

U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.50.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received within sixty days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Dated: February 15, 1974.

JOHN T. PHELAN,
Deputy Administrator for Field
Services, Soil Conservation
Service.

[FR Doc.74-4411 Filed 2-25-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 453]

ASSIGNMENT OF HEARINGS

FEBRUARY 21, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 121567 Sub 4, Wichita Air Cargo Delivery, Inc., now assigned March 26, 1974, at Kansas City, Mo., is cancelled and reassigned for hearing April 4, 1974, at Kansas City, Mo., in a hearing room to be later designated.

MC-PC-74226, Taylor Freight System, Inc., Philadelphia, Pa., Transferee, and Dependable Container Service, Inc., Brooklyn, N.Y., Transferor, and MC-PC-74488, Jetex Freight Systems, Inc.,

Newton, Pa., Transferee, and James H. Russell, Smithfield, R.I., Transferor, now assigned March 4, 1974, at Washington, D.C., is postponed to April 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 Sub 234, Hilt Truck Line, Inc., now being assigned hearing April 1, 1974 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 124511 Sub 17, John F. Oliver, now being assigned hearing April 3, 1974 (3 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 5227 Sub 10, Economy Movers, Inc., now being assigned hearing April 8, 1974 (1 week), at Chicago, Illinois, in a hearing room to be later designated.

MC 135751 Sub-6, Atlantic Carrier, Inc., now being assigned March 25, 1974, at Chicago, Ill., in a hearing room to be later designated.

MC-F-12027, Jenkins Truck Line, Inc. (Indiana)—Merger—Jenkins Truck Line, Inc. (Iowa), now being assigned March 26, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 107295 Sub 658, Pre-Fab Transit Co., now being assigned March 28, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 18459 Sub 8, Britton Motor Service, Inc., now being assigned April 1, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 1668 Sub 5, Rite-way Express, Inc., now assigned March 25, 1974, will be held in Room B-2231, 26 Federal Plaza, New York, N.Y.

FD 20812, Railway Express Agency, Inc., Notes, now being assigned continued pre-hearing conference April 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 80430 Sub 126, Gateway Transportation Co., Inc., now assigned March 25, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street, N.W.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4513 Filed 2-25-74;8:54 am]

[Rule 19; Ex Parte No. 241; 11th Rev. Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY CO. Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Company
Reporting marks: ATW
Chicago & Illinois Midland Railway Company
Reporting marks: CIM
The La Salle and Bureau County Railroad Company
Reporting marks: LSBC

Richmond, Fredericksburg and Potomac Railroad Company
Reporting marks: RFP
Roscoe, Snyder and Pacific Railway Company¹
Reporting marks: RSP
Vermont Railway, Inc.
Reporting marks: Rut or VTR
Wellsville, Addison & Galetton Railroad Corporation
Reporting marks: WAG

Effective February 15, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 14, 1974.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-4512 Filed 2-25-74;8:45 am]

[Rule 19; Ex Parte No. 241; Amdt. No. 6 To 3d Revised Exemption No. 22]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Third Revised Exemption No. 22 issued January 12, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 22 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 15, 1974.

This amendment shall become effective February 15, 1974.

Issued at Washington, D.C., February 12, 1974.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-4511 Filed 2-25-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 21, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 13, 1974.

FSA No. 42806—Roofing and Building Material to Points in Southern Territory. Filed by Southwestern Freight Bureau, Agent (No. B-458), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from points

¹ Addition.

in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, to points in southern territory.

Grounds for relief—Rate relationship. Tariff—Supplement 23 to Southwestern Freight Bureau, Agent, tariff SW/S-302-G, I.C.C. No. 4952. Rates are published to become effective on March 26, 1974.

FSA No. 42807—*Joint Water-Rail Container Rates—Yamashita-Shinnihon Line*. Filed by Yamashita-Shinnihon Line (No. 4), for itself and interested rail carriers. Rates on general commodities, between Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4510 Filed 2-25-74;8:45 am]

[Ex Parte No. 302]

INCREASES IN EXPORT RATES ON GRAIN, GRAIN PRODUCTS, AND RELATED COMMODITIES—1973

FEBRUARY 21, 1974.

