Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Catfish, Crab, Shrimp, and Tuna Processing Subcategory

On February 6, 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, mechanized blue crab processing subcategory, Alaskan crab meat processing subcategory, Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous States subcategory, Alaskan shrimp processing subcategory, northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, northern 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, southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, 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 sources 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 in 40 CFR 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 23154, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of 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 which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for 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, mechanized blue crab processing subcategory, Alaskan crab meat processing subcategory, Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous States subcategory, Alaskan shrimp processing subcategory, northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, northern 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, southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, 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. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Catfish, Crab, Shrimp and Tuna Segment of the Canned and Preserved Seafood Processing Point Source Category" (January, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Seafood Processing Industry (October, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains important changes from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not implemented.

(a) *Summary of Comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Commerce, National Marine Fisheries Service; Colorado Department of Public Health; Washington Fish and Oyster Company; Alaskan Department of the Environment; Morpac, Inc.; American Institute of Chemical Engineers; East Point Seafood Co.; American Catfish Marketing Association; Georgia Department of Natural Resources; National Canners Association; Clark and Johnson, Attorneys at Law; Virginia Seafood Council; Wm. B. McLeod, Law Office; Keyser Brothers, Inc.; Wakefield Seafoods, Inc.; Millers Crab Shore; Smith Seafood Co.; Van Camp Sea Food Company; American Shrimp Canners Association; Robinson Canning Co. Inc.; Vita Food Products Co., Inc.; B&B Fisheries, Inc.; York Crab and Oyster Co., Inc.; and the U.S. Department of Interior.

Each of the comments received was 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, under the Act, it is not necessary that a showing be made regarding the effect of the pollutional discharge upon the quality of the receiving water on a case-by-case basis. Under sections 301, 304(b) and (c), 306(b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The 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 I" was contained in the October 26, 1973 FEDERAL REGISTER and for the "Proposed Water Quality Informa-

tion, Volume II," in the October 29, 1973 FEDERAL REGISTER. Information may be obtained from the Director, Water Quality Criteria Staff; Environmental Protection Agency; Waterside Mall East, Room 737, 401 M Street SW., Washington, D.C. 20406.

(2) The regulations and Development Document do not provide the means to determine subcategory classification for multiproduct plants with respect to establishing effluent limitations.

A primary reason for establishing effluent limitations guidelines on the basis of production of raw material, is to provide the means to consider the single product as well as the multiproduct 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 subcategory, the plant's effluent 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 limitation. If a plant processes several 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 limited to the catfish, crab, shrimp, and tuna segments of the canned and preserved seafood processing industry. Many plants process commodities in addition to the aforementioned. The guidelines contained herein are intended to affect 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 plants seasonal or yearly production.

The Agency has limited the guidelines to plants which process predominantly Phase I species because it has not been able to determine satisfactorily the possible economic impact of extending the guidelines to cover all plants which do process some percentage of Phase I species but which also process significant quantities of Phase II species. The reason for this uncertainty as to economic consequences is that substantial data concerning the size, location and product mix of these multi-product plants were not made available to the Agency until March 14, 1974, at which point insufficient time remained to complete the analysis. These data, as well as data generated independently by EPA, are being and will continue to be analyzed by the Agency in connection with the development of effluent limitations guidelines applicable to plants processing Phase II 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 multiproduct plants now excluded from coverage.

