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**Subpart AI—Feldspar Subcategory
[Reserved]**

Subpart AJ—Talc, Steatite, Soapstone and Pyrophyllite Subcategory [Reserved]

**Subpart AK—Garnet Subcategory
[Reserved]**

Subpart AL—Graphite Subcategory

§ 436.380 Applicability; description of the graphite subcategory.

The provisions of this subpart are applicable to the mining and processing of naturally occurring graphite.

§ 436.381 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term “mine drainage” shall mean any water drained, pumped or siphoned from a mine.

§ 436.382 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	20 mg/l	10 mg/l.
Total Fe	2 mg/l	1 mg/l.
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0.

(b) Only that volume of water resulting from precipitation that exceeds the

maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33969, June 29, 1995; 60 FR 35796, July 11, 1995]

PART 437—THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY

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437.47 Pretreatment standards for new sources (PSNS).

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§ 437.1 General applicability.

(a) Except as provided in paragraphs (b), (c), or (d) of this section, this part applies to that portion of wastewater discharges from a centralized waste treatment (CWT) facility that results from any of the following activities:

(1) Treatment and recovery of hazardous or non-hazardous industrial metal-bearing wastes, oily wastes and organic-bearing wastes received from off-site; and

(2) The treatment of CWT wastewater.

(b) This part does not apply to the following discharges of wastewater from a CWT facility:

(1) Wastewater from the treatment of wastes that are generated on-site when the wastes generated on-site are otherwise subject to another part of subchapter N.

(2) Wastewater from the treatment of wastes that are generated off-site if the discharger: a) demonstrates that the off-site wastes are generated at a facility that is subject to the same provisions in 40 CFR subchapter N as non-CWT wastes generated at the CWT facility or b) demonstrates that the off-site wastes are of similar nature and the treatment of such wastes are compatible with the treatment of non-CWT wastes generated and treated at the CWT.

(3) Wastewater from the treatment of wastes received from off-site via conduit (e.g., pipelines, channels, ditches, trenches, etc.) from the facility that generates the wastes unless the resulting wastewaters are commingled with other wastewaters subject to this provision. A facility that acts as a waste collection or consolidation center is not a facility that generates wastes.

(4) Wastewater from product stewardship activities, the treatment of sanitary wastes and wastes of domestic origin including chemical toilet wastes, septage, and restaurant wastes or thermal drying of POTW biosolids. Product stewardship activities for purposes of this provision are limited to the following activities at a manufacturing facility: acceptance for treatment or recovery of its unused products, shipping and storage containers with product residues and off-spec products.

(5) Wastewater from solids recovery operations so long as the wastes recovered are from non-industrial sources, and recovery of the wastes does not generate a wastewater or leach appreciable metal or organic chemicals or petroleum-based oil and grease into the water. Examples of solids recovery operations to which this subpart would not apply include, but are not limited to, the recycling of aluminum cans, glass and plastic bottles.

(6) Wastewater from scrap metal processing or auto salvage operations.

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(7) Wastewater from transfer stations or municipal recycling centers.

(8) Wastewater from the treatment of, or recovery of material from, animal or vegetable fats/oils from grease traps or interceptors generated by facilities engaged in food service activities.

(9) Wastewater from the treatment of, or recovery of material from, off-site wastes generated by facilities engaged only in food processing.

(10) Wastewater from facilities that are subject to 40 CFR part 442. Wastewater resulting from the treatment of off-site wastewater generated in cleaning transportation equipment (or on-site wastewater generated in cleaning equipment) along with other off-site wastes (subject to this part) not generated in cleaning transportation equipment is, however, subject to this part.

(11) Wastewater resulting from solvent recovery operations if the solvent recovery operations involve the separation of solvent mixtures by distillation.

(12) Wastewater from facilities that are engaged exclusively in centralized silver recovery from used photographic or x-ray materials activities. The discharge resulting from centralized silver recovery from used photographic or x-ray materials that is treated at a CWT facility along with other off-site wastestreams (subject to this part) is subject to this part.

(13) Wastewater from facilities that accept off-site wastes only for treatability studies, research and development, or chemical or physical analysis. The wastewater resulting from treatability studies, research and development, or chemical or physical analysis that is treated at a CWT facility along with other off-site wastestreams (subject to this part) is subject to this part.

(c) This part also does not apply to the following activities:

(1) “Dry” fuel blending operations, “dry” waste solidification/stabilization operations, “dry” used oil filter or oily absorbents recycling operations, or “dry” high temperature metals recovery operations. However, this part does apply to wastewater discharges from a CWT resulting from any of these operations that do produce wastewater.

(2) The discharge of marine generated wastes including wash water from equipment and tank cleaning, ballast water, bilge water, and other wastes generated (while operating on inland, coastal, or open waters or while berthed) as part of routine ship maintenance and operation as long as they are treated and discharged at the ship servicing facility where it is off-loaded. The discharges resulting from the treatment of marine generated wastes that are off-loaded and subsequently sent to a centralized waste treatment facility at a separate location are, however, subject to this part.

(3) Discharge of wastewater from land treatment units or land application operations.

(4) Discharge of wastewater from facilities that are engaged exclusively in landfilling activities and/or the treatment of landfill wastewaters (whether generated on or off-site). The discharge resulting from the treatment of landfill wastewater, whether generated on-site or off-site, treated at CWT facilities along with other off-site waste is, however, subject to this part.

(5) Discharge of wastewater from facilities that are engaged exclusively in incineration activities. The discharge resulting from the treatment of off-site wastewater generated in the incineration of industrial waste that is treated at a CWT facility along with other off-site wastestreams (subject to this part) is subject to this part.

(d) Notwithstanding paragraph (a) of this section, the provisions of this part are not applicable to any metals treatment and recovery wastewater discharges which are subject to the secondary metals provisions of 40 CFR part 421, the Nonferrous Metals Manufacturing Point Source Category. These secondary metals subcategories are subpart C (Secondary Aluminum Smelting Subcategory), subpart F (Secondary Copper Subcategory), subpart L (Secondary Silver Subcategory), subpart M (Secondary Lead Subcategory), subpart P (Primary and Secondary Germanium and Gallium Subcategory), subpart Q (Secondary Indium Subcategory), subpart R (Secondary Mercury Subcategory), subpart

T (Secondary Molybdenum and Vanadium Subcategory), subpart V (Secondary Nickel Subcategory), subpart X (Secondary Precious Metals Subcategory), subpart Z (Secondary Tantalum Subcategory), subpart AA (Secondary Tin Subcategory), subpart AB (Primary and Secondary Titanium Subcategory), subpart AC (Secondary Tungsten and Cobalt Subcategory), and subpart AD (secondary Uranium Subcategory).