The Commission today has voted not to suspend and not to investigate the increases in the above-entitled proceeding which were filed pursuant to Special Permission No. 74-2400. Your attention is directed to the fact that this Special Permission provided that the supplements published pursuant thereto "shall bear an expiration date not beyond one year from the effective date which date may not be cancelled or extended except upon specific authorization of this Commission and all relief herein expires with that date."

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4508 Filed 2-25-74;8:45 am]

[Notice No. 31]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 18, 1974. Pursuant to section 17(8) of the Inter-

state Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74889. By order of February 20, 1974, the Motor Carrier Board approved the transfer to Bolduc-Goulet Express, Inc., Webster, Mass., of the operating rights in Certificates No. MC-17764 and MC-17764 (Sub-No. 1), issued October 29, 1956, and September 6, 1972, respectively to Bolduc's Express, Inc., Webster, Mass., and MC-59242 and MC-59242 (Sub-No. 1), issued March 2, 1953, and October 25, 1955, respectively to Goulet's Express, Inc., Putnam, Conn., authorizing the transportation of general and specified commodities from, to and between specified points in Massachusetts, Rhode Island and Connecticut. Francis P. Barrett, 60 Adams St., Milton, Mass. 02187. Attorney for transferee. Leonard E. Legoeuf, 297 Main St., Webster, Mass. 01570. Attorney for transferors.

No. MC-FC-74964. By order of February 20, 1974, the Motor Carrier Board approved the transfer to Firpo & Sons, Inc., doing business as Firpo's Moving & Storage, Marcus Hook, Pa., of the operating rights in certificate No. MC-25187 issued September 12, 1940, to William Kearney, doing business as Kearney's Moving, 250 West Coulter Street, Philadelphia, Pa. 19144, authorizing the transportation of household goods, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, Virginia, Pennsylvania, New York, and the District of Columbia. Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Attorney for transferee.

No. MC-FC-74974. By order entered February 20, 1974, the Motor Carrier Board approved the transfer to Dependable Truck Lines, Inc., Enumclaw, Wash., of the operating rights set forth in Certificate No. MC-78830, issued April 28, 1961, to Moulden & Sons, Inc., Enumclaw, Wash., authorizing the transportation of general commodities, with the usual exceptions, between Seattle, Wash., and Carbonado, Wash., over specified routes, serving certain specified intermediate and off-route points; and general commodities, between Enumclaw, Wash., on the one hand, and, on the other, Mud Mountain Dam, Wash., over specified routes. James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-74975. By order entered February 20, 1974, the Motor Carrier Board approved the transfer to Dependable Truck Lines, Inc., Enumclaw, Wash., of the operating rights set forth in Certificate No. MC-52342, issued January 3, 1956, to Joseph J. Fantello and Anthony J. Fantello, a partnership, doing business as Dependable Truck Lines, Enumclaw, Wash., authorizing the transportation of general commodities, with the

usual exceptions, between Seattle, Wash., and Black Diamond, Wash., over specified routes, serving certain specified intermediate and off-route points. James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4507 Filed 2-25-74;8:45 am]

[Ex Parte No. 303]

INCREASED FREIGHT RATES AND CHARGES, 1974, NATIONWIDE

It appearing, that by order dated January 3, 1974, the Commission instituted an investigation into and concerning the revenue needs of the railroads of the United States, making all common carriers by railroad subject to the Interstate Commerce Act respondents in this proceeding;

It further appearing, that on January 7, 1974, substantially all of the Nation's railroads and certain other carriers having joint rates with such railroads filed schedules of increased rates and charges under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission order No. 74-2100, of January 3, 1974, said tariff schedules having been filed to become effective February 22, 1974, subject to possible suspension, as follows:

TARIFF OF INCREASED RATES AND CHARGES, X-303, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A-4905, and other designated agents:

