

accomplished by a memorandum to all affected employees at the time these procedures are implemented. New employees will be instructed in procedures as they enter employment with the BIB.

(f) *Agency Terminology.* The use of the terms "Top Secret", "Secret" and "Confidential" shall be limited to materials classified for national security purposes.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1342-5]

Section 107—Attainment Status Designation; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This rulemaking changes the attainment status of the Larimer-Weld designated area by redesignating certain portions of this area. The cities of Fort Collins and Greeley are redesignated to attainment of the primary standard for total suspended particulates and nonattainment of the secondary standard. The remaining areas of Larimer and Weld counties, outside the city of Fort Collins and Greeley, are redesignated to attainment based on EPA's Rural Fugitive Dust Policy. Comments were requested in a July 20, 1979, Federal Register notice (44 FR 42726), however, none were received.

DATES: Effective on November 6, 1979.

FOR FURTHER INFORMATION CONTACT: Robert DeSpain (303) 837-3471.

SUPPLEMENTARY INFORMATION: On April 30, 1979, Governor Lamm requested Alan Merson, former Regional Administrator, Region VIII, to redesignate the cities of Fort Collins and Greeley as nonattainment of the secondary standard for total suspended particulates, and the remaining areas of Larimer and Weld counties, outside the city limits of Fort Collins and Greeley, to be attainment.

High volume particulate sample data for 1977 and 1978 showed no primary standard violations occurred in Fort Collins and Greeley, but did show violations of the secondary standard. EPA concurs in this redesignation because it is supported by eight quarters of monitoring data showing attainment of the primary standard.

A number of monitors in small towns in Larimer and Weld counties have shown violations of the primary and secondary standards. However, these small towns are defined by EPA's Rural Fugitive Dust Policy as being rural. Particulate matter found in rural areas without the impact of man-made sources is typically native soil which for various reasons becomes airborne. These rural areas are being redesignated to attainment based on EPA's Rural Fugitive Dust Policy.

This notice of final rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: October 29, 1979.

Douglas Costle,
Administrator.

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

In § 81.306 the attainment status designation table for TSP is revised to read as follows:

§ 81.306 Colorado.

Colorado—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 2				
Cities of Fort Collins and Greeley		X		
Remainder of AQCR 2				X

[FR Doc. 79-34418 Filed 11-5-79; 8:45 am]

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40 CFR Part 409

[FRL 1352-2A]

Sugar Processing Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document amends a regulation first promulgated on February 27, 1975. The regulation concerns the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT) to the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F) of the sugar processing point source category. This industry processes raw cane into sugar bearing juice which is evaporated to produce raw sugar. EPA

is amending the regulation to impose less stringent total suspended solids limitations, to delete pH limitations, and to change the basis for the effluent limitations from the quantity of net cane to gross cane processed.

EFFECTIVE DATE: November 30, 1979.

FOR FURTHER INFORMATION CONTACT: William Sonnett, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. (202) 426-2707.

SUPPLEMENTARY INFORMATION:

Organization of This Notice

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I. Legal Authority

The regulation described in this notice is amended under authority of Sections 301 and 304(b) and (c) of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et seq.*, as amended by the Clean Water Act of 1977, P. L. 92-517) (the "Act"). This amended regulation covers the Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory (Subpart F) of the Sugar Processing Point Source Category (40 CFR Part 409).

II. Background

On February 27, 1975 (40 FR 8498), EPA promulgated interim final BPT effluent limitations guidelines for several raw cane sugar processing subcategories: Louisiana (Subpart D), Florida and Texas (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii (Subpart F), Hawaii (Subpart G), and Puerto Rico (Subpart H). Simultaneously, the Agency proposed BAT effluent limitations, standards of performance for new sources, and pretreatment standards for existing and new sources.

On January 17, 1977 (42 FR 3164), EPA suspended until March 1, 1978 that part of the interim final BPT regulation for the Hilo-Hamakua Coast of the Island of Hawaii (Subpart F), so that EPA could reevaluate the technical aspects of the regulation. The time frame of the initial suspension was insufficient to complete the data collection and analysis, and on September 25, 1978 (43 FR 43304) the

Agency extended the suspension of the BPT regulation for the subpart until May 30, 1979.

EPA has completed its review of all information relating to this matter including that resulting from field investigations by EPA's National Enforcement Investigation Center (NEIC) and that provided in industry submissions.

III. Summary of Findings

EPA has concluded that the original BPT suspended solids limitations should be eased. This revision accurately reflects the situation at the Hilo-Hamakua Coast treatment facilities, and is supported by actual operating data from two Hilo-Hamakua Coast factories.

Information submitted by the Hilo-Hamakua Coast factories shows that raw waste loadings vary considerably. This is related largely to the abundant and erratic rainfall of the Hilo Coast region. Soil and debris may comprise up to 70 percent of the material delivered for processing. This fluctuation affects waste treatment plant performance and attendant solids effluent levels. It is in recognition of this situation, that EPA finds that effluent limitations should be based on the quantity of gross cane (which includes soil and debris) rather than net cane processed.

