

Environmental
Protection
Agency
Water Programs

THURSDAY, DECEMBER 27, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 247

PART II



ENVIRONMENTAL PROTECTION AGENCY

WATER PROGRAMS

Proposed Toxic Pollutant
Effluent Standards

105 00234

774024

GENP 005373

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 123]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards

Notice is hereby given that the Environmental Protection Agency, pursuant to the authority contained in section 307(a) of the Federal Water Pollution Control Act (the Act) as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.) proposes a new Part 123, setting forth proposed effluent standards for toxic pollutants included in the list of toxic pollutants required by section 307(a)(1).

Section 307(a)(2) provides as follows:

Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with Section 433 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after the publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

These proposed regulations establish effluent standards for the toxic pollutants listed below:

1. Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8a-hexahydro-1,4-endo-exo-5,8-dimethanonaphthalene).
- Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-exo-5,8-dimethanonaphthalene).
2. Benzidine and its salts (4,4'-diaminobiphenyl).
3. Cadmium and all cadmium compounds.
4. Cyanide and all cyanide compounds.
5. DDD (TDE) (1,1-dichloro-2,2-bis-(p-chlorophenyl)ethane and some o,p'-isomer).
- DDE (1,1-dichloro-2,2-bis(p-chlorophenyl)ethylene).
- DDT (1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane and some o,p'-isomer).
6. Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-exo-5,8-dimethanonaphthalene).
7. Mercury and all mercury compounds.
8. Polychlorinated biphenyls (PCB's) mixture of chlorinated biphenyl compounds with various percentages of chlorination.
9. Toxaphene (chlorinated camphene).

The criteria and rationale employed to select these pollutants were summarized

in the Federal Register Notice of September 7, 1973, vol. 38, No. 173, page 24342.

The following is a summary of the basis and purpose of the effluent standards proposed in this Part: The four basic factors considered in setting the standards were toxicological data, hydrodynamic data, ample margins of safety and calculations of the acute and chronic limitations for the standards. The primary basis for toxicological considerations came from the Water Quality Criteria which were proposed in October (38 FR 29846 et seq., Friday, October 26, 1973). These criteria were based in part on a report by the National Academy of Sciences and the National Academy of Engineering entitled "Water Quality Criteria", 1972 which is currently being published by the Environmental Protection Agency. The toxicity of the pollutants on the list, their persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms, were considered in the establishment of the Water Quality Criteria upon which these standards are based.

Water Quality Criteria published pursuant to section 304(a) of the Act are those concentrations which are acceptable in the receiving water body. The criteria were developed to protect a variety of water uses including industrial, agricultural, recreational, propagation of fish and wildlife, aesthetics and potable water supplies. The protection of fish and wildlife and potable water supplies was the most sensitive of the fresh water usages. In estuarine and marine waters, the protection of fish and wildlife generally yielded the more restrictive recommended limitations. The criteria, as proposed, were designed for both acute and chronic toxicological protection. Since protection against chronic effects requires more stringent criteria, the proposed Water Quality Criteria were devised from data or calculation designed to afford chronic protection.

Because proposed Water Quality Criteria utilize both acute and chronic toxicity data to derive a single acceptable ambient water concentration, it was necessary to utilize the data upon which the criteria were based to calculate proposed standards which provide for protection against both acute and chronic toxicological effects.

To avoid the effects of acute toxicity it was determined that organisms need not necessarily be protected at all times from concentrations exceeding the proposed Water Quality Criteria, since brief exposures to higher concentrations may be tolerated. It may be assumed that most mobile organisms will not remain in the immediate vicinity of the outfall for as long as the usual 96-hour test period. Thus, for protection in the immediate vicinity of the outfall, a concentration of one tenth the 96-hour LC₅₀ was determined to provide an ample margin of safety. (The 96-hour LC₅₀ is that concentration derived from laboratory tests in which 50% of a group of

test organisms survive after 96 hours of continuous exposure to a pollutant.) In order to achieve a concentration in the vicinity of the outfall which does not exceed the acute threshold, the discharger may either discharge the acute toxicity concentration and provide immediate diffusion through appropriate flow devices or reduce the concentration below the acute threshold.

To avoid the effects of chronic toxicity, an effluent standard is provided which is designed to ensure that, in most cases, the proposed Water Quality Criteria, which are intended to provide protection from chronic effects, are not exceeded over the long term in the receiving waters. This is achieved by limitation of the total weight of the pollutant which can be discharged into receiving waters of given size. To provide an additional margin of safety, the allowable weight discharged per unit of flow was reduced by safety factors designed to compensate, in part, for non-point sources of the pollutant, multiple discharges in a small area, industrial growth, and the difference in water storage times among lakes, estuaries, streams, and coastal waters. The standard for each type of receiving water is expressed as a number which, when multiplied by the rate of receiving water flow, yields the allowable weight of discharge of the pollutant per day from any facility.

These standards are not intended, however, to assure that Water Quality Criteria would be achieved in all receiving waters, since standards sufficiently restrictive to attain water quality criteria in (for example) small streams with extraordinarily large clusters of dischargers, would be overly restrictive for the usual case. These special "worst-case" situations are to be handled by the application of water quality standards through waste load allocations under section 303 of the Act. The resulting allocations may then be used to establish effluent limitations, if necessary, more stringent than the effluent standards set forth herein. Those limitations would then be incorporated into permits issued under section 402 of the Act.

Since there are no proposed Water Quality Criteria for benzidine, a different methodology was required for the derivation of an effluent standard. The methodology employed was designed to determine a level of discharge which would result in an acceptable level of risk exposure to man, the primary affected organism. Effluent standards for benzidine were derived by the extrapolation of laboratory test animal data using conservative statistical methods, and are based upon a calculated level of risk of less than one case of tumor induction per million people exposed over an entire generation to drinking water from supplies derived from waters contaminated with the maximum permitted concentration of benzidine. It is recognized that certain inadequacies exist in the available data on which the benzidine standard is based. Therefore, it is reasonable to assume that these standards could be revised in the future. The Environmental

Protection Agency is initiating research to gather appropriate oral dose-response data, improve analytical sensitivity, and establish monitoring procedures.

Pursuant to paragraph 3 of Section 307 (a), any effluent standard promulgated under this section will be reviewed and, if appropriate, revised at least every three (3) years.

The standards for protection from chronic effects are applicable to the total of all discharges from any given facility. Thus, multiple outfalls from a single facility will not affect the total weight of any pollutant permitted to be discharged.

As required by section 307(a) of the Act, the proposed standards set forth herein designate specifically the categories of sources to which they will be applicable. Based on available data from permit applications and other information submitted under the National Pollutant Discharge Elimination System, the categories initially selected to be subject to these standards appear to represent the major dischargers of the listed pollutants. In addition to such data, total environmental damage potential was considered in evaluating sources of discharge.

The attached standards are not based upon economic considerations or upon the availability of treatment technology. However, the impact of the standards upon the economy has been examined and does not appear to be great.

