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ENVIRONMENTAL PROTECTION AGENCY

■

SUGAR PROCESSING POINT SOURCE CATEGORY

**Interim and Proposed Effluent
Limitations, Guidelines, and Standards**

Title 40—Protection of the Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY
SUBCHAPTER N—EFFLUENT GUIDELINES
AND STANDARDS
 [FRL 338-7]

PART 409—SUGAR PROCESSING POINT
SOURCE CATEGORY

Interim Rule

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On January 31, 1974, EPA promulgated a regulation adding Part 409 to Chapter 40 of the Code of Federal Regulations (39 FR 4034). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the sugar processing point source category. The regulation set forth below will amend 40 CFR 409—sugar processing point source category by adding effluent limitations and guidelines for point sources other than publicly owned treatment works, which require the application of the best practicable control technology currently available for existing sources for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), pursuant to sections 301 and 304(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 and 1314(b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form limitations for existing sources and standards of performance for new sources and pretreatment standards for existing sources and for new sources.

(a) *Legal authority*—(1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations

providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report on "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing 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. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER a regulation is proposed in fulfillment of these requirements.

(b) *Summary and Basis of Interim Final Effluent Limitations and Guidelines for Existing Sources and Proposed Effluent Limitations and Guidelines for Existing Sources, Proposed Standards of Performance and Pretreatment Standards for New Sources, and Proposed Pretreatment Standards for Existing Sources*—(1) *General methodology*. The effluent limitations and guidelines set forth herein were developed in the fol-

lowing manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow, and volume of water used in the process employed, the sources of waste and waste waters in the operation, and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available", "best available technology economically achievable", and the "best available demonstrated control technology, processes, operating methods, or other alternatives". In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the

Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

(1) *Categorization.* For the purpose of establishing effluent limitations guidelines and standards of performance, the raw cane sugar processing segment of the sugar processing category has been divided into five subcategories:

(1) Subpart D—Louisiana raw cane sugar processing subcategory: This subcategory includes those plants located in the State of Louisiana which process sugar cane into a raw sugar product.

(2) Subpart E—Florida and Texas raw cane sugar processing subcategory: This subcategory includes those plants located in the States of Florida and Texas which process sugar cane into a raw sugar product.

(3) Subpart F—Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory: This subcategory includes those plants located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii which process sugar cane into a raw sugar product.

(4) Subpart G. Hawaiian raw cane sugar processing subcategory: This subcategory includes the remaining plants (those not included in Subpart F) located in the State of Hawaii which process sugar cane into a raw sugar product.

(5) Subpart H. Puerto Rican raw cane sugar processing subcategory: This subcategory includes those plants located in the Commonwealth of Puerto Rico which process sugar cane into a raw sugar product.

Factors such as the nature of raw materials, harvesting techniques, land availability, length of the grinding season, climatic variations, size of plants, nature of the soil, process variations, age of plants, and nature of the water supply substantiate and verify this subcategory.

(ii) *Waste characteristics.* The known significant pollutant properties or constituents of waste waters resulting from the processing of sugar cane into a raw sugar product are biochemical oxygen demand, total suspended solids, and pH. Other parameters considered to be of less significance are chemical oxygen demand, temperature, total dissolved solids, coliform bacteria, and nutrients. These pollutant properties or constituents are present in the waste waters of plants within all subcategories of the raw cane sugar processing segment of the sugar processing category.

(iii) *Origin of waste water pollutants.* Major in-plant water uses resulting in waste water streams include barometric condenser cooling water, filter cake slurry, ash slurries, floor wash, excess condensate, chemical washing and rinsing of evaporators and vacuum pans, and cane wash water. Water of a non-contact nature may result from chemical washing and rinsing of heat exchangers, boiler

blowdowns, and noncontact cooling waters such as bearing cooling water.

These various waste water streams are discharged from plants in all of the subcategories of the raw cane sugar processing segment of the sugar processing category, but all streams are not necessarily present at any single plant. In many cases natural gas is burned as fuel, and an ash discharge stream does not exist. The filter cake and ash discharge streams may be handled in dry form, thus eliminating a water discharge. In certain instances where sugar cane is hand cut or where the cane is relatively free of extraneous matter, cane washing is not employed and no cane wash water discharge stream exists.

Pollutants which enter into the discharge streams include: (1) dissolved sugar contributed by (a) the leaching of sugar during the washing of sugar cane, (b) the entrainment of sugar into the vapors of the evaporators and vacuum pans which are condensed in the barometric condensers, and (c) the dissolution of sugar spills during floor washing; and (2) solid matter contributed by the extraneous material which is introduced into the factory with the sugar cane. Solid material enters (a) the cane wash water discharge stream during the washing of sugar cane, (b) the filter cake slurry stream subsequent to clarification and filtration of the juice, and (c) the ash slurry stream if bagasse is burned or fly ash arrestors in the form of wet scrubbing devices are present.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry segment to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Such technologies as sedimentation, filtration, waste stabilization, aeration lagooning, oxidation lagooning, impoundage lagooning, cane wash recirculation, entrainment prevention, dry handling of ash and filter cake, barometric condenser cooling water recirculation, and irrigation have been identified as proven methods of control and treatment of waste waters from the raw cane sugar processing segment of the sugar processing category. These control and treatment technologies are currently practiced and well demonstrated within the industry in all cases.

The following is a discussion of the control and treatment technologies for each subcategory.

(1) *Control and treatment—Louisiana raw cane sugar processing subcategory.* Both in-plant techniques and end-of-pipe methods have been employed by plants of this subcategory to reduce pollutant discharge. Best practicable control technology currently available is to totally retain or dry haul the filter cake and ash discharge streams, practice entrainment prevention techniques to reduce sugar entrainment into barometric con-

denser cooling water, and provide biological treatment of the cane wash water discharge stream. The technology on which the effluent limitations and guidelines are based involves the retention of the cane wash water stream in an oxidation pond, held until waste stabilization occurs and discharged after the grinding season. Alternative methods of treatment which are applicable and capable of achieving or exceeding the efficiency of treatment specified by the effluent limitations are treatment of the cane wash water stream in an aerated lagoon or recirculation of the cane wash water stream with discharge of the blowdown to an oxidation pond to be held until waste stabilization occurs. All of these methods are being applied in this subcategory at the present time, although the use of aerated lagoons is very limited.

Best available technology economically achievable is the recirculation of the barometric condenser cooling water stream through a cooling device with the blowdown discharged as make-up to the cane wash system. The cane wash water is recirculated with discharge of the blowdown to an oxidation pond where it is held until waste stabilization occurs. Barometric condenser cooling water systems are widely employed within this subcategory; at least fifteen of the thirty-nine cane sugar factories currently operating in Louisiana recycle barometric condenser cooling water through a cooling tower, spray pond, or cooling pond. Recirculation of cane wash water is also widely practiced with at least thirteen of the Louisiana cane sugar factories recirculating cane wash water.

(2) *Control and treatment—Florida and Texas raw cane sugar processing subcategory.* Both in-plant techniques and end-of-pipe methods have been employed by all plants within this subcategory to the extent that no discharge of waste water pollutants to navigable waters is being accomplished. Various methods such as recirculation and reuse techniques, impoundment concepts, irrigation methods, deep-well injection, and discharge to the factory's private canal system are now employed. Limitations for best practicable control technology currently available and best available technology economically achievable are derived on the basis of these current practices.

(3) *Control and treatment—Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.* Until recently, very little application of waste water treatment has been employed by plants in this subcategory other than those in-plant controls, such as the prevention of sucrose entrainment into barometric condenser cooling water, which maximize the production of a salable product. Historically these plants were built on the cliffs at the Pacific Ocean's edge to enable the fluming of hand harvested sugar cane from the cane fields located above the raw sugar factories. With the labor shortage which occurred subsequent to World War II, mechanical harvesting with bulldozers and push-rakes was implemented for

reasons of plant economics. With the advent of the current harvesting techniques came a tremendous increase in the percentage of extraneous material (approaching 51 percent) incorporated into the sugar cane entering the factory, bringing about the need for elaborate cane washing equipment to ensure a raw material which is processable in the milling operation.

