

Subpart G—General Provisions**§ 435.70 Applicability.**

(a) *Purpose.* This subpart is intended to prevent oil and gas facilities, for which effluent limitations guidelines and standards, new source performance standards, or pretreatment standards have been promulgated under this part, from circumventing the effluent limitations guidelines and standards applicable to those facilities by moving effluent produced in one subcategory to another subcategory for disposal under less stringent requirements than intended by this part.

(b) *Applicability.* The effluent limitations and standards applicable to an oil and gas facility shall be determined as follows:

(1) An Oil and Gas facility, operator, or its agent or contractor may move its wastewaters from a facility located in one subcategory to another subcategory for treatment and return it to a location covered by the original subcategory for disposal. In such case, the effluent limitations guidelines, new source performance standards, or pretreatment standards for the original subcategory apply.

(2) An Oil and Gas facility, operator, or its agent or contractor may move its wastewaters from a facility located in one subcategory to another subcategory for disposal or treatment and disposal, provided:

(i) If an Oil and Gas facility, operator or its agent or contractor moves wastewaters from a wellhead located in one subcategory to another subcategory where oil and gas facilities are governed by less stringent effluent limitations guidelines, new source performance standards, or pretreatment standards, the more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards applicable to the subcategory where the wellhead is located shall apply.

(ii) If an Oil and Gas facility, operator or its agent moves effluent from a wellhead located in one subcategory to another subcategory where oil and gas facilities are governed by more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards, the more

stringent effluent limitations guidelines, new source performance standards, or pretreatment standards applicable at the point of discharge shall apply.

[61 FR 66129, Dec. 16, 1996]

Subpart H—Coalbed Methane Subcategory [Reserved]**PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY****Subpart A—Dimension Stone Subcategory [Reserved]****Subpart B—Crushed Stone Subcategory**

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436.20 Applicability; description of the crushed stone subcategory.

436.21 Specialized definitions.

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Subpart C—Construction Sand and Gravel Subcategory

436.30 Applicability; description of the construction sand and gravel subcategory.

436.31 Specialized definitions.

436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Industrial Sand Subcategory

436.40 Applicability; description of the industrial sand subcategory.

436.41 Specialized definitions.

436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Gypsum Subcategory

436.50 Applicability; description of the gypsum subcategory.

436.51 Specialized definitions.

436.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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Subpart F—Asphaltic Mineral Subcategory

436.60 Applicability; description of the asphaltic mineral subcategory.
436.61 Specialized definitions.
436.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Asbestos and Wollastonite Subcategory

436.70 Applicability; description of the asbestos and wollastonite subcategory.
436.71 Specialized definitions.
436.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Lightweight Aggregates Subcategory [Reserved]

Subpart I—Mica and Sericite Subcategory [Reserved]

Subpart J—Barite Subcategory

436.100 Applicability; description of the barite subcategory.
436.101 Specialized definitions.
436.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart K—Fluorspar Subcategory

436.110 Applicability; description of the fluorspar subcategory.
436.111 Specialized definitions.
436.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart L—Salines From Brine Lakes Subcategory

436.120 Applicability; description of the salines from brine lakes subcategory.
436.121 Specialized definitions.
436.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart M—Borax Subcategory

436.130 Applicability; description of the borax subcategory.
436.131 Specialized definitions.

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436.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart N—Potash Subcategory

436.140 Applicability; description of the potash subcategory.
436.141 Specialized definitions.
436.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart O—Sodium Sulfate Subcategory

436.150 Applicability; description of the sodium sulfate subcategory.
436.151 Specialized definitions.
436.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart P—Trona Subcategory [Reserved]

Subpart Q—Rock Salt Subcategory [Reserved]

Subpart R—Phosphate Rock Subcategory

436.180 Applicability; description of the phosphate rock subcategory.
436.181 Specialized definitions.
436.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
436.183-436.184 [Reserved]
436.185 Standards of performance for new sources.

Subpart S—Frasch Sulfur Subcategory

436.190 Applicability; description of the Frasch sulfur subcategory.
436.191 Specialized definitions.
436.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart T—Mineral Pigments Subcategory [Reserved]

Subpart U—Lithium Subcategory [Reserved]

Subpart V—Bentonite Subcategory

436.220 Applicability; description of the bentonite subcategory.

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436.221 Specialized definitions.
436.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart W—Magnesite Subcategory

436.230 Applicability; description of the magnesite subcategory.
436.231 Specialized definitions.
436.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart X—Diatomite Subcategory

436.240 Applicability; description of the diatomite subcategory.
436.241 Specialized definitions.
436.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart Y—Jade Subcategory

