

TABLE X.C-1.—SUMMARY OF FACILITY LEVEL RATIO OF CAPITAL COSTS TO ASSETS (BARRIER TO ENTRY)  
[In percent]

Subcategory	Option 2	Option 2.5	Option 2.5 + P	Option 4
A-D .....	0.1	1.2	1.6	2.1
K .....	0.4	1.5	1.7	7.8

**Note:** Percentages are based on those facilities for which EPA had asset data and compliance costs.

TABLE X.C-2.—SUMMARY OF COMPANY LEVEL RATIO OF CAPITAL COSTS TO ASSETS (BARRIER TO ENTRY)  
[In percent]

Subcategory	Option 2	Option 2.5	Option 2.5 + P	Option 4
Red Meat .....	0.02	0.2	0.3	0.3
Poultry .....	0.1	0.4	0.6	1.7
Mixed Meat .....	0.0	0.2	0.2	0.3

**Note:** Percentages are based on those companies for which EPA had complete asset data and compliance costs.

## XI. Solicitation of Comment

The following discussion summarizes some of those issues raised by new information and comments on the proposal for which EPA is requesting comment. Other solicitations for information, data, or comment are contained within the text of the notice. Note that several of the solicitations for comment/data below have not been previously discussed elsewhere in this NODA.

1. Concentration-based limits. EPA proposed to set mass-based limitations and standards (e.g., kg/1,000 kg live weight killed). Based, however, on comments received on the proposed rule, EPA is considering setting concentration-based limitations and standards in the final rule. EPA is considering such limitation rather than limiting facility flows, and, as a result, potentially hindering their ability to reduce pathogens that can cause foodborne illness. Use of concentration-based limitations would also obviate the need for facilities to report production data when applying for coverage under an NPDES permit and the necessity for the permit writer to establish a reasonable measure of long-term production that applies to a particular facility. EPA solicits comment on this issue. EPA is particularly interested in comments on whether adoption of such concentration limitations rather than mass-based limitations is appropriate in light of the Agency's expressed interest in conservation of water. EPA notes that it has already received and is evaluating comments on the proposed rule concerning increased water usage as a result of the implementation of USDA's Hazard Analysis and Critical Control Point (HACCP) systems final rule.

2. Combining of poultry subcategories. EPA is considering combining the proposed Poultry

Slaughtering and Poultry Further Processing subcategories into one subcategory. EPA currently identified only one stand-alone poultry further processing facility. This facility is employing more advanced wastewater treatment technology than most facilities in the Poultry Slaughtering subcategory. EPA notes that in addition to using data from poultry slaughtering facilities, the limits for Subcategory K were developed using facilities that were treating further processing and rendering wastewater in addition to their slaughtering wastewater. Therefore, EPA believes that the data for Subcategory K may reasonably characterize the treatability of Subcategory L wastewater and is considering combining subcategories K and L into one subcategory for the final rule. EPA solicits comment on this approach.

3. Chemical or Biological Phosphorus Removal. EPA has based its cost module for phosphorus removal on the chemical removal of phosphorus using alum. However, there are facilities using biological phosphorus removal including one poultry facility which EPA is using to develop limitations. However, EPA has determined that it is unlikely that biological phosphorus removal (without the use of a chemical removal polishing step) would consistently achieve the target effluent concentrations that EPA is currently projecting for chemical phosphorus removal. EPA solicits comment and data on treatability of poultry or red meat wastewater using biological phosphorus removal as well as data on the associated costs. EPA also requests comment on developing limitations for the final rule based on performance of biological phosphorus removal, in order to provide greater compliance flexibility to facilities.

4. Filters and Storage Ponds. EPA received comment concerning the achievability of the proposed limits and the need for either filters or "emergency" storage ponds to consistently achieve the total suspended solids limits. EPA is considering whether costs for polishing filters or additional storage/diversion capacity may need to be included for one or more options or subcategories. EPA has received some information regarding the number of red meat facilities that may have "emergency" storage ponds. EPA is specifically considering whether or not to include costs for such a storage pond to receive wastewater prior to discharge when the TSS limits have not been achieved through an existing "BAT" or "BPT" treatment system. EPA intends to perform a sensitivity analysis to estimate additional costs for those sites that currently do not have this capacity. EPA is also considering adding costs for a polishing filter. EPA solicits comments and data on the performance of storage/diversion ponds and filters for polishing final effluent at red meat or poultry facilities and the associated costs.

5. BOD to TKN Ratio. EPA has worked with stakeholders during the development of the revised cost model discussed in Section III of today's notice. EPA is using a BOD to TKN ratio of 3 to 1 in designing the denitrification treatment. Stakeholders commented that this ratio is too low. EPA calculated this ratio from information in comments from industry, where EPA converted a COD to TKN ratio to a BOD to TKN ratio and then built in an additional safety margin. Specific details regarding this conversion can be found in the cost report, DCN 100782. To further investigate this issue, EPA is soliciting influent and effluent data from the direct discharge detail survey facilities