Time limitations established by court order. (NRDC vs. Fri, Civ. Action #842-73 (D.D.C.)), have required publication of these standards at this time, even though it is acknowledged that there may in some cases be inadequacies in the underlying data base. Public comment and technical data are solicited to assist in strengthening the standards. Changes made in these standards will be reflected in the final Water Quality Criteria under section 304(a) of the Act.

The effluent standards set forth in proposed form herein, will, if promulgated, apply to all the designated categories of point sources after their effective date. The applicability of these standards is not affected by the issuance of, or submission of an application for a discharge permit under the National Pollutant Discharge Elimination System (NPDES) established by section 402 of the Act. EPA's NPDES regulations (40 CFR Part 125, 38 FR 13528 et seq., Tuesday, May 22, 1973), provide at § 125.22(a) (4) that if a toxic effluent standard or prohibition is established under section 307(a) of the Act for a toxic pollutant which is present in a permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the permit must be modified in accordance with the toxic pollutant standards or prohibitions and the discharger so notified. Although this provision requires that notice be given to permittees of the new toxic pollutant effluent standard and will eliminate inconsistencies between permit conditions and toxic effluent standards, the appli-

cability of the toxic pollutant standard does not depend upon its incorporation into permit conditions.

Section 402(k) of the Act provides that compliance with the terms of an NPDES permit constitutes compliance generally with the requirements of Title III of the Act, except for a standard under section 307 for a toxic pollutant injurious to human health. Thus, such standards will be enforceable against all dischargers designated as subject to such standards. Such standards will be applicable against dischargers holding valid permits and in compliance with such permits, and against dischargers who have applied for permits, but whose applications have not been acted upon. At present, publicly owned treatment works are not designated as a source category for toxic pollutant effluent standards. Review of data which are pertinent to the appropriateness of designating these facilities for control under section 307(a) has not been completed. In the interim, it is noted that controls through programs such as water quality standards, industrial pretreatment and non-point source controls provide the necessary protection.

Prior to adoption of the proposed standards, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing within 90 days after publication to Dr. C. Hugh Thompson, Chairman, Hazardous and Toxic Substance Regulation Task Force, Office of Water Program Operations, Environmental Protection Agency, Washington, D.C. 20460.

A public hearing to consider the proposed effluent standards will be held commencing January 25, 1974, at 9 a.m., at Jefferson Hall, U.S. Department of Agriculture, Independence Avenue, between 12th and 14th Streets SW., Washington, D.C. Persons adversely affected by the proposed standards may file, not later than January 18, 1974 unless justifiable cause for delay can be shown, objections to the proposed standards. Such objections shall be filed in accordance with 40 CFR Part 104, which is being published contemporaneously with these proposed standards.

The Agency also expects to hold technical symposia on the proposed standards in several locations throughout the country. At these symposia EPA personnel will exchange views with interested members of the public on standards-setting methodology for toxic pollutants, and will discuss data needs for setting such standards. It should be emphasized that these symposia are not intended to duplicate the public hearing described above. Section 307(a) requires that any modifications in the proposed standards must be justified on the record of the public hearing. Thus, the hearing will serve as the exclusive forum for consideration of modifications in the proposed standards.

Dated: December 14, 1973.

JOHN QUARLES,
Acting Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended by adding a new Part 129, as follows:

Subpart A—General

- Sec. 129.01 Applicability.
- 129.01a Definitions.
- 129.01b Abbreviations.
- 129.01c Compliance.
- 129.01d Effective Date.

Subpart B—Effluent Standard for Aldrin-Dieldrin

- 129.02 Applicability.
- 129.02a Definitions.
- 129.02b Determination of weights and concentrations.
- 129.02c Effluent standard for Aldrin-Dieldrin.

Subpart C—Effluent Standard for Dieldrin

- 129.03 Applicability.
- 129.03a Definitions.
- 129.03b Determination of weights and concentrations.
- 129.03c Effluent standard for Dieldrin.

Subpart D—Effluent Standard for Dieldrin

- 129.04 Applicability.
- 129.04a Definitions.
- 129.04b Determination of weights and concentrations.
- 129.04c Effluent standard for Dieldrin.

Subpart E—Effluent Standard for Cyanide

- 129.05 Applicability.
- 129.05a Definitions.
- 129.05b Determination of weights and concentrations.
- 129.05c Effluent standard for Cyanide.

Subpart F—Effluent Standard for DDT

- 129.06 Applicability.
- 129.06a Definitions.
- 129.06b Determination of weights and concentrations.
- 129.06c Effluent standard for DDT.

Subpart G—Effluent Standard for Endrin

- 129.07 Applicability.
- 129.07a Definitions.
- 129.07b Determination of weights and concentrations.
- 129.07c Effluent standard for Endrin.

Subpart H—Effluent Standard for Mercury

- 129.08 Applicability.
- 129.08a Definitions.
- 129.08b Determination of weights and concentrations.
- 129.08c Effluent standard for Mercury.

Subpart I—Effluent Standard for Polychlorinated Biphenyls (PCBs)

- 129.09 Applicability.
- 129.09a Definitions.
- 129.09b Determination of weights and concentrations.
- 129.09c Effluent standard for PCB's.

Subpart J—Effluent Standard for Toxaphene

- 129.10 Applicability.
- 129.10a Definitions.
- 129.10b Determination of weights and concentrations.
- 129.10c Effluent standard for Toxaphene.

AUTHORITY: Sec. 2, 86 Stat. 816.

Subpart A—General

§ 129.01 Applicability.

The provisions of the following subparts apply to owners or operators of specified facilities constituting point sources discharging into navigable waters.

774026

§ 129.01a Definitions.

All terms not derived herein shall have the meaning given them in the Act. As used in this part, the terms:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C.A. section 1317 Supp. 1972, Pub. L. 92-500).

(b) "Administrator" shall mean the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Effluent standard" means any effluent standard, which may include a prohibition of any discharge, established or proposed to be established for any toxic pollutant under section 307(a) of the Act.

(d) "No discharge" means no detectable discharge as determined by analytical methods as set forth in 40 CFR Part 136.

(e) "NPDES permit" means a permit for the discharge of pollutants into navigable waters under the National Pollutant Discharge Elimination System established by section 402 of the Act and 40 CFR Parts 124 and 125.

(f) "Working day" means the hours during a calendar day in which a facility discharges effluents subject to this part.

(g) The term "navigable waters" includes:

(1) All navigable waters of the United States;

(2) Tributaries of navigable waters of the United States;

(3) Interstate waters;

(4) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes;

(5) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce;

(6) Intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(h) "Low flow" means the probable low rate of flow occurring during a period of seven consecutive days, once in ten years.

(i) "Stream" means any water body having a flow gradient from an upper elevation to a lower elevation, or any body of water except an estuary, including still or impounded water, in which water is retained for less than 60 days.

