

of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(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 limitations 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.

[42 FR 35849, July 12, 1977, as amended at 44 FR 76793, Dec. 28, 1979; 60 FR 33967, June 29, 1995; 60 FR 35796, July 11, 1995]

**Subpart C—Construction Sand and Gravel Subcategory**

SOURCE: 42 FR 35850, July 12, 1977, unless otherwise noted.

**§ 436.30 Applicability; description of the construction sand and gravel subcategory.**

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for construction or fill uses, except that on-board processing of dredged sand and gravel which is subject to the provisions of 33 CFR part 230 of this chapter will not be governed by the provisions of this subpart.

**§ 436.31 Specialized definitions.**

For the purpose of this subpart:

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

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the mine

shall be deemed discharges of process generated waste water.

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

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of waste without being used for other purposes or combined with other waste water.

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

(a) Except as provided in §§125.30 through 125.32, and subject to the provisions of paragraphs (b) and (c) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

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

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

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

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

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(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.

[42 FR 35850, July 12, 1977, as amended at 44 FR 76793, Dec. 28, 1979; 60 FR 33967, June 29, 1995; 60 FR 35796, July 11, 1995]

**Subpart D—Industrial Sand Subcategory**

SOURCE: 42 FR 35851, July 12, 1977, unless otherwise noted.

**§ 436.40 Applicability; description of the industrial sand subcategory.**

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for uses other than construction and fill. These uses include, but are not limited to glass-making, molding, abrasives, filtration, refractories, and refractory bonding.

**§ 436.41 Specialized definitions.**

For the purpose of this subpart:

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

(b) The term “mine dewatering” shall mean any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for the treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

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

(d) The term “mine” shall mean an area of land actively mined for the production of sand and gravel from natural deposits.

(e) The term “process generated waste water” shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The terms does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other waste water.