with facilities on post-proposal site visits, EPA has determined situations where it may be justified not to conduct these practices. For example, facilities may not always be able to store interior equipment rinsates for use in future formulation of the same or compatible product for a variety of reasons. These reasons include: microbial growth in the stored product or other deterioration such as phase separation or formation of precipitate; space limitations; dropping of product registration or discontinuation of production for a specific product; customer specifications (e.g., manufacturer/formulator for which a toll formulating contract directs otherwise); and the facility only packages but does not formulate the product. EPA is soliciting comment on the above reasons for modification and whether the water conservation equipment discussed above should be used only in guidance.

Facilities who modify a practice must provide justification. For example, facilities who modify the practice of storing rinsate for future formulation for any of the reasons above must provide justification such as: evidence of microbial growth or deterioration or written statement from the customer for which they are contract toll formulating directing otherwise (e.g., the contract specifies that the rinsate be sent back to customer or sent for off-site disposal). In some instances in which modifications are allowed, specific alternative practices must be agreed to and conducted in addition to those in the list of specified practices (Table B–1, Appendix B). These specific alternative requirements are listed with the second list of pollution prevention, recycle and reuse practices in Table B–2, Appendix B and would be incorporated into the regulatory text at the time of promulgation. For example, where a facility cannot store interior rinsates for use in future formulation due to space limitations, the facility would have to store rinsates for use in future formulation of the same or compatible product only for their most frequently produced products.

There is also a contingent practice in the first list of pollution prevention practices (Table B–1, Appendix B) which mandates some dedication of equipment that will reduce rinsates from changeover. Under this contingent practice, facilities would not have to dedicate all equipment, but instead would have to dedicate equipment in at least one of the following ways, by: frequently produced products (i.e., top production products); hard to clean products (e.g., viscous, sticky or colored products); product families; or a portion of the formulating/packaging equipment (e.g., just the mix tank, just the agitator, just the transfer hoses). Facilities would not have to dedicate equipment for the same products where they cannot store the interior rinsates for future formulation. EPA believes such a contingent practice would be over prescriptive and would possibly be economically unachievable at some PFPR facilities. The purpose of this contingent practice for dedication is to avoid the generation of wastewater where plausible in order to off-set the wastewater generated when a facility has modified the specified practice. EPA solicits comment and data on the pollutant loadings in wastewater and the volume of wastewater saved by the use of dedicated equipment in any of the ways listed in the above discussion.

In general, EPA believes that the use of the practices specified by the pollution prevention alternative, including practices focusing on water conservation, create the opportunity for increased source reduction through reusability of wastewaters. This would lead to large pollutant reductions and, in the case of water conservation practices, smaller, less expensive treatment systems. Use of the practices as part of the pollution prevention alternative (with a P2 discharge allowance) should also limit cross-media impacts by reducing the amount of process wastewater that would otherwise be transported off-site and incinerated.

4. *Implementation of the Pollution Prevention Alternative*

This section describes several implementation options for this effluent guideline. EPA solicits comment from all interested parties. In addition, EPA hopes to provide guidance on the implementation of the final rulemaking through the use of a guidance manual and regional workshops. EPA is soliciting comment on additional forms of guidance that would be useful.

EPA believes that either variation of the pollution prevention alternative (all practices specified vs. some as guidance only) could be implemented in a variety of ways. Each PFPR facility subject to this regulation, if promulgated with the Zero/P2 Option, will need to make an initial choice: to either comply with the Zero Discharge effluent limitation or pretreatment standard or choose to agree to conduct the listed pollution prevention practices and also agree to make the practices and the pollution prevention discharge allowance enforceable. However, beyond this initial choice, the continued implementation of the Zero/P2 Option will differ for direct and indirect dischargers.

For direct dischargers, the Zero/P2 Option will be implemented through the NPDES permitting process. For each direct discharging PFPR/Manufacturer or new facility, the facility would need to make the initial choice at the permitting or permit renewal stage. If the facility chooses the P2 alternative over the zero discharge limitation, the permitting authority would include all of the P2 practices and the specified treatment technologies in the facility's NPDES permit. The pollution prevention practices and treatment technologies included in such a NPDES permit would be enforceable under CWA sections 309 and 505.

PFPR facilities which are indirect dischargers would also need to make an initial choice of meeting the zero discharge pretreatment standard or adopting and implementing the P2 practices and the treatment technologies (if so specified). If the indirect discharging PFPR facility chooses the P2 alternative, EPA would propose that the facility file a Notice of Intent (NOI) with the pretreatment authority. In addition, indirect discharging PFPR facilities which choose the P2 alternative would need to self-certify in writing that they are performing the listed practices or provide the necessary justification for modifying certain of the pollution prevention practices as listed in Table B–2. This certification would require a signature by the appropriate manager in charge of overall operations of the facility to assure that information provided is true, accurate, and complete to the best of his or her knowledge. The pretreatment authority, as part of its approved pretreatment program, must have the authority to ensure compliance with a pretreatment standard (40 CFR 403.8(f)(1)(ii)) and to carry out inspections of the indirect dischargers' self-certifications and of the paperwork described below. 40 CFR 403.8(e)(1)(v).

Both direct and indirect discharging facilities would be required to keep certain paperwork on-site and available for permitting authorities and enforcement officials. For each facility, this necessary paperwork would include, at a minimum, descriptions of the practices that are being employed and how they are being implemented, discussions of any modifications that are made and the justification for each modification (including records that indicate, for example, microbial growth, space limitations, infrequent or intermittent production). The necessary paperwork must also include: (1) A discussion on demonstrating that the treatment system being used contains