Pacific Railroad Company, common carriers by railroad operating within the State of Wyoming, seek increases in their intrastate rates from and to points in Wyoming corresponding to the increases in interstate rates and charges which have been authorized on an interim basis pursuant to order of August 2, 1973, in pending Ex Parte No. 295, Increased Freight Rates and Charges, 1973, Nationwide, and which may be authorized on a permanent basis in that same investigation; and

It appearing, That the current general level of intrastate freight rates and charges maintained by petitioners, as authorized by the Public Service Commission of Wyoming, is approximately the same as the interstate increases authorized by this Commission through Ex Parte No. 281, except that in connection with Ex Parte No. 262 increase, intrastate rates on sugar beets were not increased; in connection with Ex Parte No. 265, intrastate rates on sugar beets and from and to certain points on coal were not increased; and in connection with Ex Parte No. 267, an 8 percent increase was authorized on intrastate commerce instead of the 12 percent authorized on interstate commerce; and that these indicated exceptions are under investigation in docket No. 35596, Wyoming Intrastate Freight Rates and Charges—1972, wherein an Administrative Law Judge's recommended decision was served August 2, 1973;

It further appearing, That petitioners allege that the present interstate basis of rates is just and reasonable and that a disparity exists between those rates and the current intrastate rates applicable from and to points in the State of Wyoming, which latter rates would also constitute a just and reasonable basis if increased to the interstate level, namely, to the extent of the interim increase authorized in Ex Parte No. 295 and to the further extent of the increases which may be finally authorized in that proceeding;

It further appearing, That petitioners allege that Wyoming intrastate rates have historically been maintained on the same general level as the corresponding interstate rates; that transportation conditions incident to traffic moving in intrastate commerce within Wyoming are no more favorable than conditions incident to interstate commerce; and that the described relationship between intrastate and interstate rates had remained constant, except for intervals, as indicated above, between the effectiveness of interstate rate increases and the application of corresponding increases to intrastate rates and charges;

It further appearing, That petitioners allege that the present intrastate rates within Wyoming fail to produce their fair share of earnings required to enable petitioners under honest, economical and efficient management to provide adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; that such intrastate rates create undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce within Wyoming on the one hand, and interstate and foreign commerce on the other, and result in undue, unreasonable and unjust discrimination against and undue burden on interstate and foreign commerce in violation of the said sections of the act, such unlawfulness to continue until the Wyoming intrastate rates are increased to the level authorized or which may be authorized in Ex Parte No. 295;

It further appearing, That insofar as petitioners seek to increase their intrastate rates by the same amount of increases finally authorized in interstate rates in Ex Parte No. 295, Increased Freight Rates and Charges, 1973, Nationwide, supra, which matter is still under investigation, the instant petition is premature, pursuant to Intrastate Freight Rates and Charges (Pulpwood & Woodchips), 344 I.C.C. 108 (1973), wherein a petition to investigate and establish certain intrastate rates and charges on the same basis as a proposed increased level of interstate rates under investigation and suspension was found to be premature and was denied.

And it further appearing, That, accordingly, there have been brought in issue by the said petition matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Wyoming solely to the extent that they do not reflect the effective interim increase authorized in Ex Parte No. 295, Increased Freight Rates and Charges, 1973, Nationwide, supra;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under sections 13 and 15a of the Interstate Commerce Act solely to determine whether the said rates and charges of carriers by railroad, or any of them, operating in the State of Wyoming cause or will cause, by reason of the failure of such rates and charges to include the 3 percent interim increase authorized by the Commission and which has become effective on interstate commerce in Ex Parte No. 295 Increased Freight Rates and Charges, 1973, supra, any undue or unreasonable advantage, preference or prejudice as between persons or locations in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any unjust discrimination against or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum, and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist; and that the said petition be, and it is hereby denied in all other respects.

It is further ordered, That all carriers by railroad operating within the State of Wyoming subject to the jurisdiction of this Commission be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Interstate Commerce Commission, in writing on or before November 5th, 1973. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the said petitioners; that the State of Wyoming be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of Wyoming and to the Public Service Commission of Wyoming, Cheyenne, Wyo.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register, for publication therein.

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-22268 Filed 10-17-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

1 CFR

Page

CFR checklist 27211

3 CFR

PROCLAMATIONS

Jan. 22, 1906 (611) 28291
Mar. 30, 1911 (1119) 28291
4247 27279
4248 27917
4249 27919
4250 28551
4251 28925

EXECUTIVE ORDERS:

5327 (See PLO 5399) 28568
5672 (See PLO 5399) 28568
11739 27581
11740 27585
11741 28809

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDER:

Memorandum of September 20, 1973 27811

4 CFR

351 27507

5 CFR

213 ..... 27211, 27351, 27508, 27509, 27816, 28553, 28811, 28927
410 28281
531 27509

6 CFR

150 ..... 27289, 27290, 27528, 27933, 28836
152 27529
155 27933

PROPOSED RULES:

150 28845
152 28572

7 CFR

2 27281
20 28055
22 29020
23 29022
29 ..... 27599, 27817
54 28282
56 27509
70 28282
220 27281
354 28282
401 27282
722 28944
725 27355
728 27211
811 ..... 27509, 28811
850 27510
863 27377
864 28059
865 28059
892 28062
905 28063
906 ..... 28283, 28284
908 ..... 27212, 27511, 28064, 28945
909 28285
910 ..... 27599, 28285
930 27512
944 ..... 28286, 28553
981 27381
1065 28064
1103 28813
1207 27382
1421 ..... 27212, 28287
1427 28065
1464 27921
1701 28287
1823 ..... 29025, 29036
1841 29039
1842 29047
1843 29051
1861 29060

PROPOSED RULES:

52 28296
729 27530
811 28838
929 27936
958 27405
959 27297
965 ..... 27936, 28946
966 ..... 27405, 27937
980 27938
982 28296
984 28296
989 28946
1007 28297
1030 ..... 27615, 28297
1032 28297
1046 28297
1049 28297
1050 28297
1060 28297
1061 28297
1062 28297
1063 28297
1064 28297
1065 28297
1068 28297
1069 28297
1070 28297
1071 28297
1073 28297
1076 28297
1078 28297
1079 28297
1090 28297
1094 28297
1096 ..... 28067, 28297
1097 28297
1098 28297
1099 28297
1102 28297
1104 28297
1106 28297
1108 28297
1120 28297
1126 28297
1127 28297
1128 28297
1129 28297
1130 28297
1131 28297
1132 28297
1138 28297
1421 27939
1446 27939
1464 ..... 27939, 28073, 28297
1700 27843

9 CFR

Page

78 27512
82 28814
91 27591
92 28554
97 28814
303 28927
307 28287
327 28554
350 28287
355 28287
381 ..... 28287, 28927

PROPOSED RULES:

303 27298
317 27229
319 28072
381 27229

10 CFR

Page

50 28029

PROPOSED RULES:

70 28301

12 CFR

21 27829
216 27830
326 27832
329 28288
524 28030
525 28030
545 28815
556 28816
563a 27834
582 28816
582b 28817
584 27212
611 27836
612 27836
613 27836
614 27837
615 27838
618 27839

PROPOSED RULES:

225 28082
526 28081
584 28706
701 27846

13 CFR

102 28255

14 CFR

39 ..... 27382, 27513, 27600, 27819, 27921, 28030, 28649, 28817
71 ..... 27292–27294, 27382, 27383, 27514, 27600, 27820, 27922, 27923, 28258, 28555, 28649, 28927, 28928
73 ..... 27292–27294, 27601, 28555, 28928
95 28650
97 ..... 27601, 28556
139 27294
171 28557
234 27602
241 27603
250 27604
261 ..... 27384, 28928
302 27384

14 CFR—Continued Page

PROPOSED RULES:

21 28016
36 28016
39 27624
71 ..... 27300, 27301, 27844, 27942, 27943, 28572, 28703–28704, 28840
73 27415
75 28572
399 28704

15 CFR

377 27220

16 CFR

13 ..... 28259–28269, 28652–28656, 28929–28932
15 28270–28281
1001 27214
1500 27514

PROPOSED RULES:

432 28083

17 CFR

1 28031
230 27923
231 28819
240 27515
241 28819
249 27515
251 28819
271 28819

PROPOSED RULES:

210 28948
230 28951
239 28951
249 27531

18 CFR

2 ..... 27351, 27606, 27813, 28933
141 27605
157 27606

PROPOSED RULES:

2 27626
154 27626
401 28704

19 CFR

19 28288
153 28571
159 28031

PROPOSED RULES:

1 ..... 27399, 28946
4 27399
6 27404
8 27399
10 27841
12 27399
18 27399
19 27399
20 27399
24 27399
56 27399
127 27399
147 27399
175 27404

20 CFR

PROPOSED RULES:

410 27406
416 ..... 27406, 27412

21 CFR Page

1 ..... 27591, 28912
2 ..... 27591, 28558
3 27592
15 28558
17 28558
18 27924
19 27592
26 27929
45 27353
80 28820
121 ..... 28820, 28933
125 27593
132 27593
135 28032
135a 27353
135b 27593
135c 28032
135e 28657
141a 27593
146a 27593
146e 27353
148e 28657
151b 27929
174 28914
273 27282
1000 28624
1002 28625
1003 28628
1004 28629
1005 28630
1010 28631
1020 28632
1030 28640
1301 ..... 27516, 28821

PROPOSED RULES:

1 27622
19 27299
102 28703
125 28840
130 12940
273 27406
278 28012

24 CFR

275 28658
445 27216
1270 27888
1914 ..... 27216, 27217, 27387, 27611, 27824, 28032, 28033, 28821–28823
1915 ..... 27217, 27611, 28034, 28824, 28825

PROPOSED RULES:

1710 27227

26 CFR

1 28564
301 27215

PROPOSED RULES:

1 ..... 27840, 28295, 28681, 28838

28 CFR

0 ..... 27285, 28289

29 CFR

516 27520
780 27520
1602 28934
1910 ..... 28035, 28259
1912 28035
1912a 28934
1926 27594
1952 ..... 27388, 28658

PROPOSED RULES:

1910 28074
1913 27622

30 CFR Page

PROPOSED RULES:

75 27621
77 ..... 27621, 27841

31 CFR

209 27521

32 CFR

290 28936
881 28936
883 27523
1464 28259
1812 28660

32A CFR

Ch. X:
OI Reg. 1 28066
Ch. XIII:
EPO Reg. 1 28660
EPO Reg. 3 27397

PROPOSED RULES:

Ch. VI:
DMS Reg. 1 (including Reg. 1, Dirs. 1 and 2) 27264
DPS Reg. 1 27264
DPS Order 1 27270
DPS Order 2 27271

33 CFR

40 28937
127 28065

PROPOSED RULES:

117 ..... 27414, 28298

35 CFR

105 27386
119 27386

36 CFR

7 27595

38 CFR

3 ..... 27353, 28826
17 28826

PROPOSED RULES:

1 28959
21 ..... 27228, 28844

39 CFR

232 27824

PROPOSED RULES:

132 27304

40 CFR

51 27286
60 28564
136 28757
180 ..... 27523, 27524, 28663, 28664, 28937
220 28613
221 28614
222 28615
223 28616
224 28617
225 28617
226 28617
227 28618

