

toxic organic management plan approved by the control authority.

(Secs. 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et. seq.*, as amended by the Clean Water Act of 1977, Pub. L. 95-217))

[46 FR 9467, Jan. 28, 1981, as amended at 48 FR 32485, July 15, 1983; 48 FR 43681, Sept. 26, 1983]

## PART 414—ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

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APPENDIX B TO PART 414—COMPLEXED METAL-BEARING WASTE STREAMS

AUTHORITY: Secs. 301, 304, 306, 307, and 501, Pub. L. 92-500, 86 Stat. 816, Pub. L. 95-217, 91 Stat. 156, Pub. L. 100-4, 101 Stat. 7 (33 U.S.C. 1311, 1314, 1316, 1317, and 1361).

SOURCE: 52 FR 42568, Nov. 5, 1987, unless otherwise noted.

## Subpart A—General

### § 414.10 General definitions.

As used in this part:

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

(b) *Pretreatment control authority* means:

(1) The POTW if the POTW's submission for its pretreatment program has

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been approved in accordance with the requirements of 40 CFR 403.11, or

(2) The Approval Authority if the submission has not been approved.

(c) *Priority pollutants* means the toxic pollutants listed in 40 CFR 401.15.

### § 414.11 Applicability.

(a) The provisions of this part are applicable to process wastewater discharges from all establishments or portions of establishments that manufacture the organic chemicals, plastics, and synthetic fibers (OCPSF) products or product groups covered by subparts B through H of this regulation and are included within the following U.S. Department of Commerce Bureau of the Census Standard Industrial Classification (SIC) major groups:

(1) SIC 2821—Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers,

(2) SIC 2823—Cellulosic Man-Made Fibers,

(3) SIC 2824—Synthetic Organic Fibers, Except Cellulosic,

(4) SIC 2865—Cyclic Crudes and Intermediates, Dyes, and Organic Pigments,

(5) SIC 2869—Industrial Organic Chemicals, Not Elsewhere Classified.

(b) The provisions of this part are applicable to wastewater discharges from OCPSF research and development, pilot plant, technical service and laboratory bench scale operations if such operations are conducted in conjunction with and related to existing OCPSF manufacturing activities at the plant site.

(c) Notwithstanding paragraph (a) of this section, the provisions of this part are not applicable to discharges resulting from the manufacture of OCPSF products if the products are included in the following SIC subgroups and have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in paragraph (a) of this section:

(1) SIC 2843085—bulk surface active agents;

(2) SIC 28914—synthetic resin and rubber adhesives;

(3) Chemicals and Chemical Preparations, not Elsewhere Classified:

(i) SIC 2899568—sizes, all types

(ii) SIC 2899597—other industrial chemical specialties, including fluxes,

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plastic wood preparations, and embalming fluids;

(4) SIC 2911058—aromatic hydrocarbons manufactured from purchased refinery products; and

(5) SIC 2911632—aliphatic hydrocarbons manufactured from purchased refinery products.

(d) Notwithstanding paragraph (a) of this section, the provisions of this part are not applicable to any discharges for which a different set of previously promulgated effluent limitations guidelines and standards in this subchapter apply, unless the facility reports OCPSF products under SIC codes 2865, 2869, or 2821, and the facility's OCPSF wastewaters are treated in a separate treatment system or discharged separately to a publicly owned treatment works.

(e) The provisions of this part do not apply to any process wastewater discharges from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.

(f) Discharges of chromium, copper, lead, nickel, and zinc in "complexed metal-bearing waste streams," listed in appendix B of this part, are not subject to the requirements of this part.

(g) *Non-amenable cyanide*. Discharges of cyanide in "cyanide-bearing waste streams" (listed in Appendix A to this part) are not subject to the cyanide limitations and standards of this part if the permit writer or control authority determines that the cyanide limitations and standards are not achievable due to elevated levels of non-amenable cyanide (*i.e.*, cyanide that is not oxidized by chlorine treatment) that result from the unavoidable complexing of cyanide at the process source of the cyanide-bearing waste stream and establishes an alternative total cyanide or amenable cyanide limitation that reflects the best available technology economically achievable. The determination must be based upon a review of relevant engineering, production, and sampling and analysis information, including measurements of both total and amenable cyanide in the waste stream. An analysis of the extent of complexing in the waste