and oils are generally in a flotable or coagulated form, readily removed by simple grease traps. However, for shrimp processing effluents, the greases and oils are usually in a highly emulsified form which passes through simple grease traps or separators. According to the proposal, providing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(9) Section 304(b) (1) (B) of the Act provides for "guidelines" to implement the uniform national standards of section 304(b) (1) (A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with this provision, the Agency has revised the definition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology. It was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(10) The proposed subcategories for shrimp processing in the contiguous States have been revised by eliminating the subcategory size cut-offs based on a higher level of technology for larger plants.

For Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory, Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory, Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory, the best practicable control technology currently available has been virtually eliminated for the subcategory size cut-offs based on a higher level of technology for larger plants.
will represent the maximum use of technology within the economic capa-
ibility of the owner or operator; and (2) will result in reasonable further pro-
gress toward the elimination of the dis-
charge of pollutants. Furthermore, sec-
tion 301(d) of the Act states that the effluent limits guidelines based on the best available technology economi-
cally achievable shall be reviewed at
least every five years and, if appropri-
ate, revised pursuant to the procedure estab-
lished under section 301(b)(2).

(d) Cost-benefit balance. The detri-
mental effects of the constituents of
waste waters now discharged by point
sources within the catfish, crab, shrimp
tand tuna segment of the canned and
preserved seafood processing point
source category are discussed in section
VI of the report entitled "Development
Document for Effluent Limitations
Guidelines for the Catfish, Crab, Shrimp,
and Tuna Processing Segment of the
Canned and Preserved Seafood Point
Source Category" (June 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 substan-
tial and damaging impacts on the qual-
ity of water and therefore on its capacity
to support healthy populations of wild-
life, fish and other aquatic wildlife and
on its suitability for industrial, recrea-
tional and drinking water supply uses.

The total cost of implementing the effluent limits guidelines includes the direct capital and operating costs of
the pollution control technology em-
ployed to achieve compliance and the in-
direct economic and environmental costs
identified in section VIII and in the sup-
plementary report entitled "Economic
Analysis of Effluent Guidelines Seafood
Processing Industry" (June 1974). Im-
plementing the effluent limits guidelines
will substantially reduce the environmen-
tal harm which would otherwise be attribut-
able to the continued discharge of polluted waste waters from existing and newly constructed plants in
the canned and preserved seafood processing
industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the asso-
ciated costs.

(e) Publication of information on
processes, procedures, or operating
methods which result in the eliminat-
on or reduction of the discharge of pollut-
ants. In conformance with the require-
ments of section 301(d) of the Act, the
manual entitled, "Development Docu-
ment for Effluent Limitations Guidelines
and New Source Performance Standards
for the Catfish, Crab, Shrimp and Tuna
Processing Segment of the Canned and
Preserved Seafood Point Source Cate-
gory," has been published and is avail-
able for purchase from the Government
Printing Office, Washington, D.C. 20402
for a nominal fee.

(f) Final rulemaking. In considera-
ion of the foregoing, 40 CFR Chapter I,
Sub-
chapter N is hereby amended by adding
a new Part 408, Canned or Preserved
Seafood Processing Point Source Cate-
gory, to read as set forth below. This
final regulation is promulgated as set
forth below and shall be effective
June 26, 1974.

Dated: June 13, 1974.
JOHN QUARLES,
Acting Administrator.

Subpart A—Farm-Raised Catfish Processing
Subcategory

Sec.
408.10 Applicability; description of the
farm-raised catfish processing subcategory.
408.11 Specialized definitions.
408.12 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best practicable
technology currently available.

Subpart B—Conventional Blue Crab Processing
Subcategory

408.20 Applicability; description of the
conventional blue crab processing subcategory.
408.21 Specialized definitions.
408.22 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best available
technology currently available.
408.23 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best available
technology economically achiev-
able.

Subpart B—Mechanized Blue Crab Processing
Subcategory

408.30 Applicability; description of the
mechanized blue crab processing subcategory.
408.31 Specialized definitions.
408.32 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best practical control
technology currently available.
408.33 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best available
technology economically achiev-
able.

