

Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by a pharmaceutical research operation from a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

(1) The allowable discharge for the pollutant parameters BOD₅ and COD shall be expressed in mass per unit time and shall represent the specified wastewater treatment efficiency in terms of a residual discharge associated with an influent to the wastewater treatment plant corresponding to the maximum research effort for a given pharmaceutical plant.

(2) The allowable effluent discharge limitation for the daily average mass of BOD₅ in any calendar month shall specifically reflect not less than 90 percent reduction in the long term daily average raw waste content of BOD₅ multiplied by a variability factor of 3.0.

(3) The allowable effluent discharge limitation for the daily average mass of COD in any calendar month shall specifically reflect not less than 74 percent

reduction in the long term daily average raw waste content of COD multiplied by a variability factor of 2.2.

(4) The long term daily average raw waste load for the pollutant BOD₅ and COD is defined as the average daily mass of each pollutant influent to the wastewater treatment system over a 12 consecutive month period within the most recent 36 months.

(5) To assure equity in regulating discharges from the point sources covered by this subpart of the point source category, calculation of raw waste loads of BOD₅ and COD for the purpose of determining NPDES permit limitations (i.e., the base numbers to which the percent reductions are applied) shall exclude any waste load associated with solvents in those raw waste loads; *Provided*, That residual amounts of solvents remaining after the practice of recovery and/or separate disposal or reuse may be included in calculation of raw waste loads. These practices of removal, disposal or reuse include recovery of solvents from waste streams and incineration of concentrated solvent waste streams (including tar still bottoms). This regulation does not prohibit inclusion of such wastes in the raw waste loads in fact, nor does it mandate any specific practice, but rather describes the rationale for determining the permit conditions. These limits may be achieved by any one of several or a combination thereof programs and practices.

(6) The average of daily TSS values for any calendar month shall not exceed 52 mg/l.

(7) The pH shall be within the range of 6.0 to 9.0 standard units.

PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY

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SOURCE: 40 FR 51730, Nov. 6, 1975, unless otherwise noted.

Subpart A—Iron Ore Subcategory

§ 440.10 Applicability; description of the iron ore subcategory.

The provisions of this subpart are applicable to discharges from (a) mines operated to obtain iron ore, regardless of the type of ore or its mode of occurrence (b) mills beneficiating iron ores by physical and chemical separation and mills beneficiating iron ores by only physical (not magnetic) methods; and (c) mills beneficiating iron ores by magnetic and physical separation.

§ 440.11 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 "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as

defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

(g) The effluent characteristic "Fe (filtrable)" shall be measured by the atomic absorption or colorimetric method in accordance with the procedure discussed in "Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971, pg. 191, or an equivalent method.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the En-

vironmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain iron ore 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— |
| Milligrams per liter | | |
| TSS | 30 | 20 |
| Fe (filtrable) | 2.0 | 1.0 |
| pH | Within the range 6.0 to 9.0 | |

(2) The quantity of pollutants or pollutant properties discharged from mills that employ chemical and physical methods to beneficiate iron ore and mills that employ only physical (not magnetic) methods to beneficiate iron ore 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— |
| Milligrams per liter | | |
| TSS | 30 | 20 |
| Fe (filtrable) | 2.0 | 1.0 |
| H | Within the range 6.0 to 9.0 | |

(3) There shall be no discharge of pollutants from mills that employ magnetic and physical methods to beneficiate iron ore.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (2) of this section.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10-year, 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart B—Base and Precious Metals Subcategory

§ 440.20 Applicability; description of the base and precious metals subcategory.

The provisions of this subpart are applicable to discharges from (a) mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits; (b) mills which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores or silver ores or any combination of these ores; (c) mines and mills which employ dump, heap, in-situ leach or vat-leach processes for the extraction of copper from ores or ore waste materials; (d) mills which extract gold or silver by the cyanidation process

alone; (e) mills which extract gold or silver by the amalgamation process alone; and (f) mines or mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation methods, (this includes placer or dredge mining or concentrating operations, and hydraulic mining operations).

§ 440.21 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cu..... | 0.10..... | 0.05 |
| Zn..... | 1.0..... | 0.5 |
| Pb..... | 0.4..... | 0.2 |
| Hg..... | 0.002..... | 0.001 |
| pH..... | Within the range 6.0 to 9.0. | |

(2) The quantity of pollutants or pollutant properties discharged from mills which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores, or silver ores or any combination of these ores 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 |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cu..... | 0.1..... | 0.05 |
| Zn..... | 0.4..... | 0.2 |
| Pb..... | 0.4..... | 0.2 |
| Hg..... | 0.002..... | 0.001 |
| Cd..... | 0.10..... | 0.05 |
| CN..... | 0.02..... | 0.01 |
| pH..... | Within the range 6.0 to 9.0. | |

(3) There shall be no discharge of pollutants from mines and mills which employ dump, heap, insitu leach or vat-leach processes for the extraction of copper from ores or ore waste materials.

In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the

annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (2) of this section.

(4) There shall be no discharge of pollutants from mills which extract gold or silver by use of the cyanidation process alone.