§ 437.2 General definitions.

As used in this part:

(a) The general definitions and abbreviations in 40 CFR part 401 apply to this part.

(b) *Alternative effluent limitations or pretreatment standards* mean effluent limitations determined on a case-by-case basis under section 402(a)(1) of the CWA or pretreatment standards developed as local limits by the control authority under 40 CFR § 403.6(c) that apply to the discharge of wastewater subject to this provision. The permit writer (or control authority) will calculate these limitations or standards using a “building block” approach or the “combined wastestream formula.” Under this approach, the permit writer (or control authority) will develop flow-weighted effluent limitations or standards for the treated combined wastestream by applying the limitations or standards in 40 CFR subchapter N that would otherwise apply to a particular wastestream received from off-site if the wastestream were treated and discharged from the facility at which it was generated.

(c) *Centralized waste treatment (CWT) facility* means any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. “CWT facility” includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site. For example, an organic chemical manufacturing plant may, in certain circumstances, be a CWT facility if it treats industrial wastes received from offsite as well as industrial waste gen-

erated at the organic chemical manufacturing plant. CWT facilities may also include re-refiners and may be owned by the federal government.

(d) *Centralized waste treatment wastewater* means any wastewater generated as a result of CWT activities. CWT wastewater sources may include, but are not limited to: liquid waste receipts, solubilization water, used oil emulsion-breaking wastewater, tanker truck/drum/roll-off box washes, equipment washes, air pollution control scrubber blow-down, laboratory-derived wastewater, on-site landfill wastewaters, and contaminated storm water.

(e) *Contaminated storm water* means storm water which comes in direct contact with CWT wastes, the waste handling and treatment areas, or other centralized waste treatment wastewater as defined in paragraph (d) of this section.

(f) *Discharger* means a facility that discharges wastewater directly to waters of the United States or introduces wastewater to a publicly-owned treatment works.

(g) *Dry* means not producing a wastewater.

(h) *Equivalent treatment* means a wastewater treatment system that achieves comparable pollutant removals to the applicable treatment technology selected as the basis for the limitations and pretreatment standards. Comparable removals may be demonstrated through literature, treatability tests, or self-monitoring data.

(i) *Fuel blending* means the process of combining waste, wastewater, or used material for the purpose of regenerating a fuel for reuse. However, fuel blending may be loosely applied to any process where recovered hydrocarbons are combined as a fuel product where some pretreatment operations generate wastewater.

(j) *High temperature metals recovery* means a metals recovery process in which solid forms of metal-containing materials are processed with a heat-based pyrometallurgical technology to produce a metal product.

(k) *Marine generated waste* means any waste, wastewater, and/or used material generated as part of the normal

maintenance and operation of a ship, boat, or barge operating on inland, coastal, or open waters, or while berthed.

(l) *Metal-bearing wastes* means wastes and/or used materials from manufacturing or processing facilities or other commercial operations that contain significant quantities of metal pollutants, but not significant quantities of oil and grease (generally less than 100 mg/L). Examples of these wastes are spent electroplating baths and sludges, metal-finishing rinse water and sludges, chromate wastes, blow-down water and sludges from air pollution control, spent anodizing solutions, incineration air pollution control wastewaters, waste liquid mercury, cyanide containing wastes greater than 136 mg/L, and waste acids and bases with or without metals.

(m) *Multiple wastestream CWT facility* means a CWT facility which accepts waste in more than one CWT subcategory (metals, oils, or organics) and combines any portion of these different subcategory wastes at any point prior to the compliance discharge sampling location.

(n) *Off-site* means outside the boundaries of a facility.

(o) *Oily absorbent recycling* means the process of recycling oil-soaked or contaminated disposable rags, paper, or pads for the purpose of regenerating a fuel for reuse.

(p) *Oily wastes* means wastes and/or used materials that contain oil and grease (generally at or in excess of 100 mg/L) from manufacturing or processing facilities or other commercial operations. Examples of these wastes are used oils, oil-water emulsions or mixtures, lubricants, coolants, contaminated groundwater clean-up from petroleum sources, used petroleum products, oil spill clean-up, bilge water, rinse/wash waters from petroleum sources, interceptor wastes, off-specification fuels, underground storage tank remediation waste, and tank clean out from petroleum or oily sources.

(q) *On-site* means within the boundaries of a facility. A facility may encompass land areas that are bisected by public thoroughfares but are under the control of a common owner.

(r) *Organic wastes* means wastes and/or used materials that contain organic pollutants, but not a significant quantity of oil and grease (generally less than 100 mg/L) from manufacturing or processing facilities or other commercial operations. Examples of these wastes are landfill leachate, contaminated groundwater clean-up from non-petroleum sources, solvent-bearing wastes, off-specification organic product, still bottoms, byproduct glycols, wastewater from paint washes, wastewater from adhesives and/or epoxies, wastewater from chemical product operations, and tank clean-out from organic, non-petroleum sources.

(s) The following regulated parameters are listed with approved methods of analysis in Table 1B at 40 CFR 136.3, and are defined as follows:

- (1) *Antimony* means total antimony.
- (2) *Arsenic* means total arsenic.
- (3) *Barium* means total barium.
- (4) *BOD₅* means 5-day biochemical oxygen demand.
- (5) *Cadmium* means total cadmium.
- (6) *Chromium* means total chromium.
- (7) *Cobalt* means total cobalt.
- (8) *Copper* means total copper.
- (9) *Cyanide* means total cyanide.
- (10) *Lead* means total lead.
- (11) *Mercury* means total mercury.
- (12) *Molybdenum* means total molybdenum.
- (13) *Nickel* means total nickel.
- (14) *O&G* means total recoverable oil and grease (n-hexane extractable material).
- (15) *Selenium* means total selenium.
- (16) *Silver* means total silver.
- (17) *Tin* means total tin.
- (18) *Titanium* means total titanium.
- (19) *TSS* means total suspended solids.
- (20) *Vanadium* means total vanadium.
- (21) *Zinc* means total zinc.

