

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 423]

[FRL 274-6]

STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations and Guidelines for Existing Sources to 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 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations and guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 423—Steam Electric Power Generating Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations and guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being promulgated simultaneously by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the generating unit subcategory, small unit subcategory, old unit subcategory, and area runoff subcategory of the steam electric power generating point source category. The latter regulation applies to the portion of a 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 guidelines and standards (40 CFR Part 423) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.* (Emphasis added.)

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Section 423.15 of the proposed regulation for point sources within the steam electric power generating category (March 4, 1974; 39 FR 8294), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 423.16, 423.26, and 423.46 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category" will be published as soon as possible. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines—Steam Electric Power Generating Category" (March 1974) was made available at the time of proposal. Copies of the Development Document and economic analysis report will continue to be maintained for inspection

and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the final Development Document will be available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

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 the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the generating unit subcategory, small unit subcategory, old unit subcategory, and area runoff subcategory the Agency has, essentially, three options. The first is to declare that the limitations do not apply. The second is to apply the limitations unchanged. The third is to modify the limitations 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; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the steam electric generating category has process wastes that may contain polychlorinated biphenol compounds, oil and grease, copper and iron. These parameters are treatable to various levels using modes of treatment which are more extensive than those typically used by publicly owned treatment works. These parameters are therefore considered incompatible.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what al-

ternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A Copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW, Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 423 be amended to add §§ 423.14, 423.24, 423.34, and 423.44. All comments received on or before November 7, 1974, will be considered.

Dated: October 2, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 423 is proposed to be amended as follows:

Subpart A—Generating Unit Subcategory

Subpart A is amended by adding § 423.14 as follows:

§ 423.14 Pretreatment standards for existing sources.

(a) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations set forth in 40 CFR 423.12 above shall apply except for the following pollutants or pollutant parameters for which the following pretreatment limitations are established:

| <i>Pollutant or pollutant parameter</i> | <i>Pretreatment standard</i> |
|---|------------------------------|
| Free available chlorine..... | No limitation. |
| Total residual chlorine..... | No limitation. |

(b) Subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart B—Small Unit Subcategory

Subpart B is amended by adding § 423.24 as follows:

§ 423.24 Pretreatment standards for existing sources.

(a) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations set forth in 40 CFR 423.22 above shall apply except for the following pollutants or pollutant parameters for which the following pretreatment limitations are established:

| <i>Pollutant or pollutant parameter</i> | <i>Pretreatment standard</i> |
|---|------------------------------|
| Free available chlorine..... | No limitation. |
| Total residual chlorine..... | No limitation. |

(b) Subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart C—Old Unit Subcategory

Subpart C is amended by adding § 423.34 as follows:

§ 423.34 Pretreatment standards for existing sources.

(a) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations set forth in 40 CFR 423.32 above shall apply except for the following pollutants or pollutant parameters for which the following pretreatment limitations are established:

| <i>Pollutant or pollutant parameter</i> | <i>Pretreatment standard</i> |
|---|------------------------------|
| Free available chlorine..... | No limitation. |
| Total residual chlorine..... | No limitation. |

(b) Subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

Subpart D—Area Runoff Subcategory

Subpart D is amended by adding § 423.44 as follows:

§ 423.44 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 423.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process wastewater from this subcategory may be introduced into a publicly owned treatment works.

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