436.250 Applicability; description of the jade subcategory.
436.251 Specialized definitions.
436.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart Z—Novaculite Subcategory

436.260 Applicability; description of the novaculite subcategory.
436.261 Specialized definitions.
436.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart AA—Fire Clay Subcategory
[Reserved]****Subpart AB—Attapulgite and
Montmorillonite Subcategory [Reserved]****Subpart AC—Kyanite Subcategory
[Reserved]****Subpart AD—Shale and Common Clay
Subcategory [Reserved]****Subpart AE—Aplite Subcategory
[Reserved]****Subpart AF—Tripoli Subcategory**

436.310 Applicability; description of the tripoli subcategory.
436.321 Specialized definitions.
436.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart AG—Kaolin Subcategory
[Reserved]****Subpart AH—Ball Clay Subcategory
[Reserved]****Subpart AI—Feldspar Subcategory
[Reserved]****Subpart AJ—Talc, Steatite, Soapstone and
Pyrophyllite Subcategory [Reserved]****Subpart AK—Garnet Subcategory
[Reserved]****Subpart AL—Graphite Subcategory**

436.380 Applicability; description of the graphite subcategory.
436.381 Specialized definitions.
436.382 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 *et seq.*, Pub. L. 92-500) (the Act).

SOURCE: 40 FR 48657, Oct. 16, 1975, unless otherwise noted.

**Subpart A—Dimension Stone
Subcategory [Reserved]****Subpart B—Crushed Stone
Subcategory**

SOURCE: 42 FR 35849, July 12, 1977, unless otherwise noted.

**§ 436.20 Applicability; description of
the crushed stone subcategory.**

The provisions of this subpart are applicable to the mining or quarrying and the processing of crushed and broken stone and riprap. This subpart includes all types of rock and stone. Rock and stone that is crushed or broken prior to

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the extraction of a mineral are elsewhere covered. The processing of calcite, however, in conjunction with the processing of crushed and broken limestone or dolomite is included in this subpart.

§ 436.21 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities shall be deemed discharges of process generated waste water.

(c) The term "10-year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of crushed and broken stone from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for treatment of such waste water.

40 CFR Ch. I (7-1-25 Edition)**§ 436.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

(a) Except as provided in §§125.30 through 125.32, and subject to the provisions of paragraphs (b) and (c) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
pH	(1)	(1)

¹ Within the range 6.0 to 9.0.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
pH	(1)	(1)

¹ Within the range 6.0 to 9.0.

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitations for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a

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pH limitation outside the range 5.0 to 9.0 be permitted.

[42 FR 35849, July 12, 1977, as amended at 44 FR 76793, Dec. 28, 1979; 60 FR 33967, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart C—Construction Sand and Gravel Subcategory

SOURCE: 42 FR 35850, July 12, 1977, unless otherwise noted.

§ 436.30 Applicability; description of the construction sand and gravel subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for construction or fill uses, except that on-board processing of dredged sand and gravel which is subject to the provisions of 33 CFR part 230 of this chapter will not be governed by the provisions of this subpart.

§ 436.31 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24-hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and At-

mospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of waste without being used for other purposes or combined with other waste water.

§ 436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraphs (b) and (c) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
pH	(1)	(1)

¹ Within the range 6.0 to 9.0.

(2) Mine dewatering discharges shall not exceed the following limitations:

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Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0.

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

[42 FR 35850, July 12, 1977, as amended at 44 FR 76793, Dec. 28, 1979; 60 FR 33967, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart D—Industrial Sand Subcategory

SOURCE: 42 FR 35851, July 12, 1977, unless otherwise noted.

§ 436.40 Applicability; description of the industrial sand subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for uses other than construction and fill. These uses include, but are not limited to glass-making, molding, abrasives, filtration, refractories, and refractory bonding.

§ 436.41 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine

and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for the treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24-hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other waste water.

§ 436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraphs (b) and (c) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

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(1) With the exception of operation using HF flotation, discharges of process waste water pollutants from facilities that recycle waste water, for use in the processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l (¹)	25 mg/l (¹)
pH		

¹ Within the range 6.0 to 9.0.

(2) Except as provided in paragraphs (a) (1) and (3) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Process generated waste water from facilities employing HF flotation shall not exceed the following limitations:

[Metric units, kg/kkg of total product; English units, lb/1,000 lb of total product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.046	0.023
Total fluoride006	.003
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0.

(4) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l (¹)	25 mg/l (¹)
pH		

¹ Within the range 6.0 to 9.0.

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or

would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

[42 FR 35851, July 12, 1977, as amended at 60 FR 33967, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart E—Gypsum Subcategory**§ 436.50 Applicability; description of the gypsum subcategory.**

The provisions of this subpart are applicable to the processing of gypsum.