(j) "Lakes and impoundments" means all bodies of water in which the flow velocity is impeded by a natural or man-made barrier in such a way that water is stored for 60 days or more. Provided that this term shall not include impoundments, sumps, retention ponds or similar structures constructed for the storage, retention or disposal of toxic effluents.

(k) "Coastal waters" means those waters of the open sea lying seaward of the baseline from which the territorial sea is measured under the Convention of

the Territorial Sea and the Contiguous Zone (16 UST 1606; TIAS 5839).

(l) "Estuary" means any water body between the baseline from which the territorial sea is measured and the landward limit of tidal influence.

(m) "Tidal range" means the measured difference between high and low tide during a normal tidal cycle.

(n) "Daily composite sample" means a combination of at least five individual samples obtained at approximately equal time intervals during the working day.

(o) "Agricultural fertilizer manufacturing" means the manufacture of nitrogenous and phosphatic basic fertilizers, mixed fertilizers and other agricultural chemicals including:

Ammonia liquor.
Ammonium nitrate and sulfate.
Ammonium phosphate.
Anhydrous ammonia.
Aqua ammonia, made in ammonia plants.
Calcium meta-phosphate.
Compost.
Defluorinated phosphate.
Diammonium phosphate.
Fertilizer, mixed; made in plants not manufacturing fertilizer materials.
Fertilizer, mixed; made in plants producing phosphatic fertilizer materials.
Fertilizer, natural (organic), except compost.
Nitric acid.
Nitrogen solutions (fertilizer).
Phosphoric acid.
Plant foods, mixed; made in plants producing nitrogenous fertilizer.
Plant foods, mixed; made in plants producing phosphatic fertilizer.
Potting soil, mixed.
Superphosphates, ammoniated and not ammoniated.
Urea.

(p) "Alkalies and chlorine manufacturing" means the manufacturing of:

Alkalies.
Chlorine, compressed or liquified.
Potassium carbonate.
Potassium hydroxide (caustic potash).
Sodium bicarbonate.
Sodium carbonate (soda ash) (sal soda).
Sodium hydroxide (caustic soda).

(q) "Bituminous coal and lignite mining" means bituminous coal and lignite production or developing bituminous coal or lignite mines, including underground mining, auger mining, strip mining, or culm bank mining. Both mining operations and preparation at cleaning plants and washeries are included, whether or not such operations are performed in conjunction with the mines served.

(r) "Capacitor manufacturing" means the manufacture of industrial or commercial capacitors (fixed and variable) or electronic capacitors.

(s) "Cyclic organic chemical manufacturing" means the manufacturing of coal tar crudes and cyclic organic intermediate dyes, color lakes and toners.

(t) "Electroplating" means the electroplating of metals and formed products.

(u) "Facility employing polychlorinated biphenyls in process or products" means any facility using PCB's in plasticizers for paints, inks, copying paper, adhesives or sealants, in pattern waxes for

investment casting, or in industrial fluids for heat transfer, hydraulic fluid, vacuum pump oils or cutting oils.

(v) "Ferrous metal production" means the smelting and refining of ferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous metals; the manufacture of castings and other basic products of ferrous metals; the manufacture of nails, spikes, and insulated wire and cable; and the production of coke.

(w) "Hospitals" means establishments which are primarily engaged in providing diagnostic services and extensive medical treatment including surgical services and other hospital services, as well as continuous nursing services.

(x) "Industrial inorganic chemicals manufacturing" means the manufacture of basic industrial inorganic chemicals, excluding manufacture of alkalies and chlorine, industrial gases, inorganic pigments, agricultural pesticides, medicinal chemicals, drugs and medicines, and soaps and cosmetics. This definition includes the manufacture of any of the following chemicals:

Aluminum compounds.
Ammonium compounds, except for fertilizer.
Barium compounds.
Bauxite, refined.
Beryllium oxide.
Boron compounds.
Bromine, elemental.
Caesium metal.
Calcium compounds.
Calcium metal.
Carbon, activated.
Cerium salts.
Chlorosulfonic acid.
Chromium compounds, inorganic.
Cobalt chloride.
Cobalt sulfate.
Copper chloride.
Copper iodide.
Copper oxide.
Copper sulfate.
Cyanides.
Ferric chloride.
Fluorine, elemental.
Hydrochloric acid.
Hydrocyanic acid.
Hydrofluoric acid.
Hydrogen peroxide.
Hydrogen sulfide.
Iodine chloride.
Iodine.
Iron sulfate.
Lead oxide.
Lead silicate.
Lithium compounds.
Lithium metals.
Magnesium compound, inorganic.
Manganese chloride.
Mercury.
Mercury compounds.
Nickel compounds, inorganic.
Perchloric acid.
Phosphorus.
Phosphorus oxychloride.
Potassium compounds.
Rubidium.
Scandium.
Silica gel.
Silicones.
Silver compounds, inorganic.
Sodium compounds, inorganic.
Strontium carbonate.
Strontium nitrate.
Strontium oxide.
Sulfur.
Sulfur chloride.
Sulfur dioxide.

720217

GENP 005376

Sulfur hexafluoride.
Sulfuric acid.
Thiarylamines, inorganic.
Tin compounds, inorganic.
Zinc chloride.

(y) "Industrial organic chemicals manufacturing" means the manufacture of:

(1) Non-cyclic organic chemicals such as acetic, chloroacetic, adipic, formic, oxalic and tartaric acids and their metallic salts;

(2) Solvents such as amyl, butyl, and ethyl alcohols; methanol; amyl, butyl and ethyl acetates; ethyl ether, ethylene glycol ether and diethylene glycol ether; acetone, carbon disulfide and chlorinated solvents such as carbon tetrachloride, perchloroethylene and trichloroethylene;

(3) Polyhydric alcohols such as ethylene-glycol, sorbitol, pentaerythritol, synthetic glycerin;

(4) Synthetic perfume and flavoring materials such as coumarin, methyl salicylate, saccharin, citral, citronellal, synthetic vanillin;

(5) Rubber processing chemicals such as accelerators and anti-oxidants, both cyclic and acyclic;

(6) Plastics, both cyclic and acyclic, such as esters of phosphoric acid, phthalic anhydride, adipic acid, oleic acid, lauric acid, sebacic acid, and stearic acid;

(7) Synthetic tanning agents such as naphthalene sulfonic acid condensates;

(8) Chemical warfare gases; and

(9) Esters and amines of polyhydric alcohols and fatty and other acids.

(z) "Laboratories" means any of the following:

(1) Medical laboratories primarily engaged in providing professional analytic or diagnostic services to the medical profession or to the patient on prescription of a physician.

(2) Dental laboratories primarily engaged in making dentures and artificial teeth or order for the dental profession.

(3) Commercial testing laboratories primarily engaged in product testing.

(4) Research and development laboratories engaged in laboratory or other physical research and development.

