

**ENVIRONMENTAL PROTECTION  
AGENCY**

[ 40 CFR Part 443 ]

[FRL 316-6]

**PAVING AND ROOFING MATERIALS (TARS  
AND ASPHALT) POINT SOURCE CATE-  
GORY**

**Proposed Effluent Limitations and  
Guidelines**

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the Asphalt Emulsion subcategory (Subpart A), the Asphalt Concrete subcategory (Subpart B), the Asphalt Roofing subcategory (Subpart C), and the Linoleum and Printed Asphalt Felt subcategory (Subpart D) of the Paving and Roofing Materials (Tar and Asphalt) point source category pursuant to sections 301, 304 (b) and (c), 306(b), and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; (Pub. L. 92-500) (the Act).

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

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Asphalt Emulsion subcategory (Subpart A), the Asphalt Concrete subcategory (Subpart B), the Asphalt Roofing subcategory (Subpart C), and the Linoleum and Printed Asphalt Felt subcategory (Subpart D) of the Paving and Roofing Materials (Tars and Asphalt) point source category.

(2) *New sources*. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the Asphalt Emulsion subcategory (Subpart A), the Asphalt Concrete subcategory (Subpart B), the Asphalt Roofing subcategory (Subpart C), and the Linoleum and Printed Asphalt Felt subcategory (Subpart D), of the Paving and Roofing Materials (Tars and Asphalt) point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 443.16, 443.26, 443.36, and 443.46, proposed below, provide pretreatment standards for new sources within the Asphalt Emulsion subcategory (Subpart A), the Asphalt Concrete subcategory (Subpart B), the Asphalt Roofing subcategory (Subpart C), and the Linoleum and Printed Asphalt Felt subcategory (Subpart D), of the Paving and Roofing Materials (Tars and Asphalt) point source category.

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

(b) *Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources*.

(1) *General methodology*. The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different

segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

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

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

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

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR Part 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 10, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently avail-

able," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 443.16, 443.26, 443.36, and 443.46 below amend § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the Asphalt Emulsion subcategory (Subpart A), the Asphalt Concrete subcategory (Subpart B), the Asphalt Roofing subcategory (Subpart C), and the Linoleum and Printed Asphalt Felt subcategory (Subpart D), of the Paving and Roofing Materials (Tar and Asphalt) point source category.

(i) *Categorization.* For the purpose of studying waste treatment and effluent limitations, the paving and roofing materials (tars and asphalt) category was divided into four discrete subcategories, primarily based on a consideration of raw materials utilized, production processes employed, products produced, size and age of mills, waste water characteristics and treatability, and geographic location as outlined in the Development Document for the paving and roofing materials (tars and asphalt) category of point sources. These subcategories are defined as:

(1) *Subpart A—Asphalt Emulsion subcategory.* This subcategory includes plants engaged in the production of oxidized asphalt for use in roofing or paving products. The oxidizing process consists of blowing hot air through hot asphalt for a period of time. The resulting oxidized asphalt can be either stored as paving asphalt or emulsified with a water and chemical mixture to produce roofing and paving emulsions.

(2) *Subpart B—Asphalt Concrete subcategory.* This subcategory includes plants engaged in the production of asphalt concrete for use in paving materials. The process consists of mixing asphalt with crushed rock or gravel.

(3) *Subpart C—Asphalt Roofing subcategory.* This subcategory includes plants engaged in the production of roofing felts, impregnated roofing felts, roofing asphalts and tars, tar papers, canal liners, expansion joints, roofing cements, and other asphalt-related items. The process consists of saturating and coating an organic felt with asphalt. The coated felt may then be impregnated with crushed rock.

(4) *Subpart D—Linoleum and Printed Asphalt Felt subcategory.* This subcategory includes plants engaged in the production of linoleum and printed asphalt felt floor coverings. The process consists of painting or embossing a design on a saturated felt backing.

(ii) *Waste characteristics.* The significant pollutant parameters in the waste waters resulting from the paving and roofing materials (tars and asphalt) category include total suspended non-filterable solids (TSS), freon extractible oils and grease, and pH.

The suspended solids present in the waste waters from this category are inorganic in nature and settle readily. The oils and greases are of a petroleum nature and are usually of a floating type which are easily removed by skimming.

