

TABLE X-1.—WASTE OIL GENERATION FOR OILY WASTES SUBCATEGORY

Option	Waste Oil Generated (million gallons/year)
Baseline (or current) Technology ¹	13.5
Option 6 Technology	15.9

Source: U.S. Environmental Protection Agency.

¹EPA calculated the baseline sludge and waste oil generation using responses to the 1989 MP&M Phase I Questionnaire and the 1996 MP&M Phase II Detailed Questionnaires.

MP&M facilities usually either recycle waste oil on-site or off-site, or contract haul it for disposal as either a hazardous or nonhazardous waste. However, EPA notes that the inclusion of water conservation and pollution prevention in the technology basis for the Oily Wastes subcategory results in the generation of less waste oil than a technology basis that did not incorporate pollution prevention. EPA finds the overall increase in waste oil generation as acceptable.

C. Energy Requirements

EPA estimates that compliance with this regulation will result in a net increase in energy consumption at MP&M facilities. EPA presents the estimates of energy usage for the selected option in Table X-2.

TABLE X-2.—ENERGY REQUIREMENTS BY OPTION

Option	Energy required (kilowatt hrs/yr)
Baseline ¹	6,883,774
Selected Options	7,234,450

Source: U.S. Environmental Protection Agency.

¹EPA calculated the baseline sludge and waste oil generation using responses to the 1989 MP&M Phase I Questionnaire and the 1996 MP&M Phase II Detailed Questionnaires. The final regulation does not include indirect discharging facilities.

By comparison, electric power generation facilities generated 3,123 billion kilowatt hours of electric power in the United States in 1997 (The Energy Information Administration, Electric Power Annual 1998 Volume 1, Table A1). Additional energy requirements for EPA's selected options are trivial (*i.e.*, significantly less than 0.01 percent of national requirements).

XI. Regulatory Implementation

The purpose of this section is to provide assistance and direction to permit writers and MP&M facilities to

aid in their implementation of this regulation. This section also discusses the relationship of upset and bypass provisions, and variances and modification to the final limitations and standards. For additional implementation information, *see* section 15 of the TDD for today's final rule.

A. Implementation of the Limitations and Standards for Direct Dischargers

Effluent limitations and new source performance standards act as one of the primary mechanisms to control the discharges of pollutants to waters of the United States. Authorized States may also set permit limitations based on the capabilities of the treatment installed to ensure proper operation and maintenance of the treatment technology. These limitations and standards are applied to individual facilities through NPDES permits issued by the EPA or authorized States under section 402 of the Act.

In specific cases, the NPDES permitting authority may elect to establish permit limits for pollutants not covered by this regulation based on the capabilities of on-site treatment technologies. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits or standards on covered pollutants in order to achieve compliance), the permitting authority must apply those limitations or standards. *See* CWA section 301(b)(1)(C).

1. Compliance Dates for Existing and New Sources

New and reissued Federal and State NPDES permits to direct dischargers must include the effluent limitations promulgated today. The permits must require immediate compliance with such limitations. If the permitting authority wishes to provide a compliance schedule, it must do so through an enforcement mechanism.

New sources must comply with the new source standards (NSPS) of the MP&M rule at the time they commence discharging MP&M process wastewater. Because the final rule was not promulgated within 120 days of the proposed rule, the Agency considers a discharger a new source if its construction commences after June 12, 2003.

2. Applicability

In section V of this preamble and section 15 of the TDD, EPA provides details information on the applicability of this rule to various operations. Permit writers should closely examine all metal

products and machinery operations and compare these operations against the applicability statement for today's rule (*see* 40 CFR 438.1) and section 1 of the TDD to determine if they are subject to the provisions of this rule.

3. Implementation for Facilities Subject to Multiple Effluent Limitations Guidelines

The regulations in today's final rule do not apply to wastewater discharges which are subject to the limitations and standards of other effluent limitations guidelines (*e.g.*, Metal Finishing (40 CFR part 433) or Iron and Steel Manufacturing (40 CFR part 420)).

4. Waiver for Pollutants Not Present

In May 2000, EPA promulgated a regulation to streamline the NPDES regulations ("Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two" (*see* 65 FR 30886; May 15, 2000)) which includes a monitoring waiver for direct dischargers subject to effluent guidelines. Direct discharge facilities may forego sampling of a guideline-limited pollutant if that discharger "has demonstrated through sampling and other technical factors that the pollutant is not present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the discharger," (*see* 65 FR 30908; 40 CFR 122.44). EPA noted in the preamble to the final NPDES streamlining rule that it is providing a waiver from monitoring requirements, but not a waiver from the limit. In addition, the revision does not waive monitoring for any pollutants for which there are limits based on water quality standards. The waiver for direct dischargers lasts for the term of the NPDES permit and is not available during the term of the first permit issued to a discharger. Any request for this waiver must be submitted when applying for a reissued permit or modification of a reissued permit. Therefore, EPA is not including a monitoring waiver in today's final regulations for direct dischargers. When authorized by their permit writer, direct discharge facilities covered by any effluent guidelines (including today's rule) will be able to use the monitoring waiver contained in the NPDES streamlining final rule.

5. Compliance with the Limitations and Standards

The same basic procedures apply to the calculation of all limitations and standards for the OWS, regardless of whether the control level is BPT, BCT,