

§ 455.10

40 CFR Ch. I (7-1-07 Edition)

AUTHORITY: Secs. 301, 304, 306, 307, and 501, Pub. L. 92-500, 86 Stat. 816, Pub. L. 95-217, 91 Stat. 156, and Pub. L. 100-4 (33 U.S.C. 1311, 1314, 1316, 1317, and 1361).

SOURCE: 43 FR 17776, Apr. 25, 1978, unless otherwise noted.

§ 455.10 General definitions.

As used in this part:

(a)(1) *Pesticide* means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

(b) *Active ingredient* means an ingredient of a pesticide which is intended to prevent, destroy, repel, or mitigate any pest.

(c) *Pesticide chemicals* means the sum of all active ingredients manufactured at each facility covered by this part.

(d) *Pest* means: (1) Any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except virus, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) of Pub. L. 94-140, Federal Insecticide, Fungicide and Rodenticide Act.

(e) Except as provided in this regulation, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this part.

(f) *Priority Pollutants* means the toxic pollutants listed in 40 CFR part 423, appendix A.

(g) *Appropriate pollution control technology* means the wastewater treatment technology listed in Table 10 to this part 455 for a particular PAI(s) including an emulsion breaking step prior to the listed technology when emulsions are present in the wastewater to be treated.

(h) *Equivalent system* means a wastewater treatment system that is demonstrated in literature, treatability tests or self-monitoring data to remove a similar level of pesticide active ingredient (PAI) or priority pollutants as the applicable appropriate pollution control technology listed in Table 10 to this part 455.

(i) *Formulation* of pesticide products means the process of mixing, blending or diluting one or more pesticide active

ingredients (PAIs) with one or more active or inert ingredients, without an intended chemical reaction to obtain a manufacturing use product or an end use product.

(j) *Group 1 mixtures* means any product whose only pesticidal active ingredient(s) is: a common food/food constituent or non-toxic household item; or is a substance that is generally recognized as safe (GRAS) by the Food and Drug Administration (21 CFR 170.30, 182, 184, and 186) in accordance with good manufacturing practices, as defined by 21 CFR part 182; or is exempt from FIFRA under 40 CFR 152.25.

(k) *Group 2 mixtures* means those chemicals listed in Table 9 to this part 455.

(l) *Inorganic wastewater treatment chemicals* means inorganic chemicals that are commonly used in wastewater treatment systems to aid in the removal of pollutants through physical/chemical technologies such as chemical precipitation, flocculation, neutralization, chemical oxidation, hydrolysis and/or adsorption.

(m) *Interior wastewater sources* means wastewater that is generated from cleaning or rinsing the interior of pesticide formulating, packaging or repackaging equipment; or from rinsing the interior of raw material drums, shipping containers or bulk storage tanks; or cooling water that comes in direct contact with pesticide active ingredients (PAIs) during the formulating, packaging or repackaging process.

(n) *Microorganisms* means registered pesticide active ingredients that are biological control agents listed in 40 CFR 152.20(a)(3) including Eucaryotes (protozoa, algae, fungi), Procaryotes (bacteria), and Viruses.

(o) *Packaging* of pesticide products means enclosing or placing a formulated pesticide product into a marketable container.

(p) *PFPR/Manufacturer* means a pesticide formulating, packaging and repackaging facility that also performs pesticide manufacturing on-site and commingles their PFPR process wastewaters and pesticide manufacturing process wastewaters.

(q) *Pool chemicals* means pesticide products that are intended to disinfect

or sanitize, reducing or mitigating growth or development of micro-biological organisms including bacteria, algae, fungi or viruses in the water of swimming pools, hot tubs, spas or other such areas, in the household and/or institutional environment, as provided in the directions for use on the product label.

(r) *Refilling establishment* means an establishment where the activity of re-packaging pesticide product into refillable containers occurs.

(s) *Repackaging of pesticide products* means the transfer of a pesticide formulation (or PAI) from one container to another without a change in composition of the formulation or the labeling content, for sale or distribution.

(t) *Sanitizer products* means pesticide products that are intended to disinfect or sanitize, reducing or mitigating growth or development of micro-biological organisms including bacteria, fungi or viruses on inanimate surfaces in the household, institutional, and/or commercial environment and whose labeled directions for use result in the product being discharged to Publicly Owned Treatment Works (POTWs). This definition shall also include sanitizer solutions as defined by 21 CFR 178.1010 and pool chemicals as defined in this section (455.10(q)). This definition does not include liquid chemical sterilants (including sporicidals) exempted by §455.40(f) or otherwise, industrial preservatives, and water treatment microbiocides other than pool chemicals.

(u) *Stand-alone PFPR facility* means a PFPR facility where either: No pesticide manufacturing occurs; or where pesticide manufacturing process wastewaters are not commingled with PFPR process wastewaters. Such facilities may formulate, package or repackage or manufacture other non-pesticide chemical products and be considered a "stand-alone" PFPR facility.

[43 FR 17776, Apr. 25, 1978, as amended at 50 FR 40701, Oct. 4, 1985; 51 FR 44911, Dec. 15, 1986; 58 FR 50689, Sept. 28, 1993; 61 FR 57548, Nov. 6, 1996]

Subpart A—Organic Pesticide Chemicals Manufacturing Subcategory

SOURCE: 43 FR 44846, Sept. 29, 1978, unless otherwise noted.

§ 455.11 Compliance date for pretreatment standards for existing sources (PSES).

All discharges subject to pretreatment standards for existing sources (PSES) in subparts A and B of this part must comply with the standards no later than September 28, 1993.

[61 FR 57549, Nov. 6, 1996]

§ 455.20 Applicability; description of the organic pesticide chemicals manufacturing subcategory.

(a) For the purpose of calculating and applying effluent limitations for COD, BOD₅, and TSS, and applying pH limits under BPT (§455.22), BCT (§455.23), and NSPS (§455.25), the provisions of this subpart are applicable to discharges resulting from the manufacture of organic pesticide active ingredients and organo-tin pesticide active ingredients, excluding the following: Allethrin; Benzyl Benzoate; Bisethylxanthogen; Chlorophacinone; Coumafuryl; Dimethyl Phthalate; Diphacinone; Endothall Acid; EXD (Herbisan); Gibberellic Acid; Glyphosate; Naphthalene Acetic Acid; Propargite; 1,8 Naphthalic Anhydride; Quinmethionate; Rotenone; Sulfoxide; Triazine compounds (both symmetrical and asymmetrical); and Warfarin and similar anticoagulants. Provided, however, that the effluent limitations of this subpart for BOD₅ and TSS, but not COD, apply to manufacturers of Ametryn, Prometon, Prometryn, Terbutryn, Cyanazine, Atrazine, Propazine, Simazine, Terbuthylazine, Hexazinone, and Glyphosate.

(b) For the purpose of calculating BPT effluent limitations for organic Pesticide chemicals, the provisions of this subpart are applicable to discharges resulting from the manufacture of the following organic active ingredients: Aldrin, BHC, Captan, Chlordane, DDD, DDE, DDT, Dichloran, Dieldrin, Endosulfan, Endrin, Heptachlor, Lindane, Methoxychlor, Mirex,