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ENVIRONMENTAL PROTECTION AGENCY

**Grain Mills Manufacturing
Point Source Category**



Effluent Limitations and Guidelines

Title 40—Protection of the Environment
[FRL 312-6]

**CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY**

**SUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDS**

**PART 406—GRAIN MILLS MANUFACTURING
POINT SOURCE CATEGORY**

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 33470), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the animal feed subcategory (Subpart G), hot cereal subcategory (Subpart H), ready-to-eat cereal subcategory (Subpart I), and the wheat starch and gluten subcategory (Subpart J) subcategory of the grain mills manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the grain mills manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, Part 406 by adding thereto the animal feed subcategory (Subpart G), the hot cereal subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I), and the wheat starch and gluten subcategory (Subpart J). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the animal feed, hot cereal, ready-to-eat cereal, and wheat starch and gluten subcategories. In addition, the regulation as proposed was supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing

Point Source Category" (July, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, for Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category", (July, 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

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

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: A. E. Staley Manufacturing Company; Centennial Mills; and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) General concern was expressed that the high pollutant removals (BOD and suspended solids) required for the wheat starch and gluten subcategory are higher than can reasonably and realistically be expected through presently demonstrated or experimental technology.

In establishing the effluent guidelines limitations, the treatment technology as presently practiced in the wheat starch industry has been judged uniformly inadequate for purposes of process waste water discharge to navigable waters. Under such conditions, a consideration of alternative technology for pollutant reduction is proper and appropriate. The pollutant properties of wheat starch wastes, while relatively strong as compared to domestic and many other industrial wastes, have been readily identified and quantified. Knowledge of the nature of these principal waste water characteristics (BOD and suspended solids) and the performance of commonly applied waste water treatment technology for other wastes allows a reasonable expectation of pollutant reduction levels to be achieved for this specific waste. This conclusion is supported by data from one existing full-scale pretreatment facility and from pilot plant studies, which demonstrate the treatability and ready biodegradability of wheat starch wastes. While the specified level of pollutant reduction has not been attained at the existing pretreatment plant or during the pilot studies, it is recognized that these systems are not designed with the capability to achieve such reductions.

However, within expected operational efficiencies of additional unit operations, as demonstrated and proven for similar wastes, it can be reasonably predicted that the pollutant reduction levels can be attained.

(2) It was contended by several commenters that age and plant capacity of wheat starch plants strongly impact the nature of the raw waste load for wheat starch and gluten manufacturing operations, and as such may be a basis for sub-categorization of the industry.

The analysis of data currently available to the Agency does not substantiate sub-categorization of the wheat starch and gluten subcategory on the basis of plant size and age. This conclusion is discussed fully in Section V of the Development Document. Even though some correlation between per unit suspended solids production, plant age and plant capacity is suspected, no clear inference from this possible relationship can be made. It is known that the older plants within the wheat starch industry are generally of larger capacity, and older plants may be expected to have greater cleanup water needs with increased pollutant loads. However, the data indicate that cleanup water accounts for a rather insignificant waste flow by volume (generally 5 to 10 percent or less) compared to the total process waste water generation.

(3) Several commenters questioned the achievement of the effluent limitations guidelines standards for the wheat starch and gluten manufacturing subcategory as being economically practicable or effective. Cost information for waste treatment and handling is asserted to be unrepresentative particularly in regard to solids handling and disposal.

As noted in the Development Document, six of the seven wheat starch and gluten plants now in operation do not provide separate treatment, but discharge into nearby publicly owned treatment facilities. With the sixth plant, the starch-laden waste from the wheat starch and gluten operation is used as a raw product in an adjoining distillery facility.

All cost data employed for estimation of waste water treatment and handling was adopted from currently available and reliable sources which are commonly employed and widely accepted in estimating the cost of unit treatment processes. One of the sources used, Capital and Operating Costs of Pollution Control Equipment Modules-Vol II—Data Manual, EPA-R5-73-023b July 1973, Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. 20460, presents current and reliable information for estimating capital and operating cost for waste water treatment and sludge handling equipment. Costs do vary somewhat from industry to industry; however, this variance for the wheat starch industry would not be expected to result in a significant disparity in estimated costs.

The economic study concluded that if separate on-site waste treatment was re-

quired of existing wheat starch and gluten plants to comply with the BPCTCA, as many as two out of seven existing plants might close. However, the Agency considers that this represents a "theoretical" adverse condition in view of the large percentage of the plants that discharge their waste directly to publicly owned treatment works. The high degree of BOD and suspended solids removals required are necessary, where separate discharge to navigable waters may result, because of the inherently high potential pollutant load. The technology for reducing the high potential pollutant load to achieve the effective limitations guidelines is available and economically possible. It is acknowledged that local publicly owned treatment works receiving wheat starch and gluten plant waste may require an additional cost for treatment of the wastes, or that on-site plant pretreatment facilities may be necessitated to reduce the potency of the waste prior to discharge to present municipal systems. However, it is the Agency's conclusion on the basis of the studies conducted, that these requirements, to the extent which they may result, would not pose a substantial economic burden on a plant in terms of investment and operating costs.