Subpart C—Remote Alaskan Whole Crab and
Crab Section Processing Subcategory

408.40 Applicability; description of the
remote Alaskan whole crab and
section processing subcategory.

Subpart D—Non-Remote Alaskan Crab Meat
Processing Subcategory

408.50 Applicability; description of the
non-remote Alaskan crab meat process-
ing subcategory.
408.51 Specialized definitions.
408.52 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best practicable
technology currently available.

Subpart E—Remote Alaskan Crab Meat
Processing Subcategory

408.60 Applicability; description of the remot-
e Alaskan crab meat processing
subcategory.
408.61 Specialized definitions.
408.62 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the applica-
tion of the best available
technology economically achiev-
able.

Subpart F—Non-Remote Alaskan Whole Crab
and Crab Section Processing Subcategory

408.70 Applicability; description of the
non-remote Alaskan whole crab and
section processing subcategory.
408.71 Specialized definitions.
408.72 Effluent limitations guidelines rep-
resenting the degree of effluent
reduction attainable by the appli-
cation of the best available
technology economically achiev-
able.

Subpart G—Remote Alaskan Whole Crab
and Crab Section Processing Subcategory

408.80 Applicability; description of the
remote Alaskan whole crab and
section processing subcategory.

Subpart H—Non-Remote Alaskan Whole Crab
and Crab Section Processing Subcategory

408.90 Applicability; description of the
non-remote Alaskan whole crab and
section processing subcategory.
Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

Sec. 408.115 Standards of performance for new sources.
408.116 Pretreatment standards for new sources.

Subpart I—Southern Non-Braised Shrimp Processing in the Contiguous States Subcategory

Sec. 408.120 Applicability; description of the southern non-braised shrimp processing in the contiguous States subcategory.

408.121 Specialized definitions.
408.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.124 [Reserved.]

408.125 Standards of performance for new sources.
408.126 Pretreatment standards for new sources.

Subpart J—Remote Alaskan Shrimp Processing Subcategory

408.130 Applicability; description of the remote Alaskan shrimp processing.

408.131 Specialized definitions.
408.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.134 [Reserved.]

408.135 Standards of performance for new sources.
408.136 Pretreatment standards for new sources.

Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory

408.140 Applicability; description of the northern shrimp processing in the contiguous States subcategory.

408.141 Specialized definitions.
408.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.144 [Reserved.]

408.145 Standards of performance for new sources.
408.146 Pretreatment standards for new sources.

Subpart L—Tuna Processing Subcategory

408.150 Applicability; description of the tuna processing.

408.151 Specialized definitions.
408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.154 [Reserved.]

408.155 Standards of performance for new sources.
408.156 Pretreatment standards for new sources.

Subpart M—Braised Shrimp Processing in the Contiguous States Subcategory

408.160 Applicability; description of the braised shrimp processing in the contiguous States subcategory.

408.161 Specialized definitions.
408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.164 [Reserved.]

408.165 Standards of performance for new sources.
408.166 Pretreatment standards for new sources.

Subpart N—Tuna Processing Subcategory

408.170 Applicability; description of the tuna processing subcategory.

408.171 Specialized definitions.
408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

408.174 [Reserved.]

408.175 Standards of performance for new sources.
408.176 Pretreatment standards for new sources.

Subpart O—Farm Raised Catfish Processing Subcategory

408.180 Applicability; description of the farm raised catfish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of farm-raised catfish by facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year. The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.11 Specialized definitions.

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

(b) The term "oil and grease" shall mean those components of a waste water unamenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed for the form in which it is received at the processing plant.