(3) Some commenters criticized as inadequate the data base upon which the raw waste loads and effluent 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 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 conducting an exhaustive 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 subcategory and producing over 38 percent of all catfish processed, were sampled. (B) Seven of the approximately 180 blue crab processing plants were visited; two conventional blue crab plants and two mechanized blue crab plants were sampled. Consultation with Mr. Michael W. Papparella, 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 Dr. Frank Thomas, Food Science Extension Specialist (Seafoods), Department of Food Science, North Carolina State University indicated that there were no significant 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 the sampling program. (C) Mr. Melvin Waters and Mr. Bobby J. Wood of the Pascagoula Laboratory of the National Marine Fisheries Service; Dr. Arthur Novak and Dr. M. R. Rao 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 129 southern non-breaded shrimp processing plants were visited of which three were sampled. (D) Data presented for breaded shrimp processing, northern shrimp processing and dungeness and tanner crab processing in the contiguous States were obtained through a previous EPA grant study conducted by Mr. M. R. Soderquist of the Department of Food Science and Technology at Oregon State University. Six of the approximately 70 breaded shrimp processing plants were visited; two which were considered representative of the industry were sampled. Eight of the approximately 48 northern shrimp 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 Dassow, Mr. M. A. Steinberg and Mr. Jeff Collins of the National Marine Fisheries Service. Fourteen of the approximately 59 Alaskan crab processing plants were visited; seven plants which were considered representative were sampled. Six of the approximately 30 Alaskan shrimp processing plants were visited; two plants which were considered representative 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 affluent limitations guidelines themselves are concerned, the effluent reductions expected are based predominantly 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, Agency studies on seafood waste and on the results of other federal agency programs (such as the National Marine Fisheries Service pilot plant studies 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 with similar pollutant characteristics in other food processing industries were also considered in developing the effluent limitation guidelines.

(4) 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 the purposes of standards 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 is the case for 1977 standards. 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 Effluent 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 evaluation as a contribution 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 suggests 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 and hoses when not in use 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 emphasis in 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. The purpose of the by-product recovery discussion in the Development Document is to outline several of the major developments that are currently in use, ready for use, or will be available within the next few years.

(8) EPA should use the COD test instead of the BOD5 test because it is faster, easier and less expensive to run, and more reproducible than the BOD5 test.

The BOD5 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 BOD5 as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BOD5 parameter was investigated during the Phase II study. The BOD5 and corresponding COD data from industrial fish, finfish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BOD5 for any or all of these groups of seafood. The analysis indicates that the COD parameter is not a reliable predictor of BOD5.

The relationship between COD and BOD5 before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BOD5 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 impractical in terms of present day 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 217. The scope and application of this method covers the range from 5 to 1000 mg/l (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 impact that is unrelated to 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 or other plankton by inhibiting the normal transfer of oxygen.

(11) The effluent limitations should be modified to include a range of numbers for the BOD5, total suspended solids, and 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, rather than by use of ranges of numbers to be varied at the discretion of the permit issuing authority.

Section 306 of the Act separates several, broad industrial groups into 28 subgroups. For example, the food 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 I into four segments (catfish, crab, shrimp and tuna) within which 14 subcategories have been established on the basis of such factors as size and location of plants, and types of products processed.

Further subcategories will be established in the 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-

ment of subsequent waste water treatment under commercial plant operating conditions. The samples should have been ground prior to analysis in order to measure the total BOD demand by the effluent in the environment even if it does require a long time for such biological degradation.

As discussed in the Deveolpment Document, the sampling effort was designed to identify the constituents of the waste waters which should be subject to effluent limitations and to minimize the complexity of reducing the effluent pollution to acceptable levels.

The practice of utilizing a 20-mesh Tyler sieve has been used in previous waste water characterization research in both the seafood and the fruits and vegetable 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 base-line value 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 complex without knowing the underlying frequency distribution of the number and size of the particles. Extremely large volumes of waste water would be necessary for a representative raw waste effluent sample. Because the basis for the minimum treatment effort included screening for most processors, data based on ground effluent samples would have no relationship to commonly accepted engineering design parameters.

(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 climatic 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 or processing centers in attempts to meet the proposed effluent limitations guidelines. The isolated location of some Alaskan seafood processing plants eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation during extended severe sea state or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions. However, those plants located in population or processing centers have access to more reliable, cost-effective alternatives such as solids recovery techniques or other forms of solids disposal such as landfill or barging.

(14) The technology of dissolved air flotation cannot be transferred from one type of food processing or even fishery species to another. EPA has not identified the degree of effluent reduction by best practicable control technology currently available from adequate plant and demonstration studies for the seafood subcategories.

A determination of the effluent limitations guidelines study was that the existing level of waste treatment throughout the farm-raised catfish, crab, shrimp, and tuna segments of the industry was generally inadequate. The prevalent form of plant level waste water treatment technology for the fish and seafood processing industry is screening or direct discharge.