Currently, considerable research and development is being undertaken in the area of waste water treatment as well as in the area of new harvesting equipment which would leave the bulk of extraneous material in the cane fields. Treatment methods which have been employed within the last two years by those raw sugar factories which form this subcategory are dry hauling of filter cake, dry hauling of ash, screening and disposal of trash, and disposal of rocks which enter the factory with the sugar cane. Bench and pilot-scale studies have been established with regard to the sedimentation of the cane wash waste water stream resulting in the design of a system to handle this discharge stream. This system is expected to be online next year. Also, research and development is being done with regard to a dry cleaning system which would clean sugar cane by means of mechanical shaking, stripping, and air blowing followed by washing with cane juice which would act as a recoverable dry cleaning solution. This dry cleaning system is as yet undemonstrated with much work to be accomplished before it can be considered available technology.

Best practicable control technology currently available is based on the treatment system discussed above which is expected to be installed at one of the cane sugar factories next year. This involves screening and removal of trash, dry hauling of filter cake and ash, entrainment prevention, and primary settling of the cane wash water stream with the aid of polymer addition. Best available technology economically achievable incorporates the currently developing technology of improved harvesting techniques, the addition of a barometric condenser cooling water recirculation system, and the addition of a biological treatment system in the form of an aerated lagoon to treat the discharge stream. These techniques are either currently available or researched to the extent that reliable predictions as to the effect of their application is possible.

(4) *Control and treatment*—Hawaiian raw cane sugar processing subcategory. Both in-plant techniques and end-of-pipe methods have been employed by all plants within this subcategory to the extent that no discharge of waste water pollutants to navigable waters is achieved. Various methods such as recirculation and reuse techniques, impoundment concepts, and irrigation methods are now employed. Limitations for best practicable control technology currently available and best available technology economically achievable are derived on the basis of these current practices.

(5) *Control and treatment*—Puerto Rican raw cane sugar processing subcategory. Current treatment and control practices employed within this subcategory include recirculation of barometric condenser cooling water, dry hauling of filter cake, impoundage of filter cake slurry, ash slurry, and chemical wash and rinse, primary sedimentation of the cane wash discharge stream, waste stabilization, and application of irrigation techniques. The Puerto Rican cane sugar industry is currently in a state of decline with production dropping sharply in the last ten years, and in a state of flux in that consolidation of the industry is taking place and increased reliance is being placed on mechanical rather than hand harvesting. The limited data available indicate that the raw waste loadings associated with this subcategory fall within the range of data available for the Louisiana raw cane sugar processing subcategory. Best practicable control technology currently available and best available technology economically achievable are therefore based upon those recommended for the Louisiana raw cane sugar processing subcategory. These technologies are directly applicable to the Puerto Rican cane sugar processing subcategory and many are in fact currently employed. The application of the Louisiana raw cane sugar processing subcategory effluent limitations and guidelines to the Puerto Rican raw cane sugar processing subcategory is considered to be a conservative approach for the following reasons: (1) irrigation techniques are applicable to certain plants within this subcategory with two of the eleven plants which make up this subcategory currently utilizing this technique; (2) two factories do not employ cane washing thus eliminating a major waste water stream; and (3) mechanical harvesting, while increasing in general practice is not employed exclusively at any factory, while mechanical harvesting is the general practice of all the Louisiana factories. Thus, it can be generalized that the raw waste loadings generated by Puerto Rican factories should be in the lower range of those associated with Louisiana factories. This is in fact substantiated by the available current data relating to Puerto Rican factories.

However, because of the state of flux of the Puerto Rican raw cane sugar industry, the limited data available on which to base raw waste loadings for this subcategory, and because of the economic situation of the plants which form this subcategory, it has been concluded that application of those techniques currently employed by Louisiana factories is a reasonable approach to establishing effluent limitations and guidelines for the Puerto Rican raw cane sugar processing subcategory.