§ 408.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry 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 if additional 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.
Administer may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units)</td>
<td>kg/kg of seafood</td>
<td></td>
</tr>
<tr>
<td>BOD₃</td>
<td>4.0</td>
<td>2.3</td>
</tr>
<tr>
<td>TS</td>
<td>11.0</td>
<td>5.7</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₃</td>
<td>4.0</td>
<td>2.3</td>
</tr>
<tr>
<td>TS</td>
<td>11.0</td>
<td>5.7</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.16 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the farm-raising category, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the public sewer or surface water), shall be the standard set forth in 40 CFR Part 128. Except for those set forth in 40 CFR Part 128, subject to the provisions of 40 CFR Part 128, process waste waters from a new or source subject to the provisions of this subpart may be introduced into a publicly owned treatment works. The provisions of this subpart apply to those plants processing any combination of catfish, crab, shrimp, or tuna providing that the total throughput of these commodities amounts to eighty percent (80%) or more of the plant's seasonal or yearly production.

§ 408.17 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:

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units)</td>
<td>kg/kg of seafood</td>
<td></td>
</tr>
<tr>
<td>BOD₃</td>
<td>4.0</td>
<td>2.3</td>
</tr>
<tr>
<td>TS</td>
<td>11.0</td>
<td>5.7</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₃</td>
<td>4.0</td>
<td>2.3</td>
</tr>
<tr>
<td>TS</td>
<td>11.0</td>
<td>5.7</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop, and solicit with respect to factors such as the best practicable control technology available, energy requirements and costs which could affect the industry, 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 factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the EPA) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units)</td>
<td>kg/kg of seafood</td>
<td></td>
</tr>
<tr>
<td>BOD₃</td>
<td>4.0</td>
<td>2.3</td>
</tr>
<tr>
<td>TS</td>
<td>11.0</td>
<td>5.7</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₃</td>
<td>4.0</td>
<td>2.3</td>
</tr>
<tr>
<td>TS</td>
<td>11.0</td>
<td>5.7</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>
§ 408.33 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 new source subject to the provisions of this subpart after application of the best available technology economically achievable:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>0.30</td>
<td>0.15</td>
</tr>
<tr>
<td>TSS</td>
<td>0.90</td>
<td>0.45</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.5</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>0.30</td>
<td>0.15</td>
</tr>
<tr>
<td>TSS</td>
<td>0.90</td>
<td>0.45</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.5</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.24 [Reserved.]

§ 408.25 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:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>0.30</td>
<td>0.15</td>
</tr>
<tr>
<td>TSS</td>
<td>0.90</td>
<td>0.45</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.5</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>0.30</td>
<td>0.15</td>
</tr>
<tr>
<td>TSS</td>
<td>0.90</td>
<td>0.45</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.5</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it had available to collect, develop and solicit with respect to factors, including production methods 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 particular facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>0.30</td>
<td>0.15</td>
</tr>
<tr>
<td>TSS</td>
<td>0.90</td>
<td>0.45</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.5</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>0.30</td>
<td>0.15</td>
</tr>
<tr>
<td>TSS</td>
<td>0.90</td>
<td>0.45</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.5</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.26 Pretreatment standards for new sources.

The pretreatment standards for in-compatable pollutants under section 307 (c) of the Act for a source within the conventional blue crab processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, provisions of this section, and the provisions of this subpart do not apply to waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart C—Mechanical Blue Crab Processing Subcategory

§ 408.30 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughout of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.31 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.
§ 408.34 [Reserved]

§ 408.35 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, after application of the best practicable control technology currently available:

<table>
<thead>
<tr>
<th>Effluent characteristics</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD</td>
<td>5.0 mg/l</td>
<td>2.5 mg/l</td>
</tr>
<tr>
<td>TS†</td>
<td>15.0 mg/l</td>
<td>6.3 mg/l</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>1.5 mg/l</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

(Metric units) mg/kg of seafood

§ 408.36 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the mechanized blue crab processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 129, except for § 129.133, Subject to the provisions of 40 CFR Part 129, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory

§ 408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart D are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of those commodities amounts to eighty percent (80 percent) or more of the plant’s seasonal or yearly production.

§ 408.41 Specialized definitions.