EPA has reassessed the available data and consulted recognized seafood waste water treatment experts. The Agency has concluded that air flotation technology is currently available for the fish and seafood processing industry because of its use in other related industries with similar wastes and because of its current use in several segments of the seafood processing industry. Dissolved air flotation is an established technology for the seafood industry though not as yet in common practice. The Fisheries Research Board of Canada and the Fisheries Association of British Columbia designed and erected a plant scale demonstration dissolved air flotation waste water treatment plant which accommodates salmon canning, herring roe recovery, and groundfish filleting effluents. Full scale dissolved air flotation systems have also been installed within the menhaden, sardine, and tuna processing industries. Pilot plant studies have been conducted on shrimp processing effluents in Alaska and Louisiana, and on crab processing effluents in Alaska. Section VII of the Development Document includes a discussion of dissolved air flotation technology and tables listing by species the degree of removal of various parameters attained by pilot plant and full scale air flotation systems. Appendices to the Development Document include a bibliography of air flotation studies for the seafood industry, a listing of sources on the application of air flotation technology to other related industries such as meat packing and poultry processing, and a list of waste water treatment equipment manufacturers that produce air flotation units.

(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 for chemical addition for both 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 seafood processing industry and requires careful selection of chemicals and dosages, as well as skilled operation for optimum pollution abatements. Those 1977 guidelines which are based on dissolved air flotation reflect the Agency's best engineering assessment of the effluent reduction attainable by this technology without chemical optimization.

(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 Canadian 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 Canning Waste Treatment Study" (EPA Project S800 904) 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 currently under construction in Terminal Island, California and American Samoa; and another dissolved air flotation system is planned for installation in Puerto Rico. Furthermore, one plant endorses 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 operation, and the one day limit is designed to allow for variation. However, 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 10 days of the 30 day period then the average is based on the 10 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 own 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 national 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 510 of the Act, the determinations of 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 27, 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 low magnitude compared to the present 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 reassessing the impact analysis. The majority of the changes listed below are based on the economic and financial condition of the industry.

(26) One commenter suggested that the summary raw waste 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 Alaskan 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 landfills. For example, a large reduction facility services several seafood processing plants in Kodiak, Alaska. During the salmon season in locations such as Naknek, Ekuk, 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, Hawk Inlet and Larsen 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) A reassessment 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-

dustry. Therefore, the two proposed subcategories for large and small catfish processors have been combined into one subcategory which bases the 1977 effluent limitations guidelines on screening, simple grease traps, and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles. The 1983 effluent limitations guidelines and the new source performance standards are based on aerated lagoon systems.

(2) The effluent limitations guidelines for the Conventional and Mechanized Blue Crab Processing Subcategories have been revised to reflect the present general shortage of suitable land for aerated lagoon systems at existing processing facilities. For these subcategories, the best practicable control technology currently available consists of solids or by-products recovery through the use of screening systems. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources include treatment by aerated lagoon systems in addition to screening. Existing point sources can meet the July 1, 1983 effluent limitations by using non-land requiring alternatives such as extended aeration or through water conservation modifications coupled with aerated lagoon systems.

(3) 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 E—Remote Alaskan Crab Meat Subcategory, Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory, and Subpart J—Remote Alaskan Shrimp Processing Subcategory. The best practicable control technology currently available for these subcategories consists of physical treatment 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, processes, operating methods or other alternatives for new sources consists of efficient in-plant water and waste water management, by-product recovery or disposal of solids and screening of the waste water effluent.

(4) A reassessment of the economic impact of the proposed effluent limitations guidelines for the Dungeness and Tanner Crab Processing in the Contiguous States Subcategory indicates that, in addition to an unequal economic impact due to economies of scale, the larger plants may not be able to secure financing for the equipment necessary to meet the proposed guidelines. The promulgated effluent limitations guidelines have been revised to alleviate the economic impact. The best practicable control technology currently available consists of solids or by-product recovery through the use of screening systems, simple grease traps, and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use 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 in addition to screening and appropriate process design to provide more efficient water and waste water management.

(5) 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 and Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory, the best practicable control technology currently available consists of solids or by-product recovery through the use of screening systems and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use 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 in addition to screening and appropriate process design to provide more efficient water and waste water management.