The Agency also has concluded that limitation of pH is not appropriate at this time; sufficient data are not available to set specific limitations.

IV. Discussion of Major Issues

A. Current Study

There are now three operating sugar processing factories along the Hilo-Hamakua Coast on the Island of Hawaii which discharge process wastewaters to the ocean following on-site treatment. The three are the Honokaa Sugar Company, the Hamakua Sugar Company (formerly Iaupahoehoe Sugar Company), and the Hilo Coast Processing Company, Pepeekeo plant.

On July 31, 1978, EPA Region IX requested new data from industry through the use of the Administrator's authority under section 308 of the Clean Water Act. Industry submitted information covering the design, capital and operating cost, and operation of wastewater treatment facilities, as well as detailed information on soil characteristics and rainfall for the area.

Additional engineering field evaluation reports covering the Hilo-Hamakua factories were made available by the EPA National Enforcement Investigations Center. These reports contain detailed plant investigations made during the period October 24

through 31, 1977. Region IX and the Hawaii Department of Health also forwarded compliance monitoring reports and plant visit information. Moreover, representatives from EPA Effluent Guidelines Division, NEIC and Region IX visited the three factories in October 1977.

B. Applicable Technology

Review of the available data from these three factories confirms that the BPT technology originally recommended for this industrial subcategory is still appropriate. The components of BPT (as currently installed by two of the plants) include preliminary screening, grit removal, polymer addition and clarification of process wastewater, and vacuum filtration and land spreading of the thickened sludge. Ponds are used to retain sludge when the solids loadings are too heavy for the vacuum filters to handle.

The third factory uses a disposal system which has evolved from a series of narrow trenches to the current series of large ponds. This system is an alternative to BPT technology; however, past performance was not usually adequate to meet BPT limitations. The system had operation and maintenance problems related to timely removal of settled mud and soil solids from the ponds, and control of polymer shear during pumping. Under optimum operating conditions, EPA Region IX, NEIC, and State of Hawaii personnel have found that the system produces effluent quality similar to BPT. Factory personnel also attest to the ability of the system to meet limitations equivalent to the revised BPT limitations.

V. Basis for BPT Limitations

TSS

The TSS limitations in the regulation reflect waste treatment performance data from two of the three plants in the Hilo-Hamakua subcategory. These factories have complete treatment systems representative of best practicable control technology as discussed in the previous section, in Section VII of the original Development Document, and in Section VII of the Effluent Guidelines Report entitled *Reevaluation of the 1977 Effluent Limitations for the Hilo-Hamakua Coast Subcategory of the Cane Sugar Processing Industry*.

The support data for the revised TSS limitations is discussed in the above cited Effluent Guidelines Report. For example, at Honokaa the current 30-day average TSS values are 2.96 kg/kkg gross cane or less and maximum daily TSS values are 8.07 kg/kkg gross cane or

less. At Hamakua, 30-day average TSS values are 3.6 kg/kkg gross cane or less. Except for one unexplained high value of 10.8, the maximum daily TSS values at this plant are 7.83 kg/kkg gross cane or less. At Pepeekeo, factory personnel report that under proper operating conditions the pond system serving the factory has achieved an average TSS value of 7.15 lb per 1,000 lb net cane. This level is equivalent to meeting the revised limitations of 3.6 lb TSS per 1,000 lb gross cane because gross cane is typically 50 percent debris or better.

Gross Cane

The original EPA regulation for TSS based effluent allowances on the quantity of net cane processed. The Agency is now basing effluent allowances on gross cane. This change is supported by operating information from within the industry as described in Section VII of the Effluent Guidelines Report. Gross cane provides a more accurate measure of varying waste loadings at the factories and attendant treatment capabilities. Gross cane also is useful for regulatory purposes because it represents an actual weighed quantity of cane and associated debris; the net cane processed is an estimation.

pH

The raw waste data reviewed in this study generally show strongly acidic soils in the region of the nonirrigated Hilo-Hamakua plantations. Soil pH values are reported to be between 4.3 and 5.5. As a result, factory process wastewaters in contact with the soils also become acidic.

EPA examined available pH discharge data, but found them very limited. Five values were reported for Honokaa and even less for Hamakua. The data were not considered sufficient to set a specific pH limitation or even a pH range. Further, industry reported that voluminous quantities of an alkaline material such as chemical lime would be required to raise the typical wastewater pH to the usually accepted minimum value of 6.

In consideration of these facts, the Agency is setting aside pH limitations.