(b) *Revision of the proposed regulations prior to promulgation.* After consideration of the public comments and further review and evaluation of the proposed regulation by the Agency, it was determined that no changes were required in the regulation.

(c) *Economic impact.* The economic impact analysis indicates that the impact of the guidelines is minimal. No plant closures are anticipated under the assumption that current practices are continued. No significant economic impact is anticipated for the animal feed, hot cereal, and ready-to-eat cereal manufacturing subcategories. Significant economic consequences would result within the wheat starch and gluten subcategory should existing plants choose to provide separate treatment of process waste waters to comply with the guidelines, or to a lesser degree, if substantial pretreatment is given to the wastes prior to discharge to a municipal system. Trends of growth in the wheat starch and gluten industry will not be affected by these guidelines. The economic analysis indicates that new plants similar to existing facilities will not be built even without imposition of the new source standards.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the animal feed, breakfast cereal and wheat starch segment of the grain mills manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category" (July 1974). It is not feasible to quantify in economic

terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category" (July 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the grain mills manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal and Wheat Starch Manufacturing Segment of the Grain Mills Manufacturing Point Source Category," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee. Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 406, Grain Mills Manufacturing Point Source Category, is hereby amended by adding additional subparts G, H, I and J, to read as set forth below. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective January 3, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective February 3, 1975.

Dated: December 18, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart G—Animal Feed

- Sec. 406.70 Applicability; description of the animal feed subcategory.
- 406.71 Specialized definitions.
- 406.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.74 [Reserved]
- 406.75 Standards of performance for new sources.
- 406.76 Pretreatment standards for new sources.

Subpart H—Hot Cereal Subcategory

- Sec. 406.80 Applicability; description of the hot cereal subcategory.
- 406.81 Specialized definitions.
- 406.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.84 [Reserved]
- 406.85 Standards of performance for new sources.
- 406.86 Pretreatment standards for new sources.

Subpart I—Ready-to-eat Cereal Subcategory

- Sec. 406.90 Applicability; description of the ready-to-eat cereal subcategory.
- 406.91 Specialized definitions.
- 406.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.94 [Reserved.]
- 406.95 Standards of performance for new sources.
- 406.96 Pretreatment standards for new sources.

Subpart J—Wheat Starch and Gluten Subcategory

- Sec. 406.100 Applicability; description of the wheat starch and gluten subcategory.
- 406.101 Specialized definitions.
- 406.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec.
 406.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
 406.104 [Reserved.]
 406.105 Standards of performance for new sources.
 406.106 Pretreatment standards for new sources.

AUTHORITY: Pub. L. 92-500, 86 Stat. 816 et seq. (33 U.S.C. 1251, 1311, 1314 (b), (c), 1316 (b), (c), 1317(c)).

Subpart G—Animal Feed Subcategory

§ 406.70 Applicability; description of the animal feed subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) using primarily grain and grain by-products which may be supplemented by proteins, pharmaceuticals, vitamins or mineral additives.

§ 406.71 Specialized definitions.

For the purpose of this subpart: The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

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

(a) 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 subcategory 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.

(b) 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.

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, 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.

§ 406.74 [Reserved]

§ 406.75 Standards of performance for new sources.

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.

§ 406.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the animal feed 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 point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as 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 standard establishes 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 ₅	Do.
TSS	Do.

Subpart H—Hot Cereal Subcategory

§ 406.80 Applicability; description of the hot cereal subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of various breakfast cereals from grains, principally wheat and oats, requiring cooking prior to normal human consumption.

§ 406.81 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "cereal" shall mean breakfast cereal.

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

(a) 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 subcategory 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.

(b) 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.

§ 406.83 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, 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.

§ 406.84 [Reserved]

§ 406.85 Standards of performance for new sources.

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.

§ 406.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the hot cereal 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 point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as 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 standard establishes 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 ₅	Do.
TSS	Do.

Subpart I—Ready-To-Eat Cereal

§ 406.90 Applicability; description of the ready-to-eat cereal subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar, and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.

§ 406.91 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "cereal" shall mean breakfast cereal.

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

(a) 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.

(b) 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/1,000 lb of cereal product		
BOD ₅	1.2	0.40
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of cereal product		
BOD ₅	1.2	0.40
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pol-

lutant 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/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 406.94 [Reserved]

§ 406.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of cereal product		
BOD ₅	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 406.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the ready-to-eat cereal 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 point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as 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 standard establishes 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 ₅	Do.
TSS	Do.

