

establishing PSNS in the General Metals subcategory based on the Option 2 technology (*i.e.*, the same technology basis that was considered for BPT/BCT/BAT for this subcategory) along with the same “low-flow” exemption of 1 MGY considered for existing sources.

For today’s final rule EPA evaluated setting General Metals PSNS based on the Option 2 technology and assessed the financial burden to new General Metals indirect dischargers. Specifically, EPA’s “barrier to entry” analysis identified whether General Metals PSNS based on the Option 2 technology would pose sufficient financial burden on new General Metals facilities to constitute a material barrier to entry into the MP&M point source category.

EPA projects a barrier to entry for General Metals PSNS based on the Option 2 technology as 14% of General Metals indirect dischargers have after-tax compliance costs between 1 to 3% of revenue and 20% have after-tax compliance costs between 3 to 5% of revenue. Consequently, EPA is today rejecting Option 2 technology as the basis for PSNS in the General Metals subcategory. EPA has selected “no further regulation” for new General Metals indirect dischargers and is not revising PSNS for new General Metals indirect dischargers. Wastewater discharges to POTWs from facilities in this subcategory will remain regulated by local limits, general pretreatment standards (part 403), and part 433, as applicable. See section 11 of the TDD for a description of how these new source compliance costs were developed and Chapter 9 of the EEBA for a description of the framework EPA used for the barrier to entry analysis and general discussion of the results.

#### *B. Metal Finishing Job Shops Subcategory*

EPA is not revising any limitations or standards for facilities that would have been subject to this subcategory. Such facilities will continue to be regulated by the General Pretreatment Standards (part 403), local limits, permit limits, and parts 413 and/or 433, as applicable.

##### **1. BPT/BCT/BAT**

EPA proposed to establish BPT/BCT/BAT for existing direct dischargers in the MFJS subcategory based on the Option 2 technology (*see* section VI.A for a description of Option 2). EPA evaluated the cost of effluent reductions, pollutant reductions, and the economic achievability of compliance with BPT/BCT/BAT limitations based on the Option 2 technology. Based on the revisions and

corrections to the EPA Cost & Loadings Model discussed in the NODA and in section IV.B.1 of today’s final rule, EPA determined that the compliance costs of the Option 2 technology are not economically achievable. EPA estimates that compliance with BPT/BCT/BAT limitations based on the Option 2 technology will result in the closure of 50% of the existing direct dischargers in this subcategory (12 of 24 existing MFJS direct dischargers). Consequently, EPA concludes that for existing direct dischargers in the MFJS subcategory, Option 2 is not the best practicable control technology, best conventional pollutant control technology, or best available technology economically achievable. EPA has decided not to establish new BPT, BCT, or BAT limitations for existing MFJS direct dischargers based on the Option 2 technology, which will remain subject to part 433.

##### **2. New Source Performance Standards (NSPS)**

EPA proposed to establish NSPS for new direct dischargers in the MFJS subcategory based on the Option 4 technology. Option 4 technology is similar to Option 2 (including Option 2 flow control and pollution prevention) but includes oils removal using ultrafiltration and solids separation by a microfilter (instead of a clarifier). As explained in section VI.A.4, EPA concluded its database is insufficient to support a determination that the Option 4 standards are technically achievable. Consequently, EPA rejected Option 4 technology as the basis for NSPS in the MFJS subcategory.

For today’s final rule EPA evaluated setting MFJS NSPS based on the Option 2 technology and assessed the financial burden to new MFJS direct dischargers. Specifically, EPA’s “barrier to entry” analysis identified whether MFJS NSPS based on the Option 2 technology would pose sufficient financial burden so as to constitute a material barrier to entry into the MP&M point source category. Additionally, EPA reviewed its database for establishing MFJS NSPS based on the Option 2 technology as commentors indicated the proposed standards were not technically achievable.

In response to these comments, EPA reviewed all the information currently available on MFJS facilities employing the Option 2 technology basis. This review demonstrated that process wastewaters at MFJS facilities contain a wide variety of metals in significant concentrations. Commentors stated that single stage precipitation and solids separation may not achieve sufficient removals for wastewaters that contain

significant concentrations of a wide variety of metals—especially if the metals preferentially precipitate at disparate pH ranges. Consequently, to address concerns raised by commentors, EPA also costed new sources to operate two separate chemical precipitation and solids separation steps in series. Two-stage chemical precipitation and solids separation allows MFJS facilities with multiple metals to control metal discharges to concentrations lower than single-stage chemical precipitation and solids separation over a wider pH range.

Applying this revised costing approach, EPA projects a barrier to entry for MFJS NSPS based on the Option 2 technology as all MFJS direct dischargers have new source compliance costs that are greater than 5% of revenue. Consequently, EPA is today rejecting Option 2 technology as the basis for NSPS in the MFJS subcategory, and is not revising NSPS for new MFJS direct dischargers. Wastewater discharges from these facilities in this subcategory will remain regulated by local limits and part 433 NSPS as applicable. See section 11 of the TDD for a description of how these new source compliance costs were developed and Chapter 9 of the EEBA for a description of the framework EPA used for the barrier to entry analysis and general discussion of the results.

##### **3. Pretreatment Standards for Existing Sources (PSES)**

EPA proposed to establish PSES for existing indirect dischargers in the MFJS subcategory based on the Option 2 technology. Based on the revisions and corrections to the EPA Cost & Loadings Model discussed in the NODA and in section IV.B.1 of today’s final rule, EPA determined that the costs of Option 2 are not economically achievable for existing indirect dischargers in the MFJS subcategory. EPA estimates that compliance with PSES based on the Option 2 technology will result in the closure of 46% of the existing indirect dischargers in this subcategory (589 of 1,270 existing MFJS indirect dischargers), which EPA considers to be too high. EPA has determined that Option 2 technology is not the best available technology economically achievable for existing indirect dischargers in the MFJS subcategory. Therefore, EPA is not establishing PSES for this subcategory based on the Option 2 technology.

As discussed in the January 2001 proposal (*see* 66 FR 551) and June 2002 NODA (*see* 67 FR 38801), EPA also considered a number of alternative options whose economic impacts would be less costly than Option 2 technology.