In the event that the annual precipitation falling on the treatment system exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and annual evaporation may be discharged subject to the provisions set forth in paragraph (a) (2) of this section.

(5) The quantity of pollutants or pollutant properties from mills which extract gold or silver by use of the amalgamation process alone 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cu..... | 0.10..... | 0.05 |
| Zn..... | 0.4..... | 0.2 |
| Hg..... | 0.002..... | 0.001 |
| pH..... | Within the range 6.0 to 9.0. | ----- |

(6) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mine and mill complexes beneficiating gold ores, silver ores, tin ores or platinum ores by gravity separation methods (including mining of placer deposits, dredge mining and hydraulic mining operations) 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— |
| Milligrams per liter | | |
| TSS..... | 50..... | 30 |
| pH..... | Within the range 6.0 to 9.0. | ----- |

(7) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) through (a) (6) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart C—Bauxite Subcategory

§ 440.30 Applicability; description of the bauxite subcategory.

The provisions of this subpart are applicable to discharges from facilities engaged in the mining of bauxite and other aluminum ores.

§ 440.31 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores

from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will

make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing bauxite and other aluminum ores 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Fe..... | 1.0..... | 0.5 |
| Zn..... | 0.2..... | 0.1 |
| Al..... | 1.2..... | 0.6 |
| pH..... | Within the range 6.0 to 9.0. | |

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart D—Ferroalloy Ores Subcategory

§ 440.40 Applicability; description of the ferroalloy ores subcategory.

The provisions of this subpart are applicable to discharges from (a) mines

producing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year; (b) mines and mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching; (c) mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media and gravity separation, and magnetic and electrostatic separation; (d) mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods, and (e) mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques. Ferroalloy metals include: chromium, cobalt, columbium, tantalum, manganese, molybdenum, nickel, tungsten and vanadium (recovered alone and not as a by-product of uranium mining and mills).

§ 440.41 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S." May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary opera-

tions and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the En-

vironmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy bearing ores per year 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cd..... | 0.10..... | 0.05 |
| Cu..... | 0.10..... | 0.05 |
| Zn..... | 1.0..... | 0.5 |
| Pb..... | 0.4..... | 0.2 |
| As..... | 1.0..... | 0.5 |
| pH..... | Within the range 6.0 to 9.0..... | |

(2) The quantity of pollutants or pollutant properties discharged in mine drainage from mines or discharged from mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching 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— |
| Milligrams per liter | | |
| TSS..... | 50..... | 30 |
| pH..... | Within the range 6.0 to 9.0..... | |

(3) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media

separation, and magnetic and electrostatic separation 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cd..... | 0.10..... | 0.05 |
| Cu..... | 0.10..... | 0.05 |
| Zn..... | 0.4..... | 0.2 |
| As..... | 1.0..... | 0.5 |
| pH..... | Within the range 6.0 to 9.0..... | |

(4) The quantity of pollutants or pollutant properties discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cd..... | 0.10..... | 0.05 |
| Cu..... | 0.10..... | 0.05 |
| Zn..... | 0.4..... | 0.2 |
| CN..... | 0.10..... | 0.05 |
| As..... | 1.0..... | 0.5 |
| COD..... | 100..... | 50 |
| pH..... | Within the range 6.0 to 9.0..... | |

(5) The quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Cd..... | 0.10..... | 0.05 |
| Cu..... | 0.10..... | 0.05 |
| Zn..... | 0.4..... | 0.2 |
| As..... | 1.0..... | 0.5 |
| Ammonia..... | 60..... | 30 |
| pH..... | Within the range 6.0 to 9.0..... | |

(6) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) through (a)(5) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart E—Uranium, Radium and Vanadium Ores Subcategory

§ 440.50 Applicability; description of the uranium, radium and vanadium ores subcategory.

The provisions of this subpart are applicable to discharges from (a) mines, either open-pit or underground, from which uranium, radium and vanadium ore are produced; and (b) mills using the acid leach, alkaline leach, or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium. Only vanadium by-product production from uranium ores is covered under this subpart.

§ 440.51 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or

rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

(g) The effluent characteristic "U" shall be measured by the procedure discussed in the "HASL Procedural Manual," edited by John H. Harley, HASL 300 Health and Safety Laboratory, U.S. Atomic Energy Commission, 1973, pg. EU-03, or an equivalent method.

(h) The effluent characteristic "Ra226" shall be measured by Method 305 "Radium 226 in Water" in accordance with the procedure discussed for total Radium 226 in "Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971, pg. 617, or an equivalent method.

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

In establishing the limitations set forth in this section, EPA took into ac-

count all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, from which uranium, radium and vanadium ores are produced 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— |
| | Milligrams per liter | |
| TSS..... | 30..... | 20 |
| Cd..... | 0.10..... | 0.05 |
| Zn..... | 1.0..... | 0.5 |
| As..... | 1.0..... | 0.5 |
| Ra ²²⁶ | 10..... | 3 |
| U..... | 4..... | 2 |
| COD..... | 200..... | 100 |
| pH..... | Within the range 6.0 to 9.0. | |

¹ Values in picocuries per liter.