For the purpose of this subpart:
(a) As provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.
(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.
(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs which can affect the industry subcategorization and effluent levels established. However, possible that data which may 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 discharges 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 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 institute proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristics</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSS</td>
<td>10.0 mg/l</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>1.5 mg/l</td>
<td>0.01 mg/l</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

(Metric units) mg/kg of seafood

§ 408.43 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:

§ 408.44 [Reserved]

§ 408.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, con-
RULES AND REGULATIONS

§ 408.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop, and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment and technology 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 or specify other limitations, or initiate proceedings to revise these regulations.

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

§ 408.56 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the non-remote Alaskan crab meat processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart E—Remote Alaskan Crab Meat Processing Subcategory

§ 408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungence, tomer, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna, providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant’s seasonal or yearly production.

§ 408.51 Specialized definitions.

For the purpose of this subpart:

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

(b) The term “oil and grease” shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term “seafood” shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tomer, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna, providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant’s seasonal or yearly production.

§ 408.53 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:

§ 408.54 [Reserved]

§ 408.55 Standards for performance of 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:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seaweed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS (total suspended solids)</td>
<td>15</td>
<td>5.3</td>
</tr>
<tr>
<td>Oil and grease</td>
<td>1.6</td>
<td>0.52</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

(English units) lb/1000 lb of seaweed

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSS (total suspended solids)</td>
<td>15</td>
<td>5.3</td>
</tr>
<tr>
<td>Oil and grease</td>
<td>1.6</td>
<td>0.52</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>
processing, in non-remote Alaska, of dungens, tanner and king whole crab and crab sections. The effluent limitations contained herein are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Peterburg.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant’s seasonal or yearly production.

§ 408.61 Specialized definitions.
For the purpose of this subpart:
(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401, shall apply to this subpart.
(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.
(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs which can affect the industry subcategorization and effluent limitations established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations could 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 or by the Regional Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effluent limitations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Metric units) kg/kkg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>31.2</td>
<td>2.9</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>0.3</td>
<td>0.02</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.66 Pretreatment standards for new sources.
The pretreatment standards for incompatible pollutants under 307 (c) of the Act for a source within the non-remote Alaskan crab and crab section processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory

§ 408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.
The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungens, tanner, and king whole crab and crab sections. The effluent limitations contained in Subpart G are applicable to facilities not covered under Subpart F.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80%) or more of the plant’s seasonal or yearly production.

§ 408.71 Specialized definitions.
For the purpose of this subpart:
(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.
(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.
The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the States have the authority to issue NPDES permits) that factors related to the equipment or facilities involved, the process applied, or factors relating to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

§ 408.74 Standards of performance for new sources.

The following standards of performance shall be established for new sources:

§ 408.75 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 107 (c) of the Act for a source within the remote Alaskan whole crab and crab section processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except as provided in § 128.15. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

§ 408.80 Applicability: description of the dungeness and Tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of dungeness and Tanner crab in the contiguous States.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.81 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the States have the authority to issue NPDES permits) that factors related to the equipment or facilities involved, the process applied, or factors relating to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are
found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of wastewater</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(English units) lb/lb of wastewater</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.84 [Reserved]

§ 408.85 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:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of wastewater</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(English units) lb/lb of wastewater</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.86 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the dungeness and Tanner crab processing in the contiguous States subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory

§ 408.90 Applicability; description of the non-remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in non-remote Alaska. The effluent limitations contained in this subpart I are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

The guidelines contained herein apply to those plants processing any combination of wild, farmed, or tama shrimp, or providing that the total throughput of these commodities amounts to eighty percent (85 percent) or more of the plant's season or facility production.

§ 408.91 Specialized definitions.