PROPOSED RULES:

35 28572
50 28438
51 28438
53 28438
80 28301
85 28302
180 27844

40 CFR—Continued Page

PROPOSED RULES—Continued

409 ..... 28081, 28707
412 28947
413 27694
415 28174
416 28194
424 29008
426 28962
428 28224

41 CFR

1–12 28818
7–1 28664
7–3 28669
7–4 28670
7–7 28671
7–8 28676
7–10 28676
7–12 28676
7–15 28676
7–16 28677
7–30 28678
9–7 27287
9–12 27392
9–16 27288
9–18 27392
9–51 27288
14–7 27288
51–5 28938
60–10 27215
101–25 28566
101–26 28566
101–27 28567
101–30 28568
101–40 ..... 28289, 28678

PROPOSED RULES:

50–201 27942

42 CFR

65 28290

43 CFR Page

1850 27825

PUBLIC LAND ORDERS:

2632 (Revoked in part by PLO 5399) 26568
4522 (See PLO 5399) 26568
5398 28291
5399 28568

45 CFR

67 28291
177 27935
189 27825
903 28039

PROPOSED RULES:

46 27882
121 28229
123 27223
235 27530
249 27843

46 CFR

35 27354
162 27354
308 27524
310 27525
350 27525
542 28827

PROPOSED RULES:

10 28298
54 28300
160 27415
282 28682
526 27626
528 28841

47 CFR

1 ..... 27595, 28762
15 27821
21 27218
23 ..... 27218, 27386
73 ..... 27218, 28762, 28832
74 27218

47 CFR—Continued Page

78 27218
83 ..... 28053, 28938
87 27218
89 ..... 27218, 27823, 28835
91 ..... 27218, 27823, 28835
93 ..... 27218, 27823, 28835

PROPOSED RULES:

25 27228
73 ..... 27303, 27624, 27844, 27845, 28305, 28573, 28574, 28840, 28947

49 CFR

171 28292
172 28292
173 ..... 27596, 28292
174 28292
175 28292
177 ..... 27597, 28292
178 ..... 27598, 28292
395 27930
571 ..... 27599, 28569
1033 ..... 27218, 27354, 27828, 28054, 28292, 28943

PROPOSED RULES:

231 27302
570 28077
571 ..... 27227, 27303, 28840
1064 28843
1307 27228

50 CFR

10 27387
20 ..... 27613, 28681
32 ..... 27219, 27289, 27526, 27527, 27930, 27932, 28055, 28293, 28571, 28681, 28943
33 ..... 27528, 27933, 28294
250 28836

PROPOSED RULES:

18 28572
260 27405

FEDERAL REGISTER PAGES AND DATE—OCTOBER

Pages	*Date*
27205–27272	Oct. 1
27273–27343	2
27345–27499	3
27501–27574	4
27575–27804	5
27805–27910	9
27911–28022	10
28023–28247	11
28249–28543	12
28545–28641	15
28643–28801	16
28803–28917	17
28919–29061	18

federal register

THURSDAY, OCTOBER 18, 1973

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Proposed Guidelines and Standards

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 424]

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations 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 open electric furnaces with wet air pollution control devices subcategory (Subpart A), the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B), the slag processing subcategory (Subpart C), and the noncontact cooling water subcategory (Subpart D) of the ferroalloys manufacturing category of point sources 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.; P.L. 92-500) (the "Act").

(a) *Legal authority.* (1) *Existing point sources.* Section 301(b) of the Act requires the acheiyement 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 regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the open electric furnaces with wet air pollution control devices subcategory (Subpart A), the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B), the slag processing subcategory (Subpart C), and the noncontact cooling water subcategory of the ferroalloy manufacturing 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 Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 source categories, including the ferroalloy manufacturing source category. The regulations proposed herein set forth the standards of performance applicable to new sources for the open electric furnaces with wet air pollution control devices subcategory (Subpart A), the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B), the slag processing subcategory (Subpart C), and the noncontact cooling water subcategory (Subpart D) of the ferroalloys manufacturing 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 424.15, 424.25, 424.35 and 424.45, proposed below, provide pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory (Subpart A), the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B), the slag processing subcategory (Subpart C), and the noncontact cooling water subcategory (Subpart D), of the ferroalloy manufacturing 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 Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(3) *Thermal discharges.* Section 316(a) of the Act provides a means for further consideration of thermal effluent limitations required under sections 301 and 306 of the Act. Section 316(a) states that with respect to any point source subject to the provisions of sections 301 or 306, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if, appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose a different effluent limitation for the thermal component of the discharge than would ordinarily be required under sections 301 and 306 of the Act. Effluent limitation imposed under section 316(a) must assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made.

(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 (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines 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, was 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," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and factors.

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

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under Part 128 of 40 CFR. The bases for such standards are set forth in the FEDERAL REGISTER of July 19, 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 the application of the "best practicable control technology currently available," 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, §§ 424.15, 424.25, 424.35, and 424.45 below amend § 128.133 to require 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 open electric furnaces with wet air pollution control devices subcategory (Subpart A), the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B), the slag processing subcategory (Subpart C), and the noncontact cooling water subcategory (Subpart D) of the ferroalloys manufacturing category of point sources.

(i) *Categorization.* For purposes of establishing effluent limitations and standards of performance, the ferroalloy manufacturing source category was divided into subcategories on the basis of processes employed, furnace types and water uses. The subcategories are: open electric furnaces with wet air pollution control devices (Subpart A); covered electric furnaces and other smelting operations with wet air pollution control devices (Subpart B); slag processing (Subpart C); and noncontact cooling water (Subpart D).

The consideration of other factors such as waste water constituents and waste control technologies further substantiates the above categorization. This method of subcategorization permits an equitable waste load to those furnaces which are controlled for air pollution with wet systems (since they are separately categorized) and is not excessively permissive to those furnaces which are controlled with dry systems. Any furnace with wet air pollution controls will be controlled by the regulations of either Subpart A or B, depending upon the type of furnace, and also by the regulations of Subpart D, since all electric furnaces have cooling water. Existing furnaces with dry air pollution control systems, or no air pollution control systems will be allowed to discharge only under the provisions of Subpart D.

(ii) *Waste characteristics.* The known significant pollutants contained in the waste water from this industry are as follows, by subpart:

Parameters	Subpart			
	A	B	C	D
Heat content				×
Suspended solids	×	×	×	×
Chromium	×	×	×	×
Hexavalent chromium	×	×	.....	×
Total cyanide		×		
Manganese	×	×	×	.....
Oil	×	×	×	×
Phenols	×	×		
Orthophosphate	×	×	.....	×

While other pollutants, such as dissolved solids, iron, aluminum, zinc, chloride, copper, etc., sometimes may be present in the process waste waters, effluent limitations were not developed for these constituents because (i) they are discharged intermittently and in small quantities, (ii) they are effectively removed from the effluent by the application of waste water control and treatment technology required for the removal of process waste water constituents which are subject to effluent limitations, (iii) there is insufficient data available upon which to base effluent limitations, or (iv) the known methods for their removal from waste water are prohibitively expensive at this time.

In the Development Document, phosphorus compounds were reported as phosphate [$(PO4)^{-3}$]. However, for consistency with EPA methods of analysis and reporting, these value have been converted to orthophosphate [P].

(iii) *Origin of waste water pollutants in the ferroalloy manufacturing category.*—(1) Open electric furnaces with wet air pollution control devices subcategory. Wet air cleaning devices collect particulates from furnace gases, either by gas scrubbing or by water sprays prior to electrostatic precipitation. The particulates are generally oxides of the material being smelted. In this type of furnace, the off-gases are combusted and cyanide and most of the phenol thereby destroyed. Waste water from this source, therefore, contains large quantities of suspended solids, and smaller quantities of manganese and chromium, depending upon the product being smelted. Smaller amounts of phenol and oil are also found in the waste water.

(2) *Covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.* Wastes are essentially similar to those from open electric furnaces with wet air pollution controls (regulated in Subpart A), but since in covered smelting furnaces the off-gas is not combusted, cyanide and phenol are present in significant quantities in the scrubber waste water.

(3) *Slag processing subcategory.* Wastes in this subcategory are derived from either concentration or "shotting" processes. The concentration process uses the "float-sink" method where the metal particles sink to the bottom, and the slag floats in the water, for recovery of metallic values from the slag. "Shotting" involves the granulation of molten slag in water. The concentration process is generally used on ferrochromium slags, while shotting may be performed on ferromanganese slags. The major pollutant is suspended solids, with manganese and chromium present in smaller concentrations.

(4) *Noncontact cooling water subcategory.* The principal waste from this source is heat, although chromium and phosphates may also be present if the water is recirculated and treated for corrosion control, etc. Suspended solids and other parameters may be present in higher concentrations than those of the intake if the water is recirculated, because of concentration effects in the cooling tower. However, noncontact cooling water is water used for cooling which does not directly contact the product and should therefore contain no pollutants assignable to the production process. For example, chromium may be present in cooling tower blowdown, if chromate corrosion compounds are used, but none should be present because of the product. Manganese, which is not used as a water treatment agent, would not be present in noncontact cooling water, although the water is used to cool a furnace smelting ferromanganese.

(iv) *Control and treatment technology.* Waste water control techniques have been used in the industry, particularly for treating waste water from scrubbers, but the sophistication of the systems and techniques varies widely. Where the huge quantities of water needed for furnace cooling are not available on a once through basis (for instance, if the plant draws its water supply from wells), cooling towers with recycle of cooling water are commonly utilized. Waste water control techniques such as water conservation, and good housekeeping techniques are generally available to reduce the

quantities of pollutants ultimately discharged from ferroalloy plants. These control techniques have been effectively demonstrated and are considered normal practice in the industry where restricted supplies of water have dictated the implementation of water conservation measures.

Process modifications may be available to reduce the quantity of pollutants in the waste waters from plants of other industries. However, there does not seem to be any process modification in the ferroalloys industry, other than the use of an open furnace with a baghouse rather than a scrubber for the control of air emissions, which will reduce or eliminate the raw waste loads of pollutants in the process waste water. Water conservation techniques may reduce the amount of water used in ferroalloy plants and also can reduce the amount of pollutants in the effluent following treatment. Some of these include (i) using cooling towers and recycling water rather than using water for once-through cooling; (ii) using cooling tower blowdown as makeup for scrubbers; and (iii) recycling the overflow from scrubber water clarifiers.

Good housekeeping techniques can reduce the amount of pollutants in the waste waters from ferroalloy plants. These include techniques to (1) prevent the formation of standing pools of water in the raw and finished materials storage areas; (2) maintain environmentally adequate settling lagoons of sufficient size and good design (e.g., impervious liners); and (3) maintain piping installed for waste water flow.

(v) *Treatment and control technology within subcategories.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (i) the best practicable control technology currently available; (ii) the best available technology economically achievable; and (iii) the best available demonstrated control technology, processes, operating methods or other alternatives.

