

# 61-9.129

## Toxic Pollutant Effluent Standards and Prohibitions

Regulation History as Published in State Register			
Date	Document Number	Volume	Issue
June 27, 2003	2783	27	6, Part I
February 5, 2005 (Errata)	2783	29	2

### Table of Contents

<b>PART A. TOXIC POLLUTANT EFFLUENT STANDARDS AND PROHIBITIONS .....</b>	<b>177</b>
129.1. Scope and Purpose. ....	177
129.2. Definitions. ....	177
129.3. Abbreviations. ....	178
129.4. Toxic pollutants.....	178
129.5. Compliance.....	179
129.6. Adjustment of effluent standard for presence of toxic pollutant in the intake water. ....	180
129.7. Requirement and procedure for establishing a more stringent effluent limitation. ....	181
129.8. Compliance date.....	181
129.100. Aldrin/Dieldrin. ....	181
129.101. DDT, DDD and DDE.....	183
129.102. Endrin. ....	184
129.103. Toxaphene. ....	186
129.104. Benzidine.....	188
129.105. Polychlorinated biphenyls (PCBs). ....	190

**PART A**  
**TOXIC POLLUTANT EFFLUENT STANDARDS AND PROHIBITIONS**

**129.1. Scope and Purpose.**

(a) The provisions of this Part apply to owners or operators of specified facilities discharging into waters of the State.

(b) The effluent standards or prohibitions for toxic pollutants established in this Part shall be applicable to the sources and pollutants hereinafter set forth, and may be incorporated in any NPDES permit, modification or renewal thereof, in accordance with the provisions of this Part.

(c) The provisions of R.61-9.124 and R.61-9.125 shall apply to any NPDES permit proceedings for any point source discharge containing any toxic pollutant for which a standard or prohibition is established under this Part.

**129.2. Definitions.**

All terms not defined herein shall have the meaning given them R.61-9.122 or R.61-9.124. As used in this regulation, the term:

(a) “Air emissions” means the release or discharge of a toxic pollutant by an owner or operator into the ambient air either (1) by means of a stack or (2) as a fugitive dust, mist, or vapor as a result inherent to the manufacturing or formulating process.

(b) “Ambient water criterion” means that concentration of a toxic pollutant in the waters of the State that, based upon available data, will not result in adverse impact in important aquatic life, or on consumers of such aquatic life, after exposure of that aquatic life for periods of time exceeding 96 hours and continuing at least through one reproductive cycle; and will not result in a significant risk of adverse health effects in a large human population based on available information such as mammalian laboratory toxicity data, epidemiological studies of human occupational exposures, or human exposure data, or any other relevant data.

(c) “Construction” means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(d) “Effluent standard” means, for purposes of 307, the equivalent of effluent limitation as that term is defined in section 502(11) of the CWA with the exception that it does not include a schedule of compliance.

(e) “Existing Source” means any source which is not a new source as defined in this section.

(f) “Fugitive dust, mist, or vapor” means dust, mist or vapor containing a toxic pollutant regulated under this Part which is emitted from any source other than through a stack.

(g) “Manufacturer” means any establishment engaged in the mechanical or chemical transformation of materials or substances into new products including but not limited to the blending of materials such as pesticidal products, resins, or liquors.

(h) “New Source” means any source discharging a toxic pollutant, the construction of which is commenced after proposal of an effluent standard or prohibition applicable to such source if such effluent standard or prohibition is thereafter promulgated in accordance with section 307 of CWA.

(i) “Owner or operator” means any person who owns, leases, operates, controls, or supervises a source as defined above.

(j) “Permit” means a permit for the discharge of pollutants into waters of the State under the National Pollutant Discharge Elimination System established by Section 402 of the CWA, the PCA, and implemented in regulations in R.61-9.124 and R.61-9.125.

(k) “Process Wastes” means any designated toxic pollutant, whether in wastewater or otherwise present, which is inherent to or unavoidably resulting from any manufacturing process, including that which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product and is discharged into the waters of the state.

(l) “Prohibited” means that the constituent shall be absent in any discharge subject to these standards, as determined by any analytical method.

(m) “Source” means any building, structure, facility, or installation from which there is or may be the discharge of toxic pollutants designated as such by the Administration under section 307(a)(1) of the CWA.

(n) “Stack” means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(o) “Ten year 24-hour rainfall event” means the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in technical paper No. 40, “Rainfall Frequency Atlas of the United States,” May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

(p) “Working day” means the hours during a calendar day in which a facility discharges effluents subject to this regulation.

### **129.3. Abbreviations.**

The abbreviations used in this Part represent the following terms:

lb = pound (or pounds)

g = gram

ug/l = micrograms per liter (1 one-millionth gram/liter)

kg = kilogram(s)

kkg = 1000 kilogram(s)

### **129.4. Toxic pollutants.**

The following are the pollutants subject to regulation under the provisions of this part:

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

(b) DDT-"DDT" means the compounds DDT, DDD, and DDE as identified by the chemical names; (DDT) -1,1,1 -trichloro -2,2 -bis(p-chlorophenyl) ethane and some o,p' -isomers; (DDD) or (TDE) -1,1 -dichloro -2,2 -bis(p-chlorophenyl) ethane and some o,p' -isomers; (DDE) -1,1 -dichloro -2,2, -bis(p -chlorophenyl) ethylene.

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

(d) Toxaphene-"Toxaphene" means the material consisting of technical grade chlorinated camphene having the approximate formula of  $C_{10}H_{10}Cl_8$  and normally containing 67-69 percent chlorine by weight.

(e) Benzidine-"Benzidine" means the compound benzidine and its salts as identified by the chemical name 4,4'-diaminobiphenyl.

(f) Polychlorinated Biphenyls (PCBs) -"Polychlorinated biphenyls (PCBs)" means a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

### **129.5. Compliance.**

(a)(1) Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition, each owner or operator with a discharge subject to that standard or prohibition must notify the Department, of such discharge. Such notification shall include such information and follow such procedures as the Department may require.

(2) Any owner or operator who does not have a discharge subject to any toxic pollutant effluent standard at the time of such promulgation but who thereafter commences or intends to commence any activity which would result in such a discharge shall first notify the Department, in the manner herein provided, at least 60 days prior to any such discharge.

(b) Upon receipt of any application for issuance or reissuance of a permit or for a modification of an existing permit for a discharge subject to a toxic pollutant effluent standard or prohibition, the permitting authority shall proceed thereon in accordance with R.61-9.124 or R.61-9.125, whichever is applicable.

(c)(1) Every permit which contains limitations based upon a toxic pollutant effluent standard or prohibition under this Part is subject to revision following the completion of any proceeding revising such toxic pollutant effluent standard or prohibition regardless of the duration specified on the permit.

(2) For purposes of this section, all toxic pollutants for which standards are set under this Part are deemed to be injurious to human health within the meaning of section 402(k) of the CWA, unless otherwise specified in the standard established for any particular pollutant.

(d)(1) Upon the compliance date for any section 307(a) toxic pollutant effluent standard or prohibition, each owner or operator of a discharge subject to such standard or prohibition shall comply with such monitoring, sampling, recording, and reporting conditions as the Department may require for that discharge. Notice of such conditions shall be provided in writing to the owner or operator.

(2) In addition to any conditions required pursuant to paragraph (d)(1) and to the extent not required in conditions contained in NPDES permits, within 60 days following the close of each calendar year, each owner or operator of a discharge subject to any toxic standard or prohibition shall report to the Department concerning the compliance of such discharges. Such report shall include, as a minimum, information concerning

(i) Relevant identification of the discharger such as name, location of facility, discharge points, receiving waters, and the industrial process or operation emitting the toxic pollutant;

(ii) Relevant conditions (pursuant to paragraph (d)(1) or to an NPDES permit) as to flow, section 307(a) toxic pollutant concentrations, and section 307(a) toxic pollutant mass emission rate;

(iii) Compliance by the discharger with such conditions.

(3) When samples collected for analysis are composited, such samples shall be composited in proportion to the flow at time of collection and preserved in compliance with requirements of the Department, but shall include at least five samples collected at approximately equal intervals throughout the working day.

(e)(1) [Reserved]

(2) Nothing in these regulations shall preclude the Department from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the CWA and implemented in R.61-9.124.42 and other related provisions of R.61-9.124.

(f) Any owner or operator of a facility which discharges a toxic pollutant to the waters of the State and to a publicly owned treatment system shall limit the summation of the mass emissions from both discharges to the less restrictive standard, either the direct discharge standard or the pretreatment standard; but in no case will this Subsection allow a discharge to the waters greater than the toxic pollutant effluent standard established for a direct discharge to the waters of the State.