Tariff X-303 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It further appearing, that insofar as increases are hereinafter authorized, pending investigation, said increases will not have a significant adverse effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, that the Commission having considered the evidence and arguments of the parties as set forth in verified statements, protests, and replies, there is reason to believe from preliminary review that the schedules as filed would, if permitted to become effective, result in rates and charges which would be unjust and unreasonable and otherwise unlawful under the Interstate Commerce Act, therefore:

It is ordered, that the operation of the following schedules be, and it is hereby, suspended, and that the use thereof in interstate and foreign commerce be deferred to and including September 21, 1974, unless otherwise ordered by this Commission:

TARIFF OF INCREASED RATES AND CHARGES, X-303, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A-4905, and other designated agents:

Tariff X-303 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It is further ordered, that, pending the completion of the investigation herein, the carriers parties to this proceeding be, and they are hereby, authorized to es-

tabish upon not less than 15 days' notice to the Commission and the public by filing and posting in the manner prescribed in the Interstate Commerce Act, an increase in rates and charges not to exceed 4 percent (except for disposition of fractions) subject to maximums no higher than specified in the suspended tariff of increased rates and charges, X-303, or in connecting link supplements proposed to be made subject to said tariff, X-303, and in no event to produce greater revenue in connection with any rate or charge on any particular commodity or service than proposed in X-303, and subject to refund provisions the same as set forth in that tariff, and subject to the further limitation that, in view of the pendency of Ex Parte No. 295, Sub-No. 1, Increased Freight Rates and Charges, 1973—Recyclable Materials, no interim increase is authorized on the commodities described in paragraph (m) of the general exceptions to tariff X-295-A:

It is further ordered, that the investigation heretofore instituted by our order of January 3, 1974, be, and it is hereby continued for the purpose of investigating the lawfulness of all the rates, charges, and regulations which were contained in the suspended schedules, as aforesaid, as well as the schedules herein authorized to be filed, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, that an oral hearing at Washington, D.C., is contemplated herein, the date of which will be set by subsequent order;

It is further ordered, that in making effective any increases in rates and charges herein authorized, the carriers parties to this proceeding be, and they are hereby, required to maintain and preserve all existing port relationships (including those involving Great Lakes and Pacific Coast ports) duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice;

And it is further ordered, that all outstanding orders of the Commission be, and they are hereby, modified to the extent necessary to permit the increases authorized herein to become effective.

[Fourth Section Order No. 20445]

It appearing, that carriers parties to the proceeding applied for relief from the provisions of Section 4 of the Act necessary to establish the rates and charges originally sought; that the increases in rates and charges authorized herein

cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4:

It is ordered, that carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of Section 4 of the Act;

It is further ordered, that parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short-haul provisions of section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

And it is further ordered, that in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedules containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20.

Amendment To Special Permission No. 74-2100, Authorizing Certain Departures From The Commission's Published Tariff Regulations

It is ordered, that Special Permission No. 74-2100, be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order,

subject to the terms, conditions, and limitations provided therein.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4509 Filed 2-25-74;8:45 am]

[Fourth Section Order No. 20446]

WESTERN TRUNK LINE COMMITTEE

Approval of Increased Rates and Charges

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of February 1974.

It appearing, that carriers, parties to tariffs named in Fourth Section Application No. 42780, filed by the Western Trunk Line Committee, Agent, applied for relief from the provisions of section 4 of the Act necessary to establish the increases in rates and charges authorized herein which cannot be made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction in contravention of section 4 thereof; that changed conditions necessitate the increases in the rail rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4;

It is ordered, that carriers subject to the Interstate Commerce Act and parties to said fourth-section application be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the Act;

And it is further ordered, that in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedules containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4514 Filed 2-25-74;8:45 am]

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TUESDAY, FEBRUARY 26, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 39

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES
AND STANDARDSPART 427—ASBESTOS MANUFACTURING
POINT SOURCE CATEGORY

On October 30, 1973, notice was published in the *FEDERAL REGISTER*, (38 FR 22606) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories of the asbestos manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the asbestos manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 427. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

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

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" (October 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the As-

bestos Products Manufacturing Industry (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

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

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Colorado Dept. of Public Health, Michigan Dept. of Natural Resources, Center for Science in the Public Interest, the Mead Corporation, Armstrong Cork Company, Dept. of Health, Education and Welfare, County Sanitation Districts of Los Angeles County, Johns-Manville Corporation, the Flintkote Company, and the Effluent Standards and Water Quality Information Advisory Committee.

