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## **ENVIRONMENTAL PROTECTION AGENCY**



### **ASBESTOS MANUFACTURING POINT SOURCE CATEGORY**

**Effluent Guidelines and Standards**

Title 40—Protection of the Environment  
CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES  
AND STANDARDS

[FRL 315-5]

PART 427—ASBESTOS MANUFACTURING  
POINT SOURCE CATEGORY

On August 29, 1974, notice was published in the FEDERAL REGISTER (39 FR 31592), 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 coating or finishing of asbestos textiles subcategory, the solvent recovery subcategory, the vapor absorption subcategory, and the wet dust collection subcategory of the asbestos 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 asbestos manufacturing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 427 by adding thereto the coating or finishing of asbestos textiles subcategory (Subpart H), the solvent recovery subcategory (Subpart I), the vapor absorption subcategory (Subpart J) and the wet dust collection subcategory (Subpart K). 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 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 coating or finishing of asbestos textiles subcategory, the solvent recovery subcategory, the vapor absorption subcategory, and the wet dust collection subcategory. 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 Textile, Friction Materials and Sealing

Devices Segment of the Asbestos Manufacturing Point Source Category" (August 1974) and (2) the document entitled "Economic Impact of 1972 Federal Water Pollution Control Amendments on the Asbestos Industry" (August 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: Asbestos Information Association/North America and Raybestos-Manhattan, Inc.

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. Several comments were made which questioned the appropriateness of carbon absorption columns as the best available technology economically achievable (BATEA) for the solvent recovery subcategory on the basis of both costs and benefits of the waste reduction attained through use of the technology.

Review of all available data indicates that for the larger facilities within the solvent recovery subcategory the use of carbon absorption columns as an added waste treatment step would remove approximately 4.5 pounds per day of chemical oxygen demand at a cost of more than \$25.00 per pound. Comparable waste reductions for the other technologies proposed for the various subcategories range from 25 to 200 pounds per day with costs ranging from \$0.25 to \$2.00 per pound.

In consideration of the very limited benefits attained and the extremely high cost per unit of waste reduction, the use of carbon absorption columns has been eliminated from BATEA. The guidelines for BATEA in the solvent recovery subcategory thus become the same as those for best practicable control technology currently available (BPCTCA).

2. One comment was made which questioned the imposition of zero discharge limitations for the wet dust collection subcategory that are based on a BATEA entailing replacement of wet scrubbers with dry collection systems.

A reexamination of all pertinent information reaffirms the reasonableness of the proposed limitations. Most facilities in the affected segment of the asbestos industry currently employ dry dust collection. Dry dust collection systems more effectively control atmospheric

emissions. Waste control is attained at lower costs per unit of reduction and reduced energy requirements through use of dry dust collection systems. And lastly, by the effective date for BATEA (July 1, 1983) many of the existing wet scrubbers will have neared the end of their expected lifetime (25 years), thus reducing the true economic impact of replacement.

(3) The comment was made that the limitations should be expressed in unit loadings rather than concentrations to make them more definitive and to parallel those of guidelines for other industries.

In the effluent limitations guidelines herewith promulgated, this has been accomplished by expressing the limitations in terms of weight of pollutants per weight of finished coated textiles for the solvent recovery subcategory and weight of pollutants per unit of air scrubbed for the wet dust collection subcategory.

b. Revision of the proposed regulations prior to promulgation. As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The applicable technology and limitations for BATEA within the solvent recovery subcategory have been modified to be equal to those of BPCTCA.

2. Limitations for specific pollutants are expressed in terms of unit loadings, not in concentrations as was the case in the proposed regulations.

c. Economic impact. The economic impact of the limitations for the textiles, friction materials and sealing devices segment of the asbestos manufacturing point source category is very limited. Since many of the operations (e.g., textile weaving and sealing devices manufacture) are representative of dry industry and since much of the waste water from wet operations is discharged to municipal systems, only five plants are affected. Affected plants include one sheet gasket material plant and four friction materials plants. None of the affected plants is expected to close due to the economic impact of the limitations.

For the various segments of the industry the estimated net after tax returns as percent of sales are: textiles, 3.3 percent; friction materials, 3.0 percent; and sealing devices, 5.0 percent. For implementation of BPCTCA (1977) limitations, one sheet gasket plant in the solvent recovery subcategory incurs costs equal to 0.7 percent of sales. For implementation of BATEA (1983) limitations, four friction materials plants in the wet dust collection subcategory incur costs ranging from 0.05 to 1.2 percent of sales. It is believed that most of the waste control costs can be recovered by increased prices. Complete recovery would require price increases of less than 1.5 percent for any affected plant.

d. Cost-benefit analysis. The detrimental effects of the constituents of waste waters now discharged by point

sources within the textile, friction materials and sealing devices segment of the asbestos manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Textile, Friction Materials and Sealing Devices Manufacturing Segment of the Asbestos Manufacturing Point Source Category" (August 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 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 Impact of 1972 Federal Water Pollution Control Amendments on the Asbestos Industry" (August 1974). Implementing the limitations 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 asbestos 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 Textile, Friction Materials and Sealing Devices Manufacturing Segment of the Asbestos 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, Virginia 22151.

f. *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 427, Asbestos Manufacturing Point Source Category, is hereby amended by adding additional subparts H, I, J and K 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 9, 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 10, 1975.

Dated: December 27, 1974.

JOHN QUARLES,  
Acting Administrator.

**Subpart H—Coating or Finishing of Asbestos Textiles Subcategory**

- Sec. 427.80 Applicability; description of the coating or finishing of asbestos textiles subcategory.
- 427.81 Specialized definitions.
- 427.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.84 [Reserved]
- 427.85 Standards of performance for new sources.
- 427.86 Pretreatment standards for new sources.

**Subpart I—Solvent Recovery Subcategory**

- 427.90 Applicability; description of the solvent recovery subcategory.
- 427.91 Specialized definitions.
- 427.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.94 [Reserved]
- 427.95 Standards of performance for new sources.
- 427.96 Pretreatment standards for new sources.

**Subpart J—Vapor Absorption Subcategory**

- 427.100 Applicability; description of the vapor absorption subcategory.
- 427.101 Specialized definitions.
- 427.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.104 [Reserved]
- 427.105 Standards of performance for new sources.

427.106 Pretreatment standards for new sources.

**Subpart K—Wet Dust Collection**

- 427.110 Applicability; description of the wet dust collection subcategory.
- 427.111 Specialized definitions.
- 427.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.114 [Reserved]
- 427.115 Standards of performance for new sources.
- 427.116 Pretreatment standards for new sources.

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

**Subpart H—Coating or Finishing of Asbestos Textiles**

§ 127.80 Applicability; description of the coating or finishing of asbestos textiles subcategory.

The provisions of this subpart are applicable to discharges resulting from the process of coating or impregnating asbestos textiles with materials which impart specific desired qualities to the finished product.

§ 127.81 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.

§ 127.82 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 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

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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 waste water pollutants to navigable waters.

**§ 427.83 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 waste water pollutants to navigable waters.

**§ 427.84 [Reserved]**

**§ 427.85 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 waste water pollutants to navigable waters.

**§ 427.86 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a new source within the coating or finishing of asbestos textiles 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 by a publicly owned treatment works by a new point source subject to the provisions of this subpart:

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

**Subpart I—Solvent Recovery Subcategory**

**§ 427.90 Applicability; description of the solvent recovery subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process of solvent recovery in the manufacture of asbestos products.

**§ 427.91 Specialized definitions.**

For the purpose of this subpart:

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

**§ 427.92 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/kg of finished asbestos product		
COD	0.30	0.15
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(English units) lbs/1000 lbs of finished asbestos product		
COD	0.30	0.15
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished asbestos product		
COD	0.30	0.15
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(English units) lbs/1000 lbs of finished asbestos product		
COD	0.30	0.15
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

**§ 427.94 [Reserved]**

**§ 427.95 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/kg of finished asbestos product		
COD	0.30	0.15
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(English units) lbs/1000 lbs of finished asbestos product		
COD	0.30	0.15
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

**§ 427.96 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a new source within the solvent recovery 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.
COD	Do.
TSS	Do.

**Subpart J—Vapor Absorption**

**§ 427.100 Applicability; description of the vapor absorption subcategory.**

The provisions of this subpart are applicable to discharges resulting from the removal of volatilized organic materials from atmospheric emissions by means of wet scrubbers.

**§ 427.101 Specialized definitions.**

For the purpose of this subpart:

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

**§ 427.102 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 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 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 waste water pollutants to navigable waters.