(aa) "Lumber and wood products manufacturing" includes any of the following, but does not include the manufacture of furniture:

(1) Logging camps engaged in cutting timber and pulpwood; merchant sawmills, lathe mills, shingle mills, cooperage stock mills, planing mills, and plywood mills and veneer mills engaged in producing lumber and wood basic materials;

(2) Manufacturing of finished articles made entirely or mainly of wood or wood substitutes.

(bb) "Metal mining" means mining, developing mines, or exploring for metallic minerals (ores). This classification includes all ore dressing and beneficiating operations, although performed at mills, operated in conjunction with the mines served or at mills such as custom mills, operated separately.

(cc) "Non-ferrous metal smelting and refining" means the smelting and refining of non-ferrous metals from ore, pig, or scrap; the rolling, drawing and alloying of non-ferrous metals; and the

manufacture of nails, spikes, and insulated wire and cable.

(dd) "Oil and gas extraction" means:

(1) Production of crude petroleum and natural gas, including operating oil and gas fields; exploration for crude petroleum and natural gas, drilling, completing, and equipping wells; operation of separators, emulsion breakers, desludging equipment; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.

(2) Production of natural gasoline and cyclic condensate, including production of liquid hydrocarbons from oil and gas field gases.

(ee) "Paper and allied products production" means the manufacture of pulps from wood and other cellulose fibers, and from rags; the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products such as paper coated off the paper machine, paper bags, paper boxes, and envelopes.

(ff) "Pesticide formulating" means the formulation or preparation of insecticides, fungicides, and herbicides, from technical chemicals or from concentrates. Activities involving the production of the concentrates which require further processing before use are not included in this definition.

(gg) "Pesticide manufacturing" means the manufacture of insecticides, fungicides, and herbicides from technical chemicals including the production of concentrates which require further processing before use.

(hh) "Petroleum refining" means the production of gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants and other products from crude petroleum and its fractionation products, through straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes.

(ii) "Photo finishing laboratory" means an establishment engaged in developing films or motion picture films and in making photographic prints and enlargements for the trade or for the general public.

(jj) "Storage or primary battery manufacturing" means the manufacture of storage batteries or primary batteries, dry or wet.

(kk) "Textile manufacturing" means the manufacture or processing of natural or synthetic fibers by any of the following operations, singly or in combination:

(1) Preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage;

(2) Manufacture of broad woven fabric, narrow woven fabric, knit fabric, and carpets and rugs from yarn;

(3) Dyeing and finishing fiber, yarn, fabric and knit apparel;

(4) Coating, waterproofing, or otherwise treating fabric;

(5) Integrated manufacture of knit apparel and other finished articles from yarn; and

(6) Manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

(ll) "Transformer manufacturing" means the manufacture of power, distribution, instrument and specialty

transformers or radio frequency or voice transformers.

§ 129.01b Abbreviations.

The abbreviations used in this part have the following meanings:

lb—pound (or pounds).
cc—cubic feet per second.
m³/s—cubic meters per second.
ft³—cubic feet.
m³—cubic meters.
mg/l—micrograms per liter.

§ 129.01c Compliance.

(a) Compliance with effluent standards set forth herein shall be determined using the test methods identified in 40 CFR Part 136 (38 FR 28758 et seq., October 18, 1973). The sample volume requirements for the determination of organochlorine pesticides are increased to the range of 500-1000 ml in order to achieve a level of sensitivity below the lowest critical acute limit. This is feasible for samples where the interference from undesirable co-extractives can be tolerated. Where a discharger subject to any effluent standard under this Part is required to obtain an NPDES permit, such permit shall contain conditions requiring such sampling, monitoring, and reporting as are necessary to assure compliance with this part.

(b) For the purpose of determining compliance with these standards, background amounts or concentrations of any pollutant subject to these standards in intake waters for a discharger shall not be included in measurement of the amount or concentration of such pollutant discharged.

(c) Computation of flow: For the purposes of this subpart, receiving water flow rates shall be determined as follows:

(1) Streams. The low flow of the stream shall be measured at the outfall or at the nearest upstream monitoring point.

(2) Lakes and impoundments. The low flow of lakes and impoundments shall be measured at the outlet. When more than one outlet exists, the low flow shall be the cumulative low flows for all outlets.

(3) Estuaries. The low flow of an estuary shall be the low flow of the tributary entering the estuary. When more than one tributary exists, the low flow shall be the cumulative low flows of all tributaries entering the estuary above the point of discharge.

(4) Coastal waters. The low flow of coastal waters shall be that volume of water in the immediate vicinity of the outfall which is influenced by the tidal range during the normal tidal cycle.

§ 129.01d Effective date.

The effluent standards set forth herein shall be effective one year after promulgation.

Subpart B—Effluent Standard for Aldrin-Dieldrin

§ 129.02 Applicability.

The provisions of this subpart apply to aldrin or dieldrin pesticides manufacturing and formulating facilities constituting a point source discharging into navigable waters.

§ 129.02a Definitions.

As used in this subpart, the term:

(a) "Aldrin" means the compound aldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo-exo-5,8-dimethanonaphthalene.

(b) "Dieldrin" means the compound dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,8,8a-octahydro-1,4-endo-exo-5,8-dimethanonaphthalene.

§ 129.02b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of both aldrin and dieldrin, excluding any associated element or compound.

§ 129.02c Effluent standard for Aldrin-Dieldrin.

The effluent discharge of any facility subject to the provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average aldrin-dieldrin concentration shall not exceed:

(i) 0.5 µg/l for discharges into fresh water bodies (5.5 µg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into fresh water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentration permitted to be discharged under paragraph (b) (1) (i) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (i) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of aldrin-dieldrin discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000259 times the receiving water body flow in m³/sec give kg/day or 0.0000162 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.0735 kg/day or 0.162 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.000216

times the receiving water body flow in m³/sec to give kg/day or 0.0000135 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.081 kg/day or 0.135 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.00242 times the receiving water body flow in m³/sec to give kg/day or 0.000151 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.486 kg/day or 1.512 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.00286 times the receiving water body flow in m³/sec to give kg/day or 0.000178 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.808 kg/day or 1.782 pounds/day regardless of receiving water flow.

Subpart C—Effluent Standard for Benzidine**§ 129.03 Applicability.**

The provisions of this subpart applies to any benzidine manufacturing plants, cyclic organic chemical manufacturing plants, textile mills, hospitals, or laboratories constituting a point source discharging into navigable waters.

§ 129.03a Definitions.

As used in this subpart, the term Benzidine means the compound benzidine and its salts as identified by the chemical name 4,4'-diaminobiphenyl.

§ 129.03b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of benzidine and its salts, excluding any associated element or compound.

§ 129.03c Effluent standard for Benzidine.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no opportunity provided for the discharge of the pollutants covered by this part.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average benzidine concentration shall not exceed

(i) 1.8 µg/l for discharges into fresh water bodies (1.8 µg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration given in (b) (1) (i) of this section for discharges

into water bodies which have a low flow less than 10 times the waste stream flow.