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

(1) A commenter was concerned that the limitations could be interpreted as gross values without consideration of pollutants in incoming waters. This comment applies in general to BOD5 and COD limitations for most of the subcategories.

The limitations on BOD and COD have been reevaluated. The above comment is significant in all subcategories with a BOD or COD limitation. In the asbestos-cement pipe and asbestos-cement sheet subcategories, the small quantities of BOD added by the process do not warrant a limitation. In the paper subcategories, BOD is incidentally removed by the best practicable control technology currently available (sedimentation). If the suspended solids are controlled to the extent required by the limitations, BOD concentrations will also be reduced. Therefore, the BOD5 limitation has been eliminated from these subcategories. In the roofing and floor tile subcategories, COD must be retained as a significant control parameter. The raw water entering the processes may contain significant amounts of COD. It is the intent of the Agency that the limitations in these subcategories be considered as net values over water entering the process. This is accomplished by the special definition for COD in the roofing and floor tile subcategories.

(2) Comments were received objecting to the use of the BOD5 parameter when COD and/or TOC would be a more accurate measure of the organic matter in waste waters from this industry.

EPA agrees with this comment, however, BOD5 is being dropped as a control parameter for the reasons cited in the above comment.

(3) One commenter pointed out ambiguous statements in the Development Document and the preamble to the proposed regulation where the asbestos content of suspended solids was discussed. On the one hand, the documents claim asbestos may be a large percentage of the suspended solids, and then state that in general this percentage is small.

It is acknowledged that an erroneous conclusion could have been drawn that all subcategories produce suspended solids in process waste waters with a large percentage of asbestos fibers. This conclusion is true in only five of the identified subcategories. In the roofing and floor tile subcategories, suspended solids contain little, if any, asbestos fibers.

(4) One comment stated that asbestos-cement pipe plants should have a no discharge requirement for 1977, since some multi-product plants making asbestos-cement pipe already have no discharge. Allowing pipe plants to have a discharge will encourage the construction of single product, asbestos-cement pipe plants.

EPA has determined that the technology is not available to allow the setting of a no discharge limitation for 1977 or for new sources in the asbestos-cement pipe subcategory. However, there are many incentives for the construction of multiproduct plants. These incentives include substantial savings from decreased water consumption, raw water and waste water treatment, land use, and monitoring requirements. Such built in incentives will not be ignored by industry.

(5) Another comment argued that the existence of one or two plants in a subcategory with no discharge was sufficient basis to set a no discharge limitation for that subcategory. A specific case mentioned was the asbestos paper (starch binder) subcategory.

The experience at the one plant which is apparently achieving no discharge has not been sufficiently documented or been continuous for a substantial period of time to justify applying the technology to all other plants in this subcategory by 1977 accordingly, it is the opinion of EPA that this technology would not qualify as best practicable control technology currently available as defined by the Act.

(6) A question was raised during the comment period concerning the application of best available technology economically achievable to some of the new source performance standards. The commenter claimed that new plants should use best practicable control technology currently available.

In the case of the asbestos paper, asbestos-cement sheet, and asbestos roofing subcategories, the technology does exist for total recycle as proven by a few plants in each subcategory. As mentioned in the previous comment, these few plants were not sufficient to set a no discharge using

best practicable control technology currently available as defined by the Act. A more stringent limitation for new sources is deemed feasible since they have additional flexibilities to optimize in-process controls and end-of-line pollution control measures.

(7) A question was raised with respect to the logic for different ratios of daily to monthly limitations employed in the various subcategories.