(t) The following regulated parameters are listed with approved methods of analysis in Table 1C at 40 CFR 136.3:

- (1) Bis(2-ethylhexyl) phthalate.
- (2) Butylbenzyl phthalate.
- (3) Fluoranthene.
- (4) Phenol.
- (5) 2,4,6-trichlorophenol.

(u) The following regulated parameters are listed with approved methods of analysis (Methods 625 and 1625) at 40 CFR 136.3, appendix A:

- (1) Acetone.
- (2) Acetophenone.
- (3) Aniline.
- (4) 2-Butanone.
- (5) Carbazole.
- (6) o-Cresol.
- (7) p-Cresol.
- (8) n-Decane.
- (9) 2,3-dichloroaniline.
- (10) n-Octadecane.
- (11) Pyridine.

(v) *Pipeline* means an open or closed conduit used for the conveyance of material. A pipeline includes a channel, pipe, tube, trench, or ditch, or fixed delivery system.

(w) *Product stewardship* means a manufacturer's treatment or recovery of its own unused products, shipping and storage containers with product residues, off-specification products, and does not include spent or used materials from use of its products.

(x) *Re-refining* means the processing of used oil using distillation, hydrotreating, and/or other treatment employing acid, caustic, solvent, clay and/or chemicals in order to produce high quality base stock for lubricants or other petroleum products.

(y) *Recovery* means the recycling or processing of a waste, wastewater or used material such that the material, or a portion thereof, may be reused or converted to a raw material, intermediate, or product. Recovery does not include the re-use of treated or untreated wastewater in place of potable or pure water in industrial processes such as the use of secondary POTW effluents as non-contact cooling water, storm water in place of process water, or the re-use of spent chemicals in place of virgin treatment chemicals.

(z) *Solidification* means the addition of sorbents to convert liquid or semi-liquid waste to a solid by means of adsorption, absorption or both. The process is usually accompanied by stabilization.

(aa) *Solvent recovery* includes fuel blending operations and the recycling of spent solvents through separation of solvent mixtures in distillation columns. Solvent recovery may require an additional, pretreatment step prior to distillation.

(bb) *Stabilization* means a waste process that decreases the mobility of

waste constituents by means of a chemical reaction. For the purpose of this rule, chemical precipitation is not a technique for stabilization.

(cc) *Treatment* means any method, technique, or process designed to change the physical, chemical or biological character or composition of any metal-bearing, oily, or organic wastes to neutralize such wastes; to render such wastes amenable to discharge; or to recover energy or recover metal, oil, or organic content from the wastes. Treatment does not include (a) the re-use of treated or untreated wastewater in place of potable or pure water in industrial processes such as the use of secondary POTW effluents as non-contact cooling water or storm water in place of process water or (b) the re-use of treated or untreated spent chemicals (such as pickle liquor) as treatment chemicals.

(dd) *Non-contaminated storm water* means storm water which does not come in direct contact with CWT wastes, the waste handling and treatment areas, or other CWT wastewater that is defined in paragraph (d) of this section.

(ee) *Used oil filter recycling* means crushing and draining of used oil filters of entrained oil and/or shredding and separation of used oil filters.

(ff) *Waste* includes aqueous, non-aqueous, and solid waste, wastewater, and/or used material.

§ 437.3 General pretreatment standards.

Any source subject to this part that introduces process wastewater pollutants into a publicly owned treatment works (POTW) must comply with 40 CFR part 403.

§ 437.4 Monitoring requirements.

(a) Permit compliance monitoring is required for each regulated parameter.

(b) Any CWT facility that discharges wastewater resulting from the treatment of metal-bearing waste, oily waste, or organic-bearing waste must monitor as follows:

(1) Facilities subject to more than one subpart of this part must monitor for compliance for each subpart after treatment and before mixing of the

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waste with wastes of any other subpart. Alternatively, a multiple wastestream subcategory facility may certify that it provides equivalent treatment as defined in § 437.2(h) for the applicable waste and monitor for compliance with the applicable set of multiple wastestream subcategory limitations after mixing.

(2) Facilities subject to one or more subpart of this part must monitor for compliance with the applicable subpart after treatment and before mixing of the waste with wastes of any other subpart, uncontaminated storm water, or wastewater subject to another effluent limitation or standard in subchapter N. If, however, the facility can demonstrate to the receiving POTW or permitting authority the capability of achieving the effluent limitation or standard for each subpart after treatment and before mixing with other wastestreams, the facility may monitor for compliance after mixing. In the case of a facility which elects to comply with the applicable set of multiple wastestream subcategory limitations or standards, it is only subject to one subpart.

(3) When a CWT facility treats any waste receipt that contains cyanide at a concentration higher than 136 mg/L, the CWT facility must monitor for cyanide after cyanide treatment and before dilution with other wastestreams. If, however, the facility can demonstrate to the receiving POTW or permitting authority the capability of achieving the cyanide limitation or standard after cyanide treatment and before mixing with other wastestreams, the facility may monitor for compliance after mixing.

Subpart A—Metals Treatment and Recovery

§ 437.10 Applicability.

(a) Except as provided in § 437.1(b), (c), or (d) or in paragraph (b) of this section, this subpart applies to that portion of the discharge of wastewater from a CWT facility that results from the treatment of, or recovery of metals from, both metal-bearing wastes received from off-site and other CWT wastewater associated with the treat-

ment of, or recovery of metal-bearing wastes.

(b) In order to ensure appropriate treatment rather than dilution of dissimilar wastes, an NPDES permit writer or control authority may require a new source or an existing facility subject to this subpart to achieve alternative effluent limitations and standards as defined in § 437.2(b) in the following circumstances:

(1) The facility receives, on a continuing basis, flows of process wastewater from five or fewer facilities subject to 40 CFR subchapter N limitations and standards; and

(2) The process wastewater flows received for treatment at the facility have relatively consistent pollutant profiles.

