

## § 447.11

When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered in each subcategory.

### § 447.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR part 401 shall apply to this subpart.

### § 447.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process waste water pollutants to navigable waters.

[60 FR 33970, June 29, 1995]

### § 447.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

### § 447.14 [Reserved]

### § 447.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

## 40 CFR Ch. I (7–1–25 Edition)

### § 447.16 Pretreatment standards for new sources.

Any new source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403. In addition, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart: There shall be no discharge of process water pollutants to a publicly owned treatment works.

[60 FR 33970, June 29, 1995]

## Subpart B [Reserved]

## PART 449—AIRPORT DEICING POINT SOURCE CATEGORY

### Subpart A—Airport Deicing Category

Sec.

449.1 Applicability.

449.2 General definitions.

449.10 Effluent limitations representing the best available technology economically achievable (BAT).

449.11 New source performance standards (NSPS).

449.20 Monitoring, reporting and record-keeping requirements.

### Subpart B [Reserved]

APPENDIX A TO PART 449—SAMPLING PROTOCOL FOR SOLUBLE COD

AUTHORITY: 33 U.S.C. 1311, 1314, 1316, 1318, 1342, 1361 and 1370.

SOURCE: 77 FR 29203, May 16, 2012, unless otherwise noted.

### Subpart A—Airport Deicing Category

#### § 449.1 Applicability.

This part applies to discharges of pollutants from deicing operations at Primary Airports.

#### § 449.2 General definitions.

The following definitions apply to this part:

*Aircraft deicing fluid (ADF)* means a fluid (other than hot water) applied to

**Environmental Protection Agency**

**§ 449.10**

aircraft to remove or prevent any accumulation of snow or ice on the aircraft. This includes deicing and anti-icing fluids.

*Airfield pavement* means all paved surfaces on the airside of an airport.

*Airside* means the part of an airport directly involved in the arrival and departure of aircraft, including runways, taxiways, aprons, and ramps.

*Annual non-propeller aircraft departures* means the average number of commercial turbine-engine aircraft that are propelled by jet, *i.e.*, turbojet or turbofan, that take off from an airport on an annual basis, as tabulated by the Federal Aviation Administration (FAA).

*Available ADF* means 75 percent of the normalized Type I aircraft deicing fluid and 10 percent of the normalized Type IV aircraft deicing fluid, excluding aircraft deicing fluids used for defrosting or deicing for safe taxiing.

*Centralized deicing pad* means a facility on an airfield designed for aircraft deicing operations, typically constructed with a drainage system separate from the airport main storm drain system.

*COD* means Chemical Oxygen Demand.

*Collection requirement* means the requirement in § 449.11 for the permittee to collect available ADF.

*Defrosting* means the removal of frost contamination from an aircraft when there has been no active precipitation.

*Deicing* mean procedures and practices to remove or prevent any accumulation of snow or ice on:

- (1) An aircraft; or
- (2) Airfield pavement.

*Deicing for safe taxiing* means the application of ADF necessary to remove snow or ice to prevent damage to a taxiing aircraft.

*FAA Advisory Circular* means a guidance document issued by the FAA on methods, procedures, or facility design.

*Heating degree day* means the number of degrees per day the daily average temperature is below 65 degrees Fahrenheit. The daily average temperature is the mean of the maximum and minimum temperature for a 24-hour period. The annual heating degree day value is derived by summing the daily heating degree days over a calendar year period.

*Normalized Type I or Type IV aircraft deicing fluid* means ADF less any water added by the manufacturer or customer before ADF application.

*Primary Airport* means an airport defined at 49 U.S.C. 47102 (15).

**§ 449.10 Effluent limitations representing the best available technology economically achievable (BAT).**

Except as provided in 40 CFR 125.30 through 125.32, any existing point source with at least 1,000 annual non-propeller aircraft departures must comply with the following requirements representing the degree of effluent reduction attainable by the application of BAT. The BAT requirements for point sources with less than 1,000 annual non-propeller aircraft departures are beyond the scope of this regulation and shall be determined by the permit authority on a site-specific basis.

(a) *Airfield pavement deicing.* There shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table I, prior to any dilution or commingling with any non-deicing discharge.