§ 436.51 Specialized definitions.

For the purpose of this subpart:

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

§ 436.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(a) For operations not employing wet air emissions control scrubbers there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic

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Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33967, June 29, 1995]

Subpart F—Asphaltic Mineral Subcategory**§ 436.60 Applicability; description of the asphaltic mineral subcategory.**

The provisions of this subpart are applicable to the processing of bituminous limestone, oil-impregnated diatomite and oilsonite not primarily as an energy source.

§ 436.61 Specialized definitions.

For the purpose of this subpart:

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

§ 436.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmos-

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pheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33967, June 29, 1995]

Subpart G—Asbestos and Wollastonite Subcategory**§ 436.70 Applicability; description of the asbestos and wollastonite subcategory.**

The provisions of this subpart are applicable to the processing of asbestos and wollastonite.

§ 436.71 Specialized definitions.

For the purpose of this subpart:

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

§ 436.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic

Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33967, June 29, 1995]

Subpart H—Lightweight Aggregates Subcategory [Reserved]**Subpart I—Mica and Sericite Subcategory [Reserved]****Subpart J—Barite Subcategory****§ 436.100 Applicability; description of the barite subcategory.**

The provisions of this subpart are applicable to the processing of barite.

§ 436.101 Specialized definitions.

For the purpose of this subpart:

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

§ 436.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): For operations not employing wet processes or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

[60 FR 33967, June 29, 1995]

Subpart K—Fluorspar Subcategory**§ 436.110 Applicability; description of the fluorspar subcategory.**

The provisions of this subpart are applicable to the processing of fluorspar.

§ 436.111 Specialized definitions.

For the purpose of this subpart:

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

§ 436.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): For operations not employing heavy media separation or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

[60 FR 33967, June 29, 1995]

Subpart L—Salines From Brine Lakes Subcategory**§ 436.120 Applicability; description of the salines from brine lakes subcategory.**

The provisions of this subpart are applicable to the processing of salines from brine lakes.

§ 436.121 Specialized definitions.

For the purpose of this subpart:

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

§ 436.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the

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degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process waste water pollutants into navigable waters.

(b) The limitations specified in paragraph (a) of this section shall be applied on a net basis if the discharge is in compliance with § 125.28 of this chapter “the source of the applicant’s water supply is the same body of water into which the discharge is made * * *”.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart M—Borax Subcategory**§ 436.130 Applicability; description of the borax subcategory.**

The provisions of this subpart are applicable to the processing of borate minerals. Borax obtained from brine lakes is regulated in the salines from brine lakes subcategory (subpart L of this part).

§ 436.131 Specialized definitions.

For the purpose of this subpart:

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

§ 436.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment.

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The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart N—Potash Subcategory

AUTHORITY: Sec. 306, Federal Water Pollution Control Act, as amended.

§ 436.140 Applicability; description of the potash subcategory.

The provisions of this subpart are applicable to the processing of potash. Potash obtained from brine lakes is regulated in the saline from brine lakes subcategory (subpart L of this part).

§ 436.141 Specialized definitions.

For the purpose of this subpart:

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

§ 436.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment.

The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart O—Sodium Sulfate Subcategory

§ 436.150 Applicability; description of the sodium sulfate subcategory.

The provisions of this subpart are applicable to the processing of sodium sulfate. Sodium sulfate obtained from brine lakes is regulated in the salines from brine lakes subcategory (subpart L of this part).

§ 436.151 Specialized definitions.

For the purpose of this subpart:

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

§ 436.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater

than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart P—Trona Subcategory [Reserved]

Subpart Q—Rock Salt Subcategory [Reserved]

Subpart R—Phosphate Rock Subcategory

AUTHORITY: Sec. 306, Federal Water Pollution Control Act, as amended.

§ 436.180 Applicability; description of the phosphate rock subcategory.

The provisions of this subpart are applicable to the mining and the processing of phosphate bearing rock, ore or earth for the phosphate content.

[43 FR 9809, Mar. 10, 1978]

§ 436.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR part 401 shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator.

(c) The term "10-year 24-hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground,

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actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond lagoon, mine, or other facility used for settling or treatment of such waste water.

[43 FR 9809, Mar. 10, 1978]

§436.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(1) Discharges of process generated waste water and mine dewatering discharges, shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	60 mg/l (¹)	30 mg/l (¹)
pH		

¹ Within the range 6.0 to 9.0.

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

[42 FR 35852, July 12, 1977, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

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§§ 436.183-436.184 [Reserved]

§ 436.185 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available demonstrated control technology.