**§ 427.103 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 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 waste water pollutants to navigable waters.

**§ 427.104 [Reserved]**

**§ 427.105 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 waste water pollutants to navigable waters.

**§ 427.106 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a new source within the vapor absorption 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.
COD	Do.
TSS	Do.

**Subpart K—Wet Dust Collection**

**§ 427.110 Applicability; description of the wet dust collection subcategory.**

The provisions of this subpart are applicable to discharges resulting from the removal of dust (particulates) from atmospheric emissions by means of wet scrubbers.

**§ 427.111 Specialized definitions.**

For the purpose of this subpart:

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

**§ 427.112 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

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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/1000 std cu m of air scrubbed		
TSS.....	0.08.....	0.04
pH.....	Within the range 6.0 to 9.0.	
(English units) lbs/MM std cu ft of air scrubbed		
TSS.....	5.0.....	2.50
pH.....	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be dis-

charged 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 waste water pollutants to navigable waters.

§ 427.114 [Reserved]

§ 427.115 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 waste water pollutants to navigable waters.

§ 427.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the wet dust collection subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 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.
COD.....	Do.
TSS.....	Do.

[FR Doc.75-268 Filed 1-8-75;8:45 am]

## Environmental Protection Agency

[ 40 CFR Part 427 ]

[FRL 315-6]

## ASBESTOS MANUFACTURING POINT SOURCE CATEGORY; PRETREATMENT STANDARDS FOR EXISTING SOURCES

## Notice of Proposed Rulemaking

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 427, Asbestos Manufacturing Point Source Category, establishing for the coating or finishing of asbestos textiles subcategory, the solvent recovery subcategory, the vapor absorption subcategory, and the wet dust collection 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 Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30932).

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 coating or finishing of asbestos textiles, the solvent recovery, vapor absorption and the wet dust collection subcategories of the asbestos 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 427) 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 427.86, 427.96, 427.106 and 427.116 of the proposed regulation for point sources within the coating or finishing of asbestos textile, the solvent recovery, the vapor absorption, and the wet dust collection subcategories (August 29, 1974; 39 FR 31592), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains sections 427.86, 427.96, 427.106 and 427.116 which state 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 Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Textile, Friction Materials and Sealing Devices Segment of the Asbestos Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Impact of 1972 Federal Water Pollution Control Amendments on the Asbestos Industry" (August 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 asbestos textiles, friction materials and sealing devices, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of asbestos textiles, friction materials and sealing devices. 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 asbestos manufacturing point source category (39 FR 31592; August 29, 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 427) 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 obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the coating or finishing of asbestos textiles, the solvent recovery, the vapor absorption and the wet dust collection 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.

The pollutants contained in the waste waters (suspended solids and non-refractory organic materials) are readily treated in typical publicly owned treatment works and should not require specific pretreatment. It is noted that most facilities in the textiles, friction materials

and sealing devices segment of the asbestos industry are dry operations or discharge to publicly owned systems with no problems reported. Therefore, 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 Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

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

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 427 be amended to add §§ 427.84, 427.94, 427.104, 427.114 as set forth below. All comments received on or before February 10, 1975 will be considered.

Date: December 27, 1974.

JOHN QUARLES,  
Acting Administrator.

Part 427 is proposed to be amended as set forth below:

Subpart H is amended by adding § 427.84 as follows:

§ 427.84 Pretreatment standards for existing sources.

The pretreatment standards under Section 307(b) of the Act for a source

within the coating or finishing of asbestos textiles subcategory which is a user of 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 standards</i>
pH .....	No limitation.
COD .....	Do.
TSS .....	Do.

Subpart I is amended by adding § 427.94 as follows:

§ 427.94 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the solvent recovery subcategory which is a user of 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 standards</i>
pH .....	No limitation.
COD .....	Do.
TSS .....	Do.

Subpart J is amended by adding § 427.104 as follows:

§ 427.104 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the vapor absorption subcategory which is a user of 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 standards</i>
pH .....	No limitation.
COD .....	Do.
TSS .....	Do.

Subpart K is amended by adding § 427.114 as follows:

§ 427.114 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the wet dust collection subcategory which is a user of 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 standards</i>
pH .....	No limitation.
COD .....	Do.
TSS .....	Do.

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