

CHAPTER 95. WASTEWATER TREATMENT REQUIREMENTS

Sec.

95.1. **[Reserved].**

95.2. Effluent Standards for Industrial Wastes~~Quality standards and oil-bearing wastewaters.~~

95.3. [Reserved].

95.4. Extensions of time to achieve water quality based effluent limitations.

95.5. Treatment requirements for discharges to waters affected by abandoned mine drainage.

95.6. [Reserved].

95.7. [Reserved].

95.8. [Reserved].

95.9. [Reserved].

95.10 Effluent standards for new sources of wastewaters containing high Total Dissolved Solids (TDS) concentrations.

§ 95.1. **Reserved].**

§ 95.2. Quality Effluent Standards and oil-bearing wastewaters for Industrial Wastes.

~~All~~ Industrial wastewater shall meet the following quality effluent standards:

~~(1) There may be no discharge of wastes which are acid.~~

(2) Wastes shall have a pH of not less than 6 and not greater than 9, except where:

(i) The wastes are discharged to ~~an acid stream~~ waters affected by abandoned mine drainage, in which case the pH may be greater than 9.

(ii) The discharger affirmatively demonstrates, in writing, to the Department that biological respiration in the wastewater treatment system will cause the discharge to exceed the limits in this paragraph and that exceeding these limits will not result in a violation of applicable water quality standards or of the applicable treatment requirements and effluent limitations to which a discharge is subject under the Federal Act, in which case the Department may grant a variance, in writing, from the limitation set forth in this paragraph.

(3) Oil-bearing wastewaters, except those subject to paragraph (4), (3), shall comply with all of the following:

- (i) At no time cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline.
- (ii) At no time contain more than 15 milligrams of oil per liter as a daily average value nor more than 30 milligrams of oil per liter at any time, or whatever lesser amount the Department may specify for a given discharge or type of discharge as being necessary for the proper protection of the public interest or to meet any requirements based upon the State Act or the Federal Act, as defined in § 92.1 (relating to definitions).

(43) Petroleum marketing terminals shall:

- (i) Be provided with facilities to remove oil from waters, including stormwater runoff, before discharge into waters of this Commonwealth. Compliance with this paragraph shall constitute compliance with paragraph ~~(3)~~ (2)(i) except to the extent that the State Act or Federal Act or regulations promulgated thereunder impose a more stringent requirement.
- (ii) Develop, implement and keep up to date pollution incident prevention plans as described in § 91.34 (relating to activities utilizing pollutants).
- (iii) Design, maintain and utilize oil removal facilities that consist of an American Petroleum Institute (A.P.I.) listed oil separator, unless the person operating the facility can demonstrate to the Department that an alternate design is equivalent or better in removing oil from water to maintain and protect the waters of this Commonwealth, including all existing and designated uses established under ~~to~~ Chapter 93 (relating to water quality standards).

(54) Waste may not contain more than 7 milligrams per liter of dissolved iron.

(65) When surface waters are used in the industrial plant, the quality of the effluent need not exceed the quality of the raw water supply if the source or supply would normally drain to the point of effluent discharge, unless otherwise required under the State Act or Federal Act or regulations promulgated thereunder.

§ 95.3. [Reserved].

§ 95.4. Extensions of time to achieve water quality based effluent limitations.

(a) The Department may grant a discharger an extension of time to achieve water quality based effluent limitations imposed under Chapter 93 (relating to water quality standards) for specific pollutants, if all of the following requirements are met:

- (1) The discharge was in existence on October 8, 1979, or the date on which the water quality standards applicable to the specific pollutants were originally promulgated, whichever is later.

- (2) The discharger either:
 - (i) Has installed Best Demonstrated Technology (BDT) as defined in this section.
 - (ii) Has installed Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), or new source standards of performance, as applicable, established by the Administrator of the United States Environmental Protection Agency under 33 U.S.C.A. § § 1314(b) and 1316 or their equivalent as determined by the Department and will install BDT in accordance with a schedule acceptable to the Department.
 - (3) The installation of BDT will not result in the discharger achieving the water quality based effluent limitations for the pollutants in question.
 - (4) The discharger demonstrates, to the satisfaction of the Department, additional efforts to meet the water quality based effluent limitations by:
 - (i) Modifying process materials or production methods; or both.
 - (ii) Utilizing an alternate point of wastewater discharge—including the use of land application of wastewater.
 - (iii) Implementing wastewater management practices such as wastewater recycling, wastewater reuse and good housekeeping.
 - (iv) Conducting research into the application of new or innovative wastewater treatment technologies or management practices—including carrying out pilot-plant operations of sufficient size and duration to demonstrate adequately the technical feasibility of such treatment technologies or management practices.
- (b) Subsection (a) shall not apply to any of the following:
- (1) New sources as defined under 33 U.S.C.A. § 1316.
 - (2) Toxic pollutant effluent standards or prohibitions established under 33 U.S.C.A. § 1317(a).
 - (3) Dischargers which have a history of noncompliance with the Clean Streams Law (35 P. S. § § 691.1—691.1001) or the regulations promulgated thereunder, this article, or the terms and conditions of permits or Department orders issued pursuant thereto. A discharger's timely installation of BDT and the other methods set forth in subsection (a)(4) which do not result in achievement of water quality based effluent limitations, shall not be considered noncompliance for the purposes of this subsection.
- (c) Requests for time extensions shall be in writing, and shall contain information sufficient to demonstrate that the requirements specified in subsection (a) have been, or will be, met.

(d) Extensions shall be for a limited period of time, not to exceed 5 years, which will be specified by the Department in permits issued under the Clean Streams Law (35 P. S. § § 691.1—691.1001). A discharger's extension of time may be renewed, for a period of time for each extension not to exceed 5 years, if the requirements for the extension continue to be met.

(e) During the initial extension period, and subsequent extension renewal, the discharger shall submit periodic progress reports to the Department, at a frequency acceptable to the Department, but in no case less than once every year detailing its efforts to meet the water quality based effluent limitations in question.

(f) Failure by the discharger to implement any of the requirements contained in subsections (a)—(e) will result in the imposition and enforcement by the Department of the required water quality based effluent limitations.

(g) The following definition shall apply for the purpose of implementing subsections (a)—(f): *Best Demonstrated Technology (BDT)*—The combination of wastewater treatment technologies and management practices which have been demonstrated, to the satisfaction of the Department, to achieve the most effective degree of pollutant reduction applicable to the type of wastewater and pollutants in question. The determination of BDT shall be based upon the documented results of either full-scale installation and operation of treatment technologies and management practices, or investigation and pilot-plant operations carried out by the discharger. In no case shall BDT be less stringent than Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), or standards of performance for new sources for the wastewater and pollutants as determined by the Administrator of the United States Environmental Protection Agency under 33 U.S.C.A. § § 1314(b) and 1316.

§ 95.5. Treatment requirements for discharges to waters affected by abandoned mine drainage.

(a) For wastes discharged to waters polluted by abandoned coal mine drainage, so that the applicable water quality criteria are not being met and designated water uses are not being achieved to the extent that aquatic communities are essentially excluded, and where the pollution cannot be remedied by controlling known, active discharges, the following degrees of treatment shall be provided:

- (1) Sewage, as defined in The Clean Streams Law (35 P. S. § § 691.1—691.1001), shall receive secondary treatment, as defined by this chapter.
- (2) Industrial waste as defined in The Clean Streams Law (35 P. S. § § 691.1—691.1001), shall achieve one of the following degrees of treatment, as appropriate, which are defined under 33 U.S.C.A. § § 1314(b) and 1316(b):
 - (i) Best Conventional Pollutant Control Technology (BCT).
 - (ii) Best Available Technology Economically Achievable (BAT).
 - (iii) Standards of performance for new sources.