(g) [Reserved]

#### **129.6. Adjustment of effluent standard for presence of toxic pollutant in the intake water.**

(a) Upon the request of the owner or operator of a facility discharging a pollutant subject to a toxic pollutant effluent standard or prohibition, the Department shall give credit and shall adjust the effluent standard(s) in such permit to reflect credit for the toxic pollutant(s) in the owner's or operator's water supply if

(1) the source of the owner's or operator's water supply is the same body of water into which the discharge is made and if

(2) it is demonstrated to the satisfaction of the Department that the toxic pollutant(s) present in the owner's or operator's intake water will not be removed by any wastewater treatment systems whose design capacity and operation were such as to reduce toxic pollutants to the levels required by the applicable toxic pollutant effluent standards in the absence of the toxic pollutant in the intake water.

(b) Effluent limitations established pursuant to this section shall be calculated on the basis of the amount of section 307(a) toxic pollutant(s) present in the water after any water supply treatment steps have been performed by or for the owner or operator.

(c) Any permit which includes toxic pollutant effluent limitations established pursuant to this section shall also contain conditions requiring the permittee to conduct additional monitoring in the manner and locations determined by the Department for those toxic pollutants for which the toxic pollutant effluent standards have been adjusted.

#### **129.7. Requirement and procedure for establishing a more stringent effluent limitation.**

(a) In exceptional cases

(1) where the Department determines that the ambient water criterion established in these standards is not being met or will not be met in the receiving water as a result of one or more discharges at levels allowed by these standards, and

(2) where the Department further determines that this is resulting in or may cause or contribute to significant adverse effects on aquatic or other organisms usually or potentially present, or on human health, he may issue to an owner or operator a permit or a permit modification containing a toxic pollutant effluent limitation at a more stringent level than that required by the standard set forth in these regulations. Any such action shall be taken pursuant to the procedural provisions of R.61-9.124 and R.61-9.125, as appropriate.

(3) [Reserved]

(b) Any effluent limitation in an NPDES permit which the Department proposes to issue which is more stringent than the toxic pollutant effluent standards promulgated by the Administrator is subject to review by the Administrator under section 402(d) of the CWA. The Administrator may approve or disapprove such limitation(s) or specify another limitation(s) upon review of any record of any proceedings held in connection with the permit issuance or modification and any other evidence available to him. If he takes no action within ninety days of his receipt of the notification of the action of the permit issuing authority and any record thereof, the action of the Department's permit issuing authority shall be deemed to be approved.

#### **129.8. Compliance date.**

(a) The effluent standards or prohibitions set forth herein shall be complied with not later than one year after promulgation unless an earlier date is established by the Administrator for an industrial subcategory in the promulgation of the standards or prohibitions.

(b) Toxic pollutant effluent standards or prohibitions set forth herein shall become enforceable under sections 307(d) and 309 of the CWA on the date established in subsection (a) regardless of proceedings in connection with the issuance of any NPDES permit or application therefor, or modification or renewal thereof.

#### **129.100. Aldrin/Dieldrin.**

(a) Specialized definitions.

(1) "Aldrin/Dieldrin Manufacturer" means a manufacturer, excluding any source which is exclusively an aldrin/dieldrin formulator, who produces, prepares or processes technical aldrin or dieldrin or who uses aldrin or dieldrin as a material in the production, preparation or processing of another synthetic organic substance.

(2) “Aldrin/Dieldrin Formulator” means a person who produces, prepares or processes a formulated product comprising a mixture of either aldrin or dieldrin and inert materials or other diluents, into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for aldrin/dieldrin in navigable waters is 0.003 *ug/l* or the State Standard as identified in SC Regulation R.61-68, whichever is more stringent.

(b) Aldrin/Dieldrin manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable. Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) Effluent Standard.

(i) Existing Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

(ii) New Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

(c) Aldrin/Dieldrin Formulator.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the formulating process, including but not limited to:

(1) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable. Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) Effluent Standard.

(i) Existing Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

(ii) New Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

#### **129.101. DDT, DDD and DDE.**

(a) Specialized Definitions.

(1) "DDT Manufacturer" means a manufacturer, excluding any source which is exclusively a DDT formulator, who produces, prepares or processes technical DDT, or who uses DDT as a material in the production, preparation or processing of another synthetic organic substance.

(2) "DDT Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of DDT and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for DDT in navigable waters is 0.001  $\mu\text{g}/\text{l}$ , or the State Standard as identified in S.C. Regulation R.61-68, whichever is more stringent.

(b) DDT Manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.



(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable. Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) Effluent Standard.

(i) Existing Sources. DDT is prohibited in any discharge from any DDT manufacturer.

(ii) New Sources. DDT is prohibited in any discharge from any DDT manufacturer.