(2) The total daily weight of benzidine discharged into a stream, lake, estuary, or coastal water from any facility subject to this subpart shall not exceed 0.0018 times the receiving water body flow in m³/sec to give kg/day or 0.0001 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.44 kg/day or 0.97 pounds/day regardless of receiving water flow.

(3) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (i) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (i) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration required by paragraph (b) (1) (i) of this section.

Subpart D—Effluent Standard for Cadmium**§ 129.04 Applicability.**

The provisions of this subpart apply to any ferrous metal production, non-ferrous metal smelting and refining, petroleum refining, oil and gas extraction, industrial inorganic chemicals, industrial organic chemicals, bituminous coal and lignite mining, alkalies and chlorine, storage or primary battery, electroplating, metal mining, or agricultural fertilizer manufacturing facility constituting a point source discharging into navigable waters.

§ 129.04a Definitions.

As used in this subpart, the term:

(a) Cadmium means the element cadmium and all compounds of cadmium. Where weights are specified, such weights apply only to total cadmium excluding the weight of any associated elements or compounds.

(b) Cadmium means the element cadmium and all compounds of cadmium. Where concentrations are specified, such concentrations apply only to total dissolved cadmium.

§ 129.04b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight of cadmium and to the total dissolved concentration of cadmium, excluding any associated element or compound.

§ 129.04c Effluent standard for Cadmium.

The effluent discharge of any facility subject to provision of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic

water per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average cadmium concentration shall not exceed:

(i) 40 $\mu\text{g/l}$ for discharges into fresh water bodies (320 $\mu\text{g/l}$ for discharges into salt water bodies), which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b)(1)(i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b)(1)(ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b)(1)(i) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b)(1)(i) of this section.

(3) The total daily weight of cadmium discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.0206 times the receiving water body flow in m^3/sec to give kg/day or 0.00130 times the receiving water body flow in cfs to give pounds/day, *provided* that no facility shall discharge in excess of 5.88 kg/day or 12.96 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0173 times the receiving water body flow in m^3/sec to give kg/day or 0.00103 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 4.90 kg/day or 10.8 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.138 times the receiving water body flow in m^3/sec to give kg/day or 0.00884 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 32.2 kg/day or 86.4 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.164 times the receiving water body flow in m^3/sec to give kg/day or 0.01028 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 46.3 kg/day or 102.6 pounds/day regardless of receiving water flow.

Subpart E—Effluent Standard for Cyanide

§ 129.05 Applicability.

The provisions of this subpart apply to any petroleum refining, ferrous metal production, industrial organic chemicals, electroplating, non-ferrous metal smelting and refining, metal mining or photo finishing laboratory facility constituting

a point source discharging into navigable waters.

§ 129.05a Definitions.

Cyanide means any cyanide compound that will produce free cyanide ion or molecular hydrogen cyanide (HCN) in the effluent. The recommended analytical method should detect only simple cyanides after all interferences have been eliminated or their effects minimized by appropriate removal techniques.

§ 129.05b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of cyanide, excluding any associated element or compound.

§ 129.05c Effluent standard for cyanide.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters:

(1) The daily average cyanide concentration shall not exceed:

(i) 100 $\mu\text{g/l}$ for discharges into fresh water bodies (100 $\mu\text{g/l}$ for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b)(1)(i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b)(1)(ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b)(1)(i) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b)(1)(i) of this section.

Subpart F—Effluent Standard for DDT

§ 129.06 Applicability.

The provisions of this subpart apply to any DDT manufacturing or formulating facility constituting a point source discharging into navigable waters.

§ 129.06a Definitions.

As used in this subpart, the term: DDT means the compounds of DDT, DDD, and DDE as identified by the chemical names (DDT) 1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and o,p'-isomer, (DDD) (TDE) 1,1-dichloro-2,2-bis(p-chloro-

phenyl) ethane and o,p'-isomer, (DDE) 1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene.

§ 129.06b Determination of weight and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of DDT, DDD, and DDE, excluding any associated element or compound.

§ 129.06c Effluent standard for DDT.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters:

(1) The daily average DDT concentration shall not exceed:

(i) 0.2 $\mu\text{g/l}$ for discharges into fresh water bodies (0.6 $\mu\text{g/l}$ for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b)(1)(i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b)(1)(ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b)(1)(i) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b)(1)(i) of this section.

(3) The total daily weight of DDT discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000102 times the receiving water body flow in m^3/sec to give kg/day or 0.00000648 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0294 kg/day or 0.0648 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.000868 times the receiving water body flow in m^3/sec to give kg/day or 0.00000510 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0245 kg/day or 0.054 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000260 times the receiving water body flow in

m³/sec. to give kg/day or 0.000163 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0734 kg/day or 0.163 pounds/day regardless of receiving water flow.

(D) Coastal water from any facility subject to this subpart shall not exceed 0.000311 times the receiving water body flow in m³/sec. to give kg/day or 0.000194 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.088 kg/day or 0.194 pounds/day regardless of receiving water flow.

Subpart G—Effluent Standard for Endrin § 129.97 Applicability.

The provisions of this subpart apply to any endrin manufacturing or formulating facility constituting a point source discharging into navigable waters.

§ 129.97a Definitions.

As used in this subpart:

(a) Endrin means the compound endrin as identified by the chemical name 1,2,3,4,10,10 - hexachloro - 8,7 - epoxy - 1,4,4a,5,6,7,8a - octahydro - 1,4 - endo - endo - 5,8 - dimethanonaphthalene.

(b) In amendment of 40 CFR Part 136: the limit of detection for endrin is 0.1 µg/l if based on a 1000 ml sample.

§ 129.97b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentrations of endrin, excluding any associated element or compound.

§ 129.97c Effluent standard for endrin.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average endrin concentration shall not exceed:

(i) 0.2 µg/l for discharges into fresh water bodies (0.6 µg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section, *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph

(b) (1) (ii) of this section will occur: And *provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of endrin discharged in a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000102 times the receiving water body flow in m³/sec. to give kg/day or 0.0000648 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0294 kg/day or 0.0648 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.000388 times the receiving water body flow in m³/sec. to give kg/day or 0.0000340 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0245 kg/day or .054 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000289 times the receiving water body flow in m³/sec. to give kg/day or 0.0000163 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0734 kg/day or 0.163 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.000311 times the receiving water body flow in m³/sec. to give kg/day or 0.0000194 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.088 kg/day or 0.194 pounds/day regardless of receiving water flow.

Subpart H—Effluent Standard for Mercury § 129.98 Applicability.

The provisions of this subpart apply to any paper and allied product, oil and gas extraction, industrial organic chemical, industrial inorganic chemical, alkalies and chlorine, ferrous metal production, non-ferrous metal smelting and refining, lumber and wood products except furniture, bituminous coal and lignite mining, storage or primary battery manufacturing, or metal mining facility constituting a point source discharging into navigable water.

§ 129.98a Definitions.

As used in this subpart, the term:

(a) Mercury means the element mercury and all compounds of mercury. Where weights are specified, such weights apply only to total mercury excluding the weight of any associated elements or compounds.

