

## Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND  
STANDARDSPART 406—GRAIN MILLS POINT SOURCE  
CATEGORY

On December 4, 1973, notice was published in the FEDERAL REGISTER (38 FR 33438), 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 corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories of the grain mills category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the grain mills category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 406. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307 (c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 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 corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Grain milling industry (August, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

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

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Corn Refiners Association, American Corn Millers Federation, U.S. Department of Commerce, Distilled Spirits Council of the United States, Inc., and U.S. Department of Agriculture.

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

(1) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(2) A commenter pointed out a discrepancy in the rationale for the "best practicable" limitations in the corn wet milling subcategory. The Development Document claimed that the recommended technology, if applied to an existing source, would result in a monthly average discharge of 30 to 50 lbs/MSBu for both the BOD5 and TSS parameters. The limitations, however, are 35 lbs/MSBu of TSS and 50 lbs/MSBu of BOD5. It was argued that since EPA is only certain that the 50 lb limit can be attained, the TSS limitation should be changed from 35 to 50 lbs/MSBu.

EPA has carefully reviewed this comment and found it to be justified. Consequently, the best practicable limitation for TSS in the corn wet milling subcategory has been changed from 30 to 50 lbs/MSBu. EPA believes that while the 30 lb limit might be attainable, the technology is not yet available to achieve this effluent level on a routine basis. Currently, many of the existing treatment systems exceed 50 lbs of TSS/MSBu but it is the opinion of EPA, that this is due to inadequate in-plant controls and operation of the treatment systems, and in some cases the discharge of untreated barometric cooling water. With proper

operation, and recycling of barometric cooling water where necessary, the limitation of 50 lbs of TSS/MSBu is achievable and represents a substantial improvement over the present levels of treatment.

(3) Industry objected to the method EPA used to calculate an average raw waste load for the corn wet milling subcategory. EPA based its typical raw waste load on the average raw waste loads for one year at 12 corn wet mills. Industry claimed that such an average is unfair to more than half the plants in the industry, and ignores the fact that the raw waste load can vary by as much as three to ten times the average of any particular plant.

EPA believes that the method used to develop the standard raw waste load is fair and reasonable. All 17 plants in the industry were given the opportunity to submit information on the characteristics of their waste. Twelve of these plants transmitted usable information on their raw waste load to EPA. Careful evaluation of the data showed that these plants could not be further subcategorized on the basis of size or age of facility, nor on the basis of product mix. Consequently, a standard raw waste load was calculated using an average of the available data. EPA recognized the complexity of the various processes of corn wet milling and therefore, decided that the standard raw waste load should be based on the broadest data base available, i.e., an average of 12 plants, rather than on one or two of the better operations.

It is true that large fluctuations in raw waste load may occur in corn wet mills. The variations in raw waste load at any plant around an average figure are only important insofar as they affect the treatment system. As described in section VII of the Development Document, these variations can be minimized by proper in-plant control and a properly designed and operated treatment system.

(4) Industry also claimed that none of the three existing treatment plants in the corn wet milling subcategory could meet the 1977 standards contrary to the claims of EPA. It was alleged that one of these plants operating under a Federal demonstration grant has shown that it cannot meet the effluent levels required by the proposed limitations.

EPA evaluated this demonstration project during its initial stages of operation. The treatment plant was found to be overloaded, and subsequent efforts by the manufacturer reduced the raw waste load normally discharged to the treatment system. While pollutant concentrations in this effluent were reduced, large quantities of pollutants in barometric cooling water continued to be discharged untreated. As discussed in the Development Document, plants with barometric cooling water can drastically reduce their pollutant discharge by recycling this water through cooling towers with the blowdown sent to the treatment system. If this were done at the above plant, even assuming no BOD removal in the cooling tower through biological action, the limitations could be achieved. It is the

Agency's opinion that any of the plants in this subcategory with an adequate treatment system can meet the effluent limitations, provided that proper in-plant efforts are made to prevent excess raw waste from being discharged to the plant waste water treatment system.

(5) Industry claimed that the costs of treatment in the corn wet milling subcategory are underestimated and, in particular, the costs of in-plant controls are not included.

In addition to the comments EPA made in the preamble to the proposed regulation, the following factors are important. The economic impact analysis of the cost of meeting the proposed limitations was based on the construction of complete treatment systems using the best practicable technology currently available. This technology is equalization, activated sludge, and, when necessary, recirculating cooling water systems. In the corn wet milling industry, the actual costs of meeting the limitations will be less than estimated. Since all plants discharging to streams have some treatment, the cost of meeting the 1977 limitations will be reduced by an amount equal to the cost of the system they already have in place. The additional treatment may include cooling towers for recycling barometric cooling water, and an expanded treatment system to handle the blowdown from this cooling tower.

As far as in-plant controls are concerned, the typical plant selected for the calculation assumed good in-plant control. Some plants in the industry already have these controls. Others do not and would have an additional cost depending on the specific circumstances of the plant.