Solid waste control must be considered. Sludges in the form of muds, ashes, or cakes may result from the processing of sugar cane into raw sugar. These may be substantial in volume and contribute to the cost of achieving the recom-

mended effluent limitations and guidelines.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines, 40 CFR Part 241, may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located. It should be noted that there is no evidence that hazardous materials are present in the slurries, sludges, muds, ashes, and cakes which result from the processing of sugar cane into a raw sugar product.

(v) *Cost estimates for control of waste water pollutants.* The capital and total yearly costs (August-1971 dollars) to the raw cane sugar processing segment of the sugar processing category to achieve the interim final best practicable control technology currently available effluent limitations guidelines are estimated to range from between \$9.52 and \$10.41 million, and \$2.98 and \$4.06 million, respectively. This estimate is based on an estimation of those control and treatment techniques which must be applied at each individual factory in order that the effluent limitations guidelines be attained. These costs do not include expenses already incurred as a result of pollution abatement facilities already existent at the individual factories.

The additional capital and total yearly costs (August-1971 dollars) to the raw

cane sugar processing segment of the sugar processing category to achieve the proposed best available technology effluent limitations guidelines are estimated to range from between \$6.05 and \$7.53 million, and \$1.02 and \$1.33 million, respectively. This estimate does not include those costs associated with attainment of best practicable control technology currently available and is based on an estimation of those control and treatment techniques which must be applied at each individual factory in order that the effluent limitations guidelines be attained. This cost estimate does not include those expenses already incurred as a result of pollution abatement facilities already existent at the individual factories.

These costs are summarized for each individual subcategory in the following table:

COST ESTIMATES (\$MM)

Subcategory	BPCTCA	
	Capital	Total yearly
Louisiana raw cane sugar processing.	\$1.04 to \$1.15.	\$0.324 to \$0.528.
Florida and Texas raw cane sugar processing.	0.	0.
Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing.	\$6.60 to \$7.28.	\$2.32 to \$2.94.
Hawaiian raw cane sugar processing.	0.	0.
Puerto Rican raw cane sugar processing.	\$1.88 to \$1.98.	\$0.334 to \$0.592.
Total	\$9.52 to \$10.41.	\$2.96 to \$4.06.

COST ESTIMATES (\$MM)

Subcategory	BATEA	
	Capital	Total yearly
Louisiana raw cane sugar processing.	\$2.90 to \$4.38.	\$0.577 to \$0.874.
Florida and Texas raw cane sugar processing.	0.	0.
Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing.	\$1.70.	\$0.377 to \$0.383.
Hawaiian raw cane sugar processing.	0.	0.
Puerto Rican raw cane sugar processing.	\$1.45.	\$0.0084.
Total	\$6.05 to \$7.53.	\$1.02 to \$1.33.

(vi) *Energy requirements and non-water quality environmental impacts.* Energy. The raw cane sugar processing segment of the sugar processing category is a high energy user in that the production of sugar is basically an evaporative process. Large quantities of energy are required for the production of steam to evaporate the cane juice and for the mechanical harvesting of sugar cane. Many cane sugar factories produce steam in sufficient quantity to maintain the milling operation and boiler house and also produce excess electricity which is sold to commercial utilities. In many cases, the source of this energy is bagasse, a by-product of the production of raw sugar.

It is estimated that less than 0.83 percent additional energy consumption is required of a factory to attain the best practicable control technology currently

available and the best available technology economically achievable effluent limitations guidelines for all subcategories with the exception of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory. This subcategory will require less than a 3.32 percent energy increase to achieve interim final and proposed effluent limitations guidelines.

Solid Waste. The removal of extraneous material from the incoming sugar cane presents a solid waste disposal problem. Solid waste in the form of bottom ash, filter cake, muds resulting from the washing of sugar cane, trash, and in certain instances fly ash, are produced in varying quantities during the processing of sugar cane into raw sugar. The costs of solids handling have been factored into the control and treatment costs for all subcategories. It should be noted that these are not hazardous materials and that many technologies exist for the land disposal of these solid wastes.