VI. Economic Impact

Executive Order 12044 requires EPA and other agencies to perform Regulatory Analyses of certain regulations. 43 FR 12661 (March 23, 1978). EPA's regulations for implementing Executive Order 12044 require a Regulatory Analysis for major significant regulations involving annual compliance costs of \$100 million or meeting other specified criteria. Where these criteria are met, the regulations

require EPA to prepare a formal Regulatory Analysis, including an economic impact analysis and an evaluation of regulatory alternatives. The regulations for the raw cane sugar processing industry do not require a formal Regulatory Analysis. Nonetheless, this rulemaking satisfies the formal Regulatory Analysis requirements. EPA's economic impact assessment is set forth in the *Economic Analysis of Effluent Limitations for the Hilo Hamakua Coast Subcategory of the Cane Sugar Processing Industry*. This report is available from the Water Economics Branch (WH-586), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The Pepeekeo sugar cane processing factory is owned and operated by the Hilo Coast Processing Company, a cooperative of which 50 percent is owned by the Mauna Kea Sugar Company. The other 50 percent is owned by approximately 300 independent growers who are largely dependent on the factory to process their sugar cane. The Hamakua Sugar Company owned by Theo. H. Davies and Company, owns and operates two factories which are located to the north of the Pepeekeo factory and growing area. However, due to transportation costs, these factories do not represent a viable outlet for the majority of sugar cane processed by the Pepeekeo factory. Consequently, if the factory is forced to close, the growers will no longer be able to produce sugar cane. EPA's original financial analysis had projected closure of the Pepeekeo factory even without EPT requirements.

If this factory were to cease operations, the sale of the land used to grow the sugar cane would offset the liabilities which the factory is likely to meet in closing such as severance pay and unfunded pension plans. However, in fact the factory has continued to operate and has invested in most of the water pollution control treatment necessary to meet EPT limitations. There are apparently certain factors not accounted for in our economic analysis, such as expectations about future land prices, that are keeping this factory open. Additional costs to meet the limitations are expected to be small and mostly for improved operation of the current treatment system. Due to these small costs and the factors not considered in our analysis, it is quite likely that this factory will remain in operation.

This factory employs 450 to 570 people and produces 125,000 tons of sugar or about .25 percent of total domestic production. Waste cane is burned by

this factory to generate electricity for a portion of the island. Also, 300 independent growers depend on this factory to process their raw cane.

VII. Comment Period

The July 1, 1977, effective date for the best practicable control technology currently available has already passed. In addition, these regulations have been subjected to continued review. EPA solicited comments from industry and interested persons when the regulations were promulgated on February 27, 1975, when they were suspended on January 10, 1977, and when they were resuspended on September 25, 1978.

In view of the above actions, the Agency is dispensing with a notice of proposed rulemaking prior to this amendment.

VIII. Publication of Information

The report supporting this amendment entitled *Reevaluation of the 1977 Effluent Limitations for the Hilo-Hamakua Coast Subcategory of the Cane Sugar Processing Industry* can be obtained from the Environmental Protection Agency, Effluent Guidelines Division, WH-552, Washington, D.C. 20460.

A copy of the economic report on the Hilo-Hamakua Coast Subcategory of the Cane Sugar Processing Industry will be available from the Environmental Protection Agency, Analysis and Evaluation Division, WH-586, Washington, D.C. 20460.

IX. Small Business Administration

There are two Small Business Administration (SBA) programs that may be important sources of funding for small businesses in the Cane Sugar Processing Point Source Category. Section 8 of the FWPCA authorizes the SBA through its Economic Injury Loan Program to make loans to assist any small business facilities in adding to or altering their equipment facilities or methods of operation to meet Federal or State pollution control requirements. Loans can be made either directly by SBA or through a bank using an SBA guarantee. In addition, the Small Business Investment Act, as amended by Public Law 94-305, authorizes SBA to guarantee the payments on qualified contracts entered into by eligible small businesses to acquire needed pollution facilities when the financing is provided through taxable and tax-exempt revenue or pollution control bonds. For further details on these programs please contact: Sheldon Sacks, Environmental Protection Agency, Financial Assistance Coordinator, Office of Analysis & Evaluation (WH-586), 401 M Street

S.W., Washington, D.C. 20460, Telephone: (202) 755-3624.

X. Decision

In accordance with the above findings, the effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available for the Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing subcategory (40 CFR Part 409, 8409.62) (Subpart F) are amended as set forth below and are effective on (use date of publication).

Dated: October 28, 1979.

Douglas M. Costlo,
Administrator.

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

Section 409.62 is revised to read as follows:

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

Effluent characteristics	Maximum for any 1 day		Average of daily values for 30 consecutive days shall not exceed	
	kg	lb	kg	lb
	kgg gross cane	1000 lb gross cane	kgg gross cane	1000 lb gross cane
BOD5.....	No limitations		No limitations	
TSS.....	9.9	9.9	3.6	3.0
pH.....	No limitations		No limitations	

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40 CFR Part 418

[FRL 1352-2B]

Fertilizer Manufacturing Point Source Category; Interim Final Regulation

AGENCY: Environmental Protection Agency.

ACTION: Interim Final Regulations.

SUMMARY: The United States Environmental Protection Agency (EPA) today is promulgating interim final regulations under the Clean Water Act which amend and clarify existing effluent limitations and guidelines for plants producing ammonia.