(6) A commenter pointed out that in a few dry corn mills additional processing occurs which is not covered in the Development Document. It was argued that a few of the larger mills further process the grits, meal and flour through expanders and/or extruders. Additional waste waters are generated by air pollution control equipment. Since such processing is not an integral part of the basic milling sequence as described in the Development Document, such wastes should be specifically excluded from the final regulations.

EPA agrees with this comment and the final regulations published below exclude waste waters from air pollution control equipment on expanders and/or extruders in the corn dry milling subcategory. Additional limitations to cover these waste waters cannot be made at this time for lack of adequate information.

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

(1) Sections 406.11, 406.21, 406.31, 406.41, 406.51, and 406.61 entitled "Specialized Definitions," now include references to general definitions, abbreviations, and methods of analysis in 40 CFR

Part 401 which reduces the need for some specialized definitions in this regulation.

(2) The "best practicable" limitations for the corn wet milling subcategory have been changed. The average monthly limitation for TSS has been raised from 35 to 50 lbs/MSEu. This decision was made recognizing that solids separation is a difficult problem in this industry. While EPA feels that this problem is solvable by the methods suggested in the Development Document, sufficient uncertainty exists to raise the TSS limitation to the same level as the BOD5. This results in an effluent concentration of 125 mg/l for a typical plant. The daily maximum figure is three times the monthly limitation or 150 lbs/MSEu.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(4) In the corn dry milling subcategory, waste waters from air pollution control equipment on expanders and extruders have been excluded from the limitations. Insufficient data exists upon which to base limitations. The change is reflected in § 406.20.

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation. The only subcategory affected by the revisions is the corn wet milling subcategory. Since the revision to the "best practicable" limitations raised the allowable discharge of TSS for 1977, the cost to be incurred by industry will be somewhat less than anticipated in the proposed regulations.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the grain processing segment of the grain mills point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Grain Processing Segment of the Grain Mills Point Source Category" (March 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 Analyses of Proposed Effluent Guidelines Grain Milling Industry" (August 1973). 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 milling 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 Grain Mills Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, subchapter N is hereby amended by adding a new Part 406, Grain Mills Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

JOHN QUARLES,  
Acting Administrator.

Subpart A—Corn Wet Milling Subcategory

- |        |   |
|--------|---|
| Sec.   |   |
| 406.10 | Applicability; description of the corn wet milling subcategory.   |
| 406.11 | Specialized definitions.  |
| 406.12 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
| 406.13 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.       |
| 406.14 | [Reserved]  |
| 406.15 | Standards of performance for new sources.   |
| 406.16 | Pre-treatment standards for new sources.  |

**Subpart B—Corn Dry Milling Subcategory**

- Sec. 406.20 Applicability; description of the corn dry milling subcategory.
- 406.21 Specialized definitions.
- 406.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.24 [Reserved]
- 406.25 Standards of performance for new sources.
- 406.26 Pretreatment standards for new sources.

**Subpart C—Normal Wheat Flour Milling Subcategory**

- 406.30 Applicability; description of the normal wheat flour milling subcategory.
- 406.31 Specialized definitions.
- 406.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.34 [Reserved]
- 406.35 Standards of performance for new sources.
- 406.36 Pretreatment standards for new sources.

**Subpart D—Bulgur Wheat Flour Milling Subcategory**

- 406.40 Applicability; description of the bulgur wheat flour milling subcategory.
- 406.41 Specialized definitions.
- 406.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.44 [Reserved]
- 406.45 Standards of performance for new sources.
- 406.46 Pretreatment standards for new sources.

**Subpart E—Normal Rice Milling Subcategory**

- 406.50 Applicability; description of the normal rice milling subcategory.
- 406.51 Specialized definitions.
- 406.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.54 [Reserved]
- 406.55 Standards of performance for new sources.
- 406.56 Pretreatment standards for new sources.

**Subpart F—Parboiled Rice Processing Subcategory**

- 406.60 Applicability; description of the parboiled rice processing subcategory.

- Sec. 406.61 Specialized definitions.
- 406.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 406.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 406.64 [Reserved]
- 406.65 Standards of performance for new sources.
- 406.66 Pretreatment standards for new sources.

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

**Subpart A—Corn Wet Milling Subcategory**

**§ 406.10 Applicability; description of the corn wet milling subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is steeped in a dilute solution of sulfuric acid and then processed by wet means into such products as animal feed, regular and modified starches, corn oil, corn syrup, and dextrose.

**§ 406.11 Specialized definitions.**

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

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

**§ 406.12 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 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD <sub>5</sub> .....	2.67	0.89
TSS.....	2.67	.89
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of corn)	
BOD <sub>5</sub> .....	150	50
TSS.....	150	50
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD <sub>5</sub> .....	1.63	0.50
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of corn)	
BOD <sub>5</sub> .....	60	20
TSS.....	200	10
pH.....	Within the range 6.0 to 9.0.	

§ 406.14 [Reserved]

§ 406.15 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD <sub>5</sub> .....	1.08	0.36
TSS.....	.54	.18
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of corn)	
BOD <sub>5</sub> .....	60	20
TSS.....	30	10
pH.....	Within the range 6.0 to 9.0.	