(c) DDT Formulator.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the formulating process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable. Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) Effluent Standard.

(i) Existing Sources. DDT is prohibited in any discharge from any DDT formulator.

(ii) New Sources. DDT is prohibited in any discharge from any DDT formulator.

#### **129.102. Endrin.**

(a) Specialized definitions.

(1) “Endrin Manufacturer” means a manufacturer, excluding any source which is exclusively an endrin formulator, who produces, prepares or processes technical endrin or who uses endrin as a material in the production, preparation or processing of another synthetic organic substance.

(2) “Endrin Formulator” means a person who produces, prepares or processes a formulated product comprising a mixture of endrin and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C 135, et seq.).

(3) The ambient water criterion for endrin in waters of the State is 0.004  $\mu\text{g/l}$ , or the State Standard as identified in S.C. Regulation R.61-68, whichever is more stringent.

(b) Endrin manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable -Environmental Protection Agency method specified in 40 CFR Part 136.

(3) Effluent Standard.

(i) Existing Sources - Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 1.5  $\mu\text{g/l}$  calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0006 kg/kkg of endrin produced; and shall not exceed 7.5  $\mu\text{g/l}$  in a sample(s) representing any working day.

(ii) New Sources - Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 0.1  $\mu\text{g/l}$  calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00004 kg/kkg of endrin produced; and shall not exceed 0.5  $\mu\text{g/l}$  in a sample(s) representing any working day.

(iii) Mass Emission Standard During Shutdown of Production - In computing the allowable monthly average daily loading figure required under the preceding subparagraphs (i) and (ii), for any calendar month for which there is no endrin being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

(c) Endrin Formulator.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the formulating process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable -Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) Effluent Standard.

(i) Existing Sources - Endrin is prohibited in any discharge from any endrin formulator.

(ii) New Sources - Endrin is prohibited in any discharge from any endrin formulator.

(d) The standards set forth in this Section shall apply to the total combined weight or concentration of endrin, excluding any associated element or compound.

**129.103. Toxaphene.**

(a) Specialized definitions.

(1) “Toxaphene Manufacturer” means a manufacturer, excluding any source which is exclusively a toxaphene formulator, who produces, prepares or processes toxaphene or who uses toxaphene as a material in the production, preparation or processing of another synthetic organic substance.

(2) “Toxaphene Formulator” means a person who produces, prepares or processes a formulated product comprising a mixture of toxaphene and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for toxaphene in navigable waters is 0.005 ug/l or the State Standard as identified in S.C. Regulation 61-68, whichever is more stringent.

(b) Toxaphene manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable -Environmental Protection Agency method specified in 40 CFR Part 136.

(3) Effluent Standard.

(i) Existing Sources - Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5  $\mu\text{g}/\text{l}$  calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00003 kg/kg of toxaphene produced, and shall not exceed 7.5  $\mu\text{g}/\text{l}$  in a sample(s) representing any working day.

(ii) New Sources - Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1  $\mu\text{g}/\text{l}$  calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.000002 kg/kg of toxaphene produced, and shall not exceed 0.5  $\mu\text{g}/\text{l}$  in a sample(s) representing any working day.

(iii) Mass Emission During Shutdown of Production - In computing the allowable monthly average daily loading figure required under the preceding subparagraphs (i) and (ii), for any calendar month for which there is no toxaphene being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

(c) Toxaphene Formulator.

(1) Applicability.

(i) The standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas; loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable -Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) Effluent Standards.

(i) Existing Sources - Toxaphene is prohibited in any discharge from any toxaphene formulator.

(ii) New Sources - Toxaphene is prohibited in any discharge from any toxaphene formulator.

(d) The standards set forth in this Section shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

#### **129.104. Benzidine.**

(a) Specialized definitions.

(1) “Benzidine Manufacturer” means a manufacturer who produces benzidine or who produces benzidine as an intermediate product in the manufacture of dyes commonly used for textile, leather and paper dyeing.

(2) “Benzidine-Based Dye Applicator” means an owner or operator who uses benzidine-based dyes in the dyeing of textiles, leather or paper.

(3) The ambient water criterion for benzidine in navigable waters is 0.1  $\mu\text{g/l}$  or the State Standard as identified in S.C. Regulation 61-68 whichever is more stringent.

(b) Benzidine manufacturer.

(1) Applicability.

(i) These standards apply to:

(A) All discharges into the waters of the State of process wastes, and

(B) All discharges into the waters of the State of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-contaminated product as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in paragraph (b)(1)(ii) of this section and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable -Environmental Protection Agency method specified in 40 CFR Part 136.

