

proposal sampling episode at each facility provides a better demonstration of the model technology, and has included only the post-proposal episode in the NODA analyses. For the proposal, EPA had excluded one of the pre-proposal episodes (6446) and included the other pre-proposal episode (6335) in its analyses. For episode 6446, EPA continues to exclude these data due to concerns that the facility had with the results of its self-sampling (see DCN 15169) in comparison to EPA's sampling episode results. For episode 6335, EPA had now excluded these data due to a combination of inconsistent laboratory results for nitrogen and operational issues at the facility during the sampling episode (see DCN 00211). For several POCs both of these pre-proposal episodes showed higher effluent concentrations than the post-proposal episodes at the same facility. However, for Total Nitrogen, which EPA is considering regulating in the final rule, these pre-proposal episodes showed lower effluent concentrations than the post-proposal episodes at the same facility. EPA solicits comment on the use of data from Episodes 6446 and 6335 for use in developing pollutant loading estimates and limitations and standards for the final rule.

B. Consideration of Assumed Monitoring Frequency

In developing the proposed maximum monthly limitations and standards, EPA had assumed a monitoring frequency of thirty samples per month (i.e., daily monitoring). In the preamble (67 FR 8632), EPA solicited comment on whether small poultry facilities should have monthly limitations/standards based upon 20 days, rather than 30 days, because they would be unlikely to operate on weekends. In response, EPA received comments that stated that monitoring every day during the month was too frequent for all facilities. In response, EPA is considering reducing the assumed monitoring frequency to weekly for any new limitations and standards promulgated in this rulemaking. EPA incorporated this assumed monitoring frequency into the monitoring costs for this notice. EPA solicits comment on such a change in monitoring frequency.

The comments indicate some confusion may exist about the assumed monitoring frequency used to develop the existing limitations and standards. In the 1975 rule, the monthly limitations and standards specified that the "Average of daily values for thirty consecutive days shall not exceed" the stated value. Thus, EPA assumes that facilities perform daily monitoring to

comply with the existing regulations. As stated by commenters, the monitoring frequency has an effect on the probability of exceedences. Thus, a facility should monitor at the same frequency that EPA has assumed in developing the limitations and standards. Monitoring less frequently results, theoretically, in average values that are more variable. As a consequence, for example, a facility that collects four monitoring samples per month would be likely to exceed, at a relatively high rate, the monthly average limitations based upon an assumed monitoring frequency of 30 monitoring samples per month. Thus, if facilities monitor less frequently, then operators may find they need to design treatment systems to achieve an average below the long term average basis of the limitations/standards and/or exert more control over variability of the discharges in order to maintain compliance with the limitations/standards.

C. Data Review for Final Limitations and Standards

While EPA has preliminarily reviewed the analytical data for the NODA, EPA will conduct a more detailed engineering and statistical review of the data before the final rule, similar to that performed for other rules. The following paragraphs identify specific data reviews that EPA typically performs before promulgating a final rule.

For all pollutants that might be regulated in the final rule, EPA plans an engineering review of its data to verify that the limitations and standards are reasonable based upon the design and expected operation of the control technologies and the facility process conditions. As part of that review, EPA plans to examine the range of performance represented by the episode data sets with the model technology. EPA expects that some episode data sets will demonstrate application of the best available technology and report an effluent quality that would meeting the limitations EPA is considering. Other episode data sets may demonstrate performance from the same types of technology, but not reflect the best design and/or operating conditions for that technology. For these facilities, EPA will evaluate the degree to which the facility can upgrade its design, operating, and maintenance conditions to meet the limitations or standards EPA is considering. If such upgrades are not possible, then the limitations and standards associated with the candidate technology would be modified to reflect the lowest levels that the technology can reasonably be expected to reliably and

consistently achieve. If some individual values are greater than the limitations and standards EPA is considering, EPA expects to consider whether the facility can eliminate those comparatively high values and achieve the limitations under consideration through optimization and improved operation of the treatment system. If so, EPA might conclude that the limitations adequately reflect the treatment capabilities of the model technologies. In such cases, EPA expects to adjust its cost estimates for the facility to cover any upgrades and improved O&M necessary to reliably and consistently meet the limitations. See Section 13.6 of the proposal development document for further explanation.

As part of its engineering and statistical review of the data, EPA intends to review the sampling episode and industry self-monitoring data for consistency and any unusual patterns (such as all values being the same over a period of time which can indicate nondetected values rather than measured values, lack of sensitivity in the laboratory procedures, or other causes). EPA also intends to evaluate discrepancies between concentrations for related pollutant parameters. For example, because CBOD theoretically should be less than BOD, EPA might investigate CBOD values that exceeded BOD values to determine whether any data exclusions are appropriate. In addition, EPA plans to reevaluate the engineering and statistical reasons for excluding any data that otherwise meet the data review criteria used to assess laboratory reports. These data review criteria are used consistently for each guideline and are located at DCN 165330 in Section 22.6 in the record. EPA also will verify that it has fully documented its reasons for excluding any data that otherwise meet the data review criteria for the laboratory reports, for example the data from Episodes 6446 and 6335, as discussed in Section VIII.A.

EPA intends to review field duplicates and multiple grab measurements and investigate extreme discrepancies between values for samples collected on the same day. The measurements for the field duplicates and grab samples are listed in DCNs 165020 and 165030. EPA also intends to review summary statistics for each episode (see DCNs 165070 and 165150). EPA may further review episodes with patterns such as minimum and maximum values far apart. If some episodes appear to have data in ranges different from most other episodes in the same subcategory, EPA may perform additional engineering evaluation of the