Effluent limitation guidelines and standards of performance are established below to control each of the above pollutants. No limitations have been established for several other waste water pollutants which are considered to be of lesser importance because: Available data have indicated they are normally removed when the TSS is removed; they occur in insignificant quantities; and technology is not available to control the pollutant discharge.

(iii) *Origin of waste water pollutants in the paving and roofing materials (tar and asphalt) category.*

(1) *Subpart A—Asphalt Emulsion subcategory.* The major water use in this subcategory is for cooling pumps and process controls. Since it is generally non-contact in nature, it is relatively pollutant free. Runoff caused by precipitation is the only known source of contaminated water. It contains freon extractible oils and greases which originate from spills and saturated production grounds. Total suspended non-filterable solids are also present.

(2) *Subpart B—Asphalt Concrete subcategory.* The major water use in this subcategory is to control air emission and the dust that is collected is discharged in a slurry form. The solids, which are of an inorganic nature, settle readily.

(3) *Subpart C—Asphalt Roofing subcategory.* The major water use in this subcategory is to cool the product so that it can be packaged. The water is sprayed onto the hot saturated felts. This spray washes off some of the coating granules and backing material (mica or talc). The quantity washed off depends on the amount of spray used. Runoff from the oxidizing areas contains oils and greases.

(4) *Subpart D—Linoleum and Printed Asphalt Felt subcategory.* The major water use in this subcategory is for clean-up operations. The waste waters contain dried paints and inks that are picked up when the mixing vats are washed out.

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

(1) *Treatment in the Asphalt Emulsion subcategory.* The best practicable control technology currently available is the collection of all runoff from the plant production area and the skimming off of floating oils.

Treatment recommended to achieve best available technology economically achievable and best available demonstrated control technology, processes, operating methods or other alternatives is essentially the same as best practicable

control technology currently available, but more rigorous treatment efficiencies are needed and a sedimentation basin is used.

(2) *Treatment in the Asphalt Concrete subcategory.* The best practicable control technology currently available is to allow the solids to settle out in sedimentation basins and then to reuse the waste water. Since the application of the best practicable control technology currently available obviates the discharge of process water, no modifications are necessary to meet best available technology economically achievable, or best available demonstrated control technology, processes, operating methods or other alternatives.

(3) *Treatment in the Asphalt Roofing subcategory.* The best practicable control technology currently available is the use of sedimentation basins to settle solids out of the waste waters that are generated, usually during cooling-type operations. The waste water is then discharged.

Treatment recommended to achieve best available technology economically achievable and best available demonstrated control technology, processes, operating methods or other alternatives is essentially the same as best practicable control technology currently available but more rigorous treatment efficiencies are needed and process modifications include the use of cooling drums supplemented with mist. The proper use of this type cooling system will keep many of the solids from entering the waste water flow and will reduce the total volume of water used.

(4) *Treatment in the Linoleum and Printed Asphalt Felt subcategory.* The best practicable control technology currently available at plants in this subcategory involves diverting wash waters into settling sumps or sedimentation basins.

Treatment recommended to achieve best available technology economically achievable and best available demonstrated control technology, processes, operating methods or other alternatives is essentially the same as best practicable control technology currently available but, more rigorous treatment efficiencies are needed.

(v) *Cost estimates for control of waste water pollutants.* The costs for providing in-plant controls are largely those associated with capital investment for process and equipment modifications. The costs associated with end-of-pipe treatment include amortization of capital expenditures over a 10-year period, debt servicing, and operation and maintenance.

(vi) *Energy requirements and non-water quality environmental impacts.* Added energy requirements are those associated with operation of treatment facilities and constitute only a small fraction of the total energy used in the plant.

Solid wastes must be considered.

The use of water by plants in the Paving and Roofing Materials (Tar and Asphalt) category and the treatment

process employed generate a predominately inorganic type of solid waste mainly sand and gravel. Solid wastes from the Linoleum and Printed Asphalt Felt subcategory may contain some potentially harmful solvents.

