

mine drainage waters which is in excess of the make up water required for operation of the beneficiation process. The concentration of pollutants in process wastewaters discharged from an open-cut mine plant site shall not exceed:

Effluent characteristics	Effluent limitations—Instantaneous maximum
Settleable solids .....	0.2 ml/l

(b) The volume of process wastewater which may be discharged from a dredge plant site shall not exceed the volume of infiltration, drainage and mine drainage waters which is in excess of the make up water required for operation of the beneficiation process. The concentration of pollutants in process wastewater discharged from a dredge plant site shall not exceed:

Effluent characteristics	Effluent limitations—Instantaneous maximum
Settleable solids .....	0.2 ml/l

(c) Notwithstanding any other provision of this chapter, the Regional Administrator or Director of a State agency with authority to administer the NPDES program shall in designating new source gold placer mines, take into account and base the decision on whether one or more of the following factors has occurred after May 24, 1988.

- (1) The mine will operate outside of the permit area which is covered by a currently valid NPDES Permit.
- (2) The mine significantly alters the nature or quantity of pollutants discharged.
- (3) The mine discharges into a stream into which it has not discharged under its currently valid NPDES permit.
- (4) The mine will operate in a permit area that has not been mined during the term of the currently valid NPDES permit.
- (5) Such other factors as the Regional Administrator or state Director deems relevant.

§§ 440.145–440.147 [Reserved]

**§ 440.148 Best Management Practices (BMP).**

The following best management practices are specific requirements which shall be included in each NPDES permit for all mining operations regulated under this subpart to the greatest extent applicable in each such mining operation.

(a) *Surface water diversion:* The flow of surface waters into the plant site shall be interrupted and these waters diverted around and away from incursion into the plant site.

(b) *Berm construction:* Berms, including any pond walls, dikes, low dams and similar water retention structures shall be constructed in a manner such that they are reasonably expected to reject the passage of water.

(c) *Pollutant materials storage:* Measures shall be taken to assure that pollutant materials removed from the process water and wastewater streams will be retained in storage areas and not discharged or released to the waters of the United States.

(d) *New water control:* The amount of new water allowed to enter the plant site for use in ore processing shall be limited to the minimum amount required as make-up water for processing operations.

(e) *Maintenance of water control and solids retention devices:* All water control devices such as diversion structures and berms and all solids retention structures such as berms, dikes, pond structures and dams shall be maintained to continue their effectiveness and to protect from unexpected and catastrophic failure.

**PART 442—TRANSPORTATION EQUIPMENT CLEANING POINT SOURCE CATEGORY**

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- 442.11 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
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**Subpart B—Rail Tank Cars Transporting Chemical and Petroleum Cargos**

- 442.20 Applicability.
- 442.21 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
- 442.22 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).
- 442.23 Effluent limitations attainable by the application of best available technology economically achievable (BAT).
- 442.24 New source performance standards (NSPS).
- 442.25 Pretreatment standards for existing sources (PSES).
- 442.26 Pretreatment standards for new sources (PSNS).

**Subpart C—Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos**

- 442.30 Applicability.
- 442.31 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
- 442.32 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).
- 442.33 Effluent limitations attainable by the application of best available technology economically achievable (BAT).
- 442.34 New source performance standards (NSPS).
- 442.35 Pretreatment standards for existing sources (PSES).
- 442.36 Pretreatment standards for new sources (PSNS).

**Subpart D—Tanks Transporting Food Grade Cargos**

- 442.40 Applicability.
- 442.41 Effluent limitations attainable by the application of the best practicable con-

- trol technology currently available (BPT).
- 442.42 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).
- 442.43 Effluent limitations attainable by the application of best available technology economically achievable (BAT). [Reserved]
- 442.44 New source performance standards (NSPS).

AUTHORITY: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342 and 1361.

SOURCE: 65 FR 49700, Aug. 14, 2000, unless otherwise noted.

**§ 442.1 General applicability.**

(a) As defined more specifically in each subpart, and except for discharges specified in paragraph (b) of this section, this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos. This part does not apply to facilities that clean only the exteriors of transportation equipment. Operations which may be subject to this part typically are reported under a wide variety of Standard Industrial Classification (SIC) codes. Several of the most common SIC codes include: SIC 7699, SIC 4741, or SIC 4491 (1987 SIC Manual).

(b) This part is not applicable to the following discharges:

(1) Wastewaters associated with tank cleanings operated in conjunction with other industrial, commercial, or Publicly Owned Treatment Works (POTW) operations, provided that the cleaning is limited to tanks that previously contained raw materials, by-products, or finished products that are associated with the facility's on-site processes.

(2) Wastewaters resulting from cleaning the interiors of drums, intermediate bulk containers, or closed-top hoppers.

(3) Wastewater from a facility that discharges less than 100,000 gallons per year of transportation equipment cleaning process wastewater.

**§ 442.2 General definitions.**

(a) In addition to the general definitions and abbreviations at 40 CFR part 401, the following definitions shall apply to this part:

*Chemical cargos* mean, but are not limited to, the following: latex, rubber,