

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 432**

[FRL-7543-2]

RIN 2040-AD56

Effluent Limitations Guidelines and New Source Performance Standards for the Meat and Poultry Products Point Source Category; Notice of Data Availability**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of data availability.

SUMMARY: On February 25, 2002 (67 FR 8582), EPA published a proposal to establish technology-based effluent limitations guidelines and standards for the meat and poultry products (MPP) point source category (formerly the meat product point source category). The proposal would apply to approximately 300 facilities that have wastewater discharges directly to surface waters from the operation of new and existing meat processing, poultry processing and independent rendering facilities. EPA developed the proposal to address changes in the meat processing industry over the last 30 years, and to include measures that reduce pollution from nutrients. Also, the proposal would establish national regulations for the poultry processing industry for the first time.

In the proposal, EPA specifically solicited comment on 20 issues. EPA received comments on these and other

issues from various stakeholders, including State and local regulatory authorities, environmental groups, individual industrial facilities and industry groups, and private citizens. This notice of data availability presents a summary of data received in comments since the proposal and additional data collected by EPA and describes how these data may be used by EPA in developing final regulations.

EPA is evaluating how the comments and new data may change certain aspects of the regulatory analysis presented at proposal and how this information might affect the regulatory options considered for the proposal. This includes an evaluation of the underlying data and methodology used to estimate the costs, pollutant load reductions, and financial impacts associated with the proposed regulation in light of the comments and new information. This document describes EPA's current thinking on these subjects and presents information on how the new data and information received since proposal could affect the proposed limitations and standards. Today, EPA is making these data and new information available for public review and comment. The new data and analyses on non-small red meat and poultry slaughterhouses (the largest industry subcategories) are summarized and discussed in this notice. Due to time constraints in preparing the NODA the new costs and loadings for processing-only red meat and poultry facilities, independent rendering facilities, and small facilities are not

presented in this document, but this information will be available in the public docket for public review at the time of the NODA publication. EPA solicits public comment on the issues and information presented in this notice of data availability and in the public docket supporting this document.

This document also serves to clarify the distinction between an MPP facility and a CAFO, and specifically discusses the possible changes to the MPP rule as a result of the clarification.

DATES: You must submit comments by September 29, 2003.

ADDRESSES: Public comments regarding this document should be mailed to Water Docket, Environmental Protection Agency, Mailcode 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0014, or submitted electronically at <http://epa.gov/edocket>. For additional information on how to submit comments see section B, "SUPPLEMENTARY INFORMATION, How and To Whom Do I Submit Comments?"

FOR FURTHER INFORMATION CONTACT: For additional information, contact Ms. Samantha Lewis at (202) 566-1058 or at the following e-mail address: lewis.samantha@epa.gov or Ms. Shari Barash at (202) 566-0996 or at the following e-mail address: barash.shari@epa.gov.

SUPPLEMENTARY INFORMATION:**A. Regulated Entities**

Entities potentially regulated by this action include:

Category	Examples of regulated entities	Primary SIC and NAICS codes
Industry	Facilities engaged in first processing, further processing, or rendering of meat and poultry products, which may include the following sectors:	
	Meat Packing Plant	2011 (SIC)
	Animal (except Poultry) Slaughtering	311611 (NAICS)
	Meat Processed from Carcasses	311612 (NAICS)
	Sausages and Other Prepared Meat Products	2013 (SIC)
	Poultry Slaughtering and Processing	2015 (SIC)
	Poultry Processing	311615 (NAICS)
	Rendering and Meat By-Product Processing	311613 (NAICS)
	Support Activities for Animal Production	11521 (NAICS)
	Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats.	2048 (SIC)
	Dog and Cat Food	2047 (SIC)
	Dog and Cat Food Manufacturing	311111 (NAICS)
	Other Animal Food Manufacturing	311119 (NAICS)
	All Other Miscellaneous Food Manufacturing	311999 (NAICS)
	Animal and Marine Fats and Oils	2077 (SIC)
	Poultry Hatcheries	11234 (NAICS)
	Livestock Services, Except Veterinary	0751 (SIC)

The preceding table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the proposed

rule. This table lists the types of entities that EPA is now aware could potentially be regulated by promulgation of the proposed rule. Other types of entities

not listed in the table could also be regulated. To determine whether your facility would be regulated by promulgation of the proposed rule, you