(b) A greater degree of treatment will be required to the waters where one of the following exists:

- (1) The water quality of the receiving water has or is expected to improve significantly.
- (2) The minimum degree of treatment required would cause pollution in downstream waters, so that designated stream uses in these downstream waters would not be achievable.

(c) For wastes discharged to waters where the applicable water quality criteria are not being met and the designated water uses are not being achieved, and a total maximum daily load has been completed pursuant to Chapter 96 (relating to Water Quality Standards Implementation) that establishes wasteload allocations, the wasteload allocations shall be the basis of the effluent limitations, in lieu of any less stringent limitations established in this Chapter.

§ 95.6. [Reserved].

§ 95.7. [Reserved].

§ 95.8. [Reserved].

§ 95.9. [Reserved].

95.10. Effluent standards for new discharges of wastewaters containing high Total Dissolved Solids (TDS) concentrations.

(a) For the purpose of implementing this section, a new discharge of High-TDS wastewater is a source of pollutants that did not exist on April 1, 2009, and includes a TDS concentration that exceeds 2,000 mg/l or a TDS loading that exceeds 100,000 pounds per day.

(b) Unless specifically exempted under paragraph (6), all new discharges of wastewater with High-TDS shall comply with the following:

- (1) Section 95.2 of this chapter.**
- (2) The discharge shall not contain more than 500 mg/l of Total Dissolved Solids as a monthly average.**
- (3) The discharge shall not contain more than 250 mg/l of total chlorides as a monthly average.**
- (4) The discharge shall not contain more than 250 mg/l of total sulfates as a monthly average.**

- (5) In addition to paragraphs (1) through (4), all discharges to groundwater, including land application and discharges to existing mine pools, shall comply with §§ 91.51 and 91.52 of Chapter 91 – related to General Provisions.
 - (6) Discharges of wastewater produced from industrial subcategories with applicable Effluent Limit Guidelines for TDS, Chlorides or Sulfates established as Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), or new source standards of performance, by the Administrator of the United States Environmental Protection Agency under 33 U.S.C.A. § § 1314(b) and 1316 are exempt from the effluent standards in this section.
- (c) New discharges of wastewaters resulting from fracturing, production, field exploration, drilling or completion of oil and gas wells shall comply with the following provisions, in addition to the provisions in subsection (b):
- (1) There shall be no discharge of waste water into waters of this Commonwealth from any direct source or site of fracturing, production, field exploration, drilling, or well completion, (*i.e.*, produced water, drilling muds, drill cuttings, and produced sand).
 - (2) Treated discharges of wastewater generated from fracturing, production, field exploration, drilling, or well completion may be authorized by the Department under Chapter 92 (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance). Such discharges shall be authorized only from Centralized Waste Treatment (CWT) facilities and approved POTWs.
 - (3) The discharge shall not contain more than 10 mg/l of total barium as a monthly average.
 - (4) The discharge shall not contain more than 10 mg/l of total strontium as a monthly average.
 - (5) Where a discharge from a Centralized Waste Treatment facility is proposed, the discharge shall comply with the performance standards in 40 CFR 437.34 (relating new source performance standards (NSPS)), in addition to complying with the requirements of paragraphs (2 – 4)..
 - (6) Where a discharge through a POTW is proposed, in addition to compliance with the requirements of paragraphs (2) – (4):
 - (i) Pretreatment shall be provided and shall comply with the performance standards found in 40 CFR Part 437.36 (relating to pretreatment standards for new sources).

(ii) The POTW shall develop and implement a federal pretreatment program meeting the applicable standards found in 40 CFR Part 403.8.

(d) Any wastewater treatment requirement established under this chapter shall not apply if an NPDES permit limitation established under Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) provides a more stringent effluent limitation requirement than would be provided by application of this chapter.

(e) For the purposes of this section, the term “new discharge” shall have a generic meaning to include, but not be limited to, a new source, a new discharge, a discharge from a new discharger, an additional discharge, an expanded discharge and an increased discharge.