

nable cyanide limit may apply in place of the total cyanide limit specified in paragraph (a) of this section:

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
Cyanide (A).....	0.86	0.32

(c) No user subject to the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.

[48 FR 32485, July 15, 1983; 48 FR 43682, Sept. 26, 1983]

**§ 433.17 Pretreatment standards for new sources (PSNS).**

(a) Except as provided in 40 CFR 403.7, any new source subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

**PSNS**

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
Cadmium (T).....	0.11	0.07
Chromium (T).....	2.77	1.71
Copper (T).....	3.38	2.07
Lead (T).....	0.69	0.43
Nickel (T).....	3.98	2.38
Silver (T).....	0.43	0.24
Zinc (T).....	2.61	1.48
Cyanide (T).....	1.20	0.65
TTO.....	2.13	.....

(b) Alternatively, for industrial facilities with cyanide treatment, and upon agreement between a source subject to these limits and the pollution control authority, the following amenable cyanide limit may apply in place of the total cyanide limit specified in paragraph (a) of this section:

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
Cyanide (A).....	0.86	0.32

(c) No user subject to the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.

(d) An existing source submitting a certification in lieu of monitoring pursuant to § 433.12 (a) and (b) of this regulation must implement the toxic organic management plan approved by the control authority.

[48 FR 32485, July 15, 1983; 48 FR 43682, Sept. 26, 1983]

**PART 434—COAL MINING POINT SOURCE CATEGORY; BPT, BAT, BCT LIMITATIONS AND NEW SOURCE PERFORMANCE STANDARDS**

**Subpart A—General Provisions**

Sec.

- 434.10 Applicability.
- 434.11 General definitions.

**Subpart B—Coal Preparation Plant and Coal Preparation Plant Associated Areas**

- 434.20 Applicability.
- 434.21 [Reserved]
- 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
- 434.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
- 434.24 [Reserved]
- 434.25 New source performance standards (NSPS).

**Subpart C—Acid or Ferruginous Mine Drainage**

- 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.
- 434.31 [Reserved]

Sec.

- 434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
- 434.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
- 434.34 [Reserved]
- 434.35 New source performance standards (NSPS).

**Subpart D—Alkaline Mine Drainage**

- 434.40 Applicability; description of the alkaline mine drainage subcategory.
- 434.41 [Reserved]
- 434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
- 434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
- 434.44 [Reserved]
- 434.45 New source performance standards (NSPS).

**Subpart E—Post-Mining Areas**

- 434.50 Applicability; the provisions of this subpart are applicable to discharges from post-mining areas.
- 434.51 [Reserved]
- 434.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
- 434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
- 434.54 [Reserved]
- 434.55 New source performance standards (NSPS).

**Subpart F—Miscellaneous Provisions**

- 434.60 Applicability.
- 434.61 Commingling of waste streams.
- 434.62 Alternate effluent limitation for pH.
- 434.63 Effluent limitations for precipitation events.
- 434.64 Determination of settleable solids.

**AUTHORITY:** Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972,

as amended by the Clean Water Act of 1977), (the "Act"); 33 U.S.C. 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

**SOURCE:** 47 FR 45393, Oct. 13, 1982, unless otherwise noted.

**Subpart A—General Provisions**

**§ 434.10 Applicability.**

This part applies to discharges from any coal mine at which the extraction of coal is taking place or is planned to be undertaken and to coal preparation plants and associated areas.

**§ 434.11 General definitions.**

(a) The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or more than 10 mg/l.

(b) The term "active mining area" means the areas, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.

(c) The term "alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or more than 6.0 and a total iron concentration of less than 10 mg/l.

(d) The term "bond release" means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.

(e) The term "coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

(f) The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.

(g) The term "coal preparation plant water circuit" means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

(h) The term "mine drainage" means any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area.

(i) The abbreviation "ml/l" means milliliters per liter.

(j)(1) Subject to paragraph (j)(2) of this section, the term "new source coal mine" means a coal mine (excluding coal preparation plants and coal preparation plant associated areas):

(i) The construction of which is commenced after May 29, 1981 (the date of publication of the proposal of these regulations); or

(ii) Which is determined by the EPA Regional Administrator to constitute a "major alteration." In making this determination, the Regional Administrator shall take into account the occurrence of one or more of the following events, in connection with the mine for which the NPDES permit is being considered, after the date of proposal of applicable new source performance standards:

(A) A mine operation initiates extraction of a coal seam not previously extracted by that mine;

(B) A mine operation discharges into a drainage area not previously affected by wastewater discharges from the mine;

(C) A mine operation causes extensive new surface disruption;

(D) A mine operation initiates construction of a new shaft, slope, or drift;

(E) A mine operation acquires additional land or mineral rights;

(F) A mine operation makes significant capital investment in additional equipment or additional facilities; and

(G) Such other factors as the Regional Administrator deems relevant.