(1) Discharges of process generated waste water and mine dewatering discharges, shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	60 mg/l (¹)	30 mg/l (¹)
pH		

¹ Within the range 6.0 to 9.0.

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

[43 FR 9810, Mar. 10, 1978]

Subpart S—Frasch Sulfur Subcategory

§ 436.190 Applicability; description of the Frasch sulfur subcategory.

The provisions of this subpart are applicable to the processing of sulfur on shore and in marshes and estuaries by the Frasch process. Not covered are sulfur refining operations that are not performed at the mining and collection site.

§ 436.191 Specialized definitions.

For the purpose of this subpart:

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

Environmental Protection Agency**§ 436.232****§ 436.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section for operations mining anhydrite deposits, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart T—Mineral Pigments Subcategory [Reserved]**Subpart U—Lithium Subcategory [Reserved]****Subpart V—Bentonite Subcategory****§ 436.220 Applicability; description of the bentonite subcategory.**

The provisions of this subpart are applicable to the processing of bentonite.

§ 436.221 Specialized definitions.

For the purpose of this subpart:

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

§ 436.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process generated waste water pollutants into navigable waters.

[60 FR 33968, June 29, 1995]

Subpart W—Magnesite Subcategory**§ 436.230 Applicability; description of the magnesite subcategory.**

The provisions of this subpart are applicable to the processing of naturally occurring magnesite ore.

§ 436.231 Specialized definitions.

For the purpose of this subpart:

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

§ 436.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment.

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The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart X—Diatomite Subcategory

§ 436.240 Applicability; description of the diatomite subcategory.

The provisions of this subpart are applicable to the processing of diatomite.

§ 436.241 Specialized definitions.

For the purpose of this subpart:

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

§ 436.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

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pheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33968, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart Y—Jade Subcategory

§ 436.250 Applicability; description of the jade subcategory.

The provisions of this subpart are applicable to the processing of jade.

§ 436.251 Specialized definitions.

For the purpose of this subpart:

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

§ 436.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33969, June 29, 1995; 60 FR 35796, July 11, 1995]

Environmental Protection Agency**§ 436.322****Subpart Z—Novaculite Subcategory****§ 436.260 Applicability; description of the novaculite subcategory.**

The provisions of this subpart are applicable to the processing of novaculite.

§ 436.261 Specialized definitions.

For the purpose of this subpart:

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

§ 436.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33969, June 29, 1995; 60 FR 35796, July 11, 1995]

Subpart AA—Fire Clay Subcategory [Reserved]**Subpart AB—Attapulgite and Montmorillonite Subcategory [Reserved]****Subpart AC—Kyanite Subcategory [Reserved]****Subpart AD—Shale and Common Clay Subcategory [Reserved]****Subpart AE—Aplite Subcategory [Reserved]****Subpart AF—Tripoli Subcategory****§ 436.310 Applicability; description of the tripoli subcategory.**

The provisions of this subpart are applicable to the processing of tripoli.

§ 436.321 Specialized definitions.

For the purpose of this subpart:

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

§ 436.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): For operations not employing wet processes there shall be no discharge of process generated waste water pollutants into navigable waters.

[60 FR 33969, June 29, 1995]

Subpart AG—Kaolin Subcategory [Reserved]**Subpart AH—Ball Clay Subcategory [Reserved]**

§ 436.380**Subpart AI—Feldspar Subcategory
[Reserved]****Subpart AJ—Talc, Steatite, Soapstone and Pyrophyllite Subcategory [Reserved]****Subpart AK—Garnet Subcategory
[Reserved]****Subpart AL—Graphite Subcategory****§ 436.380 Applicability; description of the graphite subcategory.**

The provisions of this subpart are applicable to the mining and processing of naturally occurring graphite.

§ 436.381 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "mine drainage" shall mean any water drained, pumped or siphoned from a mine.

§ 436.382 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	20 mg/l	10 mg/l
Total Fe	2 mg/l	1 mg/l
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0.

(b) Only that volume of water resulting from precipitation that exceeds the

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maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[40 FR 48657, Oct. 16, 1975, as amended at 60 FR 33969, June 29, 1995; 60 FR 35796, July 11, 1995]

PART 437—THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY

Sec.

- 437.1 General applicability.
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Subpart A—Metals Treatment and Recovery

- 437.10 Applicability.
- 437.11 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
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- 437.13 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).
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Subpart B—Oils Treatment and Recovery

- 437.20 Applicability.
- 437.21 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
- 437.22 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).
- 437.23 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).
- 437.24 New source performance standards (NSPS).
- 437.25 Pretreatment standards for existing sources (PSES).