(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 908 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 evaluating the effect of waste water effluents on receiving waters, the operating efficiency of screening systems is not dependent on monitoring of the BOD5 parameter.

(8) The proposed grease and oil effluent limitations guidelines based on screening and simple grease traps for the Alaskan, northern, southern non-breaded, and breaded shrimp processing subcategories have been revised. A twenty-five percent (25%) reduction of the grease and oil parameter was assumed for the proposed effluent limitations within 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 gravity separators.

(9) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(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 the Congressional intent and in recognition 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.

(c) *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 based on best practicable control technology currently available has been virtually eliminated. Expected price increases are generally less than one percent (1%) with essentially no price increase for catfish and tuna. The Agency believes that the effluent limitations guidelines are achievable by almost all of the seafood processors covered.

The economic impact of the proposed effluent limitations guidelines based on best available technology economically achievable has been reduced significantly by the revisions. These guidelines provide a goal for processors to improve waste water effluent quality beyond the effluent limitations guidelines based on best practicable control technology currently available. However, section 301(c) of the Act provides for modification of the effluent limitations guidelines with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1)

will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants. Furthermore, section 301(d) of the Act states that the effluent limitations guidelines based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2).

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the catfish, crab, shrimp and 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 substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Effluent Guidelines Seafood Processing Industry" (June 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable 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 associated costs.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document 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 Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 408, Canned or Preserved Seafood Processing Point Source Category, 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 representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.14 [Reserved]
408.15 Standards of performance for new sources.
408.16 Pretreatment standards for new sources.

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 representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.24 [Reserved]
408.25 Standards of performance for new sources.
408.26 Pretreatment standards for new sources.

Subpart C—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 representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.34 [Reserved]
408.35 Standards of performance for new sources.
408.36 Pretreatment standards for new sources.

Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory

408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.
408.41 Specialized definitions.
408.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.44 [Reserved]
408.45 Standards of performance for new sources.
408.46 Pretreatment standards for new sources.

Subpart E—Remote Alaskan Crab Meat Processing Subcategory

408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.
408.51 Specialized definitions.
408.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.54 [Reserved]
408.55 Standards of performance for new sources.
408.56 Pretreatment standards for new sources.

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

408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.
408.61 Specialized definitions.
408.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.64 [Reserved]
408.65 Standards of performance for new sources.
408.66 Pretreatment standards for new sources.

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.
408.71 Specialized definitions.
408.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.74 [Reserved.]
408.75 Standards of performance for new sources.
408.76 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended; 33 U.S. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Farm Raised Catfish Processing Subcategory

§ 408.10 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 Specalized 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.

§ 408.12 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 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	28	9.2
Oil and Grease	10	3.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	28	9.2
Oil and Grease	10	3.4
pH	Within the range 6.0 to 9.0.	

§ 408.13 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	

§ 408.14 [Reserved]

§ 408.15 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	

§ 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-raised catfish 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 B—Conventional Blue Crab Processing Subcategory

§ 408.20 Applicability; description of the conventional blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which manual picking or separation of crab meat from the shell is utilized. The effluent limitations contained in Subpart B area applicable to facilities processing 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%) or more of the plant's seasonal or yearly production.

§ 408.21 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.

§ 408.22 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 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	2.2	0.74
Oil and Grease	0.60	0.20
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	2.2	0.74
Oil and Grease	0.60	0.20
pH	Within the range 6.0 to 9.0.	

§ 408.23 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD_5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD_5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	

§ 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD_5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD_5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	

§ 408.26 Pretreatment standards for new sources.

The pretreatment standards for incompatible 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, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart C—Mechanized 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.

§ 408.32 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 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	36	12.0
Oil and Grease	13	4.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	36	12.0
Oil and Grease	13	4.2
pH	Within the range 6.0 to 9.0.	

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

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD_5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD_5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	

§ 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	

§ 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 of 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 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 these 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) 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 procesed, 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. 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	19	6.2
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	19	6.2
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	

§ 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	5.0	2.0
TSS	1.3	0.53
Oil and Grease	0.21	0.082
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.0	2.0
TSS	1.3	0.53
Oil and Grease	0.21	0.082
pH	Within the range 6.0 to 9.0.	