Best practicable control technology and best available control technology require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(vii) *Economic impact analysis.* Generally, the costs of compliance are low and are not expected to significantly affect prices, profitability, industry production, or growth. In most cases, it is expected that these costs can be passed on to the consumer through price increases ranging from approximately 0.02 to 1.4 percent for 1977 with an additional zero to 0.52 percent in 1983. However, in the asphalt concrete segment, some producers, especially the smaller ones in urban areas, may be forced to absorb part of these costs in their profit margins. As a result, it is estimated that ten to fifteen small plants in this segment may close. These plants represent only 0.2 percent of industry capacity, and would, thus, result in an insignificant impact on production since the industry normally operates at only 35-40 percent of capacity. Approximately fifty employees would be affected by these closures; however, there should be no significant impact on the local communities, balance of trade, or industry growth for these segments.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies

of both of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including: (1) The pollutants presently discharged into the Nation's waterways by manufacturers of Paving and Roofing Materials and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X, and XI); (2) the anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly Section VIII); and (3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, the Asphalt Paving and Roofing Industry" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which paving and roofing materials plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 200 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

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

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the paving and roofing materials (tar and asphalt) point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Government of Guam, and Government of Samoa; Trust Territories of the Pacific Islands; (4) Puerto Rico; (5) National Asphalt Pavement Association; (6) Bureau of National Affairs, Inc.; (7) Stroud Roofing Manufacturing Co.; (8) Warren Brothers Co.; (9) Valley Asphalt Corp.; (10) Chevron Asphalt Co.; (11) Armstrong Cork Co.; (12) Brewer Co.; (13) Celotex Corp.; (14) Johns-Manville Corp.; (15) Flintkote Co.; (16) G.A.F. Corp.; (17) Del-Val Asphalt Corp.; (18) Bird and Son, Inc.; (19) Trumbull Asphalt; (20) Lloyd A. Fry Roofing; (21) Certain-teed Products Corp.; (22) Carthage Mills; (23) Logan Long Co.; (24) Congoleum Industries Inc.; and (25) Mannington Mills, Inc.

The following responded with comments:

Federal Power Commission; Water Resources Council; National Asphalt Pavement Association; Johns-Manville Corp.; Certain-teed Products Corp.; G.A.F. Corp.; Bird and Son, Inc.; State of Arizona; State of Colorado; State of Delaware; State of Illinois; State of Kentucky; State of Minnesota; State of North Carolina; and the Delaware River Basin Commission.

The comments received ranged from total approval to complete rejection because the proposed regulations were either too stringent or not restrictive enough.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A common criticism was that the recycling of waste water in the asphalt concrete subcategory is commonly done.

After careful re-examination of the information indicated, it was found that approximately 3,360 plants in this subcategory are currently not discharging any waste water or are recycling most of it. Therefore, no discharge is recommended for best practicable control technology currently available.

(2) Some commenters questioned the lack of limitations on oil and grease for the asphalt roofing subcategory.

At the time the draft development document was published it was believed that oils and grease were not present. After re-examination of the information, it was found that freon extractable oil and grease are present in the runoff from this subcategory, but not in sufficient quantities to warrant setting a limit. It should be noted, however, that safeguards, such as good housekeeping, must be utilized so that concentrations are kept low.

(3) Several reviewers questioned the statement that dry air collection systems are used to a greater degree than wet air collection systems in the asphalt concrete subcategory.

There are more wet collection systems in operation at plants in this subcategory today than dry systems, but increasing numbers of plants are continuing to convert to dry systems.

(4) Several commenters took the position that temperature limits should be imposed.

The maximum waste water temperature reported for any plant in this category was 71 degrees C. (160 degrees F), and at the small flows reported, temperature limits are not warranted for effluent guidelines.

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. Phillip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, 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(b), 306 and 307 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. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before February 10, 1975, will be considered. Steps previously taken by the Environ-

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

Dated: December 26, 1974.

RUSSELL E. TRAIN,  
Administrator.

**PART 443—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE PAVING AND ROOFING MATERIALS (TARS AND ASPHALT) POINT SOURCE CATEGORY**

**Subpart A—Asphalt Emulsion Subcategory**

- Sec.  
443.10 Applicability; description of the asphalt emulsion subcategory.  
443.11 Specialized subcategory.  
443.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
443.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
443.14 [Reserved].  
443.15 Standards of performance for new sources.  
443.16 Pretreatment standards for new sources.

**Subpart B—Asphalt Concrete Subcategory**

- 443.20 Applicability; description of the asphalt concrete subcategory.  
443.21 Specialized definitions.  
443.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
443.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
443.24 [Reserved].  
443.25 Standards of performance for new sources.  
443.26 Pretreatment standards for new sources.