(b) Mercury means the element mercury and all compounds of mercury. Where concentrations are specified, such concentrations apply only to total dissolved mercury.

§ 129.98b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight of mercury and to the total dissolved

concentration of mercury, excluding any associated element or compound.

§ 129.98c Effluent standard for mercury.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average mercury concentration shall not exceed:

(i) 20 µg/l for discharges into fresh water bodies (100 µg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) one-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (i) of this section will occur: And *provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of mercury discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.00260 times the receiving water body flow in m³/sec. to give kg/day or 0.000182 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.735 kg/day or 1.63 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.00216 times the receiving water body flow in m³/sec. to give kg/day or 0.000135 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.612 kg/day or 1.35 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.04 times the receiving water body flow in m³/sec. to give kg/day or 0.0027 times the receiving water body flow in cfs to give pounds/day, *provided* that no facility shall discharge in excess of 12.2 kg/day or 27.0 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.0519 times the receiving water body flow in m³/sec. to give kg/day or 0.003

times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 14.7 kg/day or 32.4 pounds/day regardless of receiving water flow.

Subpart I—Effluent Standards for Polychlorinated Biphenyls (PCB's)

§ 129.09 Applicability.

The provisions of this subpart apply to any polychlorinated biphenyl manufacturing, recovering and regenerating facility; pesticide manufacturing and capacitor manufacturing facility; any manufacturing facility, formulating facility, or facilities which use polychlorinated biphenyls in processes or products, constituting a point source discharging into navigable waters.

§ 129.09a Definitions.

As used in this subpart, the term: Polychlorinated biphenyls (PCB's) means materials containing the biphenyl group which have been chlorinated to varying degrees. There are 210 possible different PCB compounds.

§ 129.09b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of PCB's, excluding any associated element or compound.

§ 129.09c Effluent standard for PCB's.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average PCB concentration shall not exceed:

(i) 280 µg/l for discharges into fresh water bodies (10 µg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(3) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under (b) (1) (ii) of this section: Provided, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (i) of this section will occur: And provided further, That no such permit shall au-

thorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of PCB's discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000104 times the receiving water body flow in m³/sec. to give kg/day or 0.0000048 times the receiving water body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.0294 kg/day or 0.0648 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0000845 times the receiving water body flow in m³/sec. to give kg/day or 0.00000540 times the receiving body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.0245 kg/day or 0.0540 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000735 times the receiving water body flow in m³/sec. to give kg/day or 0.0000489 times the receiving water body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.208 kg/day or 0.459 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.000883 times the receiving water body flow in m³/sec. to give kg/day or 0.0000551 times the receiving water body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.250 kg/day or 0.551 pounds/day regardless of receiving water flow.

Subpart J—Effluent Standard for Toxaphene

§ 129.10 Applicability.

The provisions of this subpart apply to any toxaphene manufacturing or formulating facility constituting a point source discharging into navigable waters.

§ 129.10a Definitions.

As used in this subpart, the term: Toxaphene means a material consisting of technical grade chlorinated camphene with the approximate formula of C₁₀H₆Cl₈ containing 67-69% chlorine and which is normally a mixture.

§ 129.10b Determination of weights and concentrations.

The standards set forth in the subpart shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

§ 129.10c Effluent standard for toxaphene.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or

equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average toxaphene concentration shall not exceed:

(i) 1.0 µg/l for discharges into fresh water bodies (1.0 µg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section: Provided, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (i) of this section will occur: And provided further, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of toxaphene discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000519 times the receiving water body flow in m³/sec. to give kg/day or 0.0000324 times the receiving water body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.147 kg/day or 0.324 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.000431 times the receiving water body flow in m³/sec. to give kg/day or 0.0000270 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.122 kg/day or 0.270 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000431 times the receiving water body flow in m³/sec. to give kg/day or 0.0000270 times the receiving water body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.122 kg/day or 0.270 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.000519 times the receiving water body flow in m³/sec. to give kg/day or 0.0000324 times the receiving water body flow in cfs to give pounds/day: Provided, That no facility shall discharge in excess of 0.147 kg/day or 0.324 pounds/day regardless of receiving water flow.

(FR Doc.73-30818 Filed 12-26-73;9:45 am)

the requirements of § 51.4 of this chapter. (m) In any area covered by a parking management plan approved under paragraph (1) of this section, no action to expand the number of spaces at parking facilities may be taken that is not explicitly provided for in the plan without a permit issued in accordance with the requirements of paragraphs (d) through (k) of this section.

[78 Dec 74-100 Filed 1-3-74; 9:45 am]

SUBCHAPTER D—WATER PROGRAMS
PART 104—PUBLIC HEARINGS ON EFFLUENT STANDARDS FOR TOXIC POLLUTANTS

Pursuant to the authority of section 307(a) of the Federal Water Pollution Control Act, as amended (the Act) (Pub. L. 92-500, 88 Stat. 816), notice is hereby given that the Environmental Protection Agency has adopted a new Part 104, Title 40, Code of Federal Regulations, establishing rules of practice applicable to public hearings in connection with the establishment of effluent standards for toxic pollutants.

Section 307(a)(3) of the Act requires that, whenever the Administrator publishes a proposed effluent standard for a toxic pollutant, "he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated."

These rules set forth procedures for the required formal rulemaking hearings. Under the statute, modifications in proposed standards must be justified by a preponderance of evidence on the record. Thus, the procedures set forth below are intended to assure the production of a full and complete record.

Because these requirements constitute "rules of agency procedure or practice", notice and public procedure hereon are not required by 5 U.S.C. section 552. The regulations set forth below are hereby adopted, effective January 4, 1974.

Dated: December 27, 1973.

JOHN R. QUARLES, Jr.
Deputy Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended by adding a new Part 104, as follows:

Sec.	
104.1	Applicability.
104.2	Definitions.
104.3	Notice of hearing.
104.4	Statement of basis and purpose.
104.5	Docket.
104.6	Objections to proposed effluent standard.
104.7	Designation of presiding officer.
104.8	Notice of presiding officer.
104.9	Presiding Conference.

Sec.	
104.10	Admission of Evidence.
104.11	Hearing Procedures.
104.12	Written Arguments.
104.13	Certification of Record.
104.14	Tentative or Recommended Decision.
104.15	Decision of Administrator.
104.16	Ex Parte Discussions.
104.17	Filing and Time.

Authority: Sections 501 and 307(a) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 88 Stat. 816).

§ 104.1 Applicability.

This Part shall be applicable to hearings held in connection with the establishment of toxic pollutant effluent standards under section 307(a) of the Act.

§ 104.2 Definitions.

As used in this part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. section 1351 et seq., Pub. L. 92-500, 88 Stat. 816.

(b) "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may by order delegate his authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Hearing clerk" means the Hearing Clerk, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(d) "Party" means the staff of the Environmental Protection Agency, and any person who files an objection pursuant to § 104.6 hereof, or the authorized representative of any such person.

