

SPECIAL CONDITIONS GENERAL PERMIT WMGM041

A. Description.

This general permit authorizes the sale and beneficial use of municipal or residual wastewater effluent (“treated effluent”) that is approved for discharge under an NPDES (National Pollution Discharge Elimination System) permit to be used by the natural gas industry as makeup water during hydraulic fracturing and extraction of natural gas for gas well development operations from Marcellus Shale geologic formations.

B. Registration Requirements.

A person or municipality that proposes to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a registration from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed (i) General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application), (ii) Form B (Professional Certification), (iii) Form 20 (Application For A Municipal or Residual Waste General Permit), (iv) Form 27R (Acceptance of General Permit Conditions), and (v) a registration application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Department Regional Office. A check shall be made payable to the “Commonwealth of Pennsylvania”. No activities shall commence unless approved, in writing, by the Department.

C. Operating Conditions.

1. Nothing in this general permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable law, ordinance, or regulations, providing that said local law, ordinance, or regulation is not preempted by the Solid Waste Management Act, 35 P.S. §§6018.101 - 6018.1003; Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§4000.101 - 4000.1904; Air Pollution Control Act, 35 P.S. §§4001 - 4005; Waste Transportation Safety Act, 27 Pa. C.S. §§6201 - 6209; Oil and Gas Act, §§58 P.S. 601.101 – 601.605; Radiation Protection Act, 35 P.S. §§7110.101 - 7110.703 and the Clean Streams Law, 35 PS §§691.1 – 691.1001.
2. The beneficial use authorized by this general permit shall not harm or present a threat of harm to the health, safety, or welfare of the people or environment of this Commonwealth. The Department may:
 - a. Modify, suspend, revoke, or reissue the authorization granted in this general permit if the permittee cannot comply with the conditions of this general permit or if the authorized beneficial use activities cannot be adequately regulated under the conditions of this general permit.

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- b. Require a person or municipality authorized by a general permit to apply for, and obtain, an individual permit when the person or municipality is not in compliance with the conditions of the general permit or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.
3. Failure of measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules, and regulations and terms and conditions of this general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this general permit.
4. The permittee shall not cause or allow a point or non-point source discharge of any of the following: residual and municipal wastes; wastewater; combined storm water runoff and leachate, if generated; or runoff from the staging and loading/transfer facility where solid waste management activities are conducted; to the surface waters of the Commonwealth, unless permitted by the Department.
5. The permittee shall not mix the treated effluent that is beneficially used under this general permit with other types of waste materials, including hazardous waste, residual waste, special handling waste, or other municipal waste, unless otherwise approved by the Department in writing.
6. At a minimum, weekly inspections of all loading/transfer facility areas are to be conducted to determine compliance with the terms and conditions of this general permit, and for evidence of failure.
7. The transportation and loading/transfer of the treated effluent that is generated shall be conducted in a manner that will not create a nuisance or be harmful to the public health, safety or the environment of this Commonwealth.
8. The treated effluent, before use by the drilling company at the site of drilling, shall be stored and transported in accordance with 25 Pa. Code Chapter 285 or Chapter 299 (relating to storage and transportation) and the Waste Transportation Safety Act, 27 Pa. C.S. §§6201 – 6209. In addition, the facility shall be in compliance with federal and state statutes, rules and regulations relating to transportation.
9. The permittee shall comply with the applicable provisions of 25 Pa. Code, Chapter 123 (Standards for Contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, 35 P.S. §4005 and shall comply with all the applicable provisions of the Fugitive Emissions Sections 123.1, 123.2, and 123.31.
10. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to

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have access to and to inspect all areas on which waste management activities required of the permittee are being, will be, or have been conducted. This authorization and consent shall include consent to collect samples of waste, soils, water, or gases; take photographs; to perform measurements, surveys, and other tests; inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained. This permit condition is referenced in accordance with §§608 and 610(7) of the Solid Waste Management Act, 35 P.S. §§6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the Solid Waste Management Act.

11. Any waste generated from the beneficial use activity authorized by this general permit shall be managed in accordance with the Solid Waste Management Act, 35 P.S. §§6018.101 - 6018.1003 and the regulations promulgated thereunder.
12. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application, except to the extent that there is a conflict with the regulations or governing statutes.
13. Any independent contractors or agents retained by the permittee in the completion of beneficial use activity authorized under this permit shall be subject to a compliance history review by the Department prior to performance of activities under this general permit, as specified by the Solid Waste Management Act.
14. A Preparedness, Prevention and Contingency (PPC) plan that is consistent with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" shall be developed and maintained at the facility. The PPC plan shall be updated as needed or at least every five years. The permittee shall immediately implement the applicable provisions of the Department-approved PPC plan for any emergency that affects or threatens public health, safety, welfare, or the environment.
15. Upon cessation of operations at the facilities operating under the authorization granted in this permit, the operator shall clean and/or remove any municipal and residual waste, storage tanks and structures or other materials that contain or have been contaminated with municipal or residual waste and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, other environmental protection acts and the regulations promulgated thereunder.
16. Unless the treated effluent loading/transfer facility is located on the permit area under a pre-existing Clean Streams Law permit or Clean Water Act permit, the facility shall not be located:
 - a. Within 300 feet measured horizontally from an occupied dwelling unless the owner of the dwelling has provided a written waiver consenting to the facility

