

Finally, the document discusses how incorporation of the new data and information would affect the cost and removals estimates associated with various treatment options.

Since proposal, EPA has incorporated a significant amount of additional technical and economic data (from fully analyzing all of the previously collected industry survey information as well as newly submitted/collected data) into the database used for developing the proposed MPP effluent limitations and standards. New data that EPA has used in the revised cost and economic models discussed in this NODA include data from screener surveys and detailed surveys that were not received in time to be incorporated into the analysis for the proposal and data from EPA and industry wastewater sampling of MPP raw wastewater, influent to treatment and wastewater effluent. In addition, EPA has modified certain assumptions used in its cost and pollutant loadings models. The new analyses presented in this NODA provide EPA's current thinking on how the analyses of regulatory options for the final rule may change as a result of the additional information obtained.

For a number of the subcategories proposed for regulation, these modifications have resulted in changes in the estimated cost and pollutant removals associated with the treatment options considered at proposal. As a consequence, the estimated economic impacts and cost effectiveness of the treatment options have changed as well. In light of these new results, EPA is seeking further comment on the regulatory options considered for the proposal as well as several modifications to these options that are based in part on new information regarding technology in place in the industry.

Through this notice of data availability, EPA seeks further public comment on any and all aspects of the specific data and issues it has identified here. However, EPA is seeking public comment *only* on these specific data and issues. Nothing in today's document is intended to invite further discussion of other issues discussed in the MPP proposal or to reopen the proposal in general for additional public comments. EPA continues to review the comments already submitted on the proposed rule and will address those comments, along with comments submitted on the data and issues identified in today's document, in the final rulemaking.

## II. New Analytical Data and Complete Survey Data

There are five general areas of new analytical data and information: (1) EPA post-proposal sampling, (2) discharge monitoring report (DMR) data, (3) information from EPA Regional offices and States, (4) data submitted by industry, and (5) incorporation of all surveys and additional survey follow-up. EPA has incorporated much of this data into its analyses for this NODA. However, some data has not been included in the new analyses. As discussed elsewhere, analyses for non-small meat and poultry slaughterhouses are presented in this notice while analyses for further processors, renderers and small slaughterers are presented in the rulemaking docket. EPA has placed this data in the docket and although it has not incorporated the information into its analyses for the NODA, the Agency intends to use it for the final rule as appropriate. The detailed discussion below indicates which data have been incorporated into the NODA analysis at this juncture and which have not. Sections II.A–E discuss each of the five areas in more detail.

### A. Post-Proposal Analytical Wastewater Sampling Data

In response to public comments, EPA has performed a number of analytical wastewater sampling episodes since the publication of the proposed rule to collect additional data on raw wastewater loadings, treatment efficiencies, and treatment variability for certain treatment options. EPA also performed a holding time study for the bacterial pollutant parameters (*e.g.* fecal coliforms).

#### 1. EPA Site Visits and Sampling Episodes

During the comment period and at the public meetings on the proposal, commenters raised concerns over the representativeness of EPA's database for certain types of MPP facilities and whether the treatment systems at facilities sampled as "BPT" (Best Practicable Technology) or "BAT" (Best Available Technology) were accurately represented in the cost model. Based on these concerns, EPA worked with a coalition of industry representatives to identify types of facilities in these groups that would be good candidates for EPA's post-proposal wastewater sampling program. EPA then selected two poultry facilities identified by EPA regional personnel as being good sampling candidates and performed a pre-sampling site visit at each. During the poultry site visits EPA collected

detailed information on the sampling logistics, production schedules, and processes the treatment systems employed. This information allowed EPA to determine whether the site was employing technology considered to be "Best Available Technology." Based on this information, EPA selected one poultry facility for analytical wastewater sampling. This facility performs first processing, further processing and rendering. EPA has incorporated data from this sampling episode into the analyses presented in today's notice.

In addition, based on comments concerning facility operations and analytical results during the pre-proposal sampling episodes, EPA also decided to conduct an additional sampling episode at two of the six red meat facilities that were sampled prior to proposal. In response to comments regarding background levels of metals and other pollutants, EPA collected source water samples during each post-proposal sampling episode. EPA collected characterization samples of wastewater from production operations and paired influent and effluent samples from these facilities' treatment systems over five days. EPA notes that it did not use the earlier data from the pre-proposal sampling episodes at these two facilities in the analyses presented in today's notice, due to certain data quality issues. However, following completion of an evaluation of these issues, EPA may use these episodes along with the post-proposal sampling data, for the analyses supporting the final rule (*see* Section VIII for discussion of these data issues and solicitation of comment).

In addition, EPA conducted a post-proposal site visit to a poultry further processing facility (*i.e.*, a poultry processing facility where first processing and rendering are not performed on-site) that it had not sampled previously and obtained grab samples to characterize treatment system influent (*i.e.*, raw influent prior to preliminary treatment steps) and effluent wastewater. EPA has incorporated the results from this episode into its revised analysis of poultry further processing facilities. Analyses for further processors can be found in Section 21.1, DCNs 125606 and 126002 of the public record.

EPA also sampled for Ultimate BOD at one red meat and one poultry facility. The results of the Ultimate BOD analysis have not been incorporated in the analyses for the NODA (*See* Section V.D for a discussion on the issues associated with use of these data). Non-confidential versions of all new Site Visit Reports (SVRs) and Sampling