(e) "Person" means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

(f) "Effluent standard" means any effluent standard, which may include a prohibition of any discharge, established or proposed to be established for any toxic pollutant under section 307(a) of the Act.

(g) "Presiding officer" means the person designated by the Administrator to preside at a hearing under this part.

§ 104.3 Notice of hearing.

Whenever the Administrator publishes any proposed effluent standard, he shall simultaneously publish a notice of a public hearing to be held within thirty days following the date of publication of such proposed standard. The notice shall set forth a date prior to which any party may file objections to the proposed effluent standard in accordance with § 104.6 hereof.

§ 104.4 Statement of basis and purpose.

Whenever the Administrator publishes a proposed effluent standard, he shall make available to any interested person a statement of the basis and purpose of such standard. Such statement shall be set forth in its entirety or summarized in the preamble to the notice of proposed rulemaking for the effluent standard, and shall include:

(a) An explanation of how the proposed standard was derived, including any assumptions or calculations necessary for its derivation;

(b) Scientific and technical data and studies supporting the proposed standard; and

(c) Such other information as is necessary to fully set forth the basis and purpose of the standard.

§ 104.5 Docket.

Whenever the Administrator publishes a notice of hearing under this Part, the hearing clerk shall promptly establish a docket for the hearing, which shall contain the complete record of the hearing. The docket shall include all objections filed by any party, a verbatim transcript of the hearing, the statement of basis and purpose required by § 104.4 hereof, any public comments received pursuant to the notice setting forth the proposed effluent standards, and such other documents or exhibits as may be received in evidence by the presiding officer. Any documents in the docket shall be available to any person at actual cost of duplication.

§ 104.6 Objections to proposed Effluent Standard.

Objections will be received for filing only if they comply with all the following provisions:

(a) Objections shall be received by the Hearing Clerk only if postmarked on or before the date set forth in the notice of hearing under § 104.3 hereof. Provided, That if the presiding officer finds that reasonable cause existed for the failure of an objector to file an objection prior to such date, he may authorize the objection to be filed subsequently thereto;

(b) Each objection to a proposed effluent standard shall be separately numbered;

(c) Objections must state with particularity the provisions of the proposed standard to which objection is taken, and must identify the specific modifications sought;

(d) Objections must be supported by "reasonable grounds" which, if true, are adequate to justify the specific modifications sought. If the objection alleges that the Administrator should not have relied on certain information, data, or expert opinion in setting an effluent standard, the objection shall specify precisely what information, data, or opinion should not have been relied upon, and the reasons therefor. If an objection alleges that a standard should be modified because of economic impact or considerations relating to feasibility or cost of treatment, such objection shall specify the relevance of such factors to determinations required to be made under section 307(a) of the Act.

The presiding officer shall promptly notify any person whose objection is not accepted for filing for any of the reasons set forth in this section, stating the reasons for such refusal. The objector may within seven days after receipt of such notification make a written reply.

§ 101.7 Designation of presiding officer.

The Administrator may preside personally at any hearing under this Part, or he may designate a presiding officer for the hearing. No person who has any personal pecuniary interest in the outcome of a proceeding under this Part shall serve as presiding officer in such proceeding.

§ 101.8 Powers of presiding officer.

The presiding officer shall have the duty to conduct a fair hearing within the time constraints imposed by section 307 (a) of the Act. He shall take all necessary action to avoid delay and to maintain order. He shall have all powers necessary to these ends, including but not limited to the power to:

- (a) Rule upon motions and requests;
- (b) Change the time and place of the hearing, and adjourn the hearing from time to time or from place to place;
- (c) Examine and cross-examine witnesses and receive evidence;
- (d) Admit or exclude evidence;
- (e) Hear oral argument on the facts or the law;
- (f) Require any part or all of the evidence to be submitted in writing.

§ 101.9 Prehearing conferences.

The presiding officer on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference for:

- (a) The simplification of the issues;
- (b) The possibility of obtaining stipulations, admission of facts, and documents;
- (c) The possibility of limitation of the number of witnesses;
- (d) The identification, and if practicable, the scheduling of witnesses to be called;
- (e) If appropriate, the advance submission at the prehearing conference by any party of all documentary evidence to be marked for identification. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts thereof, adequately identified, and shall supply copies of such excerpts together with the original document to the presiding officer for examination and study by all other parties and for use by opposing counsel.
- (f) Such other matters as may aid in the expeditious disposition of the proceeding.

§ 101.10 Admission of evidence.

(a) Where a prehearing conference has been held, and the presiding officer has directed identification of witnesses and production of documentary evidence at such conference, the presiding officer may exclude any such evidence, or refuse to allow any witnesses to testify, where such witnesses were not identified or such documents submitted at the prehearing conference. Such evidence or testimony may be permitted, however, upon a showing satisfactory to the presiding officer that good cause existed for failure to produce them at the prehearing conference. The presiding officer

may, following a prehearing conference, issue an order setting forth the agreements reached by the parties or representatives, the schedule of witnesses, and a statement of hours for the hearing. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The authenticity of all published or official documents included in the statement of facts and purpose or submitted at the prehearing conference shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within a time period which shall be specified by the presiding officer.

(c) The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(d) If relevant and material evidence is contained in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the discretion of the presiding officer.

(e) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief statement or affidavit, or an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Administrator decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. But if the Administrator rules that such evidence should have been admitted, the hearing shall be reopened for that purpose.

(f) Affidavits may be admitted as evidence upon a showing of their relevancy, materiality, and competency. All parties may be permitted to examine all affidavits that are filed and to file counter affidavits within a period of time set by the presiding officer.

(g) Where affidavits or other documents are admitted without cross-examination of the affiant or maker, or where cross-examination is limited for any purpose by the presiding officer, the Administrator shall consider the extent to which an opportunity for cross-examination was provided in determining the weight to be accorded to evidence appearing in the record.

§ 101.11 Hearing procedures.

(a) *Burden of proof.* The burden of proof, and of going forward to present an affirmative case, shall be upon any party seeking to show that a modification of the proposed standard is justified. The presiding officer shall establish the order in which such parties shall be heard.

(b) *Limitation on oral testimony.* Where necessary in order to prevent undue prolongation of the hearing, or to comply with time limitations set forth in the Act, the presiding officer may limit the number of witnesses who may testify, and the scope and extent of cross-examination. Where necessary, corroborative or cumulative evidence may also be so limited.

(c) *Transcript.* A verbatim transcript of the hearing procedure shall be maintained, and shall constitute a part of the record.

(d) *Objections to admission of evidence.* If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection. If the objection is overruled by the presiding officer, an automatic exception will follow. The transcript shall not include argument or debate on an objection except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the record. No interlocutory appeal may be taken from any ruling of the presiding officer.

(e) *Waiver of objections to efficient standard.* Any party may at any time withdraw his objections to a proposed efficient standard. Any party who, after timely notice thereof, fails to appear at a hearing under this Part shall be deemed to have waived his objections.