Air Pollution. Air pollution problems in the form of odors can result from waste water lagooning. This technology is currently employed throughout this industry segment and experience has been that odor problems can be minimized by design and operating techniques. In general, the impact of aesthetic considerations, including odor and noise effects, are minimized by the typical location of sugar factories away from urban areas.

(vii) *Economic impact analysis.* Generally, the costs of compliance for BPCTCA are not expected to significantly affect prices, industry production, employment, or growth. Due to competition from other foreign and domestic sources, it is expected that the costs of pollution control cannot be passed on to the consumer through price increases. As a result, producers will be forced to absorb these costs through reduced profits. Despite this reduction in profitability, no plant closures are anticipated for 1977.

However, seven to twelve plants in Louisiana and Puerto Rico may be expected to close due to the additional costs of meeting the BATEA standards. These plants represent approximately 2.7 to 6.0 percent of current U.S. raw cane sugar production. Approximately 700 to 1800 employees would be affected by these closures. The dislocated employees in Louisiana are expected to have opportunities for reemployment; thus, the community impacts are expected to be minimal. In Puerto Rico, very few opportunities for reemployment are expected to exist. These dislocated employees represent 0.02 to 0.08 percent of the labor force of Puerto Rico. Thus, a small increase in unemployment and some community impacts are anticipated as a result of the mill closures in Puerto Rico. The balance of trade and industry growth effects are expected to be negligible.

The report entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the RAW CANE SUGAR PROCESSING Segment of the Sugar Processing Point

Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by this regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the final economic analysis document will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines, and standards for the sugar processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under Section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Hawaiian Sugar Planters' Association; (4) Puerto Rico Sugar Corporation; (5) American-Florida Sugar Cane League; (6) The American Society of Mechanical Engineers; (7) The Conservation Foundation; (8) Businessmen for the Public Interest; (9) Environmental Defense Fund, Inc.; (10) Natural Resources Defense Council; (11) The American Society of Civil Engineers; (12) Water Pollution Control Federation; (13) National Wildlife Federation; (14) Theo. H. Davies and Company Ltd.; and (15) C. Brewer and Company, Ltd.

The following responded with comments:

(1) Effluent Standards and Water Quality Information Advisory Committee; (2) Minnesota Pollution Control Agency; (3) American Sugar Cane League; (4) South Coast Corporation; (5) Louisiana State University; (6) Delaware River Basin Commission; (7) Department of the Interior; (8) Department of Health, Education, and Welfare;

(9) Hawaiian Sugar Planters' Association; (10) Florida Sugar Cane League, Inc.; (11) United States Water Resources Council; and (12) Rio Grande Valley Sugar Growers, Inc.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) The comment was made that the model factories presented in the draft Development Document project water usages and raw waste loadings which were considerably overstated.

The Agency has reviewed the data which formed the basis of the presentations of the draft Development Document and the data received subsequent to publication of the draft Development Document and has revised the water usages and raw waste loadings for the model factories where appropriate. The related cost estimates have also been modified to represent the model factories.

(2) One commenter stated that experts in the field of oceanography and marine biology clearly indicate that BOD removal prior to open ocean disposal is wasteful of resources in that no benefit is derived from this removal.

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 on 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.

(3) The comment was made that because limited data was available from the sugar mills in Puerto Rico, to base recommendations on operations and data related to Louisiana is questionable.

The Agency recognizes that limited data is available on Puerto Rican cane sugar factories. Data was obtained during a sampling program undertaken under the Agency's direction and also all relevant data available was acquired from the University of Puerto Rico. Whereas in the past, hand harvesting of sugar cane prevailed, the recent trend is toward mechanical harvesting techniques similar to those employed in Louisiana. As discussed previously, it can be generalized that raw waste loadings generated by Puerto Rican factories should be in the lower range of those associated with Louisiana factories. This is in fact substantiated by the available current data relating to Puerto Rican factories. However, because of the state of flux of the Puerto Rican raw sugar industry, the limited data available on which to

base raw waste loadings for this subcategory, and because of the economic situation of the plants which form this subcategory, it has been concluded that the application of those technologies currently employed by Louisiana factories is a reasonable approach to establishing effluent limitations guidelines for the Puerto Rican raw cane sugar processing subcategory.

