

some minor point sources which discharge wastewater directly to surface water.

EPA was interested in obtaining information on the permit requirements and treatment-in-place at facilities which had specific production processes about which we had limited information for the proposal (*e.g.* stand-alone further processors and renderers.) EPA identified over 980 facilities in PCS that were classified under SIC codes 2011, 2013, 2015 and 2077 (the codes which identify meat or poultry processing and rendering), plus some related codes referring to different aspects of food processing such as 2091 (Canned and Cured Fish and Seafoods) and 2099 (Food Preparations, Not Elsewhere Classified). EPA then refined the list by selecting those facilities that had data in PCS for at least one of the following pollutant parameters: TKN, nitrate + nitrite, total phosphorus, chemical oxygen demand (COD), carbonaceous biochemical oxygen demand (CBOD), total nitrogen, fecal streptococci, total dissolved solids (TDS), chloride, *E. coli*, oil and grease as hexane extractable material (O&G as HEM), copper, chromium, nickel, and zinc. EPA then added to the list all further processors and independent renderer that were in the screener survey database, but were not currently on the list generated through PCS. Detailed survey recipients were then excluded because they provided sufficient information in their survey responses. EPA then sought permits for all the facilities identified on this refined list, which is included in the record (*see* DCN 100769).

EPA obtained a copy of the permit, permit application and/or fact sheet for 61 facilities (in 20 states) of 104 total facilities (in 27 states) on the refined list and obtained notice of closure on an additional 14 of the 104 facilities. However, EPA intends to include this information in its analyses for the final rule as appropriate. This information will provide EPA with descriptive information on additional MPP facilities which, when combined with the monitoring data contained in PCS, may help EPA to further evaluate the baseline level of wastewater treatment currently practiced by the industry.

More specifically, EPA is considering using this data to fill data gaps in the information used in EPA's estimates of baseline pollutant loadings for certain types of facilities (*e.g.*, further processors and independent renderers) and for developing the option-specific target effluent concentrations (*i.e.*, long-term averages) used for estimating compliance costs and pollutant

reductions for these facilities for the final rule. For these classes of facilities, EPA would use the permit, fact sheet and permit application to expand the information regarding production practices and wastewater treatment currently in-place to better assess the baseline performance of these facilities and costs to comply with the regulatory options considered. *See* Section 21.1, DCNs 125606 and 126002 of the public record for EPA's estimates of costs and pollutant reductions for further processors and renderers. These estimates do include these additional data.

EPA may also use the data from PCS to assess the achievability of the limitations for these types of facilities in the final rule. EPA notes that because PCS does not generally contain the weekly/daily individual data points, EPA intends, at this time, to rely on other more detailed data to develop limitations and standards for these types facilities.

2. Summary of POTW Interferences and Upsets

As discussed in the proposal (67 FR 8637), EPA worked with its Regional offices and state pretreatment coordinators to collect additional data to determine whether or not national categorical pretreatment standards are necessary for the MPP industry. EPA did not propose to establish pretreatment standards for existing or new facilities in the MPP industry.

For each Region, EPA listed the indirect discharging screener survey facilities and corresponding POTWs according to the survey response. EPA requested the Regional Pretreatment Coordinators to verify that the screener survey MPP site had correctly identified the receiving POTW. EPA also asked the coordinators to identify any instances of interference or upsets that were attributed to the listed MPP site. The majority of MPP indirect dischargers are located in EPA Region 5 (Illinois, Ohio, Indiana, Michigan, Minnesota, and Wisconsin) and the majority of responses from this request were also from Region 5. There were very few reported instances of interference or upset from MPP facilities. One state pretreatment coordinator noted that in many cases MPP facilities pay a surcharge to the POTW to discharge higher than normal strength wastewater. In California, the state with the largest number of indirect discharge MPP sites, only two instances of POTW problems were identified as related to MPP discharges. Although it did not identify any specific instances of problems, the State of Oklahoma indicated its belief

that not all POTWs can handle the conventional pollutant loadings from MPP facilities. For this reason and because of the lack of information available to establish local limits, the State supported the promulgation of pretreatment standards for MPP facilities that discharge to POTWs.

At this time, EPA does not consider this Regional/State information to be sufficient evidence that pretreatment standards are necessary for the MPP industry. For further discussion and to review the data listing and responses described above, *see* DCN 115077 in the public record for today's notice.

D. Data Submitted by Industry

In addition, EPA received some estimated summary-level cost data in the industry comments on what it may cost for a red meat and a rendering facility to upgrade their existing technologies. Also, several facilities submitted cost data as part of their detailed survey that provided estimated costs specific to installation or upgrade of each facility's wastewater treatment system. EPA also obtained upgrade/retrofit cost information from one red meat site and one poultry products site as a follow-up to earlier, pre-proposal sampling and from one poultry site that was sampled post-proposal. EPA has used this information in the development of the revised cost estimates presented in today's notice.

EPA has also received comment from industry representatives on components of its revised costing methodology during meetings with stakeholders. These comments and EPA's response, including a summary of changes made to the cost models as a result, can be found in the public record supporting this NODA (*see* DCN 115078). Non-confidential cost information can be found in Section 19.5 of the public record.

In general, these industry commenters believed that EPA had substantially underestimated the costs of achieving the proposed limits, in part because they believed additional treatment steps and/or capacity would be needed to reliably and consistently comply with these limits. Among the most significant issues raised were the sizing of the aerobic tanks, the need for a supplemental carbon source to maintain an adequate BOD to TKN ratio in the influent to the aerobic treatment stage, the costs for by-passing a portion of the treatment stream around the anaerobic lagoon to maintain sufficient BOD for denitrification, the level of nitrate/nitrite (as nitrogen) reduction achievable in the anoxic tank and the degree of comparability between poultry