

# Meat and Poultry Products Industrial Point Source Category/Clean Water Act: Center for Biological Diversity U.S. Court of Appeals Petition for Review



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The Center for Biological Diversity (“CBD”) and a number of other organizations filed a December 18th Petition for Review (“Petition”) challenging the United States Environmental Protection Agency’s (“EPA”) determination that:

. . . revision of the effluent limitation guidelines, revision of associated effluent limitations, and promulgation of pretreatment standards for the Meat and Poultry Products industrial point source category (40 C.F.R. Part 432) is not appropriate at this time . . .

The EPA determination had been published in the Federal Register at 84 Fed. Reg. 57,019 on October 24th.

Section 301(b) of the Clean Water Act authorizes the EPA to promulgate national categorical standards or limits to restrict discharges of specific pollutants on an industry-by-industry basis. The effluent limits are derived from research regarding the pollution control technology used in the industry. The analysis would include the degree of reduction of a pollutant that can be achieved through the use of various levels of technology. The applicable standard is dictated by the kind of pollutant discharged (i.e., toxic, conventional, or non-conventional) and whether a new or existing point source is involved.

EPA’s development of categorical effluent limits is in theory an ongoing process. The federal agency continues to promulgate categorical standards for facilities that have not been addressed.

Existing categorical standards are also supposed to be assessed to determine if revisions are warranted. The motivation for a change to an existing standard may be the need to incorporate technological developments in a given industry.

EPA initially promulgated the Meat and Poultry Products Effluent Limitation Guidelines and Standards in 1974. They were amended in 2004. They cover wastewater directly discharged by slaughterhouses, further processors, independent renderers, and poultry processes. Pretreatment requirements are also included.

EPA’s decision to not revise the Meat and Poultry Products Point Source Category was also addressed in a document titled “Preliminary Effluent Guidelines Program Plan 14.”

A copy of the Petition can be downloaded [here](#).