§ 437.11 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or § 437.10(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
O&G	205	50.2
pH	(²)	(²)
TSS	60.0	31.0
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	15.5	3.07
Cobalt	0.192	0.124
Copper	4.14	1.06
Lead	1.32	0.283
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641

¹ mg/L (ppm).
² Within the range 6 to 9.

(b) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

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IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.12 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32 or § 437.10(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT: Limitations for oil and grease, pH, and TSS are the same as the corresponding limitation specified in § 437.11(a).

§ 437.13 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or § 437.10(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT: Limitations for antimony, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, silver, tin, titanium, vanadium, and zinc are the same as the corresponding limitation specified in § 437.11(a).

(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.14 New source performance standards (NSPS).

(a) Except as provided in § 437.10(b), any new source subject to this subpart must achieve the following performance standards:

PERFORMANCE STANDARDS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
O&G	205	50.2
pH	(²)	(²)

PERFORMANCE STANDARDS—Continued

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
TSS	29.6	11.3

Metal Parameters

Antimony	0.111	0.0312
Arsenic	0.0993	0.0199
Cadmium	0.782	0.163
Chromium	0.167	0.0522
Cobalt	0.182	0.0703
Copper	0.659	0.216
Lead	1.32	0.283
Mercury	0.000641	0.000246
Nickel	0.794	0.309
Selenium	0.176	0.0698
Silver	0.0318	0.0122
Tin	0.0955	0.0367
Titanium	0.0159	0.00612
Vanadium	0.0628	0.0518
Zinc	0.657	0.252

¹ mg/L (ppm).

² Within the range 6 to 9.

(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

§ 437.15 Pretreatment standards for existing sources (PSES).

(a) Except as provided in 40 CFR 403.7, 403.13 or § 437.10(b), and no later than December 22, 2003, any existing source subject to this subpart must achieve the following pretreatment standards: Standards for antimony, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, silver, tin, titanium, vanadium, and zinc are the same as the corresponding limitation specified in § 437.11(a).

(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.16 Pretreatment standards for new sources (PSNS).

(a) Except as provided in 40 CFR 403.7 or § 437.10(b), any new source subject to this subpart must achieve the following pretreatment standards: Standards for antimony, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, silver, tin, titanium, vanadium, and zinc are the same as the corresponding limitation specified in § 437.11(a).

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(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

Subpart B—Oils Treatment and Recovery

§ 437.20 Applicability.

(a) Except as provided in §437.1(b), (c), or (d) or in paragraph (b) of this section, this subpart applies to that portion of the discharge of wastewater from a CWT facility that results from the treatment or recovery of oil from both oily wastes received from off-site and other CWT wastewater associated with the treatment of, or recovery of oily wastes.

(b) In order to ensure appropriate treatment rather than dilution of dissimilar wastes, an NPDES permit writer or control authority may require a new source or an existing source subject to this subpart to achieve alternative effluent limitations and standards, as defined in §437.2(b), in the following circumstances:

(1) The facility receives, on a continuing basis, flows of process wastewater from five or fewer facilities subject to 40 CFR subchapter N limitations and standards; and

(2) The process wastewater flows received for treatment at the facility have relatively consistent pollutant profiles.

§ 437.21 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32 or §437.20(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
O&G	127	38.0
pH	(²)	(²)
TSS	74.1	30.6

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BPT LIMITATIONS—Continued

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Arsenic	2.95	1.33
Cadmium	0.0172	0.0102
Chromium	0.746	0.323
Cobalt	56.4	18.8
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.0172	0.00647
Tin	0.335	0.165
Zinc	8.26	4.50
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302

¹ mg/L (ppm).

² Within the range 6 to 9.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.22 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32 or §437.20(b), any existing point source subject to this subpart must achieve the following effluent limitations attainable by the application of BCT: Limitations for O&G, pH, and TSS are the same as the corresponding limitation specified in §437.21.

§ 437.23 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32 or §437.20(b), any existing point source subject to this subpart must achieve the following effluent limitations by the application of BAT: Limitations for arsenic, cadmium, chromium, cobalt, copper, lead, mercury, tin, zinc, butylbenzyl phthalate, carbazole, n-decane, bis(2-ethylhexyl) phthalate, fluoranthene, and n-octadecane are the same as the corresponding limitation specified in §437.21.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

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§ 437.24 New source performance standards (NSPS).

Except as provided in § 437.20(b), any new source subject to this subpart must achieve the following performance standards: Standards for oil and grease, pH, TSS, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, tin, zinc, butylbenzyl phthalate, carbazole, n-decane, bis(2-ethylhexyl) phthalate, fluoranthene, and n-octadecane are the same as the corresponding limitation specified in § 437.21.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.25 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7, 403.13 or § 437.20(b), and no later than December 22, 2003, any existing source subject to this subpart must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Chromium	0.947	0.487
Cobalt	56.4	18.8
Copper	0.405	0.301
Lead	0.222	0.172
Tin	0.249	0.146
Zinc	6.95	4.46
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.267	0.158
Carbazole	0.392	0.233
n-Decane	5.79	3.31
Fluoranthene	0.787	0.393
n-Octadecane	1.22	0.925

¹ mg/L (ppm).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.26 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7 or § 437.20(b), any new source subject to this subpart must achieve the following pretreatment standards: Standards for chromium, cobalt, copper, lead, tin, zinc, carbazole, n-decane, bis(2-ethylhexyl) phthalate, fluoranthene, and n-octadecane are the same

as the corresponding limitation specified in § 437.21.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

Subpart C—Organics Treatment and Recovery

§ 437.30 Applicability.

(a) Except as provided in § 437.1(b), (c), or (d) or in paragraph (b) of this section, this subpart applies to that portion of the discharge of wastewater from a CWT facility that results from the treatment of, or recovery of organic material from, both organic wastes received from off-site and other CWT wastewater associated with the treatment of, or recovery of organic wastes.

(b) In order to ensure appropriate treatment rather than dilution of dissimilar wastes, an NPDES permit writer or control authority may require a new source or an existing facility subject to § 437.30 to achieve alternative effluent limitations and standards as defined in § 437.2 (h) in the following circumstances:

(1) The facility receives, on a continuing basis, flows of process wastewater from five or fewer facilities subject to 40 CFR subchapter N limitations and standards; and

(2) The process wastewater flows received for treatment at the facility have relatively consistent pollutant profiles.

