

Environmental Protection Agency

§ 401.12

- (1) *BOD5* means five-day biochemical oxygen demand;
- (2) *COD* means chemical oxygen demand;
- (3) *TOC* means total organic carbon;
- (4) *TDS* means total dissolved solids;
- (5) *TSS* means total suspended non-filterable solids;
- (6) *kw* means kilowatt(s);
- (7) *kwh* means kilowatt hour(s);
- (8) *Mw* means megawatt(s);
- (9) *Mwh* means megawatt hour(s);
- (10) *hp* means horsepower;
- (11) *mm* means millimeter(s);
- (12) *cm* means centimeter;
- (13) *m* means meter(s);
- (14) *in.* means inch;
- (15) *ft* means foot (feet);
- (16) *l* means liter(s);
- (17) *cu m* means cubic meter(s);
- (18) *k cu m* means 1000 cubic meter(s);
- (19) *gal* means gallon(s);
- (20) *cu ft* means cubic foot (feet);
- (21) *mg* means milligram(s);
- (22) *g* means gram(s);
- (23) *kg* means kilogram(s);
- (24) *kkg* means 1000 kilogram(s);
- (25) *lb* means pound(s);
- (26) *sq m* means square meter(s);
- (27) *ha* means hectare(s);
- (28) *sq ft* means square foot (feet); and
- (29) *ac* means acre(s).

[39 FR 4532, Feb. 1, 1974, as amended at 58 FR 45038, Aug. 25, 1994]

§ 401.12 Law authorizing establishment of effluent limitations guidelines for existing sources, standards of performance for new sources and pretreatment standards of new and existing sources.

(a) Section 301(a) of the Act provides that "except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

(b) Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as determined by the Administrator pursuant to section 304(b)(1) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned

treatment works, which require the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of the Act.

(c) Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives.

(d) Section 304(c) of the Act requires the Administrator, after consultation with appropriate Federal and State agencies and other interested persons to issue information on the process, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act.

(e) Section 306(b)(1)(B) of the Act requires the Administrator, after a category of sources is included in a list published pursuant to section 306(b)(1)(A) of the Act, to propose regulations establishing Federal standards of performances for new sources within such category. Standards of performance are to provide for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(f) Section 307(b) provides that the Administrator shall establish pretreatment standards which shall prevent the discharge of any pollutant into publicly owned treatment works which pollutant interferes with, passes

§ 401.13

through untreated, or otherwise is incompatible with such works.

(g) Section 307(c) of the Act provides that the Administrator shall promulgate pretreatment standards for sources which would be "new sources" under section 306 (if they were to discharge pollutants directly to navigable waters) at the same time standards of performance for the equivalent category of new sources are promulgated.

(h) Section 316(b) of the Act provides that any standard established pursuant to section 301 or section 306 of the Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

(i) Section 402(a)(1) of the Act provides that the Administrator may issue permits for the discharge of any pollutant upon condition that such discharge will meet all applicable requirements under sections 301, 302, 306, 307, 308 and 403 of this Act. In addition, section 402(b)(1)(A) of the Act requires that permits issued by States under the National Pollutant Discharge Elimination System (NPDES) established by the Act must apply, and insure compliance with any applicable requirements of sections 301, 302, 306, 307 and 403 of the Act.

§ 401.13 Test procedures for measurement.

The test procedures for measurement which are prescribed at part 136 of this chapter shall apply to expressions of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance and pretreatment standards as set forth at parts 402 through 699 of this subchapter, unless otherwise specifically noted or defined in said parts.

§ 401.14 Cooling water intake structures.

The location, design, construction and capacity of cooling water intake structures of any point source for which a standard is established pursuant to section 301 or 306 of the Act shall reflect the best technology available for minimizing adverse environmental

40 CFR Ch. I (7-1-03 Edition)

impact, in accordance with the provisions of part 402 of this chapter.

(Sec. 501(a) of the Federal Water Pollution Control Act, as amended; 33 U.S.C. 1326(b) and 1261(a))

[41 FR 17389, Apr. 26, 1976]

§ 401.15 Toxic pollutants.

The following comprise the list of toxic pollutants designated pursuant to section 307(a)(1) of the Act:

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Aldrin/Dieldrin¹
5. Antimony and compounds²
6. Arsenic and compounds
7. Asbestos
8. Benzene
9. Benzidine¹
10. Beryllium and compounds
11. Cadmium and compounds
12. Carbon tetrachloride
13. Chlordane (technical mixture and metabolites)
14. Chlorinated benzenes (other than dichlorobenzenes)
15. Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)
16. Chloroalkyl ethers (chloroethyl and mixed ethers)
17. Chlorinated naphthalene
18. Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
19. Chloroform
20. 2-chlorophenol
21. Chromium and compounds
22. Copper and compounds
23. Cyanides
24. DDT and metabolites¹
25. Dichlorobenzenes (1,2-, 1,3-, and 1,4-dichlorobenzenes)
26. Dichlorobenzidine
27. Dichloroethylenes (1,1-, and 1,2-dichloroethylene)
28. 2,4-dichlorophenol
29. Dichloropropane and dichloropropene
30. 2,4-dimethylphenol
31. Dinitrotoluene
32. Diphenylhydrazine
33. Endosulfan and metabolites
34. Endrin and metabolites¹
35. Ethylbenzene
36. Fluoranthene
37. Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether,

¹Effluent standard promulgated (40 CFR part 129).

²The term *compounds* shall include organic and inorganic compounds.