ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 436]

[FRL 557-2]

MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Proposed Standards of Performance for New Sources and Pretreatment Standards for Existing and for New Source Categories

Notice is hereby given that effluent limitations for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On October 16, 1975 EPA promulgated a regulation adding Part 436 to Chapter 40 of the Code of Federal Regulations (40 FR 48652). That regulation established effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for 17 subcategories of the mineral mining and processing point source category. Pretreatment standards for existing sources were proposed at that time for the same subcategories. The regulation proposed below will amend 40 CFR 436—mineral mining and processing point source category by adding sections 436.53, 436.55 and 436.56 to the gypsum subcategory (Subpart E); sections 436.63, 436.65 and 436.66 to the asphaltic minerals subcategory (Subpart F); sections 436.73, 436.75 and 436.76 to the asbestos and wollastonite subcategory (Subpart G); sections 436.103, 436.105 and 436.106 to the barite subcategory (Subpart J); sections 436.113, 436.115 and 436.116 to the fluorspar subcategory (Subpart K); sections 436.123, 436.125 and 436.126 to the salines from brine lakes subcategory (Subpart L); sections 436.133, 436.135 and 436.136 to the borax subcategory (Subpart M); sections 436.143, 436.145 and 436.146 to the potash subcategory (Subpart N); sections 436.153, 436.155 and 436.156 to the sodium sulfate subcategory (Subpart O); sections 436.193, 436.195 and 436.196 to the Frasch sulfur subcategory (Subpart S); sections 436.223, 436.225 and 436.226 to the bentonite subcategory (Subpart V); sections 436.233, 436.235 and 436.236 to the magnesite subcategory (Subpart W); sections 436.243, 436.245 and 436.246 to the diatomite subcategory (Subpart X); sections 436.253, 436.255 and 436.256 to the jade subcategory (Subpart Y); sections 436.263, 436.265 and 436.266 to the novaculite subcategory (Subpart Z); sections 436.323, 436.325 and 436.326 to the tripoli subcategory (Subpart AF); and sections 436.383, 436.385 and 436.386 to the graphite subcategory (Subpart AL) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations establishing effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for four additional subcategories of the mineral mining and processing point source category. The regulation proposed below will also amend 40 CFR 436—mineral mining and processing point source category by adding sections 436.23, 436.25 and 436.26 to the crushed stone subcategory (Subpart B); sections 436.33, 436.35 and 436.36 to the construction sand and gravel subcategory (Subpart C); sections 436.43, 436.45 and 436.46 to the industrial sand subcategory (Subpart D); and sections 436.183, 436.185 and 436.186 to the phosphate rock subcategory (Subpart R). A description and discussion of the legal authority is contained in Appendix A to this preamble.

(a) Summary and basis of proposed limitations and standards.

The general methodolgy and summary of conclusions were discussed in considerable detail in the preamble of the interim final regulations published October 16, 1975 in the FEDERAL REGISTER (40 FR 48652) for the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL). The information contained in the preamble to that interim final regulation is incorporated herein by reference. The general methodology and summary of conclusions are discussed in considerable detail in the preamble and appendices of the interim final regulations for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D) and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category which are being promulgated simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for new sources for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Industry" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of these documents are available. Persons wishing to obtain a copy may write the EPA Effluent Guidelines Division, Washington, D.C. 20460. Attention: Distribution Officer, WH-552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(b) Summary of public participation. A full listing of participants and discussion of comments and responses to the draft Development Document is included in the preamble of the interim final regulation for the subcategories being simultaneously promulgated by EPA and are incorporated herein by reference. There were no substantive comments received on those 17 subcategories for which regulations were promulgated October 16, 1975 in the FEDERAL REGISTER (40 FR 48652) establishing effluent limitations and guidelines for existing sources based on the best practicable control technology currently available. No substantive comments were received on the corresponding proposed pretreatment standards for existing sources.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

In addition to encouraging written comments on the proposed regulation, the Agency would like to encourage written comments on the problem of defining which activities and which land areas should be covered by this regulation.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic analysis referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before July 12, 1976, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.)

Dated: May 28, 1976.

JOHN QUARLES,
Acting Administrator.

APPENDIX A—LEGAL AUTHORITY

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304 (b) of the Act, for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 (b)(1)(A) of the Act. On October 16, 1975 a notice appeared in the FEDERAL REGISTER titled "Addition to the List of Categories of Sources" (40 FR 48668). This notice added the mineral mining and processing point source category to those categories listed in 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the crushed stone subcategory (Subpart B), the construction sand and gravel category (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Supart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 436.26, 436.36, 436.46, 436.56, 436.66, 436.76, 436.106, 436.116, 436.126, 436.136, 436.146, 436.156, 436.186, 436.196, 436.226, 436.236, 436.246, 436.256, 436.266, 436.326, and 436.386, proposed below, provide pretreatment standards for new sources within the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 307(c) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. However due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.103 requiring the Agency to propose pretreatment standards concerning the application of effluent limita-

tions to pretreatment at the time such effluent limitations are promulgated. The Agency may establish pretreatment standards for existing sources within the mineral mining and processing point source category at a future date.