§ 101.12 Written arguments.

The presiding officer shall announce at the hearing a reasonable period of time within which any party may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the record, citing, where applicable, the page or pages of the transcript or otherwise identifying the specific evidence in the record which is relied upon. If the party filing a brief seeks consideration by the Administrator of objections made by such party to any ruling of the presiding officer, he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 101.13 Certification of record.

The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, and proposed findings of fact and concomitant modifications in the proposed efficient standard. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk the transcript of the testimony and any exhibits not already included in the docket. The presiding officer shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. At the end of the time period announced by the pre-

siding officer under § 104.12, the record shall promptly be transmitted to the Administrator for decision, including all documents filed in the docket, all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; and any proposed findings and conclusion of written arguments or briefs which have been filed.

§ 101.14 Tentative or recommended decision.

(a) As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrator shall file a tentative decision with the hearing clerk, or he shall designate a responsible employee of the Environmental Protection Agency to prepare a recommended decision.

(b) The tentative or recommended decision shall include a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues and the reasons or basis therefor. The tentative or recommended decision shall also include a ruling on each proposed finding or conclusion submitted by an objector, but need not include a ruling on any objection to a ruling of the presiding officer, except for any such ruling which is reversed by the Administrator.

(c) Upon the filing of the tentative or recommended decision, the Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the Federal Register. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the tentative or recommended decision, and a brief in support of such exceptions, setting forth references to the basis in the record for the exceptions, and any proposed changes in the tentative or recommended decision.

(d) Submission to Administrator: Upon the expiration of the period allowed for filing exceptions, the hearing clerk shall transmit to the Administrator any exceptions to the tentative or recommended decision which have been filed, with any briefs filed in support thereof.

(e) The procedures set forth in paragraphs (a) through (d) of this section may be omitted where the Administrator finds that due and timely execution of his functions, including compliance with time limitations established by law, imperatively and unavoidably so requires.

§ 101.15 Decision of Administrator.

After due consideration of the record, including exceptions and briefs filed under § 104.14, if any, the Administrator shall determine whether a modification of the proposed efficient standard is justified based upon a preponderance of evidence adduced at the hearing. If he determines that a modification is justified, he shall immediately promulgate a revised efficient standard.

§ 101.16 Ex parte discussions.

At no stage of a hearing under this Part shall the Administrator or the pre-

siding officer consult with any person or party on a fact at issue: *Provided*, That the Administrator or the presiding officer may discuss facts at issue with any such person or party if all parties have been given reasonable notice and an opportunity to be present.

§ 101.17 Filing and time.

(a) All documents or papers required or authorized by the foregoing provisions of this Part shall be filed in quadruplicate. Any document or paper so required or authorized to be filed with the hearing clerk shall, during the course of the hearing, be filed with the presiding officer. A copy of each document or paper filed by any party with the presiding officer shall be provided to all other parties.

(b) Any document or paper required or authorized to be filed by this Part shall be deemed to be filed when postmarked, or in the case of papers delivered other than by mail, when received by the hearing clerk.

(c) Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

[FR Doc. 74-108 Filed 1-3-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE
PART 5A-12—LABOR

PART 5A-16—PROCUREMENT FORMS
General Services Administration; Labor Practices

This amendment of the General Services Administration Procurement Regulations (1) adds procedures applicable to the award and reporting of contracts subject to the Walsh-Healey Public Contracts Act and (2) adds procedures for carrying out the General Services Administration Equal Employment Opportunity Program. The amendment provides that the GSA Office of Civil Rights is responsible for the GSA Equal Employment Opportunity Program and indicates the duties and responsibilities of various officials and organizational units associated with the program. In addition, the amendment implements the requirements of the Secretary of Labor (41 CFR 60-3) pertaining to employee testing and other selection procedures.

Chapter 5A is amended to add new Part 5A-12, as follows:

Subpart 5A-12.1—Walsh-Healey Public Contracts Act

Sec. 5A-12.504 Responsibilities of contracting officers.

Subpart 5A-12.2—Equal Opportunity in Employment

5A-12.500 Scope of subpart.
5A-12.503 Basic requirements.
5A-12.503-2 Equal Opportunity clause.
5A-12.503-3 Notice to bidders regarding proposed equal opportunity compliance review.

5A-12.503-3 Equal opportunity representation.
5A-12.504 Exemptions.
5A-12.504-1 General.
5A-12.504-2 Specific contracts.
5A-12.504-3 Facilities not connected with contract.
5A-12.505 Administration.
5A-12.505-1 Duties of agencies.
5A-12.505-4 Reports and other required information.
5A-12.505-5 Compliance reviews.
5A-12.505-6 Complaints.
5A-12.505-7 Sanctions and penalties.
5A-12.505-8 Ability to comply with the Equal Opportunity clause.
5A-12.505-9 Equal opportunity semi-annual.
5A-12.505-10 [Reserved].
5A-12.505-11 Compulsory priority.
5A-12.505-12 Furnishing information to contractors.
5A-12.507 Hearings.
5A-12.507-1 General.
5A-12.507-2 Informal hearings.
5A-12.507-3 Formal hearings.
5A-12.510 Affirmative action compliance programs.
5A-12.512 Ratings and interpretations.
5A-12.514 Validation of employment tests.
5A-12.514-1 General.
5A-12.514-2 Evidence of validity.
5A-12.514-3 Minimum standards for validation.
5A-12.514-4 Employment agencies and State employment services.
5A-12.514-5 Use of validity studies.
5A-12.514-6 Assumptions of validity.
5A-12.514-7 Continued use of tests.
5A-12.514-8 Other selection techniques.
5A-12.514-9 Compliance reviews.

Subpart 5A-12.6—Walsh-Healey Public Contracts Act

§ 5A-12.601 Responsibilities of contracting officers.

(a) *Notification to contractors.* Contracting officers shall furnish contractors with copies of Department of Labor W H Publication 1313, Notice to Employees Working on Government Contracts (illustrated at § 5A-16.954-1313) when awarding a contract subject to the Walsh-Healey Public Contracts Act. In addition, Form PC-16, Minimum Wage Determinations under the Walsh-Healey Public Contracts Act (copies available from Department of Labor) has been prepared by the Department of Labor to enable a contractor to ascertain the minimum wage determinations applicable to a particular contract. The Department of Labor will issue amendments to Form PC-16 as new determinations become effective. Copies of both W H Publication 1313 and PC-16 should be supplied for each of the contractor's establishments performing on contracts subject to the Walsh-Healey Public Contracts Act.

(b) *Reporting contract awards to Department of Labor.* The original and 1 copy of Standard Form 99, Notice of Award of Contract (illustrated at § 5A-16.901-99), shall be forwarded to the Department of Labor, Employment Standards Administration, Wage and Hour Division, Washington, DC 202100. A copy shall be retained in the procurement file. Detailed instructions for preparing