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

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for the Examination of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

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

In establishing the limitations set forth in this section, EPA took into account all available information, the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document if such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Effluent limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum for any one day</td>
</tr>
<tr>
<td></td>
<td>Average of daily values for any one day</td>
</tr>
<tr>
<td></td>
<td>Average of daily values for thirty consecutive days still not exceed</td>
</tr>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>200</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>8.0</td>
</tr>
<tr>
<td>pH</td>
<td>7.0</td>
</tr>
</tbody>
</table>

(English units) lb/lb of seafood

| TSS                          | 200                                                                                   |
| Oil and Grease               | 8.0                                                                                   |
| pH                           | 7.0                                                                                   |

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

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Effluent limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum for any one day</td>
</tr>
<tr>
<td></td>
<td>Average of daily values for any one day</td>
</tr>
<tr>
<td></td>
<td>Average of daily values for thirty consecutive days still not exceed</td>
</tr>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>200</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>8.0</td>
</tr>
<tr>
<td>pH</td>
<td>7.0</td>
</tr>
</tbody>
</table>

(English units) lb/lb of seafood

| TSS                          | 200                                                                                   |
| Oil and Grease               | 8.0                                                                                   |
| pH                           | 7.0                                                                                   |

§ 408.96 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 397 (c) of the Act for a source within the non-remote Alaskan shrimp processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process wastewater from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart J—Remote Alaskan Shrimp Processing Subcategory

§ 408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in remote Alaska. The effluent limitations contained in Subpart J are applicable to facilities not covered under Subpart L.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.101 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account 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 some 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, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.103 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 characteristics

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS, mg/L</td>
<td>270</td>
<td>103</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS, mg/L</td>
<td>270</td>
<td>103</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.104 [Reserved]

§ 408.105 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 limitations

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS, mg/L</td>
<td>270</td>
<td>103</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
<tr>
<td>(English units) lb/1000 lb of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS, mg/L</td>
<td>270</td>
<td>103</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
<td></td>
</tr>
</tbody>
</table>

§ 408.106 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the remote Alaskan shrimp processing subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.153, subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory

§ 408.110 Applicability; description of the Northern shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in Subparts J and M are applicable to facilities located in California. The effluent limitations contained in Subparts J, M, and N are applicable to facilities located in Alaska. The effluent limitations contained in Subpart L are applicable to facilities located in Oregon and Washington. The effluent limitations contained in Subpart K are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in Subparts J and M are applicable to facilities located in California. The effluent limitations contained in Subparts J, M, and N are applicable to facilities located in Alaska. The effluent limitations contained in Subpart L are applicable to facilities located in Oregon and Washington. The effluent limitations contained in Subpart K are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States subcategory.

§ 408.111 Specialized definitions.

For the purpose of this subpart:

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

(b) The term “oil and grease” shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term “seafood” shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing 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 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 that are more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>6.0</td>
<td>27.0</td>
</tr>
<tr>
<td>TSS</td>
<td>12.0</td>
<td>27.0</td>
</tr>
<tr>
<td>pH</td>
<td>Within range 6.9 to 9.0</td>
<td>9.0</td>
</tr>
</tbody>
</table>

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

The following standards of performance shall be the standard set forth in Subpart L of Part 40 of Title 40 of the Code of Federal Regulations for new sources subject to the provisions of this subpart:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>6.0</td>
<td>27.0</td>
</tr>
<tr>
<td>TSS</td>
<td>12.0</td>
<td>27.0</td>
</tr>
<tr>
<td>pH</td>
<td>Within range 6.9 to 9.0</td>
<td>9.0</td>
</tr>
</tbody>
</table>

**§ 408.116 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the Southern contiguous States subcategory, which is a user of a publicly owned treatment works (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 standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

**§ 408.120 Applicability; description of Southern non-breaded shrimp processing in the contiguous States subcategory.**

The provisions of this subpart are applicable to discharges resulting from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in Subpart L are applicable to facilities processing more than 800 kg (1800 lbs) of raw material per day on any day during a calendar year.

The guidelines contained herein apply to those plants processing a combination of saltwater, fresh water, or shellfish providing that the total throughput of these commodities amounts to eighty percent (80%) or more of the plant's seasonal or yearly production.