(1) *Treatment in the open electric furnaces with wet air pollution control devices subcategory.* Control and treatment techniques consist of physical-chemical treatment for removal of metals and suspended solids, with sedimentation and clarification. Sedimentation and clarification may be accomplished in settling ponds (or lagoons), in clarifiers or in sand or multi-media filters. Settling ponds and clarifiers, when well designed and operated, are capable of produring effluent levels of 25 mg/l suspended solids, independent of the influent concentrations. This means that greater removals are accomplished if the influent is more concentrated. For example, a scrubber on a furnace which utilizes less water (for the same particulate removal) will have less of an effluent load after similar clarification than a scrubber which uses more water. Sand filters (when well designed and operated) are capable of reducing the suspended solids effluent concentration to 10 mg/l. In all types of clarification equipment, proper operation is important, since (for example) excessive solids buildup in a lagoon can reduce the detention time and thereby reduce the solids which are removed.

The effluent after clarification may be recycled back to the scrubber. This may possibly require additional treatment such as softening for removal of calcium and magnesium, which may cause scaling. Blowdown from softening systems should be treated prior to discharge.

Open furnaces which constitute new sources have available another technology which permits no discharge of waterborne pollutants to navigable waters. This is the use of dry dust collectors (i.e., fabric filters or baghouses) rather than wet collectors for air pollution control. Properly designed baghouses are capable of collection efficiencies at least as good as wet scrubbers, and have been extensively utilized in the industry on this type of furnace. Additionally, baghouses can be installed on existing furnaces which are presently not controlled for air emissions. There is also a potential for the recovery and reuse of the metallic particulates. Although it is possible to replace existing wet scrubbers with baghouses, the capital investment required makes this appear to be an unfeasible alternative at this time.

It has been determined that best practicable control technology currently available for this subcategory consists of use of a clarifier flocculator, with chemical treatment where needed, sludge dewatering and water recirculation at the scrubber. Best available technology economically achievable consists of best practicable control technology currently available plus use of sand or multi-media filters and optimum process water recirculation. The best available demonstrated control technology, processes, operating methods, or other alternatives for new sources includes the use of dry dust collectors (such as fabric filters or baghouses) for air pollution abatement, rather than wet scrubbers.

(2) *Treatment in the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.* Control and treatment techniques are essentially identical to those described for open electric furnaces above, with the additional need for the destruction of cyanide and phenol. Cyanide destruction can be accomplished by alkaline chlorination, although other methods such as oxidation or ozonation may be used depending on the design of the water treatment system. Alkaline chlorination can reduce the effluent cyanide concentration to about 0.2 mg/l. No plant surveyed was specifically treating for phenols. Phenols can be converted to relatively innocuous compounds by breakpoint chlorination, oxidation (trickling filter) and by biological methods. The latter would probably require the addition of bacterial nutrients.

The effluent after clarification may be recycled back to the scrubber. This may possibly require additional treatment such as softening.

The best practicable control technology currently available has been determined to be use of a clarifier flocculator, sludge dewatering, and biological or chemical treatment, the latter by alkaline (breakpoint) chlorination and other chemical treatment as needed. The best available control technology economically achievable and best available demonstrated control technology, processes, operating methods, or other alternatives for new sources consists of the use of best practicable control technology currently available, plus use of sand or multi-media filters and optimum process water recirculation.

(3) *Treatment in the slag processing subcategory.* Treatment is essentially sedimentation. Lagoons or settling ponds or clarifier flocculators may be used. In slag processing, water is important only as a cooling or transport medium and the quality of the recirculated water is of importance only to the extent of abrasion of pumps, valves, etc. Therefore, sedimentation for recirculation need not be carried out to the levels which would be necessary if the water were to be discharged directly and no blowdown from the recirculating system is necessary.

The best practicable control technology currently available is sedimentation in clarifier-flocculators. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives for new sources is total recirculation of process waste water, which may be accomplished after sedimentation in clarifier-flocculators.

(4) *Treatment in the noncontact cooling water subcategory.* Applicable treatment and control techniques include cooling ponds and towers with recirculation and reuse of water. Where chromate corrosion compounds are added to the recycled water, reduction of hexavalent chromium and subsequent removal of the less harmful trivalent chromium by precipitation is necessary. If phosphate compounds are used, rather than chromates, removal is also necessary. Cooling towers may effect a 5–20° F approach to the wet bulb temperature (i.e., 5–20° F above the wet bulb temperature), while cooling ponds are capable of minimizing the temperature rise over that of ambient water temperatures to 5° F.

Cooling ponds, spray canals or spray ponds, and cooling towers may be utilized for the control of discharge temperatures of noncontact cooling water. They do differ, however, with respect to costs, and with respect to land area requirements. A cooling pond, where the water is simply allowed to remain quiescent in the open air until it has reached approximately the temperature of natural surface water bodies in that area, is the least expensive of the options, as regards both investment and annual costs. Operating costs are negligible. However, large areas of land may be required for such ponds—it was estimated that one plant, operating at 22 mw would require 17.5 ac, or 0.8 ac/mw, for control

of the thermal discharge. Spray canals or spray ponds, which utilize evaporative, rather than convective cooling (the principle behind cooling ponds), require only about 10 percent of the area required for cooling ponds. Cooling towers, which also utilize evaporative, rather than convective cooling, require even less area than do spray ponds—about a quarter acre for a 30 mw plant. Some plants, because of land availability problems, may not be able to utilize cooling ponds, and would therefore have to select cooling towers or spray ponds as an alternative. However, in the long run these plants would be ahead, since they could more easily go on to a recirculation system than could a plant utilizing cooling ponds. Cooling towers and spray canals, however, do cost more than cooling ponds, both in investment and operating costs.

Best practicable control technology consists of the use of cooling ponds to reduce the heat load in the effluent. If land is not available for cooling ponds, spray ponds or cooling towers may be substituted. Where recirculation is presently being used, chemical treatment may be necessary to reach the specified levels for chromium and phosphate. Best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives for new sources consists of partial recirculation, through the use of cooling towers, and chemical treatment of blowdown. The limitations for best available technology and new sources are based upon a blowdown rate of 5 percent of the circulation rate. Apart from this blowdown, there would be no other discharge from this subcategory.

(vi) *Cost estimates for control of waste water pollutants in the ferroalloy manufacturing subcategory.* The annual cost, including depreciation, capital costs, and operating and power costs, of achieving the levels of treatment specified for 1977 for the smelting and noncontact cooling water segments was estimated. Costs for adequate land disposal of treatment residues were not estimated. The annual cost varies from $.041 to $12.26/ton, and from 0.021 to 3.39 percent of the listed sale price of the alloy. Annual cost varies from $0.017 to 0.876/mwhr. The annual cost for these segments of achieving the levels of treatment and control specified for 1983 was similarly estimated. The cost varies from $1.23 to $21.95/ton, and from 0.61 to 5.64 percent of the listed sale price of the alloy. Annual cost varies from $0.512 to $1.880/mwhr. These figures reflect the costs which would be incurred from plants without any water pollution controls. The lower figures represent those which would be incurred for the treatment of noncontact cooling water only. The higher figures are the sum of the costs of treatment of scrubber waste water and noncontact cooling water. The cost of treatment of slag processing waste water is estimated at $1.28/ton processed to meet the 1977 limitations and $1.31/ton processed to meet the 1983 and new source limitations. Preliminary estimates of the annual cost of gas cleaning (including equipment, accessories, operating costs, etc.) in dollars/ton of product have been made on the basis of a 30 mw open furnace and for four common products: high carbon (HC) ferromanganese, HC ferrochromium, 50 percent ferrosilicon and silicomanganese. These figures indicate that the annual cost of a baghouse is approximately half that of a scrubber system with the attendant water treatment system ($4.51 to 14.68/ton, vs $8.37 to 39.72/ton).

(vii) *Establishing daily maximum limitations.* The twenty-four hour maximum limitations, except pH, are generally twice the 30-day average limitations. These daily maximum limitations should be approached only under unusual conditions, such as treatment system upsets, and the like, and are based upon waste generation at existing exemplary plants. It is intended that these limitations and the maximum 30-day average limitations be applied on a "building block" basis.

Megawatt-hour (mwhr) equal to 1,000 kilowatt hours was used as the unit of production, for most of the categories, for the following reasons: power usage (about 30 percent of production costs) is accurately monitored and generally automatically recorded at each furnace; the raw waste load is more uniform when expressed as kg/mwhr (lb/mwhr); tonnage production varies widely depending on the product at the same power usage, and different alloys can be produced in the same furnace; and furnaces are generally described in the trade as "15 mw" or "30 mw", rather than "50 ton" or "100 ton", as is common practice in the steel industry.

(viii) *Nonwater quality aspects of pollution control.* Power requirements for waste water treatment systems other than cooling towers are generally low, and range from less than 0.1 percent to 2.0 percent of the power used in the smelting furnaces. The power requirements for cooling towers may range up to about 1.8 percent of the power used in the smelting furnaces. Power requirements for the use of the most power-intensive treatment systems for process and cooling water could thus amount to about 3 or 4 percent of the power used in production. It is probably a safe assumption that all new furnaces will be equipped with air pollution abatement devices. A high energy scrubber on an open furnace requires 10 percent of furnace power (i.e., productive power) for operation. Based on the necessary pressure drops, the power requirement for a fabric filter system is one-third that of a high energy scrubber.

One of the nonwater quality impacts of the treatment of waste water from ferroalloy plants consists of increased volumes of sludge resulting from increased waste water treatment and requiring proper disposal. Solid wastes containing hazardous substances must be controlled to prevent their reentry via the land into surface and subsurface waters.

Solid constituents from waste treatment operations should be disposed in an acceptable landfill. An acceptable landfill means a landfill at which complete protection is provided for the long term, for the quality of surface and sub-surface waters, from hazardous substances contained in wastes deposited therein, and against hazard to public health and the environment. Such landfill sites should be located and engineered to avoid direct hydraulic continuity with surface and sub-surface waters, and any leachate or sub-surface flow into the disposal area should be contained within the site unless treatment is provided. A sampling and analysis program of leachates is advisable. The location of the disposal site should be permanently recorded in the appropriate office of legal jurisdiction.

(ix) *Economic impact analysis.* The conclusion drawn from a study of the economic impact of proposed water pollution controls is that the costs will be minimal in the ferroalloys industry. The costs to meet the effluent limitations are not expected to affect production levels or employment. It is not anticipated that the effluent limitations will threaten the economic viability of any plants in the industry. Hence, no community impacts are anticipated. Continued strong competition from foreign imports may affect this industry, but this industry will not be significantly affected by the proposed water effluent limitations.

Increases in annual operating costs to meet 1977 standards are estimated to amount to $4.0 million. To maintain return on investment in the face of these cost increases would require price increases of 1.2 percent. It is difficult to project the industry's pricing reactions to such cost increases for the following reasons: (1) The industry is very competitive and ferroalloys are commodity-type products with little product differentiation; (2) Foreign products are available at lower prices than domestically produced ferroalloys and imports have supplied as much as 40 percent of the domestic market; (3) The major portion of the plants (14 out of 22) will experience no cost increases to comply with 1977 standards. Thus, there is a great deal of uncertainty as to the likelihood of price increases.

By 1983, the annual costs of meeting the effluent limitations will have risen to $8.2 million. To maintain return on investment in the face of these increased costs would necessitate price increases of 2.3 percent. In the short run the market conditions cited above might discourage price increases of this magnitude. In the long run the industry can be expected to attempt to recover the cost increases and maintain profitability.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" details the analysis undertaken in support of the regulations 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 con-

trol offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations 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 regulations, 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.