§ 437.31 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32 or § 437.30(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
pH	(²)	(²)
TSS	216	61.3

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BPT LIMITATIONS—Continued

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Copper	0.865	0.757
Zinc	0.497	0.420
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
2-Butanone	4.81	1.85
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

² Within the range 6 to 9.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.32 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32 or § 437.30(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT: Limitations for BOD₅, pH, and TSS are the same as the corresponding limitation specified in § 437.31.

§ 437.33 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32 or § 437.30(b), any existing point source subject to this subpart must achieve limitations representing the application of BAT: Limitations for copper, zinc, acetone, acetophenone, 2-butanone, o-cresol, p-cresol, phenol, pyridine, and 2,4,6-trichlorophenol are the same as the corresponding limitation specified in § 437.31.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.34 New source performance standards (NSPS).

Except as provided in § 437.30(b), any new source subject to this subpart must achieve the following new source performance standards: Standards for BOD₅, pH, TSS, copper, zinc, acetone,

acetophenone, 2-butanone, o-cresol, p-cresol, phenol, pyridine, and 2,4,6-trichlorophenol are the same as the corresponding limitation specified in § 437.31.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.35 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7, 403.13 or § 437.30(b), and no later than December 22, 2003, any existing source subject to this subpart must achieve the following pretreatment standards: Standards for o-cresol, p-cresol, 2,4,6-trichlorophenol are the same as the corresponding limitation specified in § 437.31.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.36 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7 or § 437.30(b), any new source subject to this subpart must achieve the following pretreatment standards: Standards for o-cresol, p-cresol, 2,4,6-trichlorophenol are the same as the corresponding limitation specified in § 437.31.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

Subpart D—Multiple Wastestreams

§ 437.40 Applicability.

(a) Except as provided in § 437.1(b), (c), or (d) or in paragraph (b) of this section, facilities that treat wastes subject to more than one of the previous subparts must comply with either provisions of this subpart or the applicable provisions of subpart A, B, or C. The provisions of this subpart are applicable to that portion of wastewater discharges from a centralized waste treatment facility that results from mixing any combination of treated or untreated waste otherwise subject to subpart A, subpart B, or subpart C of this part only if a facility requests the permit writer or control authority to develop subpart D limitations (or standards) and establishes that it provides equivalent treatment as defined in § 437.2(h).

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(b) In order to ensure appropriate treatment rather than dilution of dissimilar wastes, an NPDES permit writer or control authority may require a new or existing facility subject to paragraph (a) of this section to achieve alternative effluent limitations or standards as defined in § 437.2 (b) in the following circumstances:

(1) The facility receives, on a continuing basis, flows of process wastewater from five or fewer facilities subject to 40 CFR subchapter N limitations and standards; and

(2) The process wastewater flows received for treatment at the facility have relatively consistent pollutant profiles.

§ 437.41 Special definitions.

(a) Initial Certification Statement for this subpart means a written submission to the appropriate permitting authority (either the local control authority (the POTW) or NPDES permit writer) that is signed by the responsible corporate officer as defined in 40 CFR 403.12(1) or 40 CFR 122.22. The statement must:

(1) List and describe the subcategories of wastes accepted for treatment at the facility;

(2) List and describe the treatment systems in-place at the facility and conditions under which the treatment systems are operated for the subcategories of wastes accepted for treatment at the facility;

(3) Include information and supporting data establishing that these treatment systems will achieve equivalent treatment.

(b) Periodic Certification Statement for this subpart means a written submission to the appropriate permitting authority (the local control authority (the POTW) or NPDES permit writer) which certifies that the facility is operating its treatment systems to provide equivalent treatment as set forth in the initial certification. In the event that the facility has modified its treatment systems, the facility should submit a description of the modified systems and information and supporting data to establish that the modified system will achieve equivalent treatment. The periodic certification statement must be signed by the responsible cor-

porate officer as defined in 40 CFR 403.12(1) or 40 CFR 122.22.

(c) On-site Compliance Paperwork for this subpart means data or information retained in the offices of the facility which supports the initial and periodic certification statements. This Paperwork must:

(1) List and describe the subcategory wastes being accepted for treatment at the facility;

(2) List and describe the treatment systems in-place at the facility, modifications to the treatment systems and the conditions under which the systems are operated for the subcategories of wastes accepted for treatment at the facility;

(3) Provide information and supporting data establishing that these treatment systems will achieve equivalent treatment;

(4) Describe the procedures it follows to ensure that its treatment systems are well-operated and maintained; and

(5) Explain why the procedures it has adopted will ensure its treatment systems are well-operated and maintained.

§ 437.42 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or § 437.40(b), any existing facility subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory effluent limitations representing the application of BPT set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its NPDES permit:

(1) The discharger will meet the applicable Multiple Wastestream Subcategory limitations set forth in (b), (c), (d) or (e);

(2) The discharger will notify its NPDES permit writer at the time of renewal or modification of its permit, of its desire to be subject to the Multiple Waste Subcategory by submitting to the NPDES permit writer an initial certification statement as described in § 437.41(a);

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(3) The discharger will submit to its NPDES permitting authority a periodic certification statement as described in § 437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 437.41(c).

(b) *Combined waste receipts from subparts A, B, and C of this part.* (1) As provided in § 437.42(a), any existing point source subject to this paragraph must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
O&G	127	38.0
pH	(²)	(²)
TSS	74.1	30.6
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.0172	0.0102
Chromium	0.746	0.323
Cobalt	0.192	0.124
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	0.497	0.420
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
Bis(2-ethylhexyl) phthalate	0.215	0.101
2-Butanone	4.81	1.85
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
<i>n</i> -Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
<i>n</i> -Octadecane	0.589	0.302
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).
² OSC Within the range 6 to 9.

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(c) *Combined waste receipts from subparts A and B of this part.* (1) As provided in § 437.42(a), any existing point source subject to this paragraph must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
O&G	127	38.0
pH	(²)	(²)
TSS	74.1	30.6
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.0172	0.0102
Chromium	0.746	0.323
Cobalt	0.192	0.124
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
<i>n</i> -Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
<i>n</i> -Octadecane	0.589	0.302

¹ mg/L (ppm).
² Within the range 6 to 9.