Subpart J—Wheat Starch and Gluten Subcategory

§ 406.100 Applicability; description of the wheat starch and gluten subcategory.

The provisions of this subpart are applicable to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.

§ 406.101 Specialized definitions.

For the purpose of this subpart: The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

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

(a) 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 subcategory 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.

(b) 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 raw material (wheat flour)		
BOD ₅	6.0	2.0
TSS	6.0	2.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of raw material (wheat flour)		
BOD ₅	6.0	2.0
TSS	6.0	2.0
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) kg/kg of raw material (wheat flour)		
BOD ₅	1.5	0.50
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of raw material (wheat flour)		
BOD ₅	1.5	0.50
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	

§ 406.104 [Reserved]

§ 406.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of raw material (wheat flour)		
BOD ₅	3.0	1.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of raw material (wheat flour)		
BOD ₅	3.0	1.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	

§ 406.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the wheat starch and gluten 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 point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as 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 standard establishes 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 ₅	Do.
TSS	Do.

[FR Doc.75-3 Filed 1-2-75;8:45 am]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 312-7]

[40 CFR Part 406]

**GRAIN MILLS MANUFACTURING
POINT SOURCE CATEGORY**

**Proposed Pretreatment Standards for
Existing Sources**

Notice is hereby given pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will amend 40 CFR Part 406, Grain Mills Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the animal feed, hot cereal, ready-to-eat cereal, and wheat starch gluten subcategories of the grain mills manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards (40 CFR Part 406) promulgated simultaneously apply. However, the proposed 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.

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

best practicable control technology currently available.

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

Sections 406.76, 406.86, 406.96, and 406.106 of the proposed regulation for point sources within the animal feed, hot cereal, ready-to-eat cereal and wheat starch gluten subcategories (September 17, 1974; 39 FR 33470), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 406.76, 406.86, 406.96, and 406.106 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Documents entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal, and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines for Animal Feed, Breakfast Cereal, and Wheat Starch Segment of the Grain Mills Manufacturing Point Source Category" (July 1974) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of animal feed,

breakfast cereal, and wheat starch, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of animal feed, breakfast cereal, and wheat starch. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the grain mills manufacturing category (39 FR 33470; September 17, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 406) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the animal feed, hot cereal, ready-to-eat cereal, and wheat starch and gluten subcategories, the Agency has, essentially three options. The first is to allow unrestricted discharge to publicly owned treatment works of materials known to be adequately treated in such works (commonly classed as compatible pollutants). The second is to require the application BPT based (1977) limitations to those pollutants which interfere with, pass through or otherwise are incompatible with such works. The third is to establish a different discharge limitation for those pollutants which are treated to a known degree in publicly owned treatment works but such treatment is relatively inadequate.

Because the pollutants identified in the animal feed, hot cereal, ready-to-eat cereal and wheat starch and gluten subcategories are BOD₅, TSS, and pH and are known to have been adequately treated in publicly owned treatment works, the first option is applicable and unrestricted discharge of these pollutants to publicly owned treatment works is allowed.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA In-

formation Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

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

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 406 be amended to add §§ 406.74, 406.84, 406.94, and 406.104, as set forth below. All comments received on or before February 3, 1975, will be considered.

Dated: December 18, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 406 is proposed to be amended as follows:

Subpart G is amended by adding § 406.74 as follows:

§ 406.74 Pretreatment standards for existing sources.

Pretreatment standards under section 307(b) of the Act for a source within the animal feed 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 standard establishes 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:

<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
pH -----	No limitation.
BOD5 -----	Do.
TSS -----	Do.

Subpart H is amended by adding § 406.84 as follows:

§ 406.84 Pretreatment standards for existing sources.

Pretreatment standards under section 307(b) of the Act for a source within the hot cereal 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 standard establishes 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:

<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
pH -----	No limitation.
BOD5 -----	Do.
TSS -----	Do.

Subpart I is amended by adding § 406.94 as follows:

§ 406.94 Pretreatment standards for existing sources.

Pretreatment standards under Section 307(b) of the Act for a source within the ready-to-eat cereal 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 standard establishes 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:

<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
ph -----	No limitation.
BOD5 -----	Do.
TSS -----	Do.

Subpart J is amended by adding § 406.104 as follows:

§§ 406.104 Pretreatment standards for existing sources.

Pretreatment standards under section 307(b) of the Act for a source within the wheat starch and gluten 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 standard establishes 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:

<i>Pollutant or pollutant property</i>	<i>Pretreatment standard</i>
ph -----	No limitation.
BOD5 -----	Do.
TSS -----	Do.

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