(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 the effluent limitations guidelines and standards proposed for the ferroalloy manufacturing 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) Ohio River Valley Water Sanitation Commission; (4) New England Interstate Water Pollution Control Commission; (5) Hudson River Sloop Restoration, Inc.; (6) Conservation Foundation; (7) Businessmen for the Public Interest; (8) Environmental Defense Fund, Inc.; (9) Natural Resources Defense Council; (10) The American Society of Civil Engineers; (11) Water Pollution Control Federation; (12) National Wildlife Federation; (13) The American Society of Mechanical Engineers; (14) U.S. Department of Commerce; (15) Water Resources Council; (16) U.S. Department of the Interior; (17) U.S. Department of the Treasury; and (18) The Ferroalloys Association.

The following organizations responded with comments: Urban Carbide Corporation, Shieldalloy Corporation, Airco, Inc., Ohio Ferro-Alloy Corporation, Foote Mineral Company, Interlake, Inc., The Ferroalloys Association, the Commonwealth of Pennsylvania, Hawaii Department of Health, Maine Department of Environmental Protection, Texas Water Quality Board, Nebraska Department of Environmental Control, New York Department of Environmental Conservation, Florida Department of Pollution Control, Arizona Department of Health, Illinois Environmental Protection Agency, U.S. Department of the Interior, U.S. Department of Commerce, Colorado Department of Public Health, and United States Water Resources Council.

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. The requirement of dry dust collectors for new sources of open electric furnaces was questioned. It was contended that usage of certain raw materials (high in chlorides, fluorides or sulfur) would require the use of a scrubber for effective air pollution abatement. To the best of our knowledge these raw materials are not presently in use, and the proposed standard is valid. It should be recognized that this regulation will be reviewed by EPA at regular intervals, and at such times, it may be found to be no longer valid, based on conditions existing at that time.

2. It was contended that the contractor's recommended limitations and standards were restrictive as to product. The proposed limitations and standards now allow for production of any product.

3. It was requested that once-through noncontract cooling water be exempted from any limitations. Due to the large quantities of heat which can be discharged from this source, it is felt reasonable to limit such thermal pollution that is defined as a pollutant under section 502 of the Act.

4. It was requested that the limitations and standards take into account dissolved solids levels. Cited was one type of ore, which would result in K20 concentrations of 1,000 mg/l in one pass of the water through a scrubber. Although certain dissolved solids such as calcium and magnesium may present scaling problems, these can be controlled by softening or other procedures. One ferroalloy plant recirculates 97 percent of its scrubber waste water after treatment, the only blowdown being from the clarifier underflow. A blast furnace producing ferromanganese which was studied as part of the iron and steel industry study had a closed recycle system for gas scrubber water. Dissolved solids levels were 70,600 to 82,300 mg/l in the clarifier overflow, with potassium levels of 24,000 to 25,600 mg/l. If this blast furnace can operate successfully at those levels, the ferroalloy industry should have no probelms operating at levels less than half of those.

5. It was contended that the use of non-chromate water treatment chemicals, as suggested in the contractor's report, is not always feasible, due to differing water chemistries in the makeup water. This is a valid point, and an allowance has been made for the use of chromate or phosphate water treatment chemicals.

6. Included in the original contractor's report was a subcategory for the electrolytic production processes, and comments were received that the data base for this particular subcategory was insufficient for the promulgation of standards. It is agreed that this is a valid point, and this particular segment of the industry will be addressed at a later date, after further study.

7. Another point raised was that the discharge conditions could not be met, simply because of existing intake water quality conditions. Although some plants may have to discharge water containing lower concentrations of pollutants than their intake water, the present pollution levels in some waters are not sufficient reason to relax standards, which are based on technology and independent of intake conditions.

8. It was remarked that the process water recirculation suggested for Subpart C would not be possible without solids removal. The suggested technology did indeed call for removal of solids via a settling pond. However, this technology has been modified somewhat to allow for lack of land area, and clarifier-flocculators are now suggested, again with total recirculation of the overflow for 1983.

9. It was suggested that consideration be given to the possibility of "zero discharge" for Subpart A for the 1983 limitations. This was considered, and although it is technologically possible to convert from the use of a wet scrubber or precipitator to a dry baghouse, the cost of doing so is about twice the cost of the proposed 1983 limitations. Therefore, it was not deemed to be economically achievable to require such technology for 1983.

10. It was said that the costs as presented in the contractor's report did not appear to include all portions of a waste water treatment system, since they appeared to be low. Costs as presented in that report were as reported to EPA by the various plants surveyed. Costs as presented in the Development Document are based upon best engineering judgment and estimation, and although they may be subject to judgmental errors, they are believed to be essentially correct. Obviously, any small plant installing a waste water treatment system will have to pay a higher price, per unit of capacity, than a very large plant.

11. Some confusion was expressed as to where an exothermic smelting operation fits within the categorization as given. We believe that the Document now makes it clear, as do the proposed regulations, that it belongs in Subpart B.

12. Some comments were made regarding the use of mwhr as the production basis, rather than tonnage. Since electrical energy consumption is directly related to production (although the quantity required to produce a given tonnage varies from product to product), and is readily measured (and usually automatically recorded), it was deemed to be a valid basis for the guidelines and standards, and to be a simpler basis than tonnage. A comparison of the power consumption required per ton for various products is shown in Table 18 of the Development Document.

13. The suggested technologies in the contractor's report were questioned because of the possibility of nonavailability of land. The technologies as presently set forth minimize the required land areas, and where land may not be available at a particular plant, alternate technologies are suggested.

14. It was suggested that the building block approach may not be acceptable to certain states, since they are only interested in the final effluent. In line with this comment, another was raised regarding the use of a production rate basis, rather than a concentration basis.

The production rate basis eliminates the possibility of dilution to meet the limitations, as is possible with a concentration basis.

15. The point was raised that the contractor's recommended guidelines showed no chromium in the effluent (from noncontact cooling water), which is not a valid standard for ferroalloy plants producing ferrochromium. The commentor's attention is directed toward the definition of noncontact cooling water, as contained in Subpart D, which does not allow for the contact of cooling water and product. Therefore, no chromium or other metal (attributable to the product being smelted) should be contained in the noncontract cooling water discharge, although some chromium used for water treatment may be present.

16. It was suggested that the guidelines be issued as a range of numbers, rather than as a single number, so that the permit-issuing authorities will have the needed flexibility to deal with the real variations among existing plants, climates, and other factors. After consideration of this suggestion, it was rejected because: (1) Climate has no substantial effect upon the treatments specified (i.e., sedimentation should take place at about the same rate whether the temperature is 40° F or 80° F); (2) In the thermal limitations, the limitations are written as net numbers; and (3) Variation among existing plants has been taken into account with the categorization selected.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is 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 is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation 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 November 19, 1973, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 10, 1973.

JOHN QUARLES,
Acting Administrator.

PART 424—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

Sec.

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

Subpart C—Slag Processing Subcategory

Subpart D—Noncontact Cooling Water Subcategory

Sec.

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

§ 424.10 Applicability; description of the open electric furnaces with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of this subpart are not applicable to noncontact cooling water (regulated in Subpart D), nor to those electric furnaces which are covered, closed, sealed, or semicovered and wherein the furnace off-gases are not burned prior to collection (regulated in Subpart B).

§ 424.11 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the maufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product (but not including slag, when such slag is subject to regulation under Subpart C) used in or resulting from the manufacture of ferroalloys and related products.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "oil" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(d) The term "phenols" shall mean those components of a waste water amenable to measurement by the method described in "1972 Annual Book of ASTM Standards, Part 23," 1972, Standard D1783–70, page 445.

(e) The term "hexavalent chromium" shall mean those components of a waste water amenable to measurement by the

method described in "Standard Methods for the Examination of Water and Wastewater, 13th Edition," Method 211 (II) D, page 429.

(f) The following abbreviations shall have the following meaning: (i) "mwhr" shall mean megawatt-hour of electrical energy applied to the furnace (furnace power consumption), (ii) "kg" shall mean kilogram(s), (iii) "lb" shall mean pound(s) and (iv) "TSS" shall mean total suspended non-filterable solids.

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent Characteristic	*Effluent Limitation*
TSS	Maximum for any one day 0.319 kg/mwhr (0.703 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.160 kg/mwhr (0.352 lb/mwhr).
Chromium	Maximum for any one day 0.006 kg/mwhr (0.014 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0032 kg/mwhr (0.007 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day, 0.0006 kg/mwhr (0.0014 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/mwhr (0.0004 lb/mwhr).
Manganese	Maximum for any one day 0.064 kg/mwhr (0.141 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.032 kg/mwhr (0.070 lb/mwhr).
Oil	Maximum for any one day 0.064 kg/mwhr (0.141 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.045 kg/mwhr (0.098 lb/mwhr).
Phenols	Maximum for any one day 0.004 kg/mwhr (0.010 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0032 kg/mwhr (0.007 lb/mwhr).
Ortho-phosphate.	Maximum for any one day 0.004 kg/mwhr (0.010 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/mwhr (0.005 lb/mwhr).
pH	Within the range of 6.0 to 9.0.

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

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

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.024 kg/mwhr (0.052 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.012 kg/mwhr (0.026 lb/mwhr).
Chromium	Maximum for any one day 0.0008 kg/mwhr (0.0017 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0004 kg/mwhr (0.0009 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day 0.00006 kg/mwhr (0.00006 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00001 kg/mwhr (0.00002 lb/mwhr).
Manganese	Maximum for any one day 0.008 kg/mwhr (0.017 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0039 kg/mwhr (0.0086 lb/mwhr).
Oil	Maximum for any one day 0.008 kg/mwhr (0.017 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0055 kg/mwhr (0.012 lb/mwhr).
Phenols	Maximum for any one day 0.0003 kg/mwhr (0.0007 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/mwhr (0.0003 lb/mwhr).
Ortho-phosphate.	Maximum for any one day 0.00002 kg/mwhr (0.00004 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00003 kg/mwhr (0.00006 lb/mwhr).
pH	Within the range of 6.0 to 9.0.

§ 424.14 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction 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 by a new point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 424.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the open electric furnaces with wet air pollution control devices subcategory of the ferroalloy manufacturing category which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.133, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 424.14, 40 CFR, Part 424: *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 be correspondingly reduced for that pollutant."

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

§ 424.20 Applicability; description of the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to covered electric furnaces or other smelting operations, not elsewhere included in this part, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory also includes those nonelectric furnace smelting operations, such as exothermic (aluminothermic, etc.) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water (regulated in Subpart D) or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

§ 424.21 Specialized definitions.

For the purposes of this subpart:

(a) The term "oil" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(b) The term "total cyanide" shall mean cyanide amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 41.

(c) The term "phenols" shall mean those components of a waste water amenable to measurement by the method described in "1972 Annual Book of ASTM Standards, Part 3," 1972, Standard D1783–70, page 445.

(d) The term "hexavalent chromium" shall mean those components of a waste water amendable to measurement by the method described in "Standard Methods for the Examination of Water and Wastewater, 13th Edition," Method 211 (II) D, page 429.