**§ 408.121 Specialized definitions.**

For the purpose of this subpart:

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

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

**§ 408.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is believed that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>6.0</td>
<td>27.0</td>
</tr>
<tr>
<td>TSS</td>
<td>12.0</td>
<td>27.0</td>
</tr>
<tr>
<td>pH</td>
<td>Within range 6.9 to 9.0</td>
<td>9.0</td>
</tr>
</tbody>
</table>

**§ 408.123 Effluent limitations guidelines for new sources.**

The following limitations establish the degree of effluent reduction attainable by the application of the best available technology economically achievable.

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 believed that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>6.0</td>
<td>27.0</td>
</tr>
<tr>
<td>TSS</td>
<td>12.0</td>
<td>27.0</td>
</tr>
<tr>
<td>pH</td>
<td>Within range 6.9 to 9.0</td>
<td>9.0</td>
</tr>
</tbody>
</table>

**§ 408.124 [Reserved]**

**§ 408.125 Standards of performance for Southern non-breaded shrimp processing in the contiguous States subcategory.**

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 point source subject to the provisions of this subpart after application of the best available technology economically achievable:

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any one day</th>
<th>Average of daily values for thirty consecutive days shall not exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Metric units) kg/kg of seafood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD₅</td>
<td>6.0</td>
<td>27.0</td>
</tr>
<tr>
<td>TSS</td>
<td>12.0</td>
<td>27.0</td>
</tr>
<tr>
<td>pH</td>
<td>Within range 6.9 to 9.0</td>
<td>9.0</td>
</tr>
</tbody>
</table>

**§ 408.126 [Reserved]**
discharged by a new source subject to the provisions of this subpart:

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Effluent limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD5 (Metric units) kg/kg of seafood</td>
<td>20</td>
</tr>
<tr>
<td>TSS (Metric units) kg/kg of seafood</td>
<td>20</td>
</tr>
<tr>
<td>Oil and Grease (Metric units) kg/kg of seafood</td>
<td>2.5</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
</tr>
</tbody>
</table>

§ 408.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

§ 408.134 Standards of performance for new sources.

The following standards of performance for new sources:

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Effluent limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD5 (Metric units) kg/kg of seafood</td>
<td>20</td>
</tr>
<tr>
<td>TSS (Metric units) kg/kg of seafood</td>
<td>20</td>
</tr>
<tr>
<td>Oil and Grease (Metric units) kg/kg of seafood</td>
<td>2.5</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
</tr>
</tbody>
</table>

§ 408.135 Standards of performance for new sources.

The following standards of performance for new sources:

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Effluent limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD5 (Metric units) kg/kg of seafood</td>
<td>20</td>
</tr>
<tr>
<td>TSS (Metric units) kg/kg of seafood</td>
<td>20</td>
</tr>
<tr>
<td>Oil and Grease (Metric units) kg/kg of seafood</td>
<td>2.5</td>
</tr>
<tr>
<td>pH</td>
<td>Within the range 6.0 to 9.0</td>
</tr>
</tbody>
</table>

The following standards of performance for new sources.
and sollicit with respect to factors (such as age and size of plant, raw materials, manufacturing process, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent limitations 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 subcategory. Discharger or other interested person may submit evidence to the Regional Administrator for 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 for the State will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

![Effluent Limitations](image-url)
ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 408]

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources and Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1321(a)(b); 40 U.S.C. 18 et seq.; Pub. L. 92-500, that the proposed regulations set forth below concern the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants.

The proposed regulation is intended to be complementary to the general regulation guidelines to existing sources which applies to users of publicly owned treatment works. The general regulation was proposed below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for new sources. The proposal will amend 40 CFR Part 408—Canned and Preserved Seafood Point Source Category, establishing for each subcategory within the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation guidelines for new sources which applies to users of publicly owned treatment works which receive the pollutants.

The proposed regulation is intended to be complementary to the general regulation guidelines for new sources which applies to users of publicly owned treatment works. However, the proposed regulation is intended to be complementary to the general regulation guidelines for existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation guidelines for new sources which applies to users of publicly owned treatment works.

