

limitations and standards. (EPA has included costs for these facility upgrades as part of the rule.) For any unexpected results, EPA may perform a more detailed engineering review of the processes and treatment technologies underlying the DMR data. Depending on the results of that review, EPA might evaluate whether any additional modifications to the model technology and/or limitations and standards were necessary.

F. Errors in Current 40 CFR Part 432 and the February 2002 Proposed Rule Text

In researching the derivation of existing limitations and standards, EPA has preliminarily identified what appear to be errors in the current 40 CFR part 432 and/or the February 25, 2002, proposed rule text. EPA intends to evaluate these discrepancies in further detail and correct the CFR as part of the MPP final rule. This section describes the discrepancies that EPA has identified.

40 CFR part 432 currently specifies monthly average limitations and standards for fecal coliforms and pH, while the text of the final rules published in the **Federal Register** (39 FR 7900; February 28, 1974 and 40 FR 906; January 3, 1975) includes only daily maximum limitations and standards for those parameters. For the subparts regulating the discharge of fecal coliforms, the daily maximum limitation/standard is "Maximum at any time 400 mpn/100 ml." For the subparts regulating pH, the daily maximum limitation/standard is "within the range of 6.0 to 9.0." For Subparts A through J, the current 40 CFR part 432 specifies monthly average limitations/standards as well as daily maximum limitations/standards for fecal coliforms and pH. The monthly values are the same as the daily maximum values. This appears to be incorrect. Because the values are the same for the daily maximum limitations/standards and the monthly average limitations/standards, EPA does not expect that any facility will need to change its operations if EPA eliminates the monthly average limitations/standards currently codified in the CFR for fecal coliforms and pH. Before promulgating the final rule, EPA intends to further investigate the derivation of the existing limitations/standards.

EPA also notes that the tables (in the existing CFR) of NSPS in sections 432.65 and 432.75, provide different values for the standards depending on whether the units are kg/kkg or lb/1000 lbs. For example, the TSS daily maximum standard is 0.044 kg/kkg or 0.036 lb/1000 lbs in section 432.65, when the two numerical values should

be the same, regardless of the units. A review of the final rule (40 CFR parts 906–907; January 3, 1975) and the 1974 development document for the processor segment of the meat processor point source category indicates that NSPS was set equal to the BPT limitations for all pollutant parameters. Based upon this assessment, EPA preliminarily concludes that the NSPS in the kg/kkg units are correct because they have the same values as the BPT limitations. In sections 432.65 and 432.75 of the February 25, 2002, proposed rule, EPA selected the values associated with the units of lb/1000 lbs. Thus, after further investigation, if these values associated with units of lbs/1000 lbs are indeed incorrect, EPA will use the standards in units of kg/kkg in its final rule.

Two errors exist in the current 40 CFR 432.62 for the BPT limitations for Subpart F. The first error is in the monthly average limitation in units of kg/kkg for oil and grease which has a value of "0.000" which should be "0.006." The second error is in the daily maximum limitation for TSS which has a value of "10.044 lb/1000 lbs" which should be "0.044 lb/1000 lbs." EPA corrected these errors in the February 25, 2002, proposed rule.

EPA has identified three errors in the limitations and standards in the proposed rule. First, we inadvertently omitted the existing pH limitations and standards. As explained in the preamble to the proposal (67 FR 8629), EPA had intended to retain these pH limitations and standards. Second, we inadvertently assigned incorrect units of measurement in footnote (1) to the values listed in 432.63(b) and 432.73(b). The units listed in these parts were "mg/l (ppm)" and should have been "pounds per 1000 pounds (or g/kg) of finished product." Finally, in sections 432.82(b) and 432.92(b), the proposed rule refers to 432.62(b) for COD limitations in error. The referral should be to section 432.72(b).

IX. Consideration of Options

EPA is presenting revised cost, pollutant reduction, and economic impact estimates in Section X of today's notice. These estimates are based on the following: additional data from surveys received after the initial cut-off date, data received with comments or through requests from EPA Regions and States, data revisions to reflect follow-up with survey recipients, and changes that result from certain methodological revisions. EPA will base its determinations for the final rule on these revised results and any further revisions that result from comment on

today's notice. In the sections below, EPA discusses options it is considering for the different regulatory levels of control (e.g., BPT, BAT, NSPS) for the subcategories of the MPP industry (See summary in Table IX–1).

A. Description of Modified Options

Commenters requested that EPA consider modifications to the preferred options selected as the basis for the proposed limitations and standards for certain subcategories. As a result of additional data and comments, EPA is reconsidering the technology options for BPT, BAT, and NSPS limitations (or standards) that EPA evaluated for the proposed rule. EPA is now considering two options for the final limitations that represent modifications of those considered in the proposal. In addition, EPA is considering not adopting further regulation for certain subcategories. EPA notes that all technology-based options it considered for the proposal and is evaluating for the final rule (for all subcategories) would include primary and secondary biological treatment and disinfection.

The first modified option EPA is considering is based on treatment systems employing partial denitrification of the MPP wastewater. This option does not achieve the same degree of denitrification as the proposed Option 3 (i.e., complete denitrification). EPA defined "complete" denitrification based on achieving a low effluent Nitrate + Nitrite concentration. EPA has designated this modified option as Option 2.5. Discussions with industry representatives and evaluation of sampling and DMR data led to consideration of Option 2.5. Industry representatives commented that they often are able to achieve some degree of denitrification, but could not achieve the levels considered in the proposal without a significant increase in costs. EPA identified several facilities which are achieving partial denitrification by evaluating the long-term average Nitrate + Nitrite (or Total Nitrogen) effluent concentration and each facility's treatment in place. EPA is considering Option 2.5 as a basis for BPT, BAT and NSPS for the final rule based on data from these facilities.

The second modified option under review builds on the partial denitrification technology in Option 2.5 by adding chemical phosphorus removal to the treatment train. EPA has designated this option as Option 2.5 + P. Option 2.5 + P adds a treatment unit consisting of a chemical addition using alum which aids in precipitating and settling phosphorus. EPA notes that it evaluated phosphorus removal as an