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in production, and well treatment in the oil and gas extraction industry.

§ 435.61 Specialized definitions.

For the purpose of this subpart:

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

(b) The term “onshore” shall mean all land areas landward of the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg).

(c) The term “well” shall mean crude oil producing wells and shall not include gas wells or wells injecting water for disposal or for enhanced recovery of oil or gas.

(d) The term “gas well” shall mean any well which produces natural gas in a ratio to the petroleum liquids produced greater than 15,000 cubic feet of gas per 1 barrel (42 gallons) of petroleum liquids.

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

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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]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Subpart A—Dimension Stone Subcategory [Reserved]

Subpart B—Crushed Stone Subcategory

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- 436.140 Applicability; description of the potash subcategory.
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attainable by the application of the best practicable control technology currently available.

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436.240 Applicability; description of the diatomite subcategory.

436.241 Specialized definitions.

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436.250 Applicability; description of the jade subcategory.

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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—Attapulgitite 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).

Environmental Protection Agency

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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 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)