**Subpart C—Asphalt Roofing Subcategory**

- 443.30 Applicability; description of the asphalt roofing subcategory.  
443.31 Specialized definitions.  
443.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
443.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
443.34 [Reserved].  
443.35 Standards of performance for new sources.  
443.36 Pretreatment standards for new sources.

**Subpart D—Linoleum and Printed Asphalt Felt Subcategory**

- 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.  
443.41 Specialized definitions.

- Sec.  
443.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
443.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
443.44 [Reserved].  
443.45 Standards of performance for new sources.  
443.46 Pretreatment standards for new sources.

**AUTHORITY:** Secs. 301, 304 (b) and (c) and 306(b) and 307(c), Federal Water Pollution Control Act, as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); (85 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

**Subpart A—Asphalt Emulsion Subcategory**

§ 443.10 Applicability; description of the asphalt emulsion subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of paving and roofing emulsions.

§ 443.11 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "production area size" is that area in which the oxidation towers, loading facilities, and all buildings that house product processes are located.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewaters and runoff.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry 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

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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 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. 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 limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/cu m of Runoff		
Oil and grease	0.020	0.015
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 gal of Runoff		
Oil and grease	0.167	0.125
pH	Within the range 6.0 to 9.0	

**§ 443.13 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 limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/cu m of Runoff		
TSS	0.023	0.015
Oil and grease	0.015	0.010
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 gal of Runoff		
TSS	0.183	0.125
Oil and grease	0.125	0.083
pH	Within the range 6.0 to 9.0	

**§ 443.14 [Reserved]**

**§ 443.15 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 limitations		
Effluent characteristic	Maximum for any one day	Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/cu m of Runoff		
TSS	0.023	0.015
Oil and grease	0.015	0.010
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 gal of Runoff		
TSS	0.183	0.125
Oil and grease	0.125	0.083
pH	Within the range 6.0 to 9.0	

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

The pretreatment standard under section 307(c) of the Act for a new source within the asphalt emulsion subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter 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 source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	100 mg/l.

**Subpart B—Asphalt Concrete Subcategory**  
**§ 443.20 Applicability; description of the asphalt concrete subcategory.**

The provisions of this subpart are applicable to discharges resulting from the production of Asphalt Concrete.

**§ 443.21 Specialized definitions.**

For the purpose of this subpart:  
 (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.  
 (b) The term "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, in-

termediate product, by-product, or product used in or resulting from the production of paving asphalt concrete.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry 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. 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:

**§ 443.23 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 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.

§ 443.24 [Reserved]

§ 443.25 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.

§ 443.26 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asphalt concrete subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters); shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter 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 source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	100 mg/l.

Subpart C—Asphalt Roofing Subcategory

§ 443.30 Applicability; description of the asphalt roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of Asphalt Roofing materials.

§ 443.31 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.

(b) The term "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of asphalt roofing materials.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to fac-

tors (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. 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 product		
TSS	0.056	0.038
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of product		
TSS	0.056	0.038
pH	Within the range 6.0 to 9.0	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this sec-

tion, 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 product		
TSS	0.023	0.019
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of product		
TSS	0.023	0.019
pH	Within the range 6.0 to 9.0	

§ 443.34 [Reserved]

§ 443.35 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	0.023	0.019
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of product		
TSS	0.023	0.019
pH	Within the range 6.0 to 9.0	

§ 443.36 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asphalt roofing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter 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 source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	100 mg/l.

**Subpart D—Linoleum and Printed Asphalt Felt Subcategory**

**§ 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.**

The provisions of this subpart are applicable to discharges resulting from the production of Linoleum and Printed Asphalt Felt floor coverings.

**§ 443.41 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 "process wastewater" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product, or product used in or resulting from the production of linoleum and printed asphalt felt floor coverings.

(c) The term "process wastewater pollutants" shall mean any pollutants present in the process wastewater.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry 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. 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 product		
TSS	0.038	0.025
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.038	0.025
pH	Within the range 6.0 to 9.0.	

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	0.019	0.013
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.019	0.013
pH	Within the range 6.0 to 9.0.	

**§ 443.44 [Reserved]**

**§ 443.45 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 one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kg of product		
TSS	0.019	0.013
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.019	0.013
pH	Within the range 6.0 to 9.0.	

**§ 443.46 Pretreatment standard for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the linoleum and printed asphalt felt subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter 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 source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	100 mg/l.

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