

and reduce administrative burden to POTWs.

For today's final rule EPA evaluated setting OWS PSNS based on Option 6 technology and assessed the financial burden of OWS PSNS based on Option 6 technology on new OWS indirect dischargers. Specifically, EPA's 'barrier to entry' analysis identified whether OWS PSNS based on Option 6 technology would pose sufficient financial burden on new OWS facilities to constitute a material barrier to entry into the MP&M point source category.

EPA projects a barrier to entry for OWS PSNS based on Option 6 technology as approximately as 1% of OWS indirect dischargers have after-tax compliance costs between 1 to 3% of revenue and 5% have after-tax compliance costs between 3 to 5% of revenue. Consequently, EPA is today rejecting Option 6 technology as the basis for PSNS in the OWS. EPA has selected "no further regulation" for new OWS indirect dischargers and is not revising PSNS for new OWS indirect dischargers. Wastewater discharges to POTWs from facilities in this subcategory will remain regulated by local limits and general pretreatment standards (part 403), 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.

G. Railroad Line Maintenance Subcategory

EPA is not establishing limitations or standards for any facilities that would have been subject to this subcategory. Permit writers and control authorities will establish controls using BPJ to regulate wastewater discharges from these facilities.

1. Best Practicable Control Technology (BPT)

For today's final rule EPA evaluated setting BPT limitations for two pollutants, TSS and O&G (as HEM), for direct dischargers in the RRLM subcategory based on a different technology basis from that proposed in 2001. EPA proposed Option 10 technology (see section VI.H.1 for a description) as the technology basis for BPT. However, as discussed in the NODA, EPA considered promulgating limitations for the final rule based on the Option 6 technology for the RRLM subcategory (see 67 FR 38804). Option 6 technology includes the following: (1) in-process flow control and pollution prevention; and (2) chemical emulsion

breaking followed by oil water separation (see section 9 of the TDD for today's final rule for additional details on the Option 6 technology).

For the RRLM subcategory, EPA changed the technology basis considered for the final rule and eliminated consideration of regulating BOD₅ based on comments and data submitted by the American Association of Railroads (AAR). This organization is a trade association which currently represents all facilities in this subcategory. As discussed in the NODA (see 67 FR 38755), for each RRLM direct discharging facility known to them, AAR provided current permit limits, treatment-in-place, and summarized information on each facility's measured monthly average and daily maximum values. AAR also provided a year's worth of long-term monitoring data for each facility (see section 15.1 of the public record for the AAR surveys). This data shows that, contrary to EPA's initial findings in the 2001 proposal, most RRLM direct dischargers treat their wastewater by chemical emulsion breaking/oil water separation (Option 6). Based on this updated information, EPA is today rejecting Option 10 as the technology basis for BPT. The 2001 proposal also contains detailed discussions on why EPA rejected BPT limitations based on other BPT technology options (see 66 FR 451). The information in the record for today's final rule provides no basis for EPA to change this conclusion.

As previously discussed, after publication of the June 2002 NODA EPA also conducted another review of all RRLM facilities in the MP&M questionnaire database to determine the destination of discharged wastewater (i.e., either directly to surface waters or indirectly to POTWs or both) and the applicability of the final rule to discharged wastewaters. As a result of this review, EPA determined its questionnaire database did not accurately represent direct dischargers in this subcategory. Consequently, for today's final rule EPA used the information supplied by AAR as a basis for its analyses and conclusions on direct dischargers in this subcategory.

AAR provided information on 27 facilities. EPA reviewed the information on each of these facilities to ensure they were direct dischargers, discharged wastewaters resulting from operations subject to this final rule, and discharged "process" wastewaters as defined by the final rule. As a result of this review, EPA concluded 18 of the facilities for which AAR provided information do not directly discharge wastewaters exclusively from oily operations (see

section V.A). Therefore, EPA's final database consists of 9 direct discharging RRLM facilities. EPA considered promulgating BPT limitations for these 9 direct discharging RRLM facilities based on the Option 6 technology. The Agency made the following conclusions during its evaluation of Option 6 for this subcategory.

First, this technology is readily applicable to all facilities in the RRLM subcategory. All direct discharging facilities in the RRLM subcategory currently employ wastewater treatment equivalent or better than chemical emulsion breaking/oil water separation (Option 6). Second, EPA estimates that compliance with BPT limitations based on Option 6 technology will result in no closures of the existing direct dischargers in the RRLM subcategory. Moreover, none of the facilities identified by AAR are small businesses as defined by the Small Business Administration (SBA). Third, most of the RRLM facilities identified by AAR have NPDES daily maximum permit limitations for O&G (as HEM) and TSS as 15 and 45 mg/L, respectively. Based on AAR survey information, EPA concludes that these O&G (as HEM) and TSS daily maximum limits represent the average of the best performances of facilities utilizing Option 6 technology.

EPA evaluated the compliance costs and load reductions associated with establishing BPT daily maximum limitations equivalent to 15 and 45 mg/L for O&G (as HEM) and TSS, respectively. EPA concluded that all of the facilities identified by AAR currently meet a daily maximum oil and grease limit of 15 mg/L and most currently monitor once per month. Therefore, EPA estimates no pollutant load reductions and minimal incremental annualized compliance costs for the monitoring associated with a BPT daily maximum limitation equivalent to 15 mg/L for O&G (as HEM). For TSS, with the exception of one facility, all RRLM facilities identified by AAR currently meet a daily maximum limit of 45 mg/L. For this one facility, EPA estimates the TSS pollutant loadings reductions associated with a BPT daily maximum limitation equivalent to 45 mg/L to be less than 1 pound of TSS per day. Given the fact that the few facilities in this subcategory are already essentially achieving the limitations under consideration, EPA has determined that additional national regulation is not warranted. As a result of this analysis, EPA concludes that it is more appropriate to address permits limitations for this industry on a case-by-case basis and that additional national regulation of direct discharges