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(d) *Combined waste receipts from subparts A and C of this part.* (1) As provided in § 437.42(a), any existing point

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source subject to this paragraph must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
O&G	205	50.2
pH	(²)	(²)
TSS	60.0	31.0
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	15.5	3.07
Cobalt	0.192	0.124
Copper	0.865	0.757
Lead	1.32	0.283
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	0.497	0.420
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
2-Butanone	4.81	1.85
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).
² Within the range 6 to 9.

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(e) Combined waste receipts from subparts B and C of this part. As provided in § 437.42(a), any existing point source subject to this paragraph must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
O&G	127	38.0
pH	(²)	(²)
TSS	74.1	30.6
Metal Parameters		
Arsenic	2.95	1.33
Cadmium	0.0172	0.0102
Chromium	0.746	0.323
Cobalt	56.4	18.8
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.0172	0.00647
Tin	0.335	0.165
Zinc	0.497	0.420
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
Bis(2-ethylhexyl) phthalate	0.215	0.101
2-Butanone	4.81	1.85
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).
² Within the range 6 to 9.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, 71024, Dec. 22, 2003]

§ 437.43 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or § 437.40(b), any existing facility subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory effluent limitations representing the application of BCT set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its NPDES permit:

- (1) The discharger will meet the applicable Multiple Wastestream Subcategory limitations set forth in paragraphs (b), (c), (d) or (e) of this section;
- (2) The discharger will notify its NPDES permit writer at the time of renewal or modification of its permit, of

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its desire to be subject to the Multiple Waste Subcategory by submitting to the NPDES permit writer an initial certification statement as described in § 437.41(a);

(3) The discharger will submit to its NPDES permitting authority a periodic certification statement as described in § 437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 437.41(c).

(b) *Combined waste receipts from subparts A, B and C of this part:* Limitations for BOD₅, O&G, pH, and TSS are the same as the corresponding limitation specified in § 437.42(b).

(c) *Combined waste receipts from subparts A and B of this part:* Limitations for O&G, pH, and TSS are the same as the corresponding limitation specified in § 437.42(c).

(d) *Combined waste receipts from subparts A and C of this part:* Limitations for BOD₅, O&G, pH, and TSS are the same as the corresponding limitation specified in § 437.42(d).

(e) *Combined waste receipts from subparts B and C of this part:* Limitations for BOD₅, O&G, pH, and TSS are the same as the corresponding limitation specified in § 437.42(e).

§ 437.44 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or § 437.40(b), any existing facility subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory effluent limitations representing the application of BAT set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its NPDES permit:

(1) The discharger will meet the applicable Multiple Wastestream Subcategory limitations set forth in paragraphs (b), (c), (d) or (e) of this section;

(2) The discharger will notify its NPDES permit writer at the time of renewal or modification of its permit, of its desire to be subject to the Multiple

Waste Subcategory by submitting to the NPDES permit writer an initial certification statement as described in § 437.41(a);

(3) The discharger will submit to its NPDES permitting authority a periodic certification statement as described in § 437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 437.41(c).

(b) *Combined waste receipts from subparts A, B and C of this part.* (1) Limitations for the following parameters are the same as the corresponding limitation specified in § 437.42(b)(1):

ORGANIC PARAMETERS

- Acetone
- Acetophenone
- bis (2-ethylhexyl) phthalate
- 2-Butanone
- Butylbenzyl phthalate
- Carbazole
- o*-Cresol
- p*-Cresol
- n*-Decane
- Fluoranthene
- n*-Octadecane
- Phenol
- Pyridine
- 2,4,6-trichlorophenol

METAL PARAMETERS

- Antimony
- Arsenic
- Cadmium
- Chromium
- Cobalt
- Copper
- Lead
- Mercury
- Nickel
- Silver
- Tin
- Titanium
- Vanadium
- Zinc

(2) The in-plant limitations that apply to metal-bearing wastewater containing cyanide are the same as the corresponding limitations specified in § 437.42(b)(2).

(c) *Combined waste receipts from subparts A and B of this part.* (1) Limitations for the following parameters are the same as the corresponding limitation specified in § 437.42(c)(1):

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ORGANIC PARAMETERS

Bis (2-ethylhexyl) phthalate
Butylbenzyl phthalate
Carbazole
n-Decane
Fluoranthene
n-Octadecane

METAL PARAMETERS

Antimony
Arsenic
Cadmium
Chromium
Cobalt
Copper
Lead
Mercury
Nickel
Silver
Tin
Titanium
Vanadium
Zinc

(2) The in-plant limitations that apply to metal-bearing wastewater containing cyanide are the same as the corresponding limitations specified in § 437.42(c)(2).

(d) *Combined waste receipts from subparts A and C of this part.* (1) Limitations for the following parameters are the same as the corresponding limitation specified in § 437.42(d)(1):

ORGANIC PARAMETERS

Acetone
Acetophenone
2-Butanone
o-Cresol
p-Cresol
Phenol
Pyridine
2,4,6-trichlorophenol

METAL PARAMETERS

Antimony
Arsenic
Cadmium
Chromium
Cobalt
Copper
Lead
Mercury
Nickel
Silver
Tin
Titanium
Vanadium
Zinc

(2) The in-plant limitations that apply to metal-bearing wastewater containing cyanide are the same as the

corresponding limitations specified in § 437.42(e)(2).

(e) *Combined waste receipts from subparts B and C of this part.* Limitations for the following parameters are the same as the corresponding limitation specified in § 437.42(e):

ORGANIC PARAMETERS

Acetone
Acetophenone
Bis(2-ethylhexyl) phthalate
2-Butanone
Butylbenzyl phthalate
Carbazole
o-Cresol
p-Cresol
n-Decane
Fluoranthene
n-Octadecane
Phenol
Pyridine
2,4,6-trichlorophenol

METAL PARAMETERS

Arsenic
Cadmium
Chromium
Cobalt
Copper
Lead
Mercury
Tin
Zinc

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71024, 71025, Dec. 22, 2003]

§ 437.45 New source performance standards (NSPS).