§ 406.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn wet milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.15: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Corn Dry Milling Subcategory

§ 406.20 Applicability; description of the corn dry milling subcategory.

(a) The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil, and animal feed.

(b) The provisions of this subpart do not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.

§ 406.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the gen-

eral definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

§ 406.22 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.

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 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD <sub>5</sub> .....	0.21	0.07
TSS.....	.18	.06
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of corn)	
BOD <sub>5</sub> .....	12.0	4.0
TSS.....	10.5	3.5
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD <sub>5</sub> .....	0.11	0.036
TSS.....	.054	.018
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of corn)	
BOD <sub>5</sub> .....	6.0	2.0
TSS.....	3.0	1.0
pH.....	Within the range 6.0 to 9.0.	

§ 406.24 [Reserved]

§ 406.25 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD <sub>5</sub> .....	0.11	0.036
TSS.....	.054	.018
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of corn)	
BOD <sub>5</sub> .....	6.0	2.0
TSS.....	3.0	1.0
pH.....	Within the range 6.0 to 9.0.	

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

The pretreatment standards under section 307(c) of the Act for a source within the corn dry milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.25; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

**Subpart C—Normal Wheat Flour Milling Subcategory**

**§ 406.30 Applicability; description of the normal wheat flour milling subcategory.**

The provisions of this subpart are applicable to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.

**§ 406.31 Specialized definitions.**

For the purpose of this subpart:

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

**§ 406.32 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, to 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 infor-

mation, 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.

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

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

**§ 406.34 [Reserved]**

**§ 406.35 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.

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

The pretreatment standards under section 307(c) of the Act for a source within the normal wheat flour milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its

NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

**Subpart D—Bulgur Wheat Flour Milling Subcategory**

**§ 406.40 Applicability; description of the bulgur wheat flour milling subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which wheat is parboiled, dried, and partially debranned in the production of bulgur.

**§ 406.41 Specialized definitions.**

For the purpose of this subpart:

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

(b) The term "wheat" shall mean wheat delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of wheat weighing 60 pounds.

(d) The abbreviation "MSBU" shall mean 1,000 standard bushels.

**§ 406.42 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 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD <sub>5</sub> .....	0.025	0.0053
TSS.....	.025	.0053
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD <sub>5</sub> .....	1.50	0.50
TSS.....	1.50	.50
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD <sub>5</sub> .....	0.015	0.005
TSS.....	.0099	.0033
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD <sub>5</sub> .....	0.90	0.30
TSS.....	.60	.20
pH.....	Within the range 6.0 to 9.0.	

**§ 406.44 [Reserved]**

**§ 406.45 Standards of performance for new sources.**

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD <sub>5</sub> .....	0.015	0.005
TSS.....	.0099	.0033
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stbu of wheat)	
BOD <sub>5</sub> .....	0.90	0.30
TSS.....	.60	.20
pH.....	Within the range 6.0 to 9.0.	

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

The pretreatment standards under section 307(c) of the Act for a source within the bulgur wheat flour milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

**Subpart E—Normal Rice Milling Subcategory**

**§ 406.50 Applicability; description of the normal rice milling subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned and milled by dry processes.

**§ 406.51 Specialized definitions.**

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

**§ 406.52 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 process waste water pollutants to navigable waters.

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

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

**§ 406.54 [Reserved]**

**§ 406.55 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 sub-

ject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

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

The pretreatment standards under section 307(c) of the Act for a source within the normal rice milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.55: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

**Subpart F—Parboiled Rice Processing Subcategory**

**§ 406.60 Applicability; description of the parboiled rice processing subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned, cooked and dried before being milled.

**§ 406.61 Specialized definitions.**

For the purpose of this subpart:

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

(b) The term "rice" shall mean rice delivered to a plant before processing.

(c) The abbreviation "cwt" shall mean hundred weight.

**§ 406.62 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 limi-

tations 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 discharged 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 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD <sub>5</sub> .....	0.42	0.14
TSS.....	.24	.03
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per hundred-weight of rice)	
BOD <sub>5</sub> .....	0.92	0.04
TSS.....	.54	.06
pH.....	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD <sub>5</sub> .....	0.21	0.07
TSS.....	.69	.03
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per hundred-weight of rice)	
BOD <sub>5</sub> .....	0.46	0.15
TSS.....	1.5	.06
pH.....	Within the range 6.0 to 9.0.	

**§ 406.64 [Reserved]**

**§ 406.65 Standards of performance for new sources.**

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD <sub>5</sub> .....	0.21	0.07
TSS.....	.69	.03
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per hundred-weight of rice)	
BOD <sub>5</sub> .....	0.46	0.15
TSS.....	1.5	.06
pH.....	Within the range 6.0 to 9.0.	

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

The pretreatment standards under section 307(c) of the Act for a source within the parboiled rice processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act; if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.65: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-6236 Filed 3-10-74;8:45 am]