(2) No provision in this part shall be deemed to affect the classification as a new source, pursuant to EPA's promulgation of January 13, 1981 (46 FR 3136), of a coal mine on which construction began prior to May 29, 1981.

(k) The term "post-mining area" means: (1) A reclamation area or (2) the underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

(l) The term "reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

(m) The term "settleable solids" is that matter measured by the volumetric method specified in § 434.64.

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

(o) The terms "treatment facility" and "treatment system" mean all structures which contain, convey, and as necessary, chemically or physically treat coal mine drainage, coal preparation plant process wastewater, or drainage, from coal preparation plant associated areas, which remove pollutants regulated by this part from such waters. This includes all pipes, channels, ponds, basins, tanks and all other equipment serving such structures.

[47 FR 45393, Oct. 13, 1982; 48 FR 50321, Nov. 1, 1983]

### **Subpart B—Coal Preparation Plant and Coal Preparation Plant Associated Areas**

#### **§ 434.20 Applicability.**

The provisions of this subpart are applicable to discharges from coal preparation plants and coal preparation plant associated areas, as indicated, including discharges which are pumped, siphoned, or drained from the coal preparation plant water circuit and coal storage, refuse storage, and ancillary areas related to the cleaning or beneficiation of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

**§ 434.21 [Reserved]**

**§ 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

(a) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17, and §§ 434.61, 434.62 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

**BPT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	7.0	3.5
Manganese, total .....	4.0	2.0
TSS .....	70	35
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range of 6.0 to 9.0 at all times.

(b) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17, and §§ 434.61 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment:

**BPT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	7.0	3.5
TSS .....	70	35
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range of 6.0 to 9.0 at all times.

[47 FR 45393, Oct. 13, 1982]

**§ 434.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).**

(a) Except as provided in 40 CFR 125.30 through 125.32, and §§ 434.61, 434.62 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best available technology economically achievable if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

**BAT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	7.0	3.5
Manganese, total .....	4.0	2.0

(b) Except as provided in 40 CFR 125.30 through 125.32, and §§ 434.61 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best available technology economically achievable if discharges

from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment:

**BAT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	7.0	3.5

§ 434.24 [Reserved]

§ 434.25 New source performance standards (NSPS).

The following new source performance standards (NSPS) shall be achieved by any new source coal preparation plant and coal preparation plant associated areas, as indicated:

(a) Except as provided in paragraph (b) of this section, for new source coal preparation plants, there shall be no discharge of process wastewater pollutants from the coal preparation plant water circuit to surface waters.

(b) An occasional discharge or purge of pollutants may occur when necessary to reduce the concentration of solids or process chemicals in the water circuit to a level which would not interfere with the preparation process or process equipment, provided that:

(1) Advance written notice must be submitted to the permitting authority and the permitting authority does not disapprove the discharge. Such notice shall include: (i) Description of the need for the discharge or purge; (ii) the period of discharge or purge including anticipated dates and times; (iii) an estimate of discharge volume; and (iv) the intended receiving area.

(2) The occasional purge or discharge, if discharged to waters of the United States, shall be subject to the limitations specified in § 434.23(a) if the discharge normally exhibits a pH of less than 6.0, and § 434.23(b) if the discharge normally exhibits a pH of 6.0 or greater. The operator shall have the burden of proof that the purge was necessary to reduce the concentra-

tion of solids or process chemicals in the water circuit to a level which would not interfere with the preparation process or process equipment. This paragraph shall not exempt a facility subject to this part from complying with the other effluent limitations and standards set forth in this part, as appropriate. The permitting authority may include in the permit a provision limiting the amount or frequency of the purge.

(c) Except as provided in 40 CFR 401.17 and §§ 434.61, 434.62 and 434.63 of this part, the following new source performance standards shall apply for discharges from new source coal preparation plant associated areas:

**NSPS EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	6.0	3.0
Manganese.....	4.0	2.0
TSS.....	70.0	35.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

(Approved by the Office of Management and Budget under control number 2040-0026)

[47 FR 45393, Oct. 13, 1982; 48 FR 50321, Nov. 1, 1983; 50 FR 4514, Jan. 31, 1985]

**Subpart C—Acid or Ferruginous Mine Drainage**

§ 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.

