applicable subcategory limitations and standards.

As discussed above, commingling of disparate waste streams may, in many cases, allow achievement of discharge limits without any real reduction in the quantity of discharges of certain pollutants. In fact, EPA has data that show that CWT facilities which commingle subcategory waste do not achieve the reductions in pollutant discharges that separate treatment yields. One facility at which EPA sampled mixes oily wastewater after chemical emulsion breaking with metalbearing wastewater. EPA measured the oily wastewater after emulsion breaking and before mixing with the other subcategory wastes and found measurable levels of regulated organic compounds. Samples of the mixed wastewater showed non-detectable levels of the organic compounds. The treatment for mixed wastewater included no treatment for organics removal. Thus, this facility clearly provides no reduction in organic pollutant discharges other than that provided by chemical emulsion breaking of the surface oil. Separate treatment of oily wastes would, however, remove significant quantities of organic pollutants. EPA has preliminarily concluded that the reduced removals that may be associated with the mixing of waste streams is inconsistent with the requirements of the Act. EPA consequently, as previously discussed, is requiring that the CWT demonstrate to the POTW or permitting authority that it is achieving removal of regulated pollutants that are equivalent to that which would be obtained if the wastes are treated separately.

EPA's proposal today does not require separate treatment of CWT and non-CWT wastewater. Rather, EPA requires monitoring or other data establishing that the required effluent levels are met. The Agency has concluded, however, that separate treatment is economically achievable and the Agency has concluded that mixing waste will not achieve the pollutant reduction associated with best available technology. Consequently, as explained above, EPA is proposing to require monitoring for compliance at a point immediately following treatment of the CWT waste stream. In the case of facilities that mix CWT wastes with other wastes (or mix different subcategories of CWT waste streams) for treatment, EPA has proposed to require a facility to demonstrate that treatment processes employed result in reduction in the quantity of pollutants discharged

that is equivalent to that achieved by separate treatment.

The Agency has concluded it has the authority to adopt such a requirement. Under the Clean Water Act, effluent limitations must ensure the achievement of the discharge levels associated with BPT/BCT/BAT technology. The data collected by the Agency establishes that today's proposed BPT/BCT/BAT limitations and standards are available at a cost not incommensurate with the expected effluent reduction and no more stringent limitations are economically achievable. Without a requirement to demonstrate compliance with the limitations and standards, EPA cannot ensure that the limitations and standards will be met.

3. Estimation of Industry Size

From the information obtained from the 1991 Waste Treatment Industry Questionnaire, EPA estimates that there are 85 facilities in the Centralized Waste Treatment Industry. Permit writers and industry representatives believe this is an underestimation of the present industry size. EPA's estimation of The industry size is based on data provided from questionnaire mailed to facilities that EPA identified using information available to it in 1989. As stated earlier, facilities names were gathered from various sources, because no SIC code exists for the industry. Therefore, there may have been CWT facilities not included on the questionnaire mailing list. EPA solicits information on the number, name, and location of facilities within the industry.

4. Exclusion of Pipeline Centralized Waste Treatment Facilities From Scope of Rule

The Agency proposes to exclude from this regulation facilities which receive all waste from off-site by pipeline from the source of waste generation.⁶ Based on the information gathered in the 1991 Waste Treatment Industry Questionnaire, such facilities are fundamentally different from those that are the subject of today's proposal. These pipeline facilities receive steady flows of relatively consistent pollutant profiles from facilities that in most cases are subject to categorical regulations. By contrast, centralized waste treatment facilities receive concentrated wastes with highly variable pollutant content,

such as sludges, tank bottoms, off-spec products, and process residuals. Permit writers should use the building block approach in conjunction with the appropriate guidelines for the facilities discharging to the pipeline facility to derive the appropriate BPJ effluent limitations for these facilities. The Agency solicits comment on excluding such facilities from this scope of this rule as well as comment on this approach to permitting pipeline facilities.

5. De minimis Level for Scope of Regulation

According to comments received from the May 1994 Effluent Guidelines Plan (59 FR 25859), the EPA should consider establishing a *de minimis* level for the scope of the regulations due to possible management practices at manufacturing facilities. Manufacturers may receive small quantities of waste from off-site to treat in a wastewater treatment system due to a site's ability to handle the waste properly in comparison to the site at which the waste is generated. Information collected from the 1991 Waste Treatment Industry Questionnaire was not designed to collect this information due to the method of creating the mailing list. EPA solicits additional data to determine if a de minimis level should be established and information on the appropriate level.

6. Characterization of Waste Received by Oils Subcategory Facilities

In the EPA sampling program for the Oils Subcategory, the EPA focused on facilities which treat concentrated, stable oil-water emulsions which are difficult to treat, because the majority of facilities identified in 1989 with on-site treatment accepted this type of waste. EPA requests information on the type of oily waste (stable, unstable, etc.) accepted for treatment by facilities in the Oils Subcategory as well as the constituents found in the waste.

7. Methodology for Estimating Current Performance

Many facilities in the Centralized Waste Treatment Industry commingle waste receipts from off-site with other on-site generated wastewater, such as non-contaminated stormwater and other industrial wastewater, prior to discharging. This mixing of waste may occur prior to or after treatment of the waste receipts. Because the commingling occurs prior to the discharge point, monitoring data collected by facilities at the discharge point cannot be used to estimate the current treatment performance of certain

⁶ However, a facility which receives wastes by pipeline from a facility which receives off-site wastes by truck, barge, etc. but does not treat the wastes is still a CWT facility. The interposition of an intermediate collection agent between generators of CWT waste and a CWT treatment facility does not convert the treatment facility into a non-CWT facility.