

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 434]

[FRL 538-2]

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 preparation plant 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 434.33 to the acid or ferruginous mine drainage subcategory (Subpart C), and sections 434.43 to the alkaline mine drainage subcategory (Subpart D) pursuant to sections 301, 304 (b) and (c), 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.; P.L. 92-500) (the Act). Sections 434.14, 434.24, 434.34 and 434.44 were proposed on October 17, 1975—(40 FR 48830). Simultaneously with the publication of this proposed regulation EPA is promulgating amendments to the existing coal mining point source category regulation. A description and discussion of the legal authority is contained in Appendix A to this preamble.

(a) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulation amendments for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and coal preparation ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation amendments being promulgated simultaneously with this proposed regulation is incorporated herein by reference. The proposed regulation

set forth below proposes pretreatment standards 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 Part 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. Sections 434.16 and 434.26 proposed below, are intended to implement the intent of section 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

The pollutant parameters identified 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 which will provide protection for treatment works which are not designed for substantial removal of pollutants other than the four 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 work 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 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 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 2404, Waterside Mall, 401 M St., S.W., Washington, D.C. 20469, 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 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 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, WH552.

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 is included in the interim final regulation for the coal mining subcategory being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rule-making by submitting written comments in triplicate to the Environmental Protection Agency, 401 M Street, 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 regulation. 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.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Water-side Mall, 401 M St., SW., Washington, D.C. 20460. Draft contractor reports, the Development Document and economic study 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 June 14, 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).

Dated: May 3, 1976.

RUSSELL E. TRAIN,
Administrator.

PART 434—COAL MINING POINT SOURCE CATEGORY

Subpart A—Coal Preparation Subcategory

Sec. 434.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

434.15 Standards of performance for new sources.

434.16 Pretreatment standards for new sources.

Subpart B—Coal Storage, Refuse Storage and Coal Preparation Plant Ancillary Area Subcategory

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

434.25 Standards of performance for new sources.

434.26 Pretreatment standards for new sources.

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

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

434.35 [Reserved]

434.36 [Reserved]

Subpart D—Alkaline Mine Drainage Subcategory

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

434.45 [Reserved]

434.46 [Reserved]

AUTHORITY: 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.

Part 434 is proposed to be amended as follows:

1. Subpart A is amended by adding §§ 434.13, 434.15 and 434.16 as follows:

Subpart A—Coal Preparation Plant Subcategory

§ 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 subpart 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 subcategories in this 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 subpart B, C, or D, as applicable.

§ 434.15 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 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.

§ 434.16 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR Part 128.133, the standards of performance set forth in 40 CFR Part 434.15 above shall not presently apply. Some of the constituents of the process waste waters 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.

EFFLUENT LIMITATIONS—MAXIMUM FOR ANY 1 DAY

Effluent characteristic	Milligrams per liter
TSS	No limitation.
Iron, dissolved	50.0.

2. Subpart B is amended by adding §§ 434.23, 434.25, and 434.26 as follows:

Subpart B—Coal Storage, Refuse Storage, and Coal Preparation Plant Ancillary Area Subcategory

§ 434.23 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 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:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Milligrams per liter		
TSS	40.0	20.0
Iron, total	3.5	3.0
Manganese, total	4.0	2.0
pH	Within the range 6.0 to 9.0.	

(b) Any treated 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 subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Milligrams per liter		
TSS	70.0	35.0
Iron, total	3.5	3.0
Manganese, total	4.0	2.0
pH	Within the range 6.0 to 9.0.	

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to treat the process

ess 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.

§ 434.26 Pretreatment standards for new sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR Part 128.133, the standards of performance set forth in 40 CFR Part 434.25 above shall not presently apply. Some of the constituents of the process waste waters 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.

EFFLUENT LIMITATIONS—MAXIMUM FOR ANY 1 DAY

Effluent characteristic	Milligrams per liter
TSS	No limitation.
Iron dissolved	50.0.

3. Subpart C is amended by adding §§ 434.33, 434.35, and 434.36 as follows:

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

§ 434.33 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 paragraph (b) and (c) below 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:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	40.0	20.0
Iron, total	3.5	3.0
Iron, dissolved	0.6	0.3
Manganese, total	4.0	2.0
pH	Within the range 6.0 to 9.0.	

(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 required to meet the limitation set forth in paragraph (a) above providing such drainage is not commingled with un-

treated mine drainage which is subject to the limitations in paragraph (a).

§ 434.35 [Reserved]

§ 434.36 [Reserved]

4. Subpart D is amended by adding §§ 434.43, 434.45 and 434.46 as follows:

Subpart D—Alkaline Mine Drainage Subcategory

§ 434.43 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 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 by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
TSS	40.0	20.0
Iron, total	3.5	3.0
pH	Within the range 6.0 to 9.0.	

(b) Any untreated overflow which is discharged from facilities designed, constructed and operated to treat the mine drainage 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) Any drainage from any surface mine or section thereof which has been returned to final contour shall not be required to meet the limitation set forth in paragraph (a) above providing such drainage is not commingled with untreated mine drainage which is subject to the limitations in paragraph (a).

§ 434.45 [Reserved]

§ 434.46 [Reserved]

APPENDIX A—LEGAL AUTHORITY

(1) Existing Point sources. 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 coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and coal preparation ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining 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.

(2) New Sources. 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 303(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 308(b) (1) (A) of the Act. On October 17, 1975 a notice appeared in the FEDERAL REGISTER titled "Additions to the List of Categories of Sources (40 FR 48712) adding the coal mining point source category and is in accordance with the provisions of section 306(b) (1) (A) of the Act. The regulation proposed herein sets forth the standards of performance applicable to new sources for the coal preparation plant subcategory (Subpart A) and, the coal storage, refuse storage and coal preparation ancillary area subcategory (Subpart B) of the coal mining 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 434.16 and 434.26, provide pretreatment standards for new sources within the coal preparation plant subcategory (Subpart A) and, the coal storage, refuse storage and coal preparation ancillary area subcategory (Subpart B) of the coal mining point source category. Section 307(b) 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. Sections 434.14, 434.24, 434.34 and 434.44, were proposed on October 17, 1975 (40 FR 48339) and provided pretreatment standards for existing sources within the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and coal preparation and ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

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