The provisions of this subpart are applicable to acid or ferruginous mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

**§ 434.31 [Reserved]**

**§ 434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

(a) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17, and §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants 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:

**BPT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days.
Concentration in mg/l		
Iron, total .....	7.0	3.5
Manganese, total .....	4.0	2.0
TSS .....	70.0	35.0
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

**§ 434.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).**

(a) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17, §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

**BAT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, Total .....	7.0	3.5
Manganese total .....	4.0	2.0

**§ 434.34 [Reserved]**

**§ 434.35 New source performance standards (NSPS)**

(a) Except as provided in 40 CFR 401.17 §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for any discharge from a new source subject to this subpart:

**NSPS EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total .....	6.0	3.0
Manganese, total .....	4.0	2.0
TSS .....	70.0	35.0
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

**Subpart D—Alkaline Mine Drainage**

**§ 434.40 Applicability; description of the alkaline mine drainage subcategory.**

The provisions of this subpart are applicable to alkaline mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.42

§ 434.41 [Reserved]

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

(a) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17, § 434.61 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants 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:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	7.0	3.5
TSS .....	70.0	35.0
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

[47 FR 45393, Oct. 13, 1982; 48 FR 50322, Nov. 1, 1983]

§ 434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32, § 434.61 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	7.0	3.5

[47 FR 45393, Oct. 13, 1982; 48 FR 50322, Nov. 1, 1983]

§ 434.44 [Reserved]

§ 434.45 New source performance standards (NSPS).

(a) Except as provided in 40 CFR 401.17 and § 434.61 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for any discharge from a new source subject to this subpart:

NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total .....	6.0	3.0
TSS .....	70.0	35.0
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

[47 FR 45393, Oct. 13, 1982; 48 FR 50322, Nov. 1, 1983]

Subpart E—Post-Mining Area

§ 434.50 Applicability; the provisions of this subpart are applicable to discharges from post-mining areas.

§ 434.51 [Reserved]

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

(a) *Reclamation areas.* The limitations in this subparagraph apply to discharges from reclamation areas until the performance bond issued to the facility by the appropriate SMCRA authority has been released.

(1) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17 and §§ 434.61 and 434.63(b) of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable Solids.....	0.5 ml/l	
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

(b) *Underground mine drainage.* The limitations in this subparagraph apply to discharges from the underground workings of underground mines until SMCRA bond release.

(1) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17 and §§ 434.61 and 434.62 and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in acid or ferruginous mine drainage subject to the provisions of this subsection after application of the best practicable control technology

currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total.....	7.0	3.5
Manganese, total.....	4.0	2.0
TSS.....	70.0	35.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

(2) Except as provided in 40 CFR 125.30 through 125.32, 40 CFR 401.17, § 434.61 and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in alkaline mine drainage subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total.....	7.0	3.5
TSS.....	70.0	35.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

[47 FR 45393, Oct. 13, 1982; 48 FR 50322, Nov. 1, 1983]

§ 434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a) *Reclamation areas.* The limitations of this subsection apply to discharges from reclamation areas until SMCRA bond release.

(1) Except as provided in 40 CFR 125.30 through 125.32, and §§ 434.61 and 434.63(b) of this part, the following limitations establish the concentration or quality of pollutants which



§ 434.55

may be discharged by a point source subject to the provisions of this subsection after application of the best available technology economically achievable:

**BAT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable Solids .....	0.5 (ml/l)	.....

(b) *Underground mine drainage.* The limitations in this subsection apply to discharges from the underground workings of underground mines until SMCRA bond release.

(1) Except as provided in 40 CFR 125.30 through 125.32, and §§ 434.61, 434.62, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in acid or ferruginous mine drainage subject to the provisions of this subsection after application of the best available technology economically achievable:

**BAT EFFLUENT LIMITATIONS**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total.....	7.0	3.5
Manganese, total .....	4.0	2.0

(2) Except as provided in 40 CFR 125.30 through 125.32, and § 434.61, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in alkaline mine drainage subject to the provisions of this subsection after application of the best available technology economically achievable:

**40 CFR Ch. I (7-1-85 Edition)**

**BAT Effluent Limitations**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total.....	7.0	3.5

§ 434.54 [Reserved]

§ 434.55 **New source performance standards (NSPS).**

The following new source performance standards shall apply to the post-mining areas of all new source coal mines:

(a) *Reclamation areas.* The standards of this subparagraph apply to discharges from reclamation areas at new source coal mines until SMCRA bond release.