These numbers were based on the data available on raw waste loads and treatment efficiencies, and the fluctuations normally experienced in each subcategory. The manufacturing of asbestos-cement products produced greater fluctuations in raw loads than the other subcategories. The regulations therefore reflect this finding, the ratio of daily maximum to monthly average limitations are higher for the asbestos-cement pipe and asbestos-cement sheet subcategories than the other subcategories with allowable discharges.

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

(1) Sections 427.21, 427.31, 427.41, 427.51, 427.61, and 427.71 entitled "Specialized Definitions" now include references to general definitions and methods of analysis in 40 CFR 401 which reduces the need for some specialized definitions in this regulation.

(2) The BOD5 limitations in the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder) and asbestos paper (elastomeric binder) subcategories have been eliminated. In the asbestos-cement subcategories, the low levels of BOD5 do not warrant a limitation. The incoming water often contains equal or greater amounts of BOD5 than the limitations. In the paper subcategories, the BOD5 is present as starch which is removed by settling. The efficiency of treatment is more accurately measured by the suspended solids parameter.

(3) The COD limitations in the roofing and floor tile subcategories have been retained. However, these limitations can not be used as gross figures due to the presence of relatively high COD values in incoming waters. The regulations as promulgated for these subcategories define COD as the COD added to the process waste waters.

(4) The preamble to the proposed regulations recommended that solid wastes from all subcategories should be disposed of so as to prevent horizontal or vertical migration of asbestos fibers. As explained above in the comment section, not all subcategories produce a solid waste with a significant amount of asbestos fibers. Therefore, in the preamble to the proposed regulation, the discussion of solid waste control in the "Non-water Quality Aspects" section should not be considered to be applicable to solid waste generated by the waste water treatment processes from the roofing and floor tile subcategories.

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

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the building, construction and paper segment of the asbestos manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines the Asbestos Products Manufacturing Industry" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the asbestos manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms,

represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The water-borne wastes from the asbestos industry may contain a considerable volume of asbestos particles as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants control technology as they are known removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401, for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 427, Asbestos Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Asbestos-Cement Pipe Subcategory

- Sec.
- 427.10 Applicability; description of the asbestos-cement pipe subcategory.
- 427.11 Specialized definitions.
- 427.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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427.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.14 [Reserved]
427.15 Standards of performance for new sources.
427.16 Pretreatment standards for new sources.

Subpart B—Asbestos-Cement Sheet Subcategory

- 427.20 Applicability; description of the asbestos-cement sheet subcategory.
427.21 Specialized definitions.
427.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
427.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.24 [Reserved]
427.25 Standards of performance for new sources.
427.26 Pretreatment standards for new sources.

Subpart C—Asbestos Paper (Starch Binder) Subcategory

- 427.30 Applicability; description of the asbestos paper (starch binder) subcategory.
427.31 Specialized definitions.
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427.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.34 [Reserved]
427.35 Standards of performance for new sources.
427.36 Pretreatment standards for new sources.

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

- 427.40 Applicability; description of the asbestos paper (elastomeric binder) subcategory.
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Subpart E—Asbestos Millboard Subcategory

- 427.50 Applicability; description of the asbestos millboard subcategory.
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427.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

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- 427.60 Applicability; description of the asbestos roofing products subcategory.
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427.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.64 [Reserved]
427.65 Standards of performance for new sources.
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Subpart G—Asbestos Floor Tile Subcategory

- 427.70 Applicability; description of the asbestos floor tile subcategory.
427.71 Specialized definitions.
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427.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
427.74 [Reserved]
427.75 Standards of performance for new sources.
427.76 Pretreatment standards for new sources.

Subpart A—Asbestos-Cement Pipe Subcategory**§ 427.10 Applicability; description of the asbestos-cement pipe subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement pipe.

§ 427.11 Specialized definitions.

For the purpose of this subpart:

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

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these

limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kg/kg of product)	
TSS.....	0.57	0.19
pH.....	Within the range 6.0 to 9.0.	
Effluent characteristic	English units (lb/ton of product)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kg/kg of product)	
TSS.....	1.14	0.38
pH.....	Within the range 6.0 to 9.0.	

