

**Environmental Protection Agency**

**§ 439.25**

periods during which production was at a maximum.

(2) To assure equity in the determination of NPDES permit limitations regulating discharges subject to this subpart, calculation of the long-term average daily BOD<sub>5</sub> load in the influent to the wastewater treatment system must exclude any portion of the load associated with separable mycelia and solvents, except for residual amounts of mycelia and solvents remaining after the practices of recovery and/or separate disposal or reuse. Residual amounts of these substances may be included in the calculation of the average influent BOD<sub>5</sub> loading.

(3) The practices of recovery, and/or separate disposal or reuse include: physical separation and removal of separable mycelia; recovery of solvents from wastestreams; incineration of concentrated solvent wastestreams (including tar still bottoms); and broth concentration for disposal other than to the treatment system. This part does not prohibit the inclusion of such wastes in raw waste loads in fact, nor does it mandate any specific practice, but rather describes the rationale for determining NPDES permit limitations. The effluent limitation for BOD<sub>5</sub> may be achieved by any of several, or a combination, of these practices.

(b) The limitation for TSS is the same as specified in § 439.12(b).

(c) Except for the provisions in paragraph (d) of this section, the limitations for COD are as follows:

Regulated parameter	Maximum daily <sup>1</sup>	Maximum monthly average <sup>1</sup>
COD .....	228	86

<sup>1</sup> mg/L (ppm)

(d) If the maximum monthly average COD concentration in paragraph (c) of this section is higher than a concentration value reflecting a reduction in the long-term average daily COD load in the raw (untreated) process wastewater of 74 percent multiplied by a variability factor of 2.2, then a monthly average limitation for COD corresponding

to the lower concentration value must be applied.

[63 FR 50430, Sept. 21, 1998, as amended at 68 FR 12273, Mar. 13, 2003]

**§ 439.23 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).**

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT: Limitations for BOD<sub>5</sub>, TSS and pH are the same as the corresponding limitations in § 439.22.

[63 FR 50430, Sept. 21, 1998]

**§ 439.24 Effluent limitations attainable by the application of best available technology economically achievable (BAT).**

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT: Limitations for COD are the same as the corresponding limitations in § 439.22(c) and (d).

[63 FR 50431, Sept. 21, 1998]

**§ 439.25 New source performance standards (NSPS).**

(a) Any new source subject to this subpart must achieve the following standards:

PERFORMANCE STANDARDS (NSPS)

Regulated parameter	Maximum daily <sup>1</sup>	Maximum monthly average <sup>1</sup>
BOD <sub>5</sub> .....	35	18
TSS .....	58	31
COD .....	228	86

<sup>1</sup> mg/L (ppm)

(b) Any new source subject to the provisions of this section that commenced discharging after November 21, 1988, and prior to November 20, 1988, must continue to achieve the standards specified for this section in the 1988 edition of 40 CFR part 439, until the expiration of the applicable time period specified in 40 CFR 122.29(d)(1), after which the source must achieve the