(2) There shall be no discharge of pollutants from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium.

(i) In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) and (a) (2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

Subpart F—Mercury Ore Subcategory**§ 440.60 Applicability; description of the mercury ore subcategory.**

The provisions of this subpart are applicable to discharges from (a) mines, either open-pit or underground, operated for the production of mercury ores; and (b) mills beneficiating mercury ores by gravity separation methods or by froth-fotation methods.

§ 440.61 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 "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas #2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or method or the secondary recovery of metal ores from storage piles derived from the mining; cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental

Data Services, June 1968 or equivalent regional rainfall and evaporation data.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines, either open-pit or underground, operated for the production of mercury ores 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— |
| | Milligrams per liter | |
| TSS..... | 30..... | 20 |
| Hg..... | 0.002..... | 0.001 |
| Ni..... | 0.2..... | 0.1 |
| pH..... | Within the range 6.0 to 9.0. | |

(2) There shall be no discharge of pollutants from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

(i) In the event that the annual precipitation falling on the treatment system and its associated drainage area exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment system and its associated drainage area and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) (1) of this section.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a) (1) and (a) (2) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall

not be subject to the limitations set forth in this section.

Subpart G—Titanium Ore Subcategory

§ 440.70 Applicability; description of the titanium ore subcategory.

The provisions of this subpart are applicable to discharges from (a) mines obtaining titanium ores from lode deposits; (b) mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods; and (c) mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, and other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods).

§ 440.71 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "ten year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and NOAA Atlas No. 2, "Precipitation-Frequency Atlas of the Western United States," 1973, or equivalent regional or rainfall probability information developed therefrom.

(c) The term "mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the extraction of metal ores from natural deposits by any means or methods or the secondary recovery of metal ores from storage piles derived from the mining, cleaning or concentration of metal ores.

(d) The term "mine drainage" shall mean any water drained, pumped or siphoned from an ore mine.

(e) The term "mill" shall mean a preparation facility within which the metal ore is cleaned, concentrated or otherwise processed prior to shipping to the consumer, refiner, smelter or manufacturer. A mill includes all ancillary operations and structures necessary for the cleaning, concentrating or other

processing of the metal ore such as ore and gangue storage areas, and loading facilities.

(f) The terms "annual precipitation" and "annual evaporation" mean the mean annual precipitation and mean annual lake evaporation respectively, as defined in the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968 or equivalent regional rainfall and evaporation data.

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

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or dis-

approve such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant 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 practicable control technology currently available:

(1) The quantity of pollutants or pollutant properties discharged in mine drainage from mines obtaining titanium ores from lode deposits 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-- |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Fe..... | 2.0..... | 1.0 |
| pH..... | Within the range 6.0 to 9.0. | |

(2) The quantity of pollutants or pollutant properties discharged from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods shall not exceed the following limitations:

| Effluent characteristic | Effluent limitations | |
|-------------------------|------------------------------|--|
| | Maximum for and 1 day | Average of daily values for 30 consecutive days shall not exceed-- |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Fe..... | 0.2..... | 0.1 |
| Zn..... | 0.4..... | 0.2 |
| Ni..... | 0.2..... | 0.1 |
| pH..... | Within the range 6.0 to 9.0. | |

(3) The quantity of pollutants or pollutant properties discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, or other heavy metals, and the milling techniques employed in conjunction with the dredge mining ac-

tivity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods) 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— |
| Milligrams per liter | | |
| TSS..... | 30..... | 20 |
| Fe..... | 2..... | 1 |
| COD..... | 30..... | 15 |
| pH..... | Within the range 6.0 to 9.0. | |

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity or quality of each pollutant or pollutant property in the combined discharge that is subject to the limitations set forth in paragraphs (a)(1) and (a)(3) of this section shall not exceed the quantity or quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to contain or treat as applicable all process generated waste water and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

PART 443—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE PAVING AND ROOFING MATERIALS (TARS AND ASPHALT) POINT SOURCE CATEGORY

Subpart A—Asphalt Emulsion Subcategory

- Sec.
443.10 Applicability; description of the asphalt emulsion subcategory.
443.11 Specialized definitions.
443.12 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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443.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
443.14 [Reserved]
443.15 Standards of performance for new sources.
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Subpart B—Asphalt Concrete Subcategory

- 443.20 Applicability; description of the asphalt concrete subcategory.
443.21 Specialized definitions.
443.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
443.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
443.24 [Reserved]
443.25 Standards of performance for new sources.
443.26 Pretreatment standard for new sources.

Subpart C—Asphalt Roofing Subcategory

- 443.30 Applicability; description of the asphalt roofing subcategory.
443.31 Specialized definitions.
443.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
443.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
443.34 [Reserved]
443.35 Standards of performance for new sources.
443.36 Pretreatment standard for new sources.

Subpart D—Linoleum and Printed Asphalt Felt Subcategory

- 443.40 Applicability; description of the linoleum and printed asphalt felt subcategory.
443.41 Specialized definitions.
443.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
443.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
443.44 [Reserved]