§ 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-

trolled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	16	5.3
Oil and Grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	16	5.3
Oil and Grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.46 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 dungeness, tanner, 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, 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.

§ 408.52 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 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:

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

§ 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	15	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	16	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.54 [Reserved]

§ 408.55 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	15	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	15	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

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

§ 408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the

processing, in non-remote Alaska, of dungeness, tanner and king whole crab and crab sections. The effluent limitations contained in Subpart F 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 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	12	3.9
Oil and Grease	1.3	0.42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	12	3.9
Oil and Grease	1.3	0.42
pH	Within the range 6.0 to 9.0.	

§ 408.63 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	3.3	1.3
TSS	0.83	0.33
Oil and Grease	0.12	0.048
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	3.3	1.3
TSS	0.83	0.33
Oil and Grease	0.12	0.048
pH	Within the range 6.0 to 9.0.	

§ 408.64 [Reserved]

§ 408.65 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	

§ 408.66 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 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 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 dungeness, 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.

(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.

§ 408.72 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 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:

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

§ 408.73 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	

§ 408.74 [Reserved]

§ 408.75 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	

§ 408.76 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 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 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 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 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	8.1	2.7
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	8.1	2.7
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	

§ 408.83 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	4.3	1.7
TSS	0.58	0.23
Oil and Grease	0.18	0.07
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.3	1.7
TSS	0.58	0.23
Oil and Grease	0.18	0.07
pH	Within the range 6.0 to 9.0.	

§ 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	10	4.1
TSS	1.7	0.69
Oil and Grease	0.25	0.10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	10	4.1
TSS	1.7	0.69
Oil and Grease	0.25	0.10
pH	Within the range 6.0 to 9.0.	

§ 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 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 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.

§ 408.91 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 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.

§ 408.92 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	320	210
Oil and Grease	51	17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	320	210
Oil and Grease	51	17
pH	Within the range 6.0 to 9.0.	

§ 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:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	70	28
TSS	45	18
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	70	28
TSS	45	18
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.94 [Reserved]

§ 408.95 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	

§ 408.96 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 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 waste waters 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 I.

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 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 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 NDPES 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:

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 characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	

§ 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 characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	

§ 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 § 128.133. 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 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 Subpart K are applicable to facilities processing more than 908 kg (2000 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.

§ 408.111 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.

§ 408.112 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 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:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	160	54
Oil and Grease	126	42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	160	54
Oil and Grease	126	42
pH	Within the range 6.0 to 9.0.	

§ 408.113 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	68	27.0
TSS	12	4.9
Oil and Grease	9.5	3.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	68	27.0
TSS	12	4.9
Oil and Grease	9.5	3.8
pH	Within the range 6.0 to 9.0.	

§ 408.114 [Reserved]

§ 408.115 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	155	62
TSS	38	15
Oil and Grease	14	5.7
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	155	62
TSS	38	15
Oil and Grease	14	5.7
pH	Within the range 6.0 to 9.0.	

§ 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 Northern shrimp 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 L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory

§ 408.120 Applicability; description of the 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 908 kg (2000 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%) 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, 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	110	33
Oil and Grease	30	12
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	110	33
Oil and Grease	30	12
pH	Within the range 6.0 to 9.0.	

§ 408.123 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	25	10
TSS	8.5	3.4
Oil and Grease	2.8	1.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	25	10
TSS	8.5	3.4
Oil and Grease	2.8	1.1
pH	Within the range 6.0 to 9.0.	

§ 408.124 [Reserved]

§ 408.125 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	63	25
TSS	25	10
Oil and Grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	63	25
TSS	25	10
Oil and Grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.126 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the Southern non-breaded shrimp 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 M—Breaded Shrimp Processing in the Contiguous States Subcategory

§ 408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of breaded shrimp in the contiguous States by facilities processing more than 908 kg (2000 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.

§ 408.131 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.

§ 408.132 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	280	93
Oil and Grease	36	13
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	280	93
Oil and Grease	36	13
pH	Within the range 6.0 to 9.0.	