(a) Except as provided in § 437.40(b), any new source subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory effluent limitations representing the application of NSPS set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its NPDES permit:

(1) The discharger will meet the applicable Multiple Wastestream Subcategory limitations set forth in paragraphs (b), (c), (d) or (e) of this section;

(2) The discharger will notify its NPDES permit writer at the time of submitting its application for permit, of its desire to be subject to the Multiple Waste Subcategory by submitting to the NPDES permit writer an initial certification statement as described in § 437.41(a);

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(3) The discharger will submit to its NPDES permitting authority a periodic certification statement as described in § 437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 437.41(c).

(b) *Combined waste receipts from subparts A, B and C of this part.* (1) As provided in § 437.45(a), any new source subject to this paragraph must achieve the following performance standards:

PERFORMANCE STANDARDS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
O&G	127	38.0
pH	(²)	(²)
TSS	29.6	11.3
Metal Parameters		
Antimony	0.111	0.0312
Arsenic	0.0993	0.0199
Cadmium	0.0172	0.0102
Chromium	0.167	0.0522
Cobalt	0.182	0.0703
Copper	0.659	0.216
Lead	0.350	0.160
Mercury	0.000641	0.000246
Nickel	0.794	0.309
Selenium	0.176	0.0698
Silver	0.0318	0.0122
Tin	0.0955	0.0367
Titanium	0.0159	0.00612
Vanadium	0.0628	0.0518
Zinc	0.657	0.252
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
Bis(2-ethylhexyl) phthalate	0.215	0.101
2-Butanone	4.81	1.85
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

² Within the range 6 to 9.

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(c) *Combined waste receipts from subparts A and B of this part.* (1) As provided in § 437.45(a), any new source subject to this paragraph must achieve the following standards:

PERFORMANCE STANDARDS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
O&G	127	38.0
pH	(²)	(²)
TSS	29.6	11.3
Metal Parameters		
Antimony	0.111	0.0312
Arsenic	0.0993	0.0199
Cadmium	0.0172	0.0102
Chromium	0.167	0.0522
Cobalt	0.182	0.0703
Copper	0.659	0.216
Lead	0.350	0.160
Mercury	0.000641	0.000246
Nickel	0.794	0.309
Selenium	0.176	0.0698
Silver	0.0318	0.0122
Tin	0.0955	0.0367
Titanium	0.0159	0.00612
Vanadium	0.0628	0.0518
Zinc	0.657	0.252
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302

¹ mg/L (ppm).

² Within the range 6 to 9.

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

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(d) *Combined waste receipts from subparts A and C of this part.* (1) As provided in §437.45(a), any new source subject to this paragraph must achieve the following performance standards:

PERFORMANCE STANDARDS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
O&G	205	50.2
pH	(²)	(²)
TSS	29.6	11.3
Metal Parameters		
Antimony	0.111	0.0312
Arsenic	0.0993	0.0199
Cadmium	0.782	0.163
Chromium	0.167	0.0522
Cobalt	0.182	0.0703
Copper	0.659	0.216
Lead	1.32	0.283
Mercury	0.000641	0.000246
Nickel	0.794	0.309
Selenium	0.176	0.0698
Silver	0.0318	0.0122
Tin	0.0955	0.0367
Titanium	0.0159	0.00612
Vanadium	0.0628	0.0518
Zinc	0.657	0.252
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
2-Butanone	4.81	1.85
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).
² Within the range 6 to 9.

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(e) *Combined waste receipts from subparts B and C of this part.* As provided in §437.45(a), any new source subject to this paragraph must achieve the following performance standards:

PERFORMANCE STANDARDS		
Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Conventional Parameters		
BOD ₅	163	53.0
O&G	127	38.0
pH	(²)	(²)
TSS	74.1	30.6
Metal Parameters		
Arsenic	2.95	1.33
Cadmium	0.0172	0.0102
Chromium	0.746	0.323
Cobalt	56.4	18.8
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.0172	0.00647
Tin	0.335	0.165
Zinc	0.497	0.420
Organic Parameters		
Acetone	30.2	7.97
Acetophenone	0.114	0.0562
Bis(2-ethylhexyl) phthalate	0.215	0.101
2-Butanone	4.81	1.85
Butylbenzyl phthalate	0.188	0.0887
Carbazole	0.598	0.276
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
<i>n</i> -Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
<i>n</i> -Octadecane	0.589	0.302
Phenol	3.65	1.08
Pyridine	0.370	0.182
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).
² Within the range 6 to 9.

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71025, Dec. 22, 2003]

§ 437.46 Pretreatment standards for existing sources (PSES).

(a) Except as provided in 40 CFR 403.7, §403.13 or §437.40(b), any new source subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory pretreatment standards representing the application of PSES set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its permit:

- (1) The discharger will meet the applicable Multiple Wastestream Subcategory standards set forth in paragraphs (b), (c), (d) or (e) of this section;
- (2) The discharger will notify its local control authority of its desire to

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be subject to the Multiple Waste Subcategory by submitting to the local control authority an initial certification statement as described in § 437.41(a);

(3) The discharger will submit to its local control authority a periodic certification statement as described in § 437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 437.41(c).

(b) *Combined waste receipts from subparts A, B and C of this part.* (1) As provided in § 437.46(a), and no later than [Insert date—three years after publication], any existing source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	0.947	0.487
Cobalt	0.192	0.124
Copper	0.405	0.301
Lead	0.222	0.172
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.267	0.158
Carbazole	0.392	0.233
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
n-Decane	5.79	3.31
Fluoranthene	0.787	0.393
n-Octadecane	1.22	0.925
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(c) *Combined waste receipts from subparts A and B of this part.* (1) As provided in § 437.46(a), and no later than December 22, 2003, any existing source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	0.947	0.487
Cobalt	0.192	0.124
Copper	0.405	0.301
Lead	0.222	0.172
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.267	0.158
Carbazole	0.392	0.233
n-Decane	5.79	3.31
Fluoranthene	0.787	0.393
n-Octadecane	1.22	0.925

¹ mg/L (ppm).

