

TABLE VI-3.—INDUSTRY SECTORS CURRENTLY NOT REGULATED BY EFFLUENT GUIDELINES IDENTIFIED DURING OUTREACH—Continued

Industry	Formal comment process		Previous outreach	Draft strategy outreach		Rationale <sup>2</sup>
	Comments on draft strategy	Comments on 2002/2003 plan		Permitting authorities	AMSA and/or ASWIPCA <sup>1</sup>	
Printing and Publishing .....	√					(4)
Prisons .....				√		(4)
Municipal Storm Water Runoff .....			√	√	√	(5)
Wastewater Treatment and Sewerage Systems.			√			(5)

<sup>1</sup> **Note:** Association of Metropolitan Sewerage Agencies (AMSA), Association of State and Interstate Water Pollution Control Administrators (ASWIPCA).

<sup>2</sup> **Note:** This column uses the same codes as Table VIII-1 to describe the rationales for the Agency's industry-specific decisions.

## VII. What Will Be the Focus of EPA's 2004 Annual Review?

### A. Industrial Point Source Categories EPA Has Identified for Detailed Investigation

As noted in section VI, EPA has identified two industrial categories for detailed investigation in the 2004 annual review: Organic Chemicals, Plastics, and Synthetic Fibers (including Chemical Formulating, Packaging, and Repackaging and Adhesives and Sealants operations) (part 414); and Petroleum Refining (including Petroleum Bulk Stations & Terminals) (part 419). The purpose of the 2004 detailed investigation is to determine whether, in the final Effluent Guidelines Program Plan for 2004/2005, EPA should identify Organic Chemicals, Plastics, and Synthetic Fibers or Petroleum Refining (or both) as the subject of possible rulemaking to revise their existing effluent guidelines. During the 2004 annual review, which will conclude with EPA's publication of the final Effluent Guidelines Program Plan for 2004/2005, EPA intends to collect additional information from NPDES permits, permitting authorities, and specific industry facilities, as well as review data and comments submitted in response to today's notice.

#### 1. Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF)

This industry ranked high in terms of toxic and non-conventional pollutant discharges among all industrial point source categories investigated in the screening level analyses. Of 1,581 facilities classified as OCPSF manufacturing facilities, PCS location data are sufficient to index 578 facilities to their receiving waterbodies. Of these facilities, 205 (35%) are discharging pollutants (e.g., priority organics, nutrients, metals) identified as causing water quality impairments to their receiving streams. EPA has information

that suggests there may be demonstrated pollution prevention opportunities and advanced technologies for better treating toxic pollutants and nutrients, and reducing wastewater flow. As part of its review of this industry, EPA will consider whether any subcategories should be added. For example, EPA has identified chemical formulating, packaging, and repackaging (including adhesives and sealants) operations, which is not currently regulated by technology-based effluent guidelines as a possible new subcategory.

Some stakeholders have encouraged EPA to consider revising these effluent guidelines. During outreach efforts, some stakeholders asserted that the structure and scope of part 414 presents a number of permitting and enforcement challenges: (1) Difficulties encountered in correctly calculating and establishing mass-based limits; (2) problems in obtaining the data necessary to determine compliance with mass-based limits; (3) deficiencies in permits and control mechanisms that have hindered enforcement actions against non-compliant facilities; and (4) challenges encountered in determining the correct Standard Industrial Classification (SIC) codes to apply to facilities, which in turn makes it difficult for permit writers to identify the applicable effluent guidelines requirements. Therefore, these stakeholders recommend reevaluating these guidelines to consider more general coverage that is not tied to SIC codes. They also recommend switching from mass-based limits to concentration-based limits because of difficulties in implementing and enforcing mass-based limits.

In comments on the draft Strategy a commenter identified chemical formulating, packaging, and repackaging (including adhesives and sealants) operations as an unregulated subcategory for which effluent guidelines should potentially be developed. EPA intends to review

chemical formulating, packaging, and repackaging (including adhesives and sealants) operations for possible inclusion in the OCPSF point source category because of the potential similarities in operations performed, wastewaters generated, and available pollution prevention and treatment options.

#### 2. Petroleum Refining

This industry ranked high in terms of toxic and non-conventional pollutant discharges among all industrial point source categories investigated in the screening level analyses. A large number of petroleum refineries report discharges of toxic pollutants (e.g., priority organics, metals). EPA has information suggesting that there may pollution prevention alternatives opportunities for this industry (e.g., via product substitution), and that treatment technologies (e.g., membrane separation, novel adsorption) may exist to better prevent stormwater contamination and to control effluent discharges from this industrial category.

During outreach, some stakeholders encouraged EPA to consider revising these effluent guidelines. Their suggestions included expanding the list of regulated pollutants to include: (1) Priority pollutants; (2) metals, especially selenium; (3) nutrients (ammonia); (4) biochemical oxygen demand (BOD); and (5) chemical oxygen demand (COD). Stakeholders suggested a review of Best Practicable Technology (BPT), Best Available Technology (BAT), and Best Conventional Pollutant Control Technology (BCT) for accuracy and relevance because the current effluent guidelines were promulgated in 1982.

Some EPA Regional Offices and stakeholders also asserted that the effluent guidelines for this category are outdated relative to the current state of the industry, and should be a priority for revision. These stakeholders argue that not only have the technologies