

§ 436.20

40 CFR Ch. I (7-1-03 Edition)

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 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.

**§ 436.22 Effluent limitations guidelines
representing the degree of effluent
reduction attainable by the applica-
tion 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):

Environmental Protection Agency

§ 436.31

(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 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 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 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