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(d) *Combined waste receipts from subparts A and C of this part.* (1) As provided in § 437.46(a), and no later than December 22, 2003, any existing source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	15.5	3.07
Cobalt	0.192	0.124

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**PRETREATMENT STANDARDS (PSES)—
Continued**

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Copper	4.14	1.06
Lead	1.32	0.283
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
Organic Parameters		
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(e) *Combined waste receipts from subparts B and C of this part.* As provided in § 437.46(a), and no later than December 22, 2003, any existing source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSES)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Chromium	0.947	0.487
Cobalt	56.4	18.8
Copper	0.405	0.301
Lead	0.222	0.172
Tin	0.249	0.146
Zinc	6.95	4.46
Organic Parameters		
Bis (2-ethylhexyl) phthalate ...	0.267	0.158
Carbazole	0.392	0.233
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
<i>n</i> -Decane	5.79	3.31
Fluoranthene	0.787	0.393
<i>n</i> -Octadecane	1.22	0.925
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71025, Dec. 22, 2003]

§ 437.47 Pretreatment standards for new sources (PSNS).

(a) Except as provided in 40 CFR 403.7 or § 437.40(b), any new source subject to this subpart which combines treated or untreated wastes from subparts A, B, or C of this part may be subject to Multiple Wastestream Subcategory pretreatment standards representing the application of PSNS set forth in paragraphs (b), (c), (d), or (e) of this section if the discharger agrees to the following conditions in its permit:

(1) The discharger will meet the applicable Multiple Wastestream Subcategory standards set forth in paragraphs (b), (c), (d) or (e) of this section;

(2) The discharger will notify its local control authority at the time of submitting its application for an individual control mechanism or pretreatment agreement of its desire to be subject to Multiple Waste Subcategory by submitting to the local control authority an initial certification statement as described in § 437.41(a);

(3) The discharger will submit to its local control authority a periodic certification statements as described in § 437.41(b) once a year; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 437.41(c).

(b) *Combined waste receipts from subparts A, B and C of this part.* (1) As provided in § 437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSNS)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	0.746	0.323
Cobalt	0.192	0.124
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662

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PRETREATMENT STANDARDS (PSNS)—
Continued

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Zinc	2.87	0.641
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Carbazole	0.598	0.276
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
<i>n</i> -Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
<i>n</i> -Octadecane	0.589	0.302
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(c) *Combined waste receipts from subparts A and B of this part.* (1) As provided in § 437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSNS)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	0.746	0.323
Cobalt	0.192	0.124
Copper	0.500	0.242
Lead	0.350	0.160
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
Organic Parameters		
Bis (2-ethylhexyl) phthalate ...	0.215	0.101
Carbazole	0.598	0.276
<i>n</i> -Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
<i>n</i> -Octadecane	0.589	0.302

¹ mg/L (ppm).

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(d) *Combined waste receipts from subparts A and C of this part.* (1) As provided in § 437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

PRETREATMENT STANDARDS (PSNS)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	15.5	3.07
Cobalt	0.192	0.124
Copper	4.14	1.06
Lead	1.32	0.283
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641
Organic Parameters		
<i>o</i> -Cresol	1.92	0.561
<i>p</i> -Cresol	0.698	0.205
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

(2) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Cyanide	500	178

¹ mg/L (ppm).

(e) *Combined waste receipts from subparts B and C of this part.* As provided in § 437.47(a), any new source subject to this paragraph must achieve the following pretreatment standards:

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PRETREATMENT STANDARDS (PSNS)

Regulated parameter	Maximum daily ¹	Maximum monthly avg. ¹
Metal Parameters		
Chromium	0.746	0.323
Cobalt	56.4	18.8
Copper	0.500	0.242
Lead	0.350	0.160
Tin	0.335	0.165
Zinc	8.26	4.50
Organic Parameters		
Bis(2-ethylhexyl) phthalate	0.215	0.101
Carbazole	0.598	0.276
o-Cresol	1.92	0.561
p-Cresol	0.698	0.205
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
2,4,6-Trichlorophenol	0.155	0.106

¹ mg/L (ppm).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71025, 71026, Dec. 22, 2003]

PART 438—METAL PRODUCTS AND MACHINERY POINT SOURCE CATEGORY

Sec.

438.1 General applicability.

438.2 General definitions.

Subpart A—Oily Wastes

438.10 Applicability.

438.12 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

438.13 Effluent limitations attainable by application of the best control technology for conventional pollutants (BCT).

438.15 New source performance standards (NSPS).

Subpart B [Reserved]

APPENDIX A TO PART 438—TYPICAL PRODUCTS IN METAL PRODUCTS AND MACHINERY SECTORS

APPENDIX B TO PART 438—OILY OPERATIONS DEFINITIONS

APPENDIX C TO PART 438—METAL-BEARING OPERATIONS DEFINITIONS

AUTHORITY: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342 and 1361.

SOURCE: 68 FR 25735, May 13, 2003, unless otherwise noted.

§ 438.1 General applicability.

(a) As defined more specifically in subpart A, except as provided in paragraphs (b) through (e) of this section, this part applies to process wastewater discharges from oily operations (as defined at § 438.2(f) and appendix B of this part) to surface waters from existing or new industrial facilities (including facilities owned and operated by Federal, State, or local governments) engaged in manufacturing, rebuilding, or maintenance of metal parts, products, or machines for use in the Metal Product & Machinery (MP&M) industrial sectors listed in this section. The MP&M industrial sectors consist of the following:

- Aerospace;
- Aircraft;
- Bus and Truck;
- Electronic Equipment;
- Hardware;
- Household Equipment;
- Instruments;
- Miscellaneous Metal Products;
- Mobile Industrial Equipment;
- Motor Vehicle;
- Office Machine;
- Ordnance;
- Precious Metals and Jewelry;
- Railroad;
- Ships and Boats; or
- Stationary Industrial Equipment.

(b) The regulations in this part do not apply to process wastewaters from metal-bearing operations (as defined at § 438.2(d) and appendix C of this part) or process wastewaters which are subject to the limitations and standards of other effluent limitations guidelines (e.g., Metal Finishing (40 CFR part 433) or Iron and Steel Manufacturing (40 CFR part 420)). The regulations in this part also do not apply to process wastewaters from oily operations (as defined at § 438.2(f) and appendix B of this part) commingled with process wastewaters already covered by other effluent limitations guidelines or with process wastewaters from metal-bearing operations. This provision must be examined for each point source discharge at a given facility.

(c) Wastewater discharges resulting from the washing of cars, aircraft or other vehicles, when performed only for aesthetic or cosmetic purposes, are