§ 408.133 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	43	17.0
TSS	19	7.4
Oil and Grease	2.5	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	43	17.0
TSS	19	7.4
Oil and Grease	2.5	1.0
pH	Within the range 6.0 to 9.0.	

§ 408.134 [Reserved]

§ 408.135 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	100	40
TSS	55	22
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	100	40
TSS	55	22
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.136 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the breaded shrimp 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 N—Tuna Processing Subcategory

§ 408.140 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of tuna.

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.

§ 408.141 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.

§ 408.142 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 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	23	9.0
TSS	8.3	3.3
Oil and Grease	2.1	0.84
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	23	9.0
TSS	8.3	3.3
Oil and Grease	2.1	0.84
pH	Within the range 6.0 to 9.0.	

§ 408.143 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	2.2	0.62
TSS	2.2	0.62
Oil and Grease	0.27	0.077
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	2.2	0.62
TSS	2.2	0.62
Oil and Grease	0.27	0.077
pH	Within the range 6.0 to 9.0.	

§ 408.144 [Reserved]

§ 408.145 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 characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	20	8.1
TSS	7.5	3.0
Oil and Grease	1.9	0.76
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	20	8.1
TSS	7.5	3.0
Oil and Grease	1.9	0.76
pH	Within the range 6.0 to 9.0.	

§ 408.146 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the tuna 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.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 408]

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Application of Effluent Limitations 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 guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 408—Canned and Preserved Seafood Processing Point Source Category, 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 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 simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and 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 Alaskan crab meat processing subcategory, non-remote Alaskan whole crab and crab section processing subcategory, remote Alaskan whole crab and crab section 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 processing 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 408) 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 Section 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 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 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.

Sections 408.15, 408.25, 408.35, 408.45, 408.55, 408.65, 408.75, 408.85, 408.95, 408.105, 408.115, 408.125, 408.135 408.145, and 408.155 of the proposed regulation for point 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, mechanized blue crab processing subcategory, Alaskan crab meat processing subcategory, Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous states subcategory, Alaska shrimp processing subcategory, Northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous states subcategory, Northern 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, Southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous states subcategory, breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous states subcategory, 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 (February 6, 1974; 38 FR 1624), contained the proposed pretreatment standards for new sources. The regulation promulgated simultaneously herewith contains §§ 408.16, 408.26, 408.36, 408.46, 408.56, 408.66, 408.76, 408.86, 408.96, 408.106, 408.116, 408.126, 408.136 and 408.146, which state the applicability of standards of performance for purposes of pretreatment standards 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 Catfish, Crab, Shrimp and Tuna Processing Segment of the Canned and Preserved Seafood Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Seafood Processing Industry", (October 1973) 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 Development Document may be purchased 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.

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 15653). 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 emission, effluent 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 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 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 this material, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning 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 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 cost and energy consumption implications of those treatment technologies and 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. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the canned and preserved seafood processing category (38 FR 1624, February 6, 1974). 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 408) which currently 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 the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, remote Alaskan crab meat processing subcategory, non-remote Alaskan whole crab and crab section processing subcategory, remote Alaskan whole crab and crab section 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, 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. For the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, remote Alaskan crab meat processing subcategory, non-remote Alaskan whole crab and crab section processing subcategory, remote Alaskan whole crab and crab section 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, the first option is appropriate and the guidelines should not apply.

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 alternative 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 2, provides that a reasonable fee may be changed for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 408 be amended to add §§ 408.14, 408.24, 408.34, 408.44, 408.54, 408.64, 408.74, 408.84, 408.94, 408.104, 408.114, 408.124, 408.134 and 408.144 as set forth below. All comments received on or before July 26, 1974, will be considered.

Dated: June 13, 1974.

JOHN QUARLES,
Acting Administrator.

Part 408 is proposed to be amended as follows:

1. Subpart A is amended by adding § 408.14 as follows:

§ 408.14 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 408.12 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.

2. Subpart B is amended by adding § 408.24 as follows:

§ 408.24 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 408.22 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.

3. Subpart C is amended by adding § 408.34 as follows:

§ 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 408.32 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 408.42 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 408.62 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 408.72 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 408.82 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 408.92 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 408.102 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 408.112 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 408.122 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 408.132 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 408.142 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.

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