1. The table of contents is amended by adding the following sections.

2. Subpart B is amended by adding §§ 436.23, 436.24, 436.25 and 436.26 as follows:

Subpart B—Crushed Stone Subcategory

§ 436.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.24 [Reserved]

§ 436.25 Standards of performance for new sources.

(a) Subject to the provisions of paragraphs (b) and (c) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorized such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.26 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the crushed stone subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

3. Subpart C is amended by adding §§ 436.33, 436.34, 436.35 and 436.36 as follows:

Subpart C—Construction Sand and Gravel Subcategory

§ 436.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.34 [Reserved]

§ 436.35 Standards of performance for new sources.

(a) Subject to the provisions of paragraphs (b) and (c) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat

to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.36 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the construction sand and gravel subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

4. Subpart D is amended by adding §§ 436.43, 436.44, 436.45 and 436.46 as follows:

Subpart D—Industrial Sand Subcategory

§ 436.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable:

(1) Except for HF flotation facilities, there shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Process generated waste water from plants employing HF flotation shall not exceed the following limitations:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	0.045	0.023
Total fluoride	0.005	0.003
pH	Within the range 6.0 to 9.0.	

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
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 and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.44 [Reserved]

§ 436.45 Standards of performance for new sources.

(a) Subject to the provisions of paragraphs (b) and (c) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Except for HF flotation facilities, there shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Process generated waste water from plants employing HF flotation shall not exceed the following limitations:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	0.045	0.023
Total fluoride	0.005	0.003
pH	Within the range 6.0 to 9.0.	

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
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 and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the industrial sand subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
TSS	No limitation	No limitation.
Total fluoride	0.006	0.003.

5. Subpart E is amended by adding paragraphs (b) and (c) to § 436.51, and adding §§ 436.53, 436.55 and 436.56 as follows:

Subpart E—Gypsum Subcategory

§ 436.51 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: For operations not employing wet air emissions control scrubbers there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.55 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing wet air emissions control scrubbers there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the gypsum subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

6. Subpart F is amended by revising § 436.60, by adding paragraphs (b) and (c) to § 436.61, and by adding §§ 436.63, 436.65 and 436.66 as follows:

Subpart F—Asphaltic Minerals Subcategory

§ 436.60 Applicability; description of the asphaltic minerals subcategory.

The provisions of this subpart are applicable to the processing of bituminous limestone, oil-impregnated diatomite and gilsonite not primarily used as an energy source.

§ 436.61 Specialized definitions.

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(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.65 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the asphaltic minerals subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 28.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

7. Subpart G is amended by adding paragraphs (b) and (c) to § 436.71 and by adding §§ 436.73, 436.75 and 436.76 as follows:

Subpart G—Asbestos and Wollastonite Subcategory

§ 436.71 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available

in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24-hour precipitation event shall not be subject to the limitations of this section.

§ 436.75 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.76 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asbestos and wollastonite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

Subpart J—Barite Subcategory

8. Subpart J is amended by adding paragraphs (b) and (c) to § 436.101, and by adding §§ 436.103, 436.105 and 436.106 as follows:

§ 436.101 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Deparment of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: For operations not employing wet processes or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§436.105 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing wet processes or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§436.106 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the barite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

9. Subpart K is amended by adding paragraphs (b) and (c) to § 436.111 and by adding §§ 436.113, 436.115 and 436.116 as follows:

Subpart K—Fluorspar Subcategory

§ 436.111 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: For operations not employing heavy media separation or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.115 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing heavy media separation or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.116 Pretreatment standards for new sources

The pretreatment standard under section 307(c) of the Act for a new source within the fluorspar subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

10. Subpart L is amended by adding §§ 436.123, 436.125 and 436.126 as follows:

Subpart L—Salines From Brine Lakes Subcategory

§ 436.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

(b) The limitations specified in subparagraph (a) of this section shall be applied on a net basis if the discharge is in compliance with 40 CFR 125.28: "the source of the applicant's water supply is the same body of water into which the discharge is made * * * "

§ 436.125 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b) The limitations specified in subparagraph (a) of this section shall be applied on a net basis if the discharge is in compliance with 40 CFR 125.28: "the source of the applicant's water supply is the same body of water into which the discharge is made * * * "

§ 436.126 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the salines from brine lakes subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

11. Subpart M is amended by adding paragraph (b) to § 436.131 and by adding §§ 436.133, 436.135 and 436.136 as follows:

Subpart M—Borax Subcategory

§ 436.131 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.135 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.136 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the borax subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this setcion, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pretreatment property	*Pretreatment standard*
TSS	No limitation.

