

option will be used with respect to facilities in different States, since each such facility would require a separate application for certification to the State involved. EPA regulations also permit an applicant to incorporate by reference in an application material contained in an application previously filed. The purpose of this provision is to avoid the burden of furnishing detailed information (which may in some cases include portions of catalogs or process flow diagrams) which the certifying official has previously received. Accordingly, material filed with a Regional Office of EPA may be incorporated by reference only in an application subsequently filed with the same Regional Office.

[47 FR 38319, Aug. 31, 1982]

PART 21—SMALL BUSINESS

Sec.

- 21.1 Scope.
- 21.2 Definitions.
- 21.3 Submission of applications.
- 21.4 Review of application.
- 21.5 Issuance of statements.
- 21.6 Exclusions.
- 21.7 [Reserved]
- 21.8 Resubmission of application.
- 21.9 Appeals.
- 21.10 Utilization of the statement.
- 21.11 Public participation.
- 21.12 State issued statements.
- 21.13 Effect of certification upon authority to enforce applicable standards.

AUTHORITY: 15 U.S.C. 636, as amended by Pub. L. 92-500.

SOURCE: 42 FR 8083, Feb. 8, 1977, unless otherwise noted.

§21.1 Scope.

This part establishes procedures for the issuance by EPA of the statements, referred to in section 7(g) of the Small Business Act and section 8 of the Federal Water Pollution Control Act Amendments of 1972, to the effect that additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operations of small business concerns are necessary and adequate to comply with requirements established under the Federal Water Pollution Control Act, 33 U.S.C. 1151, *et seq.*

§21.2 Definitions.

(a) *Small business concern* means a concern defined by section 2[3] of the Small Business Act, 15 U.S.C. 632, 13

CFR part 121, and regulations of the Small Business Administration promulgated thereunder.

(b) For purposes of paragraph 7(g)(2) of the Small Business Act, *necessary and adequate* refers to additions, alterations, or methods of operation in the absence of which a small business concern could not comply with one or more applicable standards. This can be determined with reference to design specifications provided by manufacturers, suppliers, or consulting engineers; including, without limitations, additions, alterations, or methods of operation the design specifications of which will provide a measure of treatment or abatement of pollution in excess of that required by the applicable standard.

(c) *Applicable Standard* means any requirement, not subject to an exception under §21.6, relating to the quality of water containing or potentially containing pollutants, if such requirement is imposed by:

- (1) The Act;
- (2) EPA regulations promulgated thereunder or permits issued by EPA or a State thereunder;
- (3) Regulations by any other Federal Agency promulgated thereunder;
- (4) Any State standard or requirement as applicable under section 510 of the Act;
- (5) Any requirements necessary to comply with an areawide management plan approved pursuant to section 208(b) of the Act;
- (6) Any requirements necessary to comply with a facilities plan developed under section 201 of the Act (see 35 CFR, subpart E);
- (7) Any State regulations or laws controlling the disposal of aqueous pollutants that may affect groundwater.

(d) *Regional Administrator* means the Regional Administrator of EPA for the region including the State in which the facility or method of operation is located, or his designee.

(e) *Act* means the Federal Water Pollution Control Act, 33 U.S.C. 1151, *et seq.*

(f) *Pollutant* means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat,