

## § 434.10

- 434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
- 434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
- 434.44 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]
- 434.45 New source performance standards (NSPS).

### Subpart E—Post-Mining Areas

- 434.50 Applicability.
- 434.51 [Reserved]
- 434.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
- 434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
- 434.54 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]
- 434.55 New source performance standards (NSPS).

### Subpart F—Miscellaneous Provisions

- 434.60 Applicability.
- 434.61 Commingling of waste streams.
- 434.62 Alternate effluent limitations for pH.
- 434.63 Effluent limitations for precipitation events.
- 434.64 Procedure and method detection limit for measurement of settleable solids.
- 434.65 Modifications of NPDES Permits for New Sources.

### Subpart G—Coal Remining

- 434.70 Specialized definitions.
- 434.71 Applicability.
- 434.72 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
- 434.73 Effluent limitations attainable by application of the best available technology economically achievable (BAT).
- 434.74 Effluent limitations attainable by application of the best conventional pollutant control technology (BCT).

## 40 CFR Ch. I (7–1–10 Edition)

- 434.75 New source performance standards (NSPS).

### Subpart H—Western Alkaline Coal Mining

- 434.80 Specialized definitions.
- 434.81 Applicability.
- 434.82 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
- 434.83 Effluent limitations attainable by application of the best available technology economically achievable (BAT).
- 434.84 Effluent limitations attainable by application of the best conventional pollutant control technology (BCT). [Reserved]
- 434.85 New source performance standards (NSPS).

APPENDIX A TO PART 434—ALTERNATE STORM LIMITATIONS FOR ACID OR FERRUGINOUS MINE DRAINAGE

APPENDIX B TO PART 434—BASELINE DETERMINATION AND COMPLIANCE MONITORING FOR PRE-EXISTING DISCHARGES AT REMINING OPERATIONS

AUTHORITY: 33 U.S.C. 1311 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361.

SOURCE: 50 FR 41305, Oct. 9, 1985, unless otherwise noted.

### Subpart A—General Provisions

#### § 434.10 Applicability.

This part applies to discharges from any coal mine at which the extraction of coal is taking place or is planned to be undertaken and to coal preparation plants and associated areas.

#### § 434.11 General definitions.

(a) The term “acid or ferruginous mine drainage” means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/l.

(b) The term “active mining area” means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.

(c) The term “alkaline, mine drainage” means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/l.

## Environmental Protection Agency

## § 434.11

(d) The term “bond release” means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.

(e) The term “coal preparation plant” means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

(f) The term “coal preparation plant associated areas” means the coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

(g) The term “coal preparation plant water circuit” means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

(h) The term “mine drainage” means any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area.

(i) The abbreviation “ml/l” means milliliters per liter.

(j)(1) Notwithstanding any other provision of this Chapter, subject to paragraph (j)(2) of this section the term “new source coal mine” means a coal mine (excluding coal preparation plants and coal preparation plant associated areas) including an abandoned mine which is being re-mined.

(i) The construction of which is commenced after May 4, 1984; or

(ii) Which is determined by the EPA Regional Administrator to constitute a “major alteration”. In making this determination, the Regional Administrator shall take into account whether one or more of the following events resulting in a new, altered or increased discharge of pollutants has occurred after May 4, 1984 in connection with the mine for which the NPDES permit is being considered:

(A) Extraction of a coal seam not previously extracted by that mine;

(B) Discharge into a drainage area not previously affected by wastewater discharge from the mine;

(C) Extensive new surface disruption at the mining operation;

(D) A construction of a new shaft, slope, or drift; and

(E) Such other factors as the Regional Administrator deems relevant.

(2) No provision in this part shall be deemed to affect the classification as a new source of a facility which was classified as a new source coal mine under previous EPA regulations, but would not be classified as a new source under this section, as modified. Nor shall any provision in this part be deemed to affect the standards applicable to such facilities, except as provided in § 434.65 of this chapter.

(k) The term “post-mining area” means:

(1) A reclamation area or

(2) The underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

(l) The term “reclamation area” means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

(m) The term “settleable solids” is that matter measured by the volumetric method specified in § 434.64.

(n) The terms “1-year, 2-year, and 10-year, 24-hour precipitation events” means the maximum 24-hour precipitation event with a probable recurrence interval of once in one, two, and ten years respectively as defined by the National Weather Service and Technical Paper No. 40, “Rainfall Frequency Atlas of the U.S.,” May 1961, or equivalent regional or rainfall probability information developed therefrom.

(o) The terms “treatment facility” and “treatment system” mean all structures which contain, convey, and as necessary, chemically or physically treat coal mine drainage, coal preparation plant process wastewater, or drainage from coal preparation plant associated areas, which remove pollutants regulated by this part from such

**§ 434.20**

waters. This includes all pipes, channels, ponds, basins, tanks and all other equipment serving such structures.

(p) The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

(q) The term "controlled surface mine drainage" means any surface mine drainage that is pumped or siphoned from the active mining area.

(r) The term "abandoned mine" means a mine where mining operations have occurred in the past and

(1) The applicable reclamation bond or financial assurance has been released or forfeited or

(2) If no reclamation bond or other financial assurance has been posted, no mining operations have occurred for five years or more.

(s) The term "1-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

(t) The Term "2-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

**Subpart B—Coal Preparation Plants and Coal Preparation Plant Associated Areas**

**§ 434.20 Applicability.**

The provisions of this subpart are applicable to discharges from coal preparation plants and coal preparation plant association areas, as indicated, including discharges which are pumped, siphoned, or drained from the coal preparation plant water circuit

**40 CFR Ch. I (7–1–10 Edition)**

and coal storage, refuse storage, and ancillary areas related to the cleaning or beneficiation of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

**§ 434.21 [Reserved]**

**§ 434.22 Effluent limitation guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

(a) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17, and §§ 434.61, 434.62 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

**BPT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
		Concentration in mg/l
Iron, total .....	7.0	3.5
Manganese, total .....	4.0	2.0
TSS .....	70	35
pH .....	1	1

<sup>1</sup> Within the range of 6.0 to 9.0 at all times.

(b) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17 and §§ 434.61 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment: