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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(l) 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(l) 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
<b>Conventional Parameters</b>		
BOD <sub>5</sub> .....	163	53.0
O&G .....	127	38.0
pH .....	( <sup>2</sup> )	( <sup>2</sup> )
TSS .....	74.1	30.6
<b>Metal Parameters</b>		
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
<b>Organic Parameters</b>		
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

<sup>1</sup> mg/L (ppm).  
<sup>2</sup> 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
Cyanide .....	500	178

<sup>1</sup> 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
<b>Conventional Parameters</b>		
O&G .....	127	38.0
pH .....	( <sup>2</sup> )	( <sup>2</sup> )
TSS .....	74.1	30.6
<b>Metal Parameters</b>		
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
<b>Organic Parameters</b>		
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

<sup>1</sup> mg/L (ppm).  
<sup>2</sup> 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
Cyanide .....	500	178

<sup>1</sup> 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
<b>Conventional Parameters</b>		
BOD <sub>5</sub> .....	163	53.0
O&G .....	205	50.2
pH .....	( <sup>2</sup> )	( <sup>2</sup> )
TSS .....	60.0	31.0
<b>Metal Parameters</b>		
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
<b>Organic Parameters</b>		
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

<sup>1</sup> mg/L (ppm).  
<sup>2</sup> 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
Cyanide .....	500	178

<sup>1</sup> 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 <sup>1</sup>	Maximum monthly avg. <sup>1</sup>
<b>Conventional Parameters</b>		
BOD <sub>5</sub> .....	163	53.0
O&G .....	127	38.0
pH .....	( <sup>2</sup> )	( <sup>2</sup> )
TSS .....	74.1	30.6
<b>Metal Parameters</b>		
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
<b>Organic Parameters</b>		
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

<sup>1</sup> mg/L (ppm).  
<sup>2</sup> 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