(e) The following abbreviations shall have the following meaning: (i) "mwhr" shall mean megawatt-hour of electrical energy, applied to the furnace (furnace power consumption), (ii) "kg" shall mean kilogram(s), (iii) "kkg" shall mean 1000 kilograms, (iv) "lb" shall mean pound(s) and (v) "TSS" shall mean total suspended non-filterable solids.

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.419 kg/mwhr (0.922 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.209 kg/mwhr (0.461 lb/mwhr).
Chromium	Maximum for any one day 0.008 kg/mwhr (0.018 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.004 kg/mwhr (0.009 lb/mwhr.)
Hexavalent Chromium.	Maximum for any one day 0.0008 kg/mwhr (0.0018 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.003 kg/mwhr (0.0006 lb/mwhr.)
Total Cyanide	Maximum for any one day 0.004 kg/mwhr (0.009 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.002 kg/mwhr (0.005 lb/mwhr.)
Manganese	Maximum for any one day 0.084 kg/mwhr (0.184 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.042 kg/mwhr (0.092 lb/mwhr.)
Oil	Maximum for any one day 0.084 kg/mwhr (0.184 lb/mwhr.) Maximum average of daily values for any period of thirty consecutive days 0.059 kg/mwhr (0.129 lb/mwhr).
Phenols	Maximum for any one day 0.006 kg/mwhr (0.013 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.004 kg/mwhr (0.009 lb/mwhr.)
Orthophosphate.	Maximum for any one day 0.006 kg/mwhr (0.013 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.003 kg/mwhr (0.006 lb/mwhr.)
pH	Within the range of 6.0 to 9.0.

(b) For nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg product (lb/ton product)", rather than "kg/mwhr (lb/mwhr)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

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

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

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.032 kg/mwhr (0.071 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/mwhr (0.035 lb/mwhr).
Chromium	Maximum for any one day 0.001 kg/mwhr (0.002 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0005 kg/mwhr (0.0012 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day 0.00002 kg/mwhr (0.00005 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00001 kg/mwhr (0.00002 lb/mwhr).
Total Cyanide.	Maximum for any one day 0.0005 kg/mwhr (0.001 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0003 kg/mwhr (0.0006 lb/mwhr).
Manganese	Maximum for any one day 0.011 kg/mwhr (0.023 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.005 kg/mwhr (0.012 lb/mwhr).
Oil	Maximum for any one day 0.011 kg/mwhr (0.023 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.007 kg/mwhr (0.016 lb/mwhr).
Phenols	Maximum for any one day 0.0004 kg/mwhr (0.0009 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/mwhr (0.0005 lb/mwhr).
Orthophosphate.	Maximum for any one day 0.00007 kg/mwhr (0.0002 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00004 kg/mwhr (0.00008 lb/mwhr).
pH	Within the range of 6.0 to 9.0.

(b) For nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg product (lb/ton product)", rather than "kg/mwhr (lb/mwhr)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.24 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction 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 by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.032 kg/mwhr (0.071 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.016 kg/mwhr (0.035 lb/mwhr).
Chromium	Maximum for any one day 0.001 kg/mwhr (0.002 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0005 kg/mwhr (0.0012 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day 0.00002 kg/mwhr (0.00005 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00001 kg/mwhr (0.00002 lb/mwhr).

Effluent characteristic	*Effluent limitation*
Total Cyanide.	Maximum for any one day 0.0005 kg/mwhr (0.001 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0003 kg/mwhr (0.0006 lb/mwhr).
Magnanese....	Maximum for any one day 0.011 kg/mwhr (0.023 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.005 kg/mwhr (0.012 lb/mwhr).
Oil.....	Maximum for any one day 0.011 kg/mwhr (0.023 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.007 kg/mwhr (0.016 lb/mwhr).
Phenols.....	Maximum for any one day 0.0004 kg/mwhr (0.0009 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.0002 kg/mwhr (0.0005 lb/mwhr).
Orthophosphate.	Maximum for any one day 0.00007 kg/mwhr (0.0002 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00004 kg/mwhr (0.00008 lb/mwhr).
pH.....	Within the range of 6.0 to 9.0.

(b) For nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg product (lb/ton product)", rather than "kg/mwhr (lb/mwhr)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the covered electric furnaces or other smelting operations with wet air pollution control devices subcategory of the ferroalloy manufacturing category which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants, introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 424.24, 40 CFR, Part 424: 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 be correspondingly reduced for that pollutant."

Subpart C—Slag Processing Subcategory

§ 424.30 Applicability; description of the slag processing subcategory.

The provisions of this subpart are applicable to slag processing, wherein (a) the residual metallic values in the furnace slag are recovered via concentration for return to the furnace, or (b) the slag is "shotted", for other further use.

§ 424.31 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process comes into direct contact with any raw material, intermediate product, by-product, waste product or finished product used in or resulting from the manufacture of ferroalloys and related products.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste waters.

(c) The term "oil" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(d) The following abbreviations shall have the following meaning: (i) "kg" shall mean kilogram(s), (ii) "kkg" shall mean 1000 kilograms, (iii) "lb" shall mean pound(s) and (iv) "TSS" shall mean total suspended non-filterable solids.

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
TSS.....	Maximum for any one day 2.659 kg/kkg processed (5.319 lb/ton processed). Maximum average of daily values for any period of thirty consecutive days 1.330 kg/kkg processed (2.659 lb/ton processed).
Chromium....	Maximum for any one day 0.053 kg/kkg processed (0.106 lb/ton processed). Maximum average of daily values for any period of thirty consecutive days 0.026 kg/kkg processed (0.053 lb/ton processed).
Manganese....	Maximum for any one day 0.532 kg/kkg processed (1.064 lb/ton processed). Maximum average of daily values for any period of thirty consecutive days 0.266 kg/kkg processed (0.532 lb/ton processed).
Oil.....	Maximum for any one day 0.532 kg/kkg processed (1.064 b/ton processed). Maximum average of daily values for any period of thirty consecutive days 0.372 kg/kkg processed (0.745 lb/ton processed).
pH.....	Within the range of 6.0 to 9.0.

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

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

§ 424.34 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction 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 by a new point source subject to the provisions of this subpart: there shall be no discharge of waste water pollutants to navigable waters.

§ 424.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the slag processing subcategory of the ferroalloy manufacturing category which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 424.34, 40 CFR, Part 424: 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 be correspondingly reduced for that pollutant."

Subpart D—Noncontract Cooling Water Subcategory

§ 424.40 Applicability; description of the noncontact cooling water subcategory.

The provisions of this subpart are applicable to all noncontact cooling water uses from ferroalloy electric smelting furnaces, both with and without wet air pollution control devices.

§ 424.41 Specialized definitions.

For the purposes of this subpart:

(a) The term "noncontact cooling water" shall mean water used for cooling, and which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

(b) The term "heat content" shall mean the difference in heat of the noncontact cooling water discharge and the receiving water, as calculated by the following formula: $q = mc\ T/P$. In this formula q is the heat content in kg-cal/mwhr (BTU/mwhr); m is the mass flow rate of the noncontact cooling water discharge in kg/day (lb/day); c is the constant pressure heat capacity of the water in kg-cal/kg/°C (BTU/lb/°F); T is the difference in temperature between the noncontact cooling water discharge (before mixing with any other discharge stream) and the receiving water upstream of the thermal discharge in °C (°F); and P is the mwhr used in electric furnace production per day, in mwhr/day.

(c) The term "oil" shall mean those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(d) The term "hexavalent chromium" shall mean those components of a waste water amenable to measurement by the method described in "Standard Methods for the Examination of Water and Wastewater, 13th Edition," Method 211 (II) D, page 429.

(e) The following abbreviations shall have the following meaning: (i) "kg" shall mean kilogram(s), (ii) "lb" shall mean pound(s), (iii) "mwhr" shall mean megawatt-hour of electrical energy applied to the furnace (furnace power consumption), (iv) "kg-cal" shall mean kilogram-calories, (v) "BTU" shall mean British Thermal Unit(s), (vi) "°C" shall mean degrees Centigrade, (vii) "°F" shall mean degrees Fahrenheit and (viii) "TSS" shall mean total suspended nonfilterable solids.

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

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 2.686 kg/mwhr (5.917 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 1.343 kg/mwhr (2.959 lb/mwhr).
Chromium	Maximum for any one day 0.054 kg/mwhr (0.118 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.027 kg/mwhr (0.059 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day 0.005 kg/mwhr (0.012 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.002 kg/mwhr (0.004 lb/mwhr).
Oil	Maximum for any one day 0.537 kg/mwhr (1.183 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.376 kg/mwhr (0.828 lb/mwhr).
Orthophosphate.	Maximum for any one day 0.107 kg/mwhr (0.237 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.054 kg/mwhr (0.118 lb/mwhr).
pH	Within the range of 6.0 to 9.0.
Heat Content.	Maximum for any one day 298,000 kg-cal/mwhr (1,184,000 BTU/mwhr). Maximum average of daily values for any period of thirty consecutive days 149,000 kg-cal/mwhr (592,000 BTU/mwhr).

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

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

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.134 kg/mwhr (0.296 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.067 kg/mwhr (0.148 lb/mwhr).
Chromium	Maximum for any one day 0.003 kg/mwhr (0.006 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.001 kg/mwhr (0.003 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day 0.00005 kg/mwhr (0.0001 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00003 kg/mwhr (0.00006 lb/mwhr).
Oil	Maximum for any one day 0.027 kg/mwhr (0.059 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.019 kg/mwhr (0.041 lb/mwhr).
Orthophosphate.	Maximum for any one day 0.003 kg/mwhr (0.006 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.001 kg/mwhr (0.003 lb/mwhr).
pH	Within the range of 6.0 to 9.0.
Heat Content.	Maximum for any one day 14,900 kg-cal/mwhr (59,000 BTU/mwhr). Maximum average of daily values for any period of thirty consecutive days 7,500 kg-cal/mwhr (30,000 BTU/mwhr).

§ 424.44 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction 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 by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day 0.134 kg/mwhr (0.296 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.067 kg/mwhr (0.148 lb/mwhr).
Chromium	Maximum for any one day 0.003 kg/mwhr (0.006 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.001 kg/mwhr (0.003 lb/mwhr).
Hexavalent Chromium.	Maximum for any one day 0.00005 kg/mwhr (0.0001 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.00003 kg/mwhr (0.00006 lb/mwhr).
Oil	Maximum for any one day 0.027 kg/mwhr (0.059 lb/mwhr). Maximum average of daily values for any period of thirty consecutive days 0.019 kg/mwhr (0.041 lb/mwhr).

Effluent characteristic	*Effluent limitation*
Orthophosphate.	Maximum for any one day 0.003 kg/mwhr (0.006 lb/mwhr).
	Maximum average of daily values for any period of thirty consecutive days 0.001 kg/mwhr (0.003 lb/mwhr).
pH	Within the range of 6.0 to 9.0.
Heat Content.	Maximum for any one day 14,900 kg-cal/mwhr (59,000 BTU/mwhr).
	Maximum average of daily values for any period of thirty consecutive days 7,500 kg-cal/mwhr (30,000 BTU/mwhr).

§ 424.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the noncontact cooling water subcategory of the ferroalloy manufacturing category which is an industrial 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 navigable waters), shall be the standard set forth in Part 128, 40 CF, except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 424.44, 40 CFR, Part 424: *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 be correspondingly reduced for that pollutant."