TABLE I—BAT LIMITATIONS

Wastestream	Pollutant	Daily maximum
Airfield Pavement Deicing .....	Ammonia as Nitrogen .....	14.7 mg/L.

§ 449.11

40 CFR Ch. I (7-1-25 Edition)

(b) [Reserved]

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

New sources with at least 1,000 annual non-propeller aircraft departures must achieve the following new source performance standards. The new source performance standards for point sources with less than 1,000 annual non-propeller aircraft departures are beyond the scope of this part and shall be determined by the permit authority on a site-specific basis.

(a) *Aircraft deicing.* Except for new airports located in Alaska, all new sources located in an area that, at the time of construction, had more than 3,000 annual heating degree days, and are estimated, within five years of commencing operations, to exceed 10,000 annual departures, must comply with the following requirements upon the date the facility exceeds 10,000 an-

nual departures. New source performance standards that apply prior to that date, new source performance standards for sources that project they will not exceed 10,000 annual departures within five years of commencing operations, and new performance standards for airports in Alaska, are beyond the scope of this regulation and shall be determined by the permit authority on a site-specific basis.

(1) *Collection requirement.* The new source must collect at least 60 percent of available ADF.

(2) *Numerical effluent limitation.* The new source must achieve the performance standards in Table II for available ADF collected pursuant to paragraph (a)(1) of this section. The limitation must be met at the location where the effluent leaves the onsite treatment system utilized for meeting these requirements and before commingling with any non-deicing discharge.

TABLE II—NSPS

Wastestream	Pollutant	Daily maximum	Weekly average
Aircraft Deicing .....	COD .....	271 mg/L .....	154 mg/L.

(b) *Airfield pavement deicing.* There shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, any new source must certify annually that it does not use airfield deicing products

that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table III, prior to any dilution or commingling with any non-deicing discharge.

TABLE III—NSPS

Wastestream	Pollutant	Daily maximum
Airfield Pavement Deicing .....	Ammonia as Nitrogen .....	14.7 mg/L.

§ 449.20 **Monitoring, reporting and recordkeeping requirements.**

(a) *Demonstrating compliance with the ADF collection requirement for dischargers subject to NSPS collection requirements in § 449.11.* Except as provided in 40 CFR 125.30 through 125.32, an individual permittee shall select a procedure under either paragraphs (a)(1), (2), or (3) of this section in its permit application as the procedure for the permittee to demonstrate compliance with the applicable collection, reporting and recordkeeping require-

ments of this Part. A procedure selected by the permittee under paragraph (a)(2) of this section may be included in the permit only with the Director's approval, as described in paragraph (a)(2) of this section. For general permits, use of alternative methods for determining compliance with the ADF collection requirement for dischargers subject to NSPS collection requirements in this part will be at the discretion of the Director.

## Environmental Protection Agency

## § 449.20

(1) The permittee shall maintain records to demonstrate, and certify annually, that it is operating and maintaining one or more centralized deicing pads. This technology shall be operated and maintained according to the technical specifications set forth in paragraphs (a)(1)(i) through (iv) of this section. For both individual and general permits, these technical specifications shall be expressly set forth as requirements in the permit. The permittee's demonstration and valid certification are sufficient to meet the applicable NSPS collection requirement without the permittee having to determine the numeric percentage of available ADF collected.

(i) Each centralized deicing pad shall be sized and sited in accordance with all applicable FAA advisory circulars.

(ii) Drainage valves associated with the centralized deicing pad shall be activated before deicing activities commence, to collect available ADF.

(iii) The centralized deicing pad and associated collection equipment shall be installed and maintained per any applicable manufacturers' instructions, and shall be inspected, at a minimum, at the beginning of each deicing season to ensure that the pad and associated equipment are in working condition.

(iv) All aircraft deicing shall take place on a centralized deicing pad, with the exception of defrosting and deicing for safe taxiing.

(2) *Alternative technology or specifications.* (i) An individual permit (or a general permit at the discretion of the Director) may allow one of the following alternative procedures for demonstrating compliance with its collection requirement, instead of the procedure in paragraph (a)(1) of this section. The permittee must submit all information and documentation necessary to support this request. An individual permittee may request this alternative procedure in its initial permit application or permit renewal application. During the term of an individual permit, the permittee may also request this alternative procedure as a permit modification, subject to the requirements and procedures at 40 CFR 122.62 and 40 CFR part 124. If the Director determines, in his or her discretion, that the requested alternative procedure

will achieve the collection requirement in the permit, the Director shall approve the request:

(A) The use of a different ADF collection technology from the centralized deicing pad technology specified in paragraph (a)(1) of this section; or

(B) The use of the same ADF collection technology, but with different specifications for operation and/or maintenance.