The Agency does, however, solicit data with regard to the applicable control and treatment technologies, raw waste loadings, water usages, costs associated with pollution control, and various economic parameters (future selling prices of raw sugar, production costs, profit margins, and cash flows).

(4) A commenter questioned the cost-effectiveness of the treatment system and control technology for Subcategory III, because the cost of treatment is so much greater than Subcategory I.

Subcategory III sugar factories are those located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii. The unique conditions which exist at these sugar factories (i.e., topography, climate, harvesting techniques employed, length of grinding season, and land availability) substantiate separate subcategorization. The cost estimates presented in the Development Document reflect these unique conditions and the economic impact has been assessed based upon the projected cost estimates.

(5) One commenter objected to the Texas sugar cane factory being placed in a subcategory which requires zero discharge, and requested limitations similar to Subcategories I, III, and V.

The information available on the only existing Texas cane sugar factory indicates that this factory is currently attaining the zero discharge limitation through the application of irrigation techniques. Therefore, the zero discharge limitation is substantiated by current operating practices. A new source would have the opportunity of site selection with the application of irrigation techniques expected to be available.

(6) One commenter explained that during rainfall conditions it is possible that overflows from irrigation, impoundment, or cooling canal systems may occur and that no discharge of waste waters is in some cases impracticable, particularly for certain mills located in Hawaii and Florida where rainfall may vary greatly over even small areas of land.

The Agency recognizes that these overflows may occur. Limitations are specified in the regulation which allow for such discharges, providing that impoundage facilities are designed, constructed, and operated to contain all process generated waste waters. There is no data available with regard to such overflow discharges to indicate any distinction between agricultural and process waste water runoff.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council v. Train et al.* (Cv. No. 1609-73) which requires the pro-

mulgation of regulations for this industry category no later than January 10, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under Section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the regulation 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 amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline, 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 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 31, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein, the Agency will consider petitions for reconsideration of any permits issued in accordance with the interim final regulation.

In consideration of the foregoing, 40 CFR Part 409 is hereby amended as set forth below.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

- Sec.
409.40 Applicability; description of the Louisiana raw cane sugar processing subcategory.
409.41 Specialized definitions.
409.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

- 409.50 Applicability; description of the Florida and Texas raw cane sugar processing subcategory.
409.51 Specialized definitions.
409.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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

- 409.60 Applicability; description of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.
409.61 Specialized definitions.
409.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

- 409.70 Applicability; description of the Hawaiian raw cane sugar processing subcategory.
409.71 Specialized definitions.
409.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

- 409.80 Applicability; description of the Puerto Rican raw cane sugar processing subcategory.
409.81 Specialized definitions.
409.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

§ 409.40 Applicability; description of the Louisiana raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories operating in the State of Louisiana.

§ 409.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and meth-

ods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

§ 409.42 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:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the

treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—	
	(Metric units) kg/kg of gross cane	
BOD5	0.63.	
TSS	0.47.	
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.63.	
TSS	0.47.	
pH	Within the range 6.0 to 9.0.	

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

§ 409.50 Applicability; description of the Florida and Texas raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located in the states of Florida and Texas.

§ 409.51 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 Part 401 shall apply to this subpart.

RULES AND REGULATIONS

§ 409.52 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.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties 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: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

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

§ 409.60 Applicability; description of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.

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

processing of sugar cane into a raw sugar product for those cane sugar factories located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii.

§ 409.61 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 Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

(c) The term "net cane" shall mean that amount of "gross cane" less the weight of extraneous material.

(d) The term "x" shall mean that fraction of the "net cane" harvested by the advanced harvesting systems.

