

considered a process wastewater source for this subpart).

(d) The provisions of this subpart do not apply to wastewater discharges from the formulation, packaging and/or repackaging of sanitizer products (including pool chemicals); microorganisms; inorganic wastewater treatment chemicals; group 1 mixtures and group 2 mixtures, as defined under § 455.10.

(e) The provisions of this subpart do not apply to wastewater discharges from the development of new formulations of pesticide products and the associated efficacy and field testing at on-site or stand-alone research and development laboratories where the resulting pesticide product is not produced for sale.

(f) The provisions of this subpart do not apply to wastewater discharges from the formulation, packaging and/or repackaging of liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in Section 201 of the Federal Food, Drug and Cosmetic Act and in Section 2(u) of the Federal Insecticide, Fungicide and Rodenticide Act.

[61 FR 57549, Nov. 6, 1996]

§ 455.41 Special definitions.

(a) *Initial Certification Statement* for this subpart means a written submission to the appropriate permitting authority, e.g., the local Control Authority (the POTW) or NPDES permit writer which must be signed by the responsible corporate officer as defined in 40 CFR 403.12(l) or 40 CFR 122.22 and which:

(1) Lists and describes those product families, process lines and/or process units for which the PFPR facility is implementing the Pollution Prevention Alternative ("P2 Alternative");

(2) Describes the PFPR facility specific practices for each product family/process line/process unit which are to be practiced as part of the P2 Alternative;

(3) Describes any justification allowing modification to the practices listed in Table 8 to this part 455; and

(4) Lists the treatment system being used to obtain a P2 allowable discharge (as defined in 455.41).

(b) *Periodic Certification Statement* for this subpart means a written submission to the appropriate permitting authority, e.g., the local Control Authority (the POTW) or NPDES permit writer, which states that the P2 Alternative is being implemented in the manner set forth in the control mechanism (for indirect dischargers) or NPDES permit (for direct dischargers) or that a justification allowing modification of the practices listed in Table 8 to this part 455 has been implemented resulting in a change in the pollution prevention practices conducted at the facility. The Periodic Certification Statement must be signed by the responsible corporate officer as defined in 40 CFR 403.12(l) or 40 CFR 122.22.

(c) *On-site Compliance Paperwork* for this subpart means data or information maintained in the offices of the PFPR facility which supports the initial and periodic certification statements as follows:

(1) Lists and describes those product families, process lines and/or process units for which the facility is implementing the P2 Alternative;

(2) Describes the facility specific practices for each product family/process line/process unit which are to be practiced as part of the P2 Alternative;

(3) Describes any justification allowing modification to the practices listed in Table 8 to this part 455;

(4) Includes a written discussion demonstrating that the treatment system being used contains the appropriate pollution control technologies (or equivalent systems/pesticide manufacturing systems) for removing the PAIs which may be found in the wastewater;

(5) Establishes a method for demonstrating to the permitting/control authority that the treatment system is well operated and maintained; and

(6) Includes a discussion of the rationale for choosing the method of demonstration.

(d) For Indirect Dischargers:

Pollution prevention (P2) allowable discharge (excluding interior wastewater sources, leak and spill clean-up water, and floor wash) for this subpart means the quantity of/concentrations of pollutants in PFPR process wastewaters that remain after a facility has demonstrated that it is using the specified

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practices of the Pollution Prevention Alternative as listed in Table 8 to this part 455.

Pollution prevention (P2) allowable discharge for interior wastewater sources, leak and spill cleanup water, and floor wash for this subpart means the quantity of/concentrations of pollutants in PFPR process wastewaters that remain after a facility has demonstrated that it is using the specified practices of the Pollution Prevention Alternative as listed in Table 8 to this part 455 and that have been pretreated using appropriate pollution control technologies, as defined in §455.10(g), or a pesticide manufacturer's treatment system, or an equivalent system, used individually, or in any combination to achieve a sufficient level of pollutant reduction. Pretreatment requirements may be modified or waived by the Control Authority (POTW) to the extent that removal credits have been granted by the POTW in accordance with 40 CFR 403.7, provided the granting of such credits does not result in pass through or interference as defined in 40 CFR 403.3 and complies with the provisions of 40 CFR 403.5. The facility must demonstrate that the appropriate pollution control technology is properly maintained and operated.

(e) For Direct Dischargers:

Pollution prevention (P2) allowable discharge for this subpart means the quantity of/concentrations of pollutants in PFPR process wastewaters that remain after a facility has demonstrated that it is using the specified practices of the Pollution Prevention Alternative as listed in Table 8 to this part 455 and that have been treated using appropriate pollution control technologies, as defined in §455.10(g), or a pesticide manufacturer's treatment system, or an equivalent system, used individually, or in any combination to achieve a sufficient level of pollutant reduction. The facility must demonstrate that the appropriate pollution control technology is properly maintained and operated.

(f) *Process wastewater*, for this subpart, means all wastewater associated with pesticide formulating, packaging and repackaging except for sanitary water, non-contact cooling water and

those wastewaters excluded from the applicability of the rule in §455.40.

[61 FR 57549, Nov. 6, 1996]

§ 455.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available, (BPT).

Except as provided in 40 CFR 125.30 through 125.32, 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.

(a) Except as provided in paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this paragraph which may be discharged from the formulation, packaging or repackaging of pesticides: There shall be no discharge of process wastewater pollutants to navigable waters.

NOTE: For existing PFPR/Manufacturer facilities, as defined in §455.10(p), which are also subject to the provisions of §455.22 or §455.32, "zero discharge" means that permitting authorities shall provide no additional discharge allowance for those pesticide active ingredients (PAIs) in the pesticide formulating, packaging and repackaging wastewaters when those PAIs are also manufactured at the same facility.

(b) Any existing facility subject to paragraph (a) of this section may have a pollution prevention allowable discharge, as defined in §455.41(e), of wastewater pollutants to navigable waters if the discharger agrees to NPDES permit conditions as follows:

(1) The discharger will meet the requirements of the Pollution Prevention Alternative listed in Table 8 to this part 455 (or received a modification by Best Professional Judgement for modifications not listed in Table 8 of this Part 455);

(2) The discharger will notify its NPDES permit writer at the time of renewal or modification of its permit, of its intent to utilize the Pollution Prevention Alternative by submitting to the NPDES permit writer an initial certification statement as described in §455.41(a);