ENVIRONMENTAL PROTECTION AGENCY  
[40 CFR Part 413]  
ELECTROPLATING POINT SOURCE CATEGORY  

Subpart A—Copper, Nickel, Chromium and Zinc on Ferrous and Nonferrous Materials Subcategory  

PROPOSED APPLICATION OF EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES TO PRETREATMENT STANDARDS FOR INCOMPATIBLE POLLUTANTS  

Notice is hereby given pursuant to sections 301, 307(c), 311, 317(b), 317(b)(2), and 304(b) of the Federal Water Pollution Control Act, as amended (the Act), 36 U.S.C. 1251, 1251, 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 guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposed regulation will amend 40 CFR Part 413—Electroplating Point Source Subcategory, establishing for each subcategory therein 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 for pretreatment standards set forth at 40 CFR 128. The general regulation was promulgated simultaneously herewith (38 FR 12856), and published in final form on November 8, 1973 (38 FR 30882).

The proposed regulation is also intended to supplement a final regulation being promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with information to assist it 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 and nonenvironmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the Federal Register, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate form.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The Development Document contains: (1) the identification of pollutants present in waste waters resulting from the electroplating of copper, nickel, chromium or zinc, 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, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated costs and energy consumption implications of these treatment technologies and the potential effects of these costs on the prices of electroplating. The two reports will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 237, 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 Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will also be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15553), 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 or limits of environmental performance or require national emission, effluent or performance standards or limitations.

In addition to the prohibitions set forth in §§ 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment work by any user contributing to this industry not subject to section 307 (c) of the Act shall be, for sources within the corresponding industrial category, that established by 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 public is owned treatment works which receive the pollutants is committed to the USEPA 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 where such limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

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 application of effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that these 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 413.15 of the proposed regulation for point sources within the copper, nickel, chromium and zinc on ferrous and nonferrous materials subcategory of the electroplating point source 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 413) promulgated simultaneously herewith (38 FR 12856) 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 128.132, which provides as follows:

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In applying the effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the electroplating category (33 FR 27694; October 5, 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 promulgated regulation (40 CFR Part 413) which currently is being published in the rules and regulations section of this Part II of the Federal Register (39 FR 11510).

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 copper, nickel, chromium and zinc on ferrous and nonferrous materials subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third 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; 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 process waste waters from the electroplating subcategory contain high concentrations of heavy metals and cyanide which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. In the opinion of the EPA, these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

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 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 237, West Tower, Waterside Mall, 401 M Street SW, Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 413 be amended to add § 413.14. All comments received on or before April 29, 1974, will be considered.

Dated: March 20, 1974.

JOHN QUARLES,
Acting Administrator.

Part 413 is proposed to be amended by adding § 413.14 to Subpart A as follows:

§ 413.14 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 413.12 above shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

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