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PART III

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Rural Development Coordination and Programs

■

FARMERS HOME ADMINISTRATION

Community Facility Loans and Grants; Guaranteed Loans

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 22—RURAL DEVELOPMENT COORDINATION

In the FEDERAL REGISTER of June 20, 1973, 38 FR 16077, there was published a notice of proposed rulemaking with a proposed amendment to Subtitle A, Office of the Secretary of Agriculture, Title 7 Agriculture, Code of Federal Regulations. The proposed amendment adds a new Part 22 which carries out the provisions of section 603 of the Rural Development Act of 1972 (Public Law 92-419). It provides for the coordination of rural development activities under section 603 of the Rural Development Act of 1972, and further provides for the coordination of authorization embracing grants, loans, and administrative provisions specifying the roles of Federal departments and agencies, the executive branch and the Federal government, of States and local governments and Federal Regional Councils and rural development committees.

The proposed new part has been revised primarily for purposes of clarity. Other minor revisions have been made as a result of comments received.

On August 10, 1973, the President signed into law the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86). Sections 816 and 817 of this act amend the Rural Development Act of 1972. In particular section 817(4) of Public Law 93-86 prohibits prior approval by any State official of any loan or grant under any program authorized by Title I of the Rural Development Act of 1972.

The regulations herein adopted further differ from the notice of proposed rulemaking as a result of the provisions of section 817(4) of Public Law 93-86. It does not appear, however, that further public participation concerning those changes would make additional information available to the Department.

New Part 22 reads as follows:

Subpart A—General

Subpart B—Roles and Responsibilities of Federal Government

Subpart C—Roles and Responsibilities of State Governments

AUTHORITY.—Sec. 301, 80 Stat. 379, 5 U.S.C. 301 and delegations of authority by the Secretary of Agriculture, 38 FR 14944-14948, 7 CFR 2.23, as amended by 38 FR 24633.

Subpart A—General

§§ 22.1—22.100 [Reserved]

§ 22.101 The Rural Development Act of 1972 (Public Law 92-419).

The Rural Development Act of 1972 (Public Law 92-419), herein called the Act consists of six titles designed to facilitate the development of rural communities through a series of authorizations including grants, loans, and administrative provisions. This Act adds new statutory rural development coordination responsibilities to certain Federal departments and agencies to be carried out under the leadership of the Secretary of Agriculture.

§ 22.102 Summary of authorities.

The purpose of this section is to give notice that certain authorities have been delegated by the Secretary of USDA agencies for implementation. New Secretarial delegations covering the Rural Development Act were effective May 31, 1973, and were published in the FEDERAL REGISTER June 7, 1973 (38 FR 14944-14953). These are as follows:

(a) *Title I (38 FR 14948).*—Responsibility delegated to the Assistant Secretary for Rural Development. The responsibility for administering loan and grant authorities is redelegated to the Farmers Home Administration, except the responsibility for administering loan authorities with respect to rural electrification and telephone facilities and service which has been redelegated to the Rural Electrification Administration.

(b) Titles II (38 FR 14945-14948), III (38 FR 14945-14948), and V (38 FR 14945-14948).—Responsibility delegated to the Assistant Secretary for Conservation, Research and Education and redelegated as follows:

(1) Titles II (38 FR 14951-14952) and III (38 FR 14951-14952) to the Administrator, Soil Conservation Service.

(2) Title V (38 FR 14949-14950) to the Administrators, Cooperative State Research Service and the Extension Service respectively.

(c) Title IV (38 FR 14945-14948).—Responsibility delegated to the Assistant Secretary for Conservation, Research and Education and redelegated (38 FR 14950-14951) to the Chief of the Forest Service.

(d) Title VI, section 603 (38 FR 14948).—Responsibility delegated to Assistant Secretary for Rural Development and redelegated (38 FR 14953) to the Administrator, Rural Development Service.

The Rural Development Act recognizes that many Federal departments and agencies of the executive branch of government administer programs and provide services which are applicable to the needs of rural communities. Section 603 of the Rural Development Act charges the Secertary of Agriculture with providing governmentwide leadership for, and with coordinating a nationwide rural development program. In such coordination, the Secretary shall seek measures that will achieve effective integration of relevant Federal services in rural areas as provided by Agriculture agencies and other Departments and agencies. This section also requires that the Secretary shall establish goals and report to the Congress on progress in complying with specified purposes of the Act. The Federal Regional Council will play a major role in coordination at the field level. An organic Act of the Department (7 U.S.C. 2201) has been amended to require the Secretary to add Rural Development to those purposes for which he is authorized to acquire and diffuse useful information.

§ 22.103 Purpose.

The purpose of these regulations is to establish the policies, procedures, and responsibilities required by section 603 of the Rural Development Act.

§ 22.104 General policy.

Federal implementation of the Act will be consistent with the President's policy of decentralized decisionmaking and administrative responsibility which gives fullest possible consideration to State and local rural development goals and priorities. As a result of section 817(4) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86) which prohibits prior approval by any State officials of any loan or grant under any program authorized by Title I of the Rural Development Act of 1972 (Public Law 92-419), it has been necessary to substantially modify the planned administration of programs under section 603 of the Rural Development Act.

Subpart B—Roles and Responsibilities of Federal Government

§ 22.201 Coordination.

The following identifies types and levels of coordination:

(a) Washington level interdepartmental and interagency coordination for purposes of the Act.

(b) Coordination for purposes of the Act among agencies within the U.S. Department of Agriculture.

(c) Coordination among and between the field operations of Federal agencies for purposes of the Act.

(d) Coordination for purposes of the Act between levels of field operations of the Federal government and State governments.

§ 22.202 Federal unit responsibilities.

The following Federal units have major responsibilities in implementing the Act.

(a) Rural Development policy questions requiring resolution by the Committee on Community Development of the President's Domestic Council may be so referred by the Secretary of Agriculture, who will sit as a member and as Chairman of the Rural Development Committee.

(b) The Under Secretary of Agriculture will represent the Secretary in matters pertaining to rural development policy when such matters are of mutual concern to the Under Secretaries' Group for Regional Operations (Executive Order 11647 as amended by E.O. 11731) and the Federal Regional Councils, or at such other times that he or the Secretary may deem appropriate.

(c) The Assistant Secretary of Agriculture for Rural Development will chair an Assistant Secretaries' Working Group consisting of interdepartmental and interagency members from Agriculture, Health, Education, and Welfare, Housing and Urban Development, Defense, Labor, Commerce, Transportation, Environmental Protection Agency, Small Business Administration and others as appropriate. This working group will operate under the aegis of the Rural Development Committee of the Domestic Council. The purpose of this working group is:

(1) To develop and recommend rural development policy applicable to more than one executive department or agency.

(2) To develop cooperative procedures between and among executive departments and agencies in matters pertaining to rural development.

(3) To devise effective rural development strategies and to bring Federal resources and services to bear toward their realization.

(4) To advise the Under Secretaries' Group on involvement of Federal Regional Councils in rural development activities.

The Secretary of Agriculture may utilize the services of the Assistant Secretaries' Working Group in performing his rural development functions for the Rural Development Committee of the Domestic Council.

(d) The Administrator, Rural Development Service, under the policy direction of the Assistant Secretary for Rural Development shall coordinate rural development activities under section 603 of the Rural Development Act as directed by the Secretary. In the fulfillment of such responsibilities, he is authorized to communicate directly with other Federal department and agency officials of corresponding levels of authority and with State and Federal Regional Council officials.

(e) The Federal Regional Councils shall have primary responsibility for interagency program coordination at the field level and will provide assistance to and liaison with States in promoting rural development. Federal attention to this type of cooperation and coordination will be emphasized. In addition, the Federal Regional Councils, operating within policy determined at the Washington level, shall be responsible for performing an oversight function to assess how well the machinery is working in carrying out the Rural Development Act authorities. Each Federal Regional Council shall create an appropriate management structure to accomplish the foregoing. This may include the creation of a Rural Development Committee. The Department of Agriculture will chair such Rural Development Committees or otherwise assume the lead in managing rural development actvities of the Federal Regional Councils.

(1) Procedures for the coordination of rural development activities will be consistent with the policies expressed herein and with any specific Federal guideline based on these regulations or on Executive Order 11647, as amended by Executive Order 11731.

(2) Councils shall exercise authority under Executive Order 11647, as amended by Executive Order 11731, to promote in rural areas integrated program and funding plans involving several Federal agencies.

§ 22.203 Major responsibilities under Title VI, Sec. 603.

(a) *Title VI, section 603(b).*—(1) Section 603(b) of the Rural Development Act charges the Secretary of Agriculture with providing leadership in the development of a nationwide rural development program. Included in this program would be pertinent Federal departments and agencies which might contribute to this rural development mission. In carrying out his responsibilities, the Secretary shall report annually, prior to September 1, to the Congress on rural development goals for employment, income, population, housing, and quality of community services and facilities. To carry out the provisions of the Act specified above, the following major responsibilities are identified:

(i) The Rural Development Committee of the Domestic Council will assume responsibility for interdepartmental policy formulation and resolution of issues pertaining to this section of the Act as determined by the Secretary of Agriculture. This committee consists of members of the Community Development Committee of the Domestic Council, to wit: the Secretary of Agriculture, Chairman of the Rural Development Committee; the Secretary of HUD, Chairman of the Urban Development Committee; the Secretary of Transportation, Chairman of the Transportation Policy Development Committee; the Secretaries of Treasury, Commerce, and Labor and the Director of OMB.

(ii) The Secretary of Agriculture shall be responsible for Washington level coordination pursuant to this section of the Act.

(iii) At the regional level, the Federal Regional Councils shall develop and implement procedures designed to identify and facilitate access to Federal resources appropriate for rural development purposes within States. Such procedures will be consistent with policies expressed or endorsed by the Under Secretaries' Group. The Councils shall also be responsible for monitoring the effectiveness with which the Rural Development Act is implemented within their respective regions.

(2) The Secretary of Agriculture is also authorized to initiate or expand research and development efforts related to solution of rural development problems including problems of rural water supply, rural sewage and solid waste management, and rural industrialization.

(3) The Rural Development Service will operate a rural development research program and may also participate in rural development research in cooperation with Federal, State and private research units.

(b) *Title VI, section 603(c) of the Rural Development Act.*—(1) Under guidance by the Under Secretaries' Group, and under the leadership of the U.S. Department of Agriculture member on each of the Federal Regional Councils, the Rural Development Committees of the Federal Regional Councils or other Federal Regional Council mechanisms assigned to work with rural development, shall be responsible for proposing to the appropriate Federal and State agencies actions in such areas as:

(i) Adjustment, where appropriate, of administrative boundaries used by field staffs of Federal and Federally supported agencies to conform with boundaries of multicounty jurisdictions. "Multicounty jurisdictions" as used means substate planning districts or other combinations of county jurisdictions as designated by States for State planning purposes.

(ii) Co-location of field units of Federal agencies and consolidation of offices in the vicinity of principal centers of local government administration (including multicounty jurisdictional administration), to encourage increased cooperation within and among different governmental levels.

(iii) Exchange of personnel between Federal and State agencies under the Intergovernmental Personnel Act (Public Law 91-648), to supplement and broaden staffs administering rural development programs, and provide specific technical expertise for certain projects.

