

categories that the Agency believes are not good candidates for effluent guidelines establishment or revision during this planning cycle.

As part of this year's review, EPA considered excluding from additional review industrial categories that have demonstrated that they are making significant progress through voluntary efforts to reduce hazard or risk to human health and the environment associated with their discharges. EPA agrees with stakeholders who have stated that voluntary efforts should be encouraged and rewarded, especially where voluntary reductions have been widely adopted within an industry and have led to significant reductions in pollutant discharges. EPA could not complete a systematic review of voluntary pollutant loading reductions during this annual review. However, a successful voluntary program would produce significant reductions in pollutant discharges, which in turn would be reflected in discharge monitoring and TRI data that EPA used to assess the potential hazard or risk associated with pollutant discharges.

For a number of the industries that appeared to offer the greatest potential for reducing hazard or risk to human health or the environment, EPA attempted to gather and analyze additional data prior to commencing detailed and costly economic and technology studies. EPA examined: (1) The pollutants driving the hazard or risk estimates; (2) the geographic distribution of facilities in the industry; (3) any discharge trends within the industry; and (4) possible links between industrial point source discharges and impaired waterbodies identified by EPA, States, and Tribal governments under CWA section 303(d). EPA also performed limited quality assurance checks on the data used to develop hazard or risk estimates (e.g., verifying data reported to TRI and the Permit Compliance System) to determine if any of the hazard or risk estimates relied on incorrect or suspect data. To the extent possible, EPA also considered the efficiency of existing treatment and any applicable and demonstrated technology, process change, or pollution prevention alternatives that could effectively reduce the pollutants remaining in the industry category's wastewaters.

Performance of this screening level analysis constitutes EPA's annual review for 2003.

3. What Was the Outcome of the Annual Review for 2003?

As a result of its 2003 annual review, EPA identified two industrial categories

for detailed investigation in its 2004 annual review: Organic Chemicals, Plastics, and Synthetic Fibers (part 414); and Petroleum Refining (part 419). During detailed investigation of these categories, EPA hopes to perform a more in-depth analysis of technology innovation and process changes in these industrial categories, as well as an analysis of technology cost and affordability. EPA will also consider whether new subcategories are needed for either of these categories. The purpose of the detailed investigation is to determine whether, in the final Effluent Guidelines Program Plan for 2004/2005, EPA should identify one or both of these industrial categories for possible revision of their existing effluent guidelines. Based on the information available to EPA at this time, EPA is not proposing to make such an identification. However, EPA will examine the results of its 2004 annual review, which it intends to conclude prior to publishing the final Effluent Guidelines Program Plan for 2004/2005, and will make a final decision on this matter as part of its final Plan. EPA requests comment and supporting data on whether it should identify either or both of these industrial categories for possible effluent guidelines rulemakings in the final Effluent Guidelines Program Plan for 2004/2005.

At that time or shortly thereafter, EPA would make available for public comment the data and information underlying any decision to identify for possible revision the guidelines for one or both of these industrial categories. EPA would then consider the public comments as part of its 2005 annual review. EPA emphasizes that a decision in the Effluent Guidelines Program Plan for 2004/2005 to identify one or both guidelines for possible revision does not in any way constitute a final decision to revise the guideline or guidelines. EPA would make any such effluent guidelines revisions—supported by an administrative record following an opportunity for public comment—only in connection with a formal rulemaking process pursuant to a schedule announced in that or a future Effluent Guidelines Program Plan.

If EPA decides to identify one or both of the guidelines for these industrial categories for possible revision in its final Effluent Guidelines Program Plan for 2004/2005, EPA would expect to announce in that plan that EPA would start the rulemaking process in the Summer of 2004. The rulemaking schedule itself would depend on a number of factors including the complexity of the industry and the availability of the data needed to

support the development of a proposal. In addition, if EPA were to select both of these industrial categories for effluent guidelines rulemakings, EPA would likely stagger the start dates of the rulemakings in order to ensure that Agency resources are used most effectively. In proposing the next Effluent Guidelines Program Plan, EPA would review these schedules and its progress to date. At that time, EPA could also determine, based on more in-depth data gathering and analyses, particularly with respect to Factors 2 and 3, that revisions to the effluent guidelines for one or both industrial categories were not warranted (i.e., that the existing guidelines remain appropriate in light of applicable statutory factors). See section VII.A for additional information on the status of EPA's investigation of these industries.

EPA also identified potentially high risks or hazards associated with discharges from two other industrial categories: Inorganic Chemicals (part 415) and Nonferrous Metals Manufacturing (part 421). However, the Agency identified data gaps or issues that made these industries a lower priority than organic chemicals and petroleum refining. EPA does not have enough information at this time to determine whether there is a hazard or risk warranting a detailed review of these industries for potential guideline revision and does not anticipate identifying these effluent guidelines for revision in the final 2004/2005 Effluent Guidelines Program Plan. See section VII.B for additional information on the status of EPA's investigation of these industrial point source categories.

EPA identified seven other industrial point source categories with relatively high estimates of potential hazard or risk, but also identified significant data gaps or issues affecting the Agency's estimates of these hazards or risks. EPA will continue to collect and analyze information on these seven industrial categories but will assign a higher priority to investigating the organic chemicals, petroleum refining, inorganic chemicals and nonferrous metals manufacturing industrial categories. EPA does not anticipate identifying any of these seven industries for revision of an effluent guideline in the final Effluent Guidelines Program Plan for 2004/2005. See section VII.C.

EPA's Regional Offices and stakeholders identified nine other industrial point source categories as potential candidates for effluent guideline revision based on potential opportunities to improve efficient implementation of the national water quality program or because their