§ 409.62 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	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of net cane		
BOD ₅	No limitation.....	
TSS.....	4.2.....	2.1
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/1000 lb of net cane		
BOD ₅	No limitation.....	
TSS.....	4.2.....	2.1
pH.....	Within the range 6.0 to 9.0.....	

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

§ 409.70 Applicability; description of the Hawaiian raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories, other than those described by Subpart F, located in the State of Hawaii.

§ 409.71 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.

§ 409.72 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.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties 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: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

§ 409.80 Applicability; description of the Puerto Rican raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located on the Island of Puerto Rico.

§ 409.81 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 Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

§ 409.82 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 col-

lect, 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:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the

treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—	
	(Metric units) kg/kg of gross cane	
BOD5	0.63	
TSS	0.47	
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of gross cane		
BOD5	0.63	
TSS	0.47	
pH	Within the range 6.0 to 9.0	

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307 (c) and (d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c) and 1326(c)), 86 Stat. 816 et seq. Pub. L. 92-500.)

[FR Doc.75-5286 Filed 2-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

[FRL 338-8]

SUGAR PROCESSING POINT SOURCE CATEGORY

Effluent Limitations, Guidelines and Standards

Notice is hereby given that effluent limitations for existing sources and standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On January 31, 1974, EPA promulgated a regulation adding Part 409 to Chapter 40 of the Code of Federal Regulations (39 FR 4034). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the sugar processing point source category. The regulation proposed below will amend 40 CFR Part 409—sugar processing point source category by adding §§ 409.43, 409.44, 409.45 and 409.46 to the Louisiana raw cane sugar processing subcategory (Subpart D), §§ 409.53, 409.54, 409.55 and 409.56 to the Florida and Texas raw cane sugar processing subcategory (Subpart E), §§ 409.63, 409.64, 409.65 and 409.66 to the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), §§ 409.73, 409.74, 409.75 and 409.76 to the Hawaiian raw cane sugar processing subcategory (Subpart G), and §§ 409.83, 409.84, 409.85 and 409.86 to the Puerto Rican raw cane sugar processing subcategory (Subpart H), pursuant to sections 301, 304(b) and (c), 306(b) and 307(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal Authority.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations pro-

viding guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing 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.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, 38 FR 1624) a list of 27 source categories, including the sugar processing category. The regulation proposed herein sets forth the standards of performance applicable to new sources for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance

for new sources are promulgated pursuant to section 306. Sections 409.46, 409.56, 409.66, 409.76, and 409.86, proposed below, provide pretreatment standards for new sources within the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 409.44, 409.54, 409.64, 409.74, and 409.84 proposed below provide pretreatment standards for existing sources within the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

(b) Summary and Basis of Proposed Effluent Limitations for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.

The general methodology and summary and conclusions are discussed in considerable detail in the preamble of the interim final regulation for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The regulations proposed herein set forth pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973

(38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of 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. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 409.44, 409.54, 409.64, 409.74, and 409.84 of the regulation proposed below are 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 based upon best practicable control technology currently available.

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

The report entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the RAW CANE SUGAR PROCESSING Segment of the Sugar Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, Au-

gust 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA, Office of Public Affairs, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the final economic analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rule making by submitting written comments in triplicate to the EPA, Office of Public Affairs, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation 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 a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of Sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 31, 1975, will be considered. Steps

previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend part 409 by adding the following sections:

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

- Sec.
- 409.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
 - 409.44 Pretreatment standards for existing sources.
 - 409.45 Standards of performance for new sources.
 - 409.46 Pretreatment standards for new sources.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

- 409.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 409.54 Pretreatment standards for existing sources.
- 409.55 Standards of performance for new sources.
- 409.56 Pretreatment standards for new sources.

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

- 409.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 409.64 Pretreatment standards for existing sources.
- 409.65 Standards of performance for new sources.
- 409.66 Pretreatment standards for new sources.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

- 409.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 409.74 Pretreatment standards for existing sources.
- 409.75 Standards of performance for new sources.
- 409.76 Pretreatment standards for new sources.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

- 409.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 409.84 Pretreatment standards for existing sources.
- 409.85 Standards of performance for new sources.
- 409.86 Pretreatment standards for new sources.