(iv) Interchange of personnel among Federal agencies for the purposes expressed in paragraph (b)(1)(ii) of this section.

(2) In addition, the U.S. Department of Agriculture member on the Federal Regional Councils shall, by July 31 of each year, report to the Assistant Secretary for Rural Development who shall in turn report to the Under Secretaries' Group and the Congress on progress made in carrying out the programs outlined in paragraph (b)(1) (ii) through (iv) of this section and plans for programs to be implemented during the following fiscal year. The first report will be due to the Assistant Secretary by July 31, 1974.

§ 22.204 Rural development committees.

State rural development committees, consisting of USDA agency members and, in most instances, State governments and other Federal agency representatives are available to assist States in accomplishing their rural development objectives. Such assistance if requested by the State can take the form of technical assistance and cooperative services to States in carrying out their rural development priorities.

§ 22.205 Allocation of loan and grant funds.

(a) Title I grant funds and approved loan funding levels will be allocated among States by a formula designed to ensure equitable treatment. This applies to amounts made available for business and industrial loans, water, sewer and other community facilities except electrical and telephone facilities provided by or through the Rural Electrification Administration.

(b) During the second half of the fiscal year, the Secretary of Agriculture shall review State and multicounty jurisdictional rural development programs and projects so that unused allocations may be shifted from one State to another so as to enable the obligation of all available funds prior to the end of the fiscal year.

(c) The formula used for fund allocation will ensure that a minimum loan and grant level is established so that no State receives an amount too small to serve the purposes of the Act. A percentage of total loan and grant authority will be withheld from initial allocation to allow subsequent appropriate technical adjustments in amounts allocated to individual States.

(d) Title V funds shall be distributed by the Secretary under the formula specified in the Act. Title V activities will be consistent with the principle that States and multicounty jurisdictions have responsibility for the rural development planning and priority setting functions.

Subpart C—Roles and Responsibilities of State Governments

§ 22.301 Selection and designation.

Procedures for implementing the Act are designed to give the fullest possible consideration to planning and development goals and strategies at the State and multicounty jurisdictional levels. The governing bodies of multicounty organizations should include representatives of local governments contained within the respective multicounty jurisdictions. State development strategies and priorities shall be fully considered in the Federal administration of Rural Development Act authorities.

§ 22.302 Area eligibility.

Eligibility for programs under the Act will be based on the criteria of community size and location of population as specified in the Act. State designations of eligible areas will be duly considered by the Federal government in the determination of eligibility for loan and grant assistance.

§ 22.303 Cooperation with Federal Regional Councils.

States are urged to establish and maintain close and cooperative relationships with the Federal Regional Councils which will be in a position to assist the States and multicounty jurisdictions in the identification and application of available resources. States may authorize direct communications and liaison between the Regional Councils and multicounty jurisdictions within States.

§ 22.304 Multiyear planning and programming.

State and multicounty jurisdictions are encouraged to adopt multiyear planning and development programs. As administrative procedures for implementing the Act support the feasibility of such a process, these programs should consider joint State, Federal, and local budget planning factors and be refined to conform to the actual fund availability as annual budgets are finalized and allocated. Such programs, once initiated, will be extended by the annual addition of a new planning year until programs are completed or terminated.

§ 22.305 Conformance with OMB Circular No. A–95.

The State and multicounty jurisdictional rural development planning process must conform to the review requirements expressed in OMB Circular No. A–95 under parts I, III, and IV as appropriate.

§ 22.306 Financing rural development planning.

States will be required to finance rural development planning through their own resources, revenue-sharing allocations, or the Department of Housing and Urban Development planning and management assistance program or other available Federal planning programs.

§ 22.307 Program evaluation.

The Department of Agriculture is responsible for continuous program evaluation to determine if individual projects and the entire program is cost effective in terms of reaching rural development goals. As a result, USDA is responsible for conducting and reporting an annual evaluation of selected rural development projects and the overall rural development program. USDA shall include as a part of its evaluation Federal Regional Council assessment of the effectiveness of interagency coordination and delivery of services within the overall rural development program. States and multicounty districts are encouraged to participate in the joint preparation of such program evaluations. Copies of such evaluations should be supplied to the Administrator, Rural Development Service, Department of Agriculture and to the Federal Regional Councils, in sufficient time so as to arrive not later than July 1. The initial evaluation, due July 1, 1974, in addition to the requirements listed below, should include a background statement and should summarize first year program efforts and results. Annual evaluation should:

(a) Describe the process used in planning, project selection and priority setting, and the criteria and process used in evaluating program effectiveness.

(b) Describe the specific objectives of the programs.

(c) Describe and assess the cost and effectiveness of projects being pursued within individual multicounty jurisdictions.

(d) Express observations, conclusions and recommendations based on such evaluations which may contribute to the development of better management, coordination and planning procedures.

§ 22.308 Project approval.

State and multicounty jurisdictional planning is a State and local prerogative. Federal agencies will be responsive to State rural development strategies and priorities. However, determination of eligibility and feasibility and final approval of individual projects involving Federal funds must remain with the Federal government consistent with the Act and implementing regulations.

§ 22.309 Seeking Federal review.

States may, if they elect, submit multicounty development plans and proposals to the Federal Regional Councils and to the Rural Development Service, USDA, for review and comment. Such review will neither obligate the Federal government with respect to such programs nor require States to conform with suggestions supplied by the USDA or the Federal Regional Council.

Effective date.—This part becomes effective on October 18, 1973.

Dated October 10, 1973.

WALTER A. GUNTHARP,
Administrator,
Rural Development Service.

[FR Doc.73–21975 Filed 10–17–73;8:45 am]

PART 23—STATE AND REGIONAL ANNUAL PLANS OF WORK

Regulations for Programs, Title V, Rural Development Act of 1972

In the FEDERAL REGISTER of June 21, 1973, 38 FR 16234–16236, there was published a notice of proposed guidelines to carry out Title V of the Rural Development Act of 1972. Comments that were received were carefully considered. As a result of a number of comments, the reference to OMB Circular A–95 requiring the State Annual Plan of Work to be submitted to the Governor for his review has been eliminated. The provision for project approval by the State Rural Development Advisory Council, as provided by Title V, composed of a mix of elected officials, private individuals and educators, has been retained. This Council should be sufficient to coordinate with the State A–95 clearinghouse to insure

that proposals do not duplicate other activities.

Also during the notice period the proposed guidelines were revised in the Department primarily for purposes of clarity. The regulations herein adopted, thus, differ from the notice of proposed rulemaking. It does not appear, however, that further public participation would make additional information available to the Department. The Department would like to make these regulations effective as early as possible to effectuate the provisions of Title V of the Rural Development Act. Thus, it is found upon good cause that they be made effective less than 30 days after publication in the FEDERAL REGISTER. The regulations shall be effective on October 18, 1973.

As adopted, the new Part 23, reads as follows:

Subpart A—State Program

Subpart B—Regional Program

AUTHORITY.—Sec. 508, 86 Stat. 674 (7 U.S.C. 2668).

Subpart A—State . rogram

§ 23.1 General.

(a) Title V of the Rural Development Act of 1972 (P.L. 92-419) hereafter referred to as "Title V" is the Research and Education component of the Rural Development Act of 1972. Title V provides the opportunity to utilize and build upon the research, extension, and community service capability of public and private institutions of higher education in each State to expand scientific inquiry and education backup for rural development. The higher educational and research institutions in each State, including the Land Grant Institutions of 1890, are authorized to assist in developing and disseminating through the most appropriate manner, scientific information, technical assistance, and feasibility studies required to improve the rural development capability of local citizens, agencies, and governments. Programs authorized under Title V shall be organized and conducted by one or more colleges or universities in each State to provide a coordinated program in each State which will have the greatest impact on accomplishing the objectives of rural development in both the short and longer term and the use of these studies to support the State's comprehensive program to be supported under Title V.

(b) Title V operations will be consonant with the purpose that all Federal rural development activities be coordinated with other federally assisted rural development activities and with the State's ongoing rural development program. To effectuate such purpose, the Assistant Secretary for Conservation, Research and Education will implement title V plans and activities in close coordination with the Assistant Secretary for Rural Development.

§ 23.2 Administration.

(a) Title V will be administered by the Administrators of the Extension Service and the Cooperative State Research Service for extension and research programs respectively, in cooperation with the chief administrative officer of the State Land Grant University who will administer the program within his respective State. To assure national and State coordination with programs under the Smith-Lever Act of 1914 and the Hatch Act (as amended), August 11, 1955, the administration of the programs shall be in association with the programs conducted under the Smith-Lever Act and the Hatch Act as required by Section 504(b) of the Act.

(b) Programs authorized under title V shall be conducted as mutually agreed upon by the Secretary and the chief administrative officer of the State Land Grant University responsible for administering said programs in a memorandum of understanding which shall provide for the coordination of the programs, coordination of these programs with other rural development programs of Federal, State, and local government, and such other matters as the Secretary shall determine.

§ 23.3 Coordination.

The chief administrative officer of the administratively responsible State Land Grant University will designate an official who will be responsible for the overall coordination of the authorized programs for the State. The designated official will be responsible for the overall coordination of planning, organizing, funding, conducting and evaluating programs in association with the person responsible for the administration of research programs, the person responsible for the administration of the extension programs, and the administrative head of agriculture of the University (chairman of the State Rural Development Advisory Council).

§ 23.4 State Rural Development Advisory Council.

(a) The chief administrative officer of the administratively responsible State Land Grant University will appoint a State Rural Development Advisory Council with membership as set forth in section 504(e) of Title V. The function of the Council shall be to review and approve annual program plans conducted under Title V. The Council will also advise the chief administrative officer on all matters pertaining to the authorized programs.

(b) The Chairman of the State Rural Development Advisory Council will insure that programs proposed under Title V including regional programs applicable within the State are not inconsistent with and are, to a maximum extent practicable, in consonance with other rural development programs and activities approved in that State.

(c) Those elements of the research and extension plan which would impact directly on rural development activities being developed or pursued by States will be considered jointly by the State Rural Development Advisory Council and appropriate State agencies to assure a constructive reinforcement of those State activities.

§ 23.5 Availability of funds.

Funds available under Title V for extension and research programs shall be allocated to, and following approval of a State Annual Plan of Work, paid to the official of the State Land Grant University designated to receive funds under the Smith-Lever and Hatch Acts respectively. Funds will be available for State programs for expenditures authorized by section 503(c) of Title V, in the fiscal year for which the funds were appropriated and the next fiscal year.

§ 23.6 Plan of Work.

(a) A State Annual Plan of Work for carrying out the programs authorized under title V shall be prepared. The Plan of Work should include:

(1) Identification of major problems and needs which can be met by each related extension and research program in the geographic or problem area,

(2) The relationship of this program to ongoing planning and development efforts,

(3) The organizational structure for planning, conducting, and evaluating each pilot program, including the names and title of the members of the Rural Development Advisory Council and the composition of major committees and work groups.