The general regulation was proposed below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for new sources within the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, remote crab meat processing subcategory, dungeness and tanner crab processing in the contiguous states subcategory, non-remote Alaskan shrimp processing subcategory, remote Alaskan shrimp processing subcategory, northern shrimp processing in the contiguous states subcategory, southern non-breaded shrimp processing in the contiguous states subcategory, breaded shrimp processing in the contiguous states subcategory and the tuna processing subcategory of the canned and preserved seafood point source category. The latter regulation applies to the portion of the discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.

The regulations proposed below apply to users of publicly owned treatment works which fall within the description of the point source category to which the regulations apply. The regulations apply to the portion of the discharge which is directed to the navigable waters.
PREAMBLE

When certain major standards, regulations, or guidelines are proposed, an explanation of their basis, purpose, and environmental effects is made available to the public (38 FR 16593). The procedures are applicable to major standards, regulations, and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national, regional, or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of the regulation proposed below. The information includes: (1) the identification of pollutants present in waste waters resulting from the processing of catfish, crab, shrimp, and tuna, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, solid waste disposal and land use, and noise) of the treatment technologies available to achieve the guidelines.

The Development Document and the economic analysis report referred to above contain information available to the Agency regarding the estimated cost and energy consumption implications of the technologies available to achieve the potential effects of those costs on the price and production of catfish, crab, shrimp, and tuna products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the Federal Register. Therefore, the significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines and pretreatment standards for new sources within the canned and preserved seafood processing category (38 FR 1624, February 6, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the proposed regulation (40 CFR Part 408) which is being published in the Part II section of this Federal Register, at 39 FR 23134.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources is the subject of the proposal. For the proposed action, non-remote Alaskan crab meat processing subcategory, conventional blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, and the tuna processing subcategory, the Agency has essentially three options. The first is to declare that the guidelines do not apply. The second is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; and (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to assure that the pollutants do not interfere with the treatment works or pass through them untreated. For the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, and the tuna processing subcategory, the Agency has essentially three options. The first is to declare that the guidelines do not apply. The second is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; and (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to assure that the pollutants do not interfere with the treatment works or pass through them untreated.

The Development Document and the economic analysis report referred to above contain information available to the Agency regarding the estimated cost and energy consumption implications of the technologies available to achieve the potential effects of those costs on the price and production of catfish, crab, shrimp, and tuna products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the Federal Register. Therefore, the significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines and pretreatment standards for new sources within the canned and preserved seafood processing category (38 FR 1624, February 6, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the proposed regulation (40 CFR Part 408) which is being published in the Part II section of this Federal Register, at 39 FR 23134.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above.
§ 408.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

4. Subpart D is amended by adding § 408.44 as follows:

§ 408.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

5. Subpart E is amended by adding § 408.54 as follows:

§ 408.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

6. Subpart F is amended by adding § 408.64 as follows:

§ 408.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

7. Subpart G is amended by adding § 408.74 as follows:

§ 408.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

8. Subpart H is amended by adding § 408.84 as follows:

§ 408.84 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

9. Subpart I is amended by adding § 408.94 as follows:

§ 408.94 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

10. Subpart J is amended by adding § 408.104 as follows:

§ 408.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

11. Subpart K is amended by adding § 408.114 as follows:

§ 408.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

12. Subpart L is amended by adding § 408.124 as follows:

§ 408.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

13. Subpart M is amended by adding § 408.134 as follows:

§ 408.134 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

14. Subpart N is amended by adding § 408.144 as follows:

§ 408.144 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

15. Subpart O is amended by adding § 408.154 as follows:

§ 408.154 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

16. Subpart P is amended by adding § 408.164 as follows:

§ 408.164 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

17. Subpart Q is amended by adding § 408.174 as follows:

§ 408.174 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

18. Subpart R is amended by adding § 408.184 as follows:

§ 408.184 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

19. Subpart S is amended by adding § 408.194 as follows:

§ 408.194 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

20. Subpart T is amended by adding § 408.204 as follows:

§ 408.204 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

21. Subpart U is amended by adding § 408.214 as follows:

§ 408.214 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.