(3) Effluent standards.

(i) Existing sources - Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10  $\mu\text{g/l}$  calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kg of benzidine produced, and shall not exceed 50  $\mu\text{g/l}$  in a sample(s) representing any working day.

(ii) New Sources - Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10  $\mu\text{g/l}$  calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kg of benzidine produced, and shall not exceed 50  $\mu\text{g/l}$  in a sample(s) representing any working day.

(4) The standards set forth in this paragraph (b) shall apply to the total combined weight or concentration of benzidine, excluding any associated element or compound.

(c) Benzidine-Based Dye Applicators.

(1) Applicability.

(i) These standards apply to:

(A) All discharges into the waters of the State of process wastes, and

(B) All discharges into the waters of the State of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-contaminated product as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in paragraph (c)(1)(ii) of this section and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to storm water that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable.

(i) Environmental Protection Agency method specified in 40 CFR Part 136; or

(ii) Mass balance monitoring approach which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified in writing by the manufacturer) by the total quantity of water discharged during the working day.

(iii) For enforcement purposes, the Department shall rely entirely upon the method specified in 40 CFR 136 in analyses it performs.

(3) Effluent standards.

(i) Existing sources - Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10  $\mu\text{g}/\text{l}$  calculated over any calendar month; and shall not exceed 25  $\mu\text{g}/\text{l}$  in a sample(s) or calculation(s) representing any working day.

(ii) New sources - Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10  $\mu\text{g}/\text{l}$  calculated over any calendar month; and shall not exceed 25  $\mu\text{g}/\text{l}$  in a sample(s) or calculation(s) representing any working day.

(4) The standards set forth in this paragraph (c) shall apply to the total combined concentrations of benzidine, excluding any associated element or compound.

**129.105. Polychlorinated biphenyls (PCBs).**

(a) Specialized definitions.

(1) "PCB Manufacturer" means a manufacturer who produces polychlorinated biphenyls.

(2) "Electrical capacitor manufacturer" means a manufacturer who produces or assembles electrical capacitors in which PCB or PCB-containing compounds are part of the dielectric.

(3) "Electrical transformer manufacturer" means a manufacturer who produces or assembles electrical transformers in which PCB or PCB-containing compounds are part of the dielectric.

(4) The ambient water criterion for PCBs in navigable waters is 0.001  $\mu\text{g}/\text{l}$  or the State Standard as identified in S.C. Regulation 61-68 whichever is more stringent.

(b) PCB Manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes;

(B) All discharges from the manufacturing or incinerator areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to storm water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) Analytical method acceptable -Environmental Protection Agency method specified in 40 CFR Part 136 except that a 1-liter sample size is required to increase analytical sensitivity.

(3) Effluent Standards:

(i) Existing Sources. PCBs are prohibited in any discharge from any PCB manufacturer;

(ii) New Sources. PCBs are prohibited in any discharge from any PCB manufacturer.

(c) Electrical Capacitor Manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to storm water runoff that exceeds that from the ten-year 24-hour rainfall event.

(2) Analytical method acceptable. Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase analytical sensitivity.

(3) Effluent Standards:

(i) Existing Sources. PCBs are prohibited in any discharge from any electrical capacitor manufacturer;

(ii) New Sources. PCBs are prohibited in any discharge from any electrical capacitor manufacturer.

(d) Electrical Transformer Manufacturer.

(1) Applicability.

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:



(1) Storm water and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to storm water runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to storm water runoff that exceeds that from the ten-year 24-hour rainfall event.

(2) Analytical method acceptable. Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase analytical sensitivity.

(3) Effluent Standards:

(i) Existing Sources. PCBs are prohibited in any discharge from any electrical transformer manufacturer;

(ii) New Sources. PCBs are prohibited in any discharge from any electrical transformer manufacturer.

(e) Adjustment of effluent standard for presence of PCBs in intake water. Whenever a facility which is subject to these standards has PCBs in its effluent which result from the presence of PCBs in its intake waters, the owner may apply to the Department for a credit pursuant to the provisions of section 129.6, where the source of the water supply is the same body of water into which the discharge is made. The requirement of subparagraph (1) of section 129.6(a), relating to the source of the water supply, shall be waived, and such facility shall be eligible to apply for a credit under section 129.6, upon a showing by the owner or operator of such facility to the Department, that the concentration of PCBs in the intake water supply of such facility does not exceed the concentration of PCBs in the receiving water body to which the plant discharges its effluent.