(ii) *Pollution prevention credit.* A permittee may apply for, and obtain, full or partial credit towards compliance with the available ADF collection requirement. To obtain credit the permittee must demonstrate to the Director's satisfaction that it employs a pollution prevention technique that reduces the volume of, or quantity of, pollutants in, available ADF. The credit shall be equivalent to the demonstrated reduction, as determined by the Director.

(iii) The Director shall set forth technical specifications for proper operation and maintenance of the chosen collection technology, as appropriate, and compliance with these technical specifications must be required by the permit. The permit shall also require the permittee to maintain records sufficient to demonstrate compliance with these requirements. This demonstration constitutes compliance by the permittee with the percent capture requirement without the permittee having to determine the numeric percentage of ADF that it has collected. Before the Director may approve an alternate technology under this subsection, the permittee must demonstrate to the Director's satisfaction that the alternate technology will achieve the applicable percent capture requirement.

(3) The permittee shall maintain records, by means deemed acceptable by the Director, and report at a frequency determined by the Director, on the volume of ADF sprayed and the amount of available ADF collected in order to determine the compliance with the collection requirement.

(b) *Monitoring requirements—(1) COD limitation.* Permittees subject to the ADF collection and discharge requirements specified in § 449.11 must conduct effluent monitoring to demonstrate compliance with the COD limitation

for all ADF that is collected. Compliance must be demonstrated at the location where the effluent leaves the on-site treatment system utilized for meeting these requirements and before commingling with any non-deicing discharge. Effluent samples must be collected following the protocol in Appendix A to this part.

(2) *Ammonia limitation.* If a permittee chooses to comply with the compliance alternative specified in §449.10(a) or §449.11(b), the permittee must conduct effluent monitoring at all locations where pavement deicing with a product that contains urea is occurring, prior to any dilution or commingling with any non-deicing discharge.

(c) *Recordkeeping.* (1) The permit shall provide that the permittee must maintain on site, during the term of the permit, up to five years, records documenting compliance with paragraphs (a) through (b) of this section. These records include, but are not limited to, documentation of wastewater samples collected and analyzed, certifications, and equipment maintenance schedules and agreements.

(2) At the Director's discretion, a requirement may be included in the permit for the permittee to collect, and maintain on site during the term of the permit, up to five (5) years of data on the annual volume of ADF used.

## Subpart B [Reserved]

### APPENDIX A TO PART 449—SAMPLING PROTOCOL FOR SOLUBLE COD

This sampling protocol applies only to samples collected for use in measurement of COD when demonstrating compliance with the regulations set forth in this part. Collect a representative sample of the effluent from the airport deicing treatment system, based on the discharge permit requirements (e.g., a grab sample or a composite sample). Because only the COD sample is filtered, do not use in-line filters if collecting a sample with a compositing device.

#### A. GRAB SAMPLES

1. Cap the container and shake the grab sample vigorously to mix it. Remove the plunger from a 10-milliliter (mL) or larger Luer-lock plastic syringe equipped with an Acrodisc Luer-lock filter containing a 1.5- $\mu$ m

glass fiber filter (Whatman 934-AH, or equivalent), and fill the syringe body with sample.

2. Replace the plunger and filter the sample into a clean 50-mL screw-cap glass, plastic, or fluoropolymer bottle.

NOTE: If testing is being done in the field, or with a test kit product (e.g., Hach Method 8000), the filtrate may be collected in the test kit vial or container.

3. Additional 10-mL volumes of sample may be filtered and the filtrate added to the same sample bottle. This additional volume may be used to repeat sample analyses or to prepare Quality Control (QC) samples, as needed.

4. Unless the filtered sample will be analyzed within 15 minutes, preserve the filtered sample with H<sub>2</sub>SO<sub>4</sub> to pH <2. Cap the bottle and label with the sample number. Place in a cooler on ice prior to shipping.