(4) A separate concise statement describing specific extension projects to be funded under each program. The statement should contain the following elements: Title, objectives, organization and operational procedures, probable duration, personnel, institutions involved, and relation to the research effort. In addition, a brief description of each regular or special extension project which is complementary and supports the Title V pilot program, but which is funded from other sources shall be included,

(5) A separate concise statement describing specific research projects to be funded under each program. The statement should contain the following elements: Title, objectives, organization, and operational procedures, probable duration, personnel, institutions involved, and relation to the extension effort. In addition, a brief description of each regular or special research project which is complementary and supports the Title V program, but which is funded from other sources, shall be included,

(6) A plan for evaluating the impact of each program on the development of the area, including the effectiveness of the extension and research program

techniques, and organizational structure for planning and conducting each program. Appraisals by community leaders in the area should be included in the evaluation.

(7) Provisions for making an annual progress report to the Assistant Secretary for Conservation, Research, and Education which will document achievements pertaining to the goals and objectives as stated in the Plan of Work.

(8) A budget statement for each program to be submitted on forms provided by the Assistant Secretary for Conservation, Research, and Education.

(b) The Plan of Work shall include plans for all programs to be conducted with funds authorized under section 503 (b) (3) and (4) of Title V. The Plan of Work shall include plans for the programs to be conducted by each cooperating and participating university or college and such other information as included in these guidelines. Each State program must include research and extension activities directed toward identification of programs which are likely to have the greatest impact upon accomplishing the objectives of rural development in both the short and longer terms and the use of these studies to support the State's comprehensive program to be supported under section 505 (b) of Title V. In addition, all other rural development extension and research efforts funded from other sources that contribute directly to the proposed programs shall be described in the Plan of Work.

(c) Since the appropriation authorization for Title V is limited to a three-year period the Plan of Work should be developed to demonstrate extension and research program techniques and organizational structures for providing essential knowledge to assist and support rural development efforts within that time.

(1) In accordance with the above criteria, the Plan of Work should:

(i) Concentrate on limited geographic or problem areas where Title V efforts would be expected to have high impact within the three-year authorization.

(ii) Give emphasis to rural areas, including towns and cities with populations of less than 50,000.

(iii) Involve the administratively responsible Land Grant University and other public or private colleges and universities, as appropriate, in meeting with high priority extension and research needs of the area(s).

(iv) Give priority to education and research assistance leading to increasing job and income opportunities, improving quality of life, improving essential community services and facilities, improving housing and home improvements, and enhancing those social processes necessary to achieve these goals.

(v) Be consistent with Statewide comprehensive planning and development efforts and objectives. Procedures set forth under section 23.4(c) are designed to achieve attainment of this requirement.

(d) Four copies of the Plan of Work approved by the State Rural Development Advisory Council shall be submitted by the person responsible for the overall coordination of the Title V programs in the State to the Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after enactment of the annual Appropriation Act for the Department of Agriculture.

(e) Plans of Work not meeting the above criteria will not be approved by the Assistant Secretary for Conservation, Research and Education.

Subpart B—Regional Program

§ 23.9 General.

(a) Section 503(b)(2), Title V, of the Rural Development Act of 1972 (P.L. 92-419) hereafter referred to as "Title V" authorizes funds to finance work authorized under Title V which serve two or more States; in which universities in two or more States cooperate; or which is conducted by one University serving two or more States. The authorized funding under section 503(b)(2) is hereafter referred to as the "Regional Programs."

(b) The Regional Programs shall develop and provide knowledge essential to assist and support rural development in the region, and shall provide for technical consultation and personnel development for the research and extension staff in the several States of the region to help them to be more responsive to rural development needs and activities.

(c) The Regional Programs will concentrate on the high priority knowledge, training, and personnel needs required for the research and extension staff in the several States to conduct effective rural development research and extension to carry out the provisions of Title V. These efforts may include personnel development and consultation; synthesis of existing research knowledge and the interpretation of this knowledge for rural development program and policy purposes; the development of strategies and procedures on high priority rural development problems of regional significance; as funds permit, the conduct of research on one of two high priority problems for which information is lacking but is urgently needed for rural development, and the evaluation of rural development programs and policies.

(d) Regional Programs will be consonant with all rural development activities under the Act and other pertinent Federal development programs. To effectuate such purpose, the Assistant Secretary for Conservation, Research and Education will implement Title V plans and activities in close cooperation with the Assistant Secretary for Rural Development. In order to insure such consonance, the Director of each Regional Center will insure that regional programs having an impact within one or more States are brought to the attention of the appropriate State overall coordinator for consideration pursuant to procedures in section 23.4(c).

§ 23.10 Administration.

(a) The Regional Programs will be administered through four Regional Rural Development Centers hereafter referred to as "Regional Centers" in cooperation with the Extension Service and the Cooperative State Research Service. The Director of each Regional Center shall be responsible for compliance with all appropriate provisions of Title V and the regulations of this subpart. Regions as delineated for purposes under section 503(b)(2) will be coterminous with the regional delineation by the National Association of State Universities and Land Grant Colleges. Each Regional Center will be established by the regional association of State Agricultural Experiment Station Directors and the regional organization of Cooperative Extension Directors in the region to be served by the Regional Center. These associations and organizations will designate the location of the Regional Center.

(b) Although the Regional Center will administer the program, it is also expected that it will draw on expertise from outside the Regional Center. The Director of each Regional Center shall seek advice and assistance from regional and subregional committees, groups or persons who can contribute to the Regional Center's program.

§ 23.11 Board of Directors.

(a) For each Regional Center there shall be a Board of Directors selected by the Regional Association of Agricultural Experiment Station Directors and the Regional Organization of Cooperative State Extension Directors. Membership on the Board of Directors shall include representatives from State Cooperative Extension Services and State Agricultural Experiment Stations from the States in the region and/or other State administrators of programs carried out under Title V in the region.

(b) The Director of each Regional Center will be responsible to the Board of Directors for the Regional Program conducted at that Regional Center. The Regional Annual Plan of Work will be developed by the Director and reviewed and approved by the Board of Directors.

§ 23.12 Availability of funds.

Available funds will be allocated equally and following approval of a Regional Annual Plan of Work paid to the Directors of the four Regional Centers. Funds will be available for Regional Programs for expenditures authorized by section 503(c) of Title V, in the fiscal year for which the funds were appropriated and the next fiscal year.

§ 23.13 Plan of Work.

(a) A Regional Plan of Work for carrying out the programs authorized to be funded under section 503(b)(2) of Title V shall be prepared. The Plan of Work should include:

(1) A brief narrative statement including identification of high priority knowledge, skill, and organization needs for rural development program and

policy purposes in the region and identification of technical consultation, training, and personnel needs of research and extension workers in support of rural development programs.

(2) A statement indicating: (i) The types of personnel to be trained, technical consultation to be conducted, the estimated number of participants, the location or locations where the program will be conducted, and the staff who will conduct the work;

(ii) The types of topical areas of rural development for which the synthesis of available research knowledge for rural development purposes is planned;

(iii) The type of high priority rural development research which will be undertaken as funds permit and the staff which would do the research;

(iv) The type of evaluation studies which will be made and the staff which will do the evaluation; and

(v) The relationship of the Plan of Work to priorities activated under Subpart A of this Part, which in turn support State development strategies.

(3) A concise statement of the organization structure for planning and conducting the program funded under section 503(b)(2).

(4) A plan for evaluating the usefulness of the program and the effectiveness of the organizational structure.

(5) Provision for making an annual progress report to the Assistant Secretary for Conservation, Research and Education which will document achievements pertaining to the goals and objectives as stated in the Plan of Work.

(6) A budget statement to be submitted on forms provided by the Assistant Secretary for Conservation, Research and Education.

(b) The Plan of Work shall be coordinated with the work program of other pertinent multi-State organizations or bodies for those activities of the Regional Rural Development Centers which go beyond direct assistance to individual State programs conducted under Title V.

(c) The Director of the Center will forward four copies of the Plan of Work to the Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, Washington, D.C. 20250, by a time to be specified by the Assistant Secretary for Conservation, Research, and Education.

(d) Regional Annual Plans of Work not meeting the above criteria will not be approved by the Assistant Secretary for Conservation, Research and Education.

Dated October 10, 1973.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.73-21976 Filed 10-17-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Ins. 442.1; AL-870(442)]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Water and Sewer Project Loans; Preliminary Inquiries; Deletion

Section 1823.36 of Subpart A of Part 1823, Title 7, Code of Federal Regulations (37 FR 28607), is deleted. The provisions of this section which pertains to the handling of preliminary inquiries for loan and grant assistance for water and sewer projects are no longer applicable. Since its provisions are no longer applicable notice and public procedure thereon are unnecessary.

((7 U.S.C. 1989) delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date.—This deletion is effective on October 18, 1973.

Dated October 1, 1973.

J. R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.73-21978 Filed 10-17-73;8:45 am]

[FHA Ins. 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Community Facility Loans

On pages 16364 through 16374 of the FEDERAL REGISTER, there was published a notice of proposed rulemaking to issue an amendment of Subpart A of Part 1823 of Title 7, Code of Federal Regulations, by deleting the entire part of Subpart A as it appears at 37 FR 12036; 37 FR 20108; and 37 FR 28607, and issuing regulations to facilitate the requirements of community facilities in the area of loan making, planning and developing community facilities, and information pertaining to preparation and issuance of evidences of debt by applicants. These regulations are issued in the form of a revised Subpart A as follows:

Community Facility Loans	§§ 1823.1 to 1823.15
Community Facilities—Planning, Bidding, Contracting, Constructing	§§ 1823.21 to 1823.33
Information Pertaining to Preparation of Notes or Bonds and Bond Transcript Documents for Public Body Applicants	§§ 1823.41 to 1823.48

Interested persons were given 21 days in which to submit comments, suggestions, or objections regarding the amendment. All comments received have been considered and incorporated where appropriate. Substantive changes are as follows:

1. The provision for approval of application by the State Governor or his designee has been deleted.

2. The provision for the State Governor to establish the priority of application approval has been deleted.

3. A revision has been made which provides that FHA shall cooperate fully with appropriate state agencies in the making of loans in a manner which will assure maximum support of the states' strategies for development of rural areas.

4. A revision has been made which provides that FHA will fully consider all OMB Circular A-95 agency comments and priority recommendations in selecting application for funding.

5. A revision has been made which allows private corporations organized under the general profit corporation laws to be eligible for FHA assistance under certain conditions.

6. A revision has been made which allows loans for social, cultural, recreational, and other like purposes to be made to other than public body type organizations when certain conditions are met.

7. A revision has been made regarding scheduled repayment dates.

8. The requirement for projects to be consistent with comprehensive area-wide plans has been deleted.

9. A revision has been made which establishes a "review of decision" procedure for rejected applications.

10. A revision has been made which requires the borrower to submit evidence that required property and liability insurance, workman's compensation, and fidelity bond premiums have been paid.

11. A revision has been made which allows FHA to require an annual audit of operation in lieu of other management reports in certain cases for public body borrowers whose loans are secured by general obligations or assessments.

12. A revision has been made which requires flood hazard insurance for facilities located in flood plains when such insurance is available at reasonable rates.

13. A revision has been made to change from $2500, to $50,000, the amount of a procurement contract which does not require formal advertising unless otherwise required by state or local law or regulations.

14. A revision has been made to provide for OGC approval of construction contracts which do not follow guide formats previously approved by FHA and that all change orders be approved by FHA.

15. A revision has been made to allow the applicant the option of not using bond counsel for issues of $50,000 or less