

Pollutant Discharge Elimination System (NPDES) permits; indirect dischargers must comply with pretreatment standards. These limitations and standards are established by regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology.

On December 22, 2000, EPA published regulations establishing effluent limitations guidelines, pretreatment standards for new and existing sources, and new source performance standards for the Centralized Waste Treatment (CWT) Point Source Category (65 FR 81242). These regulations control the discharges from CWT facilities that receive waste, wastewater, or used material from off-site. EPA established limitations and standards for four CWT subcategories. The first three subcategories cover facilities that treat or recover only one type of waste, either metal-bearing (Subpart A—Metals Treatment and Recovery), oily (Subpart B—Oils Treatment and Recovery), or organic (Subpart C—Organics Treatment and Recovery). The fourth subcategory, Subpart D—Multiple Wastestreams, covers facilities that treat or recover some combination of metal-bearing, oily, and organic waste, wastewater, or used material received from off-site. Using Subpart D limitations and standards simplifies implementation of the rule and compliance monitoring for CWT facilities that treat wastes subject to more than one of the first three subcategories. These facilities may choose to comply with the provisions of the multiple wastestreams Subpart D rather than Subparts A, B, or C. However, they must certify that an equivalent treatment system is installed and properly designed, maintained, and operated.

After the Agency published the December 2000 final rule, facilities in the regulated community conducted compliance monitoring studies and began to develop compliance strategies for the regulated pollutants. Based on these efforts, several members of the regulated community and a trade association submitted new information to the Agency and asked EPA to revise certain aspects of the final rule. In September 2003, EPA proposed to amend the regulations to delete certain pollutants from those subject to effluent limitations guidelines and standards. (68 FR 53432, September 10, 2003). After our own analysis and review of comments received on the proposed amendment, EPA has determined that it should adopt the proposed modifications to the current rule as well

as several additional modifications resulting from additional analyses in the organics subcategory.

#### **IV. Amendment To Remove Selenium Limitations From Certain Sections of the Metals Treatment and Recovery Subcategory**

For the Metals Treatment and Recovery subcategory, EPA proposed to amend 40 CFR part 437 by deleting from §§ 437.11, 437.13, 437.15 and 437.16 the respective Best Practicable Control Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) limitations and standards for selenium. We are adopting the changes for the reasons explained below. Section VII describes the methodology used to revise the related segments of the Multiple Wastestreams subcategory to reflect deletion of selenium from the Metals Treatment and Recovery subcategory.

In the December 2000 final rule, EPA established, for the Metals Treatment and Recovery subcategory, direct discharge limitations and standards as well as pretreatment standards for selenium and 15 other metal pollutants. The model technology for the BPT, BAT, PSES, and PSNS limitations and standards was primary chemical precipitation, liquid-solid separation, secondary chemical precipitation, clarification, and sand filtration. Following promulgation of the final rule, EPA received information indicating that the model technology that was the basis for the limitations and standards for existing sources would not remove selenium from wastewater consistently to the level required by the regulation. Based on the Agency's review of this information, EPA agrees and has concluded that it should delete selenium from the regulated metals for this subcategory. (EPA did not reassess its New Source Performance Standards (NSPS) for selenium because the standards are based on a different model treatment system involving the use of selective metals precipitation.)

While the data in the record for the 2000 CWT regulation demonstrate that the technology EPA evaluated as the basis for the BPT, BAT, PSES, and PSNS limitations and standards removes selenium, they also show that selenium removal was achieved only in the last stage of the model treatment system—the sand filtration polishing step. The sand filtration polishing step was included in the model technology to ensure compliance with total suspended

solids (TSS) limits and was not designed to achieve specific metal removals. While it is true that the removal of solids associated with sand filtration will also remove associated metals, these metals removals are not achieved at a consistent or predictable rate. EPA did not intend to regulate a metal for which removals were obtained only during this final, polishing step of an extended treatment train. The identified removals may be an artifact of the particular data set EPA evaluated, and the record does not demonstrate that selenium removals are achieved consistently and predictably with this technology. While removals were observed, EPA determined that facilities would not be able to achieve the consistent removals required for compliance with a specific regulatory limit for selenium. Commenters on the proposed amendment supported EPA's conclusions. Commenters' experience confirmed that the model technology would not achieve consistent and predictable high-percentage removal of selenium. The docket includes documents which describe EPA's review of the selenium data that form the basis for today's action (DCNs 47.1 and 47.2).

Although EPA is deleting the regulatory limits for selenium in the selected sections, operation of treatment systems required to achieve compliance with the 14 other metals limits will ensure some continued removal of selenium, even if not at a consistent and predictable rate. Even without incidental removals for selenium, the estimated pollution reduction for this regulation remains relatively unchanged from the December 2000 estimates. Specifically, the decrease in reductions would be only 398 pounds per year (lbs/yr) or 0.01 percent of the total estimated metals subcategory reduction of 3.17 million lbs/yr. Expressed as toxic pound-equivalents (lb-eq), the decrease as a result of assuming no selenium removals is 0.011 percent or 438 lb-eq/yr out of the total estimated metals subcategory reduction of 415,393 lb-eq/yr (DCN 48.1).

#### **V. Amendment To Remove Barium, Molybdenum, Antimony, and Titanium Limitations From the Oils Treatment and Recovery Subcategory**

In the December 2000 final rule, EPA established, for the Oils Treatment and Recovery subcategory, direct discharge limitations and standards for barium, molybdenum, antimony, and titanium as well as 18 other pollutants. It also established pretreatment standards for barium, molybdenum, and antimony as well as 11 other pollutants. The model