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

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

§ 427.14 [Reserved]

§ 427.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.57	0.19
pH.....	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
TSS.....	1.14	0.38
pH.....	Within the range 6.0 to 9.0.	

§ 427.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos-cement pipe subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.15; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Asbestos-Cement Sheet Subcategory

§ 427.20 Applicability: description of the asbestos-cement sheet subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this subpart.

§ 427.21 Specialized definitions.

For the purpose of this subpart:

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

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to col-

lect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS	0.68	0.23
pH	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
TSS	1.35	0.45
pH	Within the range 6.0 to 9.0.	

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

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no

discharge of process waste water pollutants to navigable waters.

§ 427.24 [Reserved]

§ 427.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos-cement sheet subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.25; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Asbestos Paper (Starch Binder) Subcategory

§ 427.30 Applicability: description of the asbestos paper (starch binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, starch binders and other ingredients are used in the manufacture of asbestos paper (starch binder).

§ 427.31 Specialized definitions.

For the purpose of this subpart:

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

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

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

It is, however, possible that data which would affect these limitations have not been available and, as a result, those limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.55	0.35
pH.....	Within the range 6.0 to 9.0	
English units (lb/ton of product)		
TSS.....	1.10	0.70
pH.....	Within the range 6.0 to 9.0	

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

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

§ 427.34 [Reserved]

§ 427.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos paper (starch binder) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

§ 427.40 Applicability; description of the asbestos paper (elastomeric binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, elastomeric binder, and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).

§ 427.41 Specialized definitions.

For the purpose of this subpart:

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

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional

Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.55	0.35
pH.....	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
TSS.....	1.10	0.70
pH.....	Within the range 6.0 to 9.0	

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

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

§ 427.44 [Reserved]

§ 427.45 Standards of performance for new sources.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kg/kg of product)	
TSS	0.55	0.35
pH	Within the range 6.0 to 9.0	
	English units (lb/ton of product)	
TSS	1.10	0.70
pH	Within the range 6.0 to 9.0	

§ 427.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos paper (elastomeric binder) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.45; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Asbestos Millboard Subcategory

§ 427.50 Applicability; description of the asbestos millboard subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime, and mineral wool are used in the manufacture of asbestos millboard.

§ 427.51 Specialized definitions.

For the purpose of this subpart:

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

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

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

It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

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

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

§ 427.54 [Reserved]

§ 427.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source

within the asbestos millboard subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.55; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Asbestos Roofing Subcategory

§ 427.60 Applicability; description of the asbestos roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.

§ 427.61 Specialized definitions.

For the purpose of this subpart:

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

(b) COD shall mean COD added to the process waste water.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator

(or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD	0.015	0.008
TSS	.010	.006
pH	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
COD	0.029	0.016
TSS	.020	.012
pH	Within the range 6.0 to 9.0.	

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

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

§ 427.64 [Reserved]

§ 427.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos millboard subcategory, which is a user of a publicly owned treatment works (and which would be a

new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.65; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart G—Asbestos Floor Tile Subcategory

§ 427.70 Applicability; description of the asbestos floor tile subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone, and other fillers are used in the manufacture of asbestos floor tile.

§ 427.71 Specialized definitions.

For the purpose of this subpart:

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

(b) The abbreviation "mpc" shall mean 1000 pieces of floor tile.

(c) The term "pieces" shall mean floor tile measured in the standard size of 12" x 12" x 1/2".

(d) COD shall mean COD added to the process waste water.

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

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis

of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/mpc of product)		
COD.....	0.14	0.08
TSS.....	.06	.04
pH.....	Within the range 6.0 to 9.0.	
English units (lb/mpc of product)		
COD.....	0.30	0.18
TSS.....	.13	.08
pH.....	Within the range 6.0 to 9.0.	

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

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

§ 427.74 [Reserved]

§ 427.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos floor tile subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced

into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.75: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-4383 Filed 2-25-74;8:45 am]