PROPOSED RULES

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

§ 409.43 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:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of gross cane		
BOD ₅	0.10.....	0.050
TSS.....	0.24.....	0.080
pH.....	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of gross cane		
BOD ₅	0.10.....	0.050
TSS.....	0.24.....	0.080
pH.....	Within the range 6.0 to 9.0	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic: (Metric units) kg/kg of gross cane:	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
BOD ₅	0.050.	
TSS.....	0.080.	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane:		
BOD ₅	0.050.	
TSS.....	0.080.	
pH.....	Within the range 6.0 to 9.0.	

§ 409.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Louisiana raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40

CFR Part 128 (and which would be an existing point source subject to section 301 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 that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD ₅	No limitation
TSS.....	Do.
pH.....	Do.

§ 409.45 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:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of gross cane		
BOD ₅	0.10.....	0.050
TSS.....	0.24.....	0.080
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD ₅	0.10.....	0.050
TSS.....	0.24.....	0.080
pH.....	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic: (Metric units) kg/kg of gross cane:	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
BOD ₅	0.050.	
TSS.....	0.080.	
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane:		
BOD ₅	0.050.	
TSS.....	0.080.	
pH.....	Within the range 6.0 to 9.0.	

§ 409.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Louisiana raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (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 same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD ₅	No limitation.
TSS.....	Do.
pH.....	Do.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

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

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Florida and Texas raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to Section 301 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 that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.55 Standards of performance for new sources.

Subject to the provisions of paragraph (a) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Florida and Texas raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (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 same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

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

§ 409.63 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	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of net cane		
BOD5	The greater of: 0.22 or 1.52 (1-x)+0.012.	The greater of: 0.11 or 0.76 (1-x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1-x)+0.021.	The greater of: 0.13 or 1.01 (1-x)+0.0070.
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of net cane		
BOD5	The greater of: 0.22 or 1.52 (1-x)+0.012.	The greater of: 0.11 or 0.76 (1-x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1-x)+0.021.	The greater of: 0.13 or 1.01 (1-x)+0.0070.
pH	Within the range 6.0 to 9.0.	

§ 409.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 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 that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.65 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	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of net cane		
BOD5	The greater of: 0.22 or 1.52 (1-x)+0.012.	The greater of: 0.11 or 0.76 (1-x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1-x)+0.021.	The greater of: 0.03 or 1.01 (1-x)+0.0070.
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of net cane		
BOD5	The greater of: 0.22 or 1.52 (1-x)+0.012.	The greater of: 0.11 or 0.76 (1-x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1-x)+0.021.	The greater of: 0.13 or 1.01 (1-x)+0.0070.
pH	Within the range 6.0 to 9.0.	

§ 409.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (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 same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

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

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source sub-

PROPOSED RULES

ject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Hawaiian raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 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 that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.75 Standards of performance for new sources.

Subject to the provisions of paragraph (a) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Hawaiian raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (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 same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or qual-

ity of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

§ 409.83 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:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic:	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—	
	(Metric units) kg/kg of gross cane:	
BOD5	0.050.	
TSS	0.080.	
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane:		
BOD5	0.050.	
TSS	0.080.	
pH	Within the range 6.0 to 9.0.	

§ 409.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Puerto Rican raw cane sugar

processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 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 that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.85 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:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations:

Effluent characteristic:	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—	
	(Metric units) kg/kg of gross cane:	
BOD5	0.050.	
TSS	0.080.	
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane:		
BOD5	0.050.	
TSS	0.080.	
pH	Within the range 6.0 to 9.0.	

PROPOSED RULES

8511

§ 409.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Puerto Rican raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (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 same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH -----	No limitation.
BOD -----	Do.
TSS -----	Do.

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 316(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (c) and 1326(c)), 86 Stat. 816 et seq., Pub. L. 92-500.)

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