12. Subpart N is amended by adding paragraph (b) to § 436.141 and by adding §§ 436.143, 436.145 and 436.146 as follows:

Subpart N—Potash Subcategory

§ 436.141 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.145 Standards of performance for new sources

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.146 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the potash subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property	*Pretreatment standard*
TSS	No limitation.

13. Subpart O is amended by adding Paragraph (b) § 436.151 and by adding §§ 436.153, 436.155 and 436.156 as follows:

Subpart O—Sodium Sulfate Subcategory

§ 436.151 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hours precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.155 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.156 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sodium sulfate subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant property	*Pretreatment standard*
TSS	No limitation.

14. Subpart R is amended by adding §§ 436.183, 436.184, 436.185 and 436.186 as follows:

Subpart R—Phosphate Rock Subcategory

§ 436.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable.

(1) Process waste water generated from froth flotation operations, mine dewatering and surface runoff into waste water treatment systems 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—
TSS, milligrams per liter	60	30
pH	Within the range 6.0 9.0.	

(2) For all other process generated waste water, such as pump seal water, air scrubber water and ore wash water, there shall be no discharge of pollutants into navigable waters.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.184 [Reserved]

§ 436.185 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Process waste water generated from froth flotation operations, mine dewatering and surface runoff into waste water treatment systems 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—
TSS, milligrams per liter.	60	30
pH	Within the range 6.0 to 9.0.	

(2) For all other process generated waste water, such as pump seal water, air scrubber water and ore wash water, there shall be no discharge of pollutants into navigable waters.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.186 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the phosphate rock subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

15. Subpart S is amended by adding paragraph (b) to § 436.191 and by adding §§ 436.193, 436.195 and 436.196 as follows:

Subpart S—Frasch Sulfur Subcategory

§ 436.191 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: For operations mining anhydrite deposits, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§436.195 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations mining anhydrite deposits, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.196 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Frasch sulfur subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, and if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

16. Subpart V is amended by adding paragraphs (b) and (c) to § 436.221 and by adding §§ 436.223, 436.225 and 436.226 as follows:

Subpart V—Bentonite Subcategory

§ 436.221 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.225 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.226 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source

within the bentonite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

17. Subpart W is amended by adding paragraphs (b) and (c) to § 436.231 and by adding §§ 436.233, 436.235 and 436.236 as follows:

Subpart W—Magnesite Subcategory

§ 436.231 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.235 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.236 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the magnesite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

18. Subpart X is amended by adding paragraphs (b) and (c) to § 436.241 and by adding §§ 436.243, 436.245 and 436.246 as follows:

Subpart X—Diatomite Subcategory

§ 436.241 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.245 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.246 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the diatomite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

19. Subpart Y is amended by adding paragraphs (b) and (c) to § 436.251 and by adding §§ 436.253, 436.255 and 436.256 as follows:

Subpart Y—Jade Subcategory

§ 436.251 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.255 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§436.256 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the jade subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

20. Subpart Z is amended by adding paragraphs (b) and (c) to § 436.261 and by adding §§ 436.263, 436.265 and 436.266 as follows:

Subpart Z—Novaculite Subcategory

§ 436.261 Specialized definitions.

* * * * *

(b) The term "10-year-24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.265 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.266 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the novaculite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

22. Subpart AF is amended by adding paragraphs (b) and (c) to § 436.321 and by adding §§ 436.323, 436.325 and 436.326 as follows:

Subpart AF—Tripoli Subcategory

§ 436.321 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants 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 available technology economically achievable: For operations not employing wet processes there shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.325 Standards of performance for new sources.

The following standards of performance estabish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing wet processes there shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.326 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the tripoli subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant Property	*Pretreatment standard*
TSS	No limitation.

22. Subpart AL is amended by adding §§ 436.381, 436.383, 436.385 and 436.386 as follows:

Subpart AL—Graphite Subcategory

436.381 Specialized definitions.

For the purpose of this subpart:

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

(b) The term "mine dewatering" shall mean any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land actively used for or resulting from the extraction of a mineral from natural deposits.

§ 436.383 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of the following paragraphs of this section, process waste water and mine drainage shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
		mg/l
TSS	20 mg/l	10
Total Fe	2 mg/l	1
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.385 Standards of performance for new sources.

(a) Subject to the provisions of the following paragraphs of this section, process waste water and mine drainage shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
		mg/l
TSS	20 mg/l	10
Total Fe	2 mg/l	1
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.386 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the graphite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.
Iron, dissolved	50 mg/l.

[FR Doc.76-16584 Filed 6-9-76;8:45 am]