

### 5.3.1.3 Effluent Limits/Technology-Based Effluent Limits/Non-Domestic Discharges/ Limitations for Categorical Industries

#### **Applicability:**

Describes basis for effluent limits for Categorical Industries; that is the industrial categories and sub-categories listed in 40 CFR 405 through 471.

#### **Content:**

The U.S. EPA NPDES Permit Writers' Manual, Chapter 5, Section 5.1.3, outlines the use of Effluent Limit Guidelines (ELGs). A summary of that information follows:

To properly use and apply Categorical Guidelines the permit writer must first determine which industrial category(s) applies to the facility being permitted. In determining the appropriate category(s) into which a facility falls, the Standard Industrial Classification (SIC) code is often very helpful. SIC codes were developed and are maintained by the Federal government as a way to classify establishments by type of activity for comparing economic and other types of facility-specific data.

The application form requires that the applicant provide the SIC code for the activity covered by the permit application. In some instances, the SIC code will identify both the industrial category and the subcategory of a particular facility. Often, the SIC code will identify the appropriate industrial category, but may not necessarily identify the subcategory.

Although SIC codes provide a helpful starting point for categorizing a facility, the permit writer should be cautious of relying exclusively on SIC codes for determining the appropriate industrial category. SIC codes were not developed based on EPA's industrial classification scheme, or vice versa, and therefore, may not always correspond exactly with the categorization process. It is also important to note that more than one SIC code may apply to a facility. EPA's Development Documents provide more detailed information on the applicability of the regulations to specific types of facilities. These Development Documents can be found at the Central Office. Some of the Regional Offices may have copies of the documents for industries in their region. Copies can also be obtained from U.S. EPA Region 7.

Technology-based effluent limitations for industrial dischargers are to be developed based upon either effluent limitation guidelines (ELGs) that are officially promulgated by EPA, or (in the absence of a promulgated EPA ELG) through the use of "best professional judgment" (BPJ) of the Permit Writer.

ELGs are summarized in EPA's regulations at 40 CFR 405-471. They also are published individually, in final form, in the Federal Register along with discussions which clarify how the ELGs were developed and how they should be used in writing permits.

Each ELG regulation specifies the Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT) and New Source Performance Standards (NSPS) requirements as well as pretreatment standards for the applicable category or subcategory of industry. New categorical facilities must have the NSPS applied. A remodeled facility does not have NSPS applied unless it is producing a new product that is addressed in a different ELG.

EPA's final Development Documents describe the basic considerations that went into developing the respective ELGs. The statutory basis for these considerations is contained in Section 304 of

the Clean Water Act. These Development Documents are also useful when using Best Professional Judgement in the absence of a promulgated ELG.

### **Legal References:**

*Code of Federal Regulations:*

[40 CFR 405 through 471](#) Subchapter N - Effluent Guidelines and Standards

### **Other Links:**

#### **Key Words:**

Categorical industries, effluent limitation guidelines, ELGs, categorical standards

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