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being closer than 300 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

- b. Within 900 feet measured horizontally from the property line, unless a written waiver is obtained from the current property owner of:
 - i. A building owned by a school district or parochial school and used for instructional purposes;
 - ii. A park;
 - iii. A playground.
 - c. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
17. Treated effluent that has been processed is not considered a waste as defined in 25 Pa. Code § 271.1 after it has been transported to a Department permitted well site, as defined in § 603a of the Oil and Gas Act (58 P.S. § 601.603a) and in accordance with Chapter 78 (relating to oil and gas wells), and is beneficially used as make-up water in fracturing a well. The treated effluent will be managed as a municipal or residual waste at the well site pursuant to 25 Pa. Code Chapter 78 until it is used to fracture a well.
18. The permittee must ensure that no treated effluent is sold and beneficially used until approval is obtained from the appropriate river basin commission. The treated effluent must meet all discharge requirements set forth by the commission prior to the effluent being sold or beneficially used.
19. The permittee shall not bypass any steps in the treatment process prior to selling the treated effluent for beneficial use to the natural gas industry. The treated effluent must be withdrawn from the treatment process immediately prior to discharge to ensure all required steps of the treatment process are followed.
20. The permittee must ensure that all NPDES permit conditions are met prior to selling treated effluent for beneficial use.

D. Record Keeping.

- 1. The permittee shall develop documents of the beneficial use of treated effluent as follows:
 - a. The dates and volumes of treated effluent produced by the operation of the facility.

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- b. The dates, volumes, receiving well site location and identities of customers for each delivery or pickup of treated effluent at or from the facility.
 - f. For each day, the maximum volumes of treated effluent (before, during and after sale), at the facility.
2. All records required in this general permit shall be maintained on-site for a minimum of five years and shall be made available to the Department upon request.

F. Reporting Requirements.

1. Any person who operates under the provisions of this permit shall immediately notify, in writing, within 15 days the Solid Waste Manager of the appropriate regional office of the Department (address in attached list) of any changes in: the name, address, owners, operators, and/or responsible officials of the company; the location of facilities; compliance status; land ownership and the right to enter and operate sites operated by the permittee; and the status of any permit issued by the Department or federal government under the environmental protection acts.
2. Any person currently operating under the provisions of this general permit must notify the Department, in writing, if the existing facility will be relocated to a new location, or if an additional facility, owned and/or operated by the permittee, will be added for coverage under this general permit. In addition to the notice, the information below must be submitted for the Department's approval.
- a. If the existing facility will be relocated or additional facility will be located within the same Department's Regional Office having jurisdiction over the existing facility, the following conditions must be satisfied:
 - i. For a relocation, a registration fee in the amount identified in Section A (General Information) of the Form 20 (Application For A Municipal or Residual Waste General Permit) must be submitted, no less than thirty (30) working days, prior to operating the new facility.
 - ii. For an additional facility, (1) Form 20R and a registration fee in the amount identified in Section A (General Information) of the Form 20 (Application For A Municipal or Residual Waste General Permit 2540-PM-BWM0397), (2) Form GIF (General Information for a Residual or Municipal Waste Permit 2540-PM-BWM0515), and (3) Form E-GP (Contractual Consent of Landowner 2540-PM-BWM0217).

The check shall be made payable to the "Commonwealth of Pennsylvania".

- b. If the existing facility will be relocated or additional facility will not be located within the same Department's Regional Office having jurisdiction over the

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existing facility, a completed set of application Forms and the registration fee as specified in Condition B of this general permit must be submitted to the Department's Regional Office having jurisdiction over the (1) new setting, or (2) additional facility for its approval. No activities shall commence unless approved, in writing, by the Department. The check shall be made payable to the "Commonwealth of Pennsylvania".

G. Permit Renewal

A person or municipality that plans to continue the operations authorized under this general permit, after the expiration date indicated on the approval for coverage page, shall file a complete application for permit renewal at least 180 days before the expiration date of this general permit unless permission has been granted by the Department for submission at a later date. The renewal application shall be made using the "Form 20 (Application For a Municipal or Residual Waste General Permit)".

In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.

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**Department of Environmental Protection
Regional Offices
(and Counties Served)**

- I. Bucks, Chester, Delaware, Montgomery, Philadelphia.

Southeast Regional Office

2 East Main Street
Norristown, PA 19401
Phone: (484) 250 - 5960

- II. Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming.

Northeast Regional Office

2 Public Square
Wilkes-Barre, PA 18701-1915
Phone: (570) 826 – 2516

- III. Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York.

Southcentral Regional Office

909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone: (717) 705 – 4706

- IV. Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union.

Northcentral Regional Office

208 West 3rd Street - Suite 101
Williamsport, PA 17701
Phone: (570) 327 – 3653

- V. Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

Southwest Regional Office

400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: (412) 442 – 4000

- VI. Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

Northwest Regional Office

230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6848