ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 434 ]

[FR 5836-32]

COAL MINING POINT SOURCE CATEGORY

Effluent Guidelines and Standards for Existing Sources

Notice is hereby given that effluent limitations for existing sources, 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 17, 1975 EPA promulgated a regulation adding Part 434 to Chapter 40 of the Code of Federal Regulations (40 FR 48830). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources based on the best practicable control technology currently available and pretreatment standards for existing sources for the coal mining-point source category. The regulation proposed below will amend 40 CFR 434—coal mining point source category by adding sections 434.13, 434.15 and 434.16 to the coal storage plant ancillary area subcategory (Subpart A), sections 434.23, 434.25 and 434.26 to the coal storage, refuse storage, and coal preparation plant ancillary area subcategory (Subpart B), sections 434.43 to the ferruginous mine drainage subcategory (Subpart C), and sections 434.43 to the alkali mine drainage subcategory (Subpart D). The general pretreatment standard applicable to compatible pollutants. In general, pretreatment standards for existing sources set forth below propose pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations and guidelines to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment of existing and new sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 6, 1973 (38 FR 30062). 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 general categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numeric pretreatment standards. However, 40 CFR 128.133, 401(b) and 401(c), are generally applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment requirements as provided in 40 CFR 128.153. Sections 434.16 and 434.26 proposed below are intended to implement the intent of section 428.153, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

The pollutant parameters included for inclusion in effluent limitation guidelines and standards of performance include compatible and incompatible pollutants. Pretreatment standards for the subcategories of this point source category are based on limitations for the introduction of pollutants into publicly owned treatment works which are not designed for substantial removal of pollutants other than the pollutants listed in the definition of compatible pollutants. The State or municipality may impose more stringent pretreatment standards under State or local laws than specified in these regulations to enable compliance with NPDES permits issued to publicly owned treatment works. Joint treatment works or publicly owned treatment works designed specifically for treatment of acid mine drainage are not included in this pretreatment standard.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 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 application to all point sources of limitations and guidelines is adequate to make a determination regarding the application of these standards to users of publicly owned treatment works. However, to ensure that these standards are appropriate in all cases, EPA now seeks additional comments. The proposed application of effluent limitations guidelines to users of publicly owned treatment works.

The most entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Coal Mining Point Source Category," May 1976 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 204, Watergate 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 both 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 21205, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH502.


(b) Summary of public participation.

A final summary of public participation, including a list of all comments received and the status of each comment, will be included in the final rulemaking. Comments on aspects of the proposed regulation are solicited. Comments on all aspects of the proposed regulation are solicited. Comments on all aspects of the proposed regulation are solicited. Comments on all aspects of the proposed regulation are solicited. Comments on all aspects of the proposed regulation are solicited. Comments on all aspects of the proposed regulation are solicited.
PROPOSED RULES

§ 434.13 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 subsection after application of the best available technology economically achievable; there shall be no discharge of pollutants.

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

(c) Where coal preparation plant process waste water is combined for treatment or discharge with waste water from other point source category, the quantity of pollutants allowed to be discharged in the combined discharge shall not exceed the quantity of pollutants which would be allowed under the limitations set forth in this section, the quantity or quality of pollutants or pollutant properties, controlled by this section.

§ 434.15 Standards of performance for new sources.

(a) Subject to the provisions of this subpart: There shall be no discharge of pollutants.

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to treat the process waste water and the runoff from the coal preparation plant ancillary area resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

§ 434.25 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 subsection after application of the best available technology economically achievable:

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to treat the process waste water from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive consideration. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged as provided pursuant to section 307(b) of the Act.

FEDERAL REGISTER, VOL. 41, NO. 94—THURSDAY, MAY 13, 1976
§ 431.43 Effluent limitations guidelines for effluent limitations setting the degree of effluent reduction attainable by the application of the best available technology economically achievable. (a) Subject to the provisions of paragraph (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 as provided pursuant to section 307(b) of the Act.

<table>
<thead>
<tr>
<th>Effluent characteristic</th>
<th>Maximum for any 1 day</th>
<th>Average of daily values for any 4 consecutive days</th>
<th>Real Effluent Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSS</td>
<td>0.2</td>
<td>0.06</td>
<td>([Reserved])</td>
</tr>
<tr>
<td>Iron, total</td>
<td>10.0</td>
<td>2.0</td>
<td>([Reserved])</td>
</tr>
<tr>
<td>Iron, dissolved</td>
<td>0.5</td>
<td>0.3</td>
<td>([Reserved])</td>
</tr>
<tr>
<td>Magnesium, mg/ liter</td>
<td>5.0</td>
<td>1.0</td>
<td>([Reserved])</td>
</tr>
<tr>
<td>pH</td>
<td>6.5-7.5</td>
<td>6.5-7.5</td>
<td>([Reserved])</td>
</tr>
</tbody>
</table>

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to treat the mine drainage and the surface runoff to the treatment facility, resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in this section.

(c) Any drainage from any surface mine or section thereof which has been returned to final contour shall not be subject to the limitations set forth in this section.

§ 434.35 [Reserved]

§ 434.36 [Reserved]