(1) Except as provided in 40 CFR 401.17 and §§ 434.61 and 434.63(b) of this part, the following new source performance standards shall be achieved for a discharge subject to the provisions of this subparagraph:

**NSPS Effluent Limitations**

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable Solids.....	0.5 ml/l	.....
pH .....	( <sup>1</sup> )	.....

<sup>1</sup> Within the range of 6.0 to 9.0 at all times.

(b) *Underground mine drainage.* The standards in this subsection apply to discharges from the underground workings of new source underground mines until bond release.

(1) Except as provided in 40 CFR 401.17 and §§ 434.61, 434.62, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for the discharge of any acid or ferruginous mine drainage subject to this subparagraph:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total.....	6.0	3.0
Manganese, total.....	4.0	2.0
TSS.....	70.0	35.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

(2) Except as provided in 40 CFR 401.17, § 434.61, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for the discharge of any alkaline mine drainage subject to this subparagraph:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Iron, total.....	6.0	3.0
TSS.....	70.0	35.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0 at all times.

Subpart F—Miscellaneous Provisions

§ 434.60 Applicability.

The provisions of this subpart apply to this part as specified in Subparts B, C, D, and E.

§ 434.61 Commingling of waste streams.

Where waste streams from any facility covered by this part are combined for treatment or discharge with waste streams from another facility covered by this part, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component waste stream of the discharge.

§ 434.62 Alternate effluent limitation for pH.

Where the application of neutralization and sedimentation treatment technology results in inability to comply with the otherwise applicable manganese limitations, the permit issuer may allow the pH level in the final effluent to exceed 9.0 to a small extent in order that the manganese limitations can be achieved.

§ 434.63 Effluent limitations for precipitation events.

(a) Any discharge or increase in the volume of a discharge caused by precipitation within any 24 hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations:

EFFLUENT LIMITATIONS DURING PRECIPITATION

Pollutant or pollutant property	Maximum for any 1 day (ml/l)	Average of daily values for 30 consecutive days
Settleable Solids.....	0.5	.....
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range of 6.0 to 9.0 at all times.

(b) Any discharge or increase in volume of a discharge caused by precipitation within any 24 hour period greater than the 10-year, 24-hour precipitation event or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations:

EFFLUENT LIMITATIONS DURING PRECIPITATION

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range of 6.0 to 9.0 at all times.

(c) The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in paragraph (a) and (b) of this section.

[47 FR 45393, Oct. 13, 1982; 48 FR 50322, Nov. 1, 1983]

**§ 434.64 Determination of settleable solids.**

For the purposes of this part, the following procedure shall be used to determine settleable solids:

(a) Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating materials occurs, do not include the floating material in the reading.

(b) Notwithstanding any provision of 40 CFR Part 136, the method detection limit for measuring settleable solids under this part shall be 0.4 ml/l.

**PART 435—OIL AND GAS EXTRACTION POINT SOURCE CATEGORY**

**Subpart A—Offshore Subcategory**

Sec.

435.10 Applicability; description of the offshore subcategory.

435.11 Specialized definitions.

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

**Subpart B—[Reserved]**

**Subpart C—Onshore Subcategory**

435.30 Applicability; description of the onshore subcategory.

435.31 Specialized definitions.

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

**Subpart D—Coastal Subcategory**

435.40 Applicability; description of the coastal subcategory.

435.41 Specialized definitions.

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

Sec.

**Subpart E—Agricultural and Wildlife Water Use Subcategory**

435.50 Applicability; description of the beneficial use subcategory.

435.51 Specialized definitions.

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

**Subpart F—Stripper Subcategory**

435.60 Applicability; description of the stripper subcategory.

435.61 Specialized definitions.

*AUTHORITY:* Secs. 301, 304(b) and (c), Clean Water Act of 1977, 33 U.S.C. 1251 *et seq.*; Pub. L. 95-217.

*SOURCE:* 44 FR 22075, Apr. 13, 1979, unless otherwise noted.

**Subpart A—Offshore Subcategory**

§ 435.10 Applicability; description of the offshore subcategory.

The provisions of this subpart are applicable to those facilities engaged in the production, field exploration, drilling, well production, and well treatment in the oil and gas extraction industry which are located seaward of the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg).

§ 435.11 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 401 shall apply to this subpart.

(b) The term "M10" shall mean those offshore facilities continuously manned by ten (10) or more persons.

(c) The term "M9IM" shall mean those offshore facilities continuously manned by nine (9) or fewer persons or only intermittently manned by any number of persons.

(d) The term "no discharge of free oil" shall mean that a discharge does not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.