5. Once at the analytical laboratory, the sample must be stored at  $\leq$ 6 degrees Celsius and analyzed within 28 days of collection (see the requirements for COD in Table II at 40 CFR part 136).

6. Analyze the sample using a method approved for COD in Table IB at 40 CFR part 136.

NOTE: Because this procedure is specific to this point source category, it does not appear by name in 40 CFR part 136.

7. Report the sample results as Soluble COD in units of milligrams per liter (mg/L). There is no Chemical Abstracts Service (CAS) Registry Number for soluble COD.

#### B. COMPOSITE SAMPLES

1. If the sample will be analyzed in a fixed laboratory (as opposed to field testing), transfer at least 50 mL of well-mixed sample from the compositing device into a clean 50-mL screw-cap glass, plastic, or fluoropolymer bottle. Preserve the sample with H<sub>2</sub>SO<sub>4</sub> to pH <2. Cap the bottle and label with the sample number. Place in a cooler on ice prior to shipping.

2. Once at the analytical laboratory, the sample must be stored at  $\leq$ 6 degrees Celsius and analyzed within 28 days of collection (see the requirements for COD in Table II at 40 CFR part 136).

3. Prior to analysis, remove the sample from cold storage and allow it to warm to room temperature. Shake the sample vigorously to mix it.

4. Remove the plunger from a 10-mL or larger Luer-lock plastic syringe equipped with an Acrodisc Luer-lock filter containing a 1.5- $\mu$ m glass fiber filter (Whatman 934-AH, or equivalent), and fill the syringe body with sample.

5. Replace the plunger and filter the sample into a clean COD vial or other suitable container.

6. Additional 10-mL volumes of sample may be filtered and the filtrate added to separate

## Environmental Protection Agency

## § 450.21

containers, as needed, to provide samples for repeat analyses or to prepare QC samples.

7. Analyze the sample using a method approved for COD in Table 1B at 40 CFR part 136.

NOTE: Because this procedure is specific to this point source category, it does not appear by name in 40 CFR part 136.

8. Report the sample results as Soluble COD in units of mg/L. There is no CAS Registry Number for soluble COD.

### PART 450—CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY

#### Subpart A—General Provisions

Sec.

450.10 Applicability.

450.11 General definitions.

#### Subpart B—Construction and Development Effluent Guidelines

450.21 Effluent limitations reflecting the best practicable technology currently available (BPT).

450.22 Effluent limitations reflecting the best available technology economically achievable (BAT).

450.23 Effluent limitations reflecting the best conventional pollutant control technology (BCT).

450.24 New source performance standards reflecting the best available demonstrated control technology (NSPS).

AUTHORITY: 33 U.S.C. 1311, 1312, 1314, 1316, 1341, 1342, 1361 and 1370.

SOURCE: 74 FR 63057, Dec. 1, 2009, unless otherwise noted.

#### Subpart A—General Provisions

##### § 450.10 Applicability.

(a) This part applies to discharges associated with construction activity required to obtain NPDES permit coverage pursuant to 40 CFR 122.26(b)(14)(x) and (b)(15).

(b) The provisions of § 450.22(a) do not apply to discharges associated with interstate natural gas pipeline construction activity.

(c) The New Source Performance Standards at § 450.24 apply to all new sources and are effective February 1, 2010.

(d) The BPT, BCT and BAT effluent limitations at §§ 450.21 through 450.23 apply to all sources not otherwise cov-

ered by paragraph (c) of this section and are effective February 1, 2010.

##### § 450.11 General definitions.

(a) *New source*. New source means any source, whose discharges are defined in 40 CFR 122.26(b)(14)(x) and (b)(15), that commences construction activity after the effective date of this rule.

(b) *Infeasible*. Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices.

[74 FR 63057, Dec. 1, 2009, as amended at 79 FR 12667, Mar. 6, 2014]

#### Subpart B—Construction and Development Effluent Guidelines

##### § 450.21 Effluent limitations reflecting the best practicable technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

(a) *Erosion and sediment controls*. Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

(1) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;

(2) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;

(3) Minimize the amount of soil exposed during construction activity;

(4) Minimize the disturbance of steep slopes;

(5) *Minimize sediment discharges from the site*. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of