

GENERAL PERMIT WMGR145

BENEFICIAL USE OF INDUSTRIAL WATER FROM
WITHDRAWAL WELLS ASSOCIATED WITH
STEELMAKING AND FOUNDRY SITES FOR USE IN OIL
AND GAS WELL DEVELOPMENT ACTIVITIES

DEPARTMENT OF ENVIRONMENTAL
PROTECTION
BUREAU OF WASTE MANAGEMENT
DIVISION OF MUNICIPAL and RESIDUAL
WASTE

March 2014

Expires: March 11, 2024

GENERAL PERMIT NO. WMGR145
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DEVELOPMENT

A. Description.

This general permit authorizes the beneficial use of industrial water from withdrawal wells associated with steelmaking and foundry sites for use in oil and gas well development activities.

B. Determination of Applicability 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 "Determination of Applicability" ("DOA") 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), (v) Form HW-C (Compliance History), and (vi) a DOA 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. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent the permit states otherwise, the permittee shall utilize the processed material as described in the permit application.
2. The permittee shall comply with the fugitive emissions regulations under Title 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 and 123.2.
3. Nothing in this permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid an applicable local law, ordinance, or regulation, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq; and the Municipal Waste Planning, Recycling and Reduction Act of 1988, 53 P.S. §4000.101 et seq.

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4. As a condition of this general permit and of the permittee's authority to conduct the activities authorized by this general 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 have access to and to inspect all areas on which solid waste management activities 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; to 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.
5. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the Department prior to performance of any activities, as specified by the Pennsylvania Solid Waste Management Act of 1980.
6. Failure of the permittee to comply with the applicable laws, rules, and regulations and terms of this permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to conditions of this permit, or of the measures herein approved to perform as intended or operate under this permit.
7. The activities 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 modify, suspend, revoke, and reissue the authorization granted in this general permit if it deems necessary to prevent harm or threat of harm to the public health, and the environment or if they cannot be adequately regulated under the conditions of this general permit.
8. The industrial water and all other wastes generated by the operation shall be stored and transported in accordance with 25 Pa. Code Chapter 299 (relating to storage and transportation) and the Waste Transportation Safety Act, 27. Pa. C.S. §§6201-6209.
9. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if the

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activities were covered by an individual permit. The Department may require an individual permit be obtained if the permittee cannot comply with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the public or the environment of this Commonwealth.

10. This permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater, or runoff from the site to the land or waters of the Commonwealth.
11. The permittee shall maintain a bond in an amount and with sufficient guarantees acceptable to the Department as provided by 25 Pa. Code, Chapter 287, Subchapter E (Bonding and Insurance Requirements). The bond shall continue in effect for the operational life of the facility, and for up to 10 years after final closure of the facility, unless released in whole or part by the Department, in writing.
12. The permittee shall maintain in force and effect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E (Bonding and Insurance Requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.
13. Upon cessation of operations at the facility, the permittee shall comply with any applicable closure requirements in 25 Pa. Code §293.262.
14. The industrial water is not considered a waste as defined in 25 Pa. Code §287.1 (i.e. de-wasted) 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), the owner or operator of the well site meets the conditions of §603a, and the industrial water is beneficially used to develop or hydraulically fracture an oil and gas well. Industrial water shall be managed as a residual waste at the well site pursuant to 25 Pa. Code Chapter 78 until it is used to develop or hydraulically fracture an oil or gas well.
15. The permittee shall not mix the excess industrial water 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.
16. At 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.

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17. The transportation and loading/transfer of the industrial water 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.
18. 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.

D. Record Keeping.

1. The permittee shall maintain records of the beneficial use of industrial water water as follows: the dates, volumes, receiving well site location and identities of customers for each delivery or pickup of industrial water from the facility and for each day, the maximum volumes of industrial water (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.

E. Reporting Requirements.

1. Any person that operates under the provisions of this permit shall immediately notify the Department via certified mail of any changes in: the company name, address, owners, operators, and/or responsible officials of the company, 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. At least sixty (60) days prior to a permittee operating a facility at a new location, two (2) copies of the following must be supplied to the appropriate Department Regional Office, in writing:
 - a. Name, address, phone number, and contact person for the new facility;

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- b. A description of the facility, including detailed maps, storage areas, containment areas, and other significant features, and a map showing the facility placement;
- c. Proof that copies of the notification have been submitted to the municipality, county, county planning agency, and county health department where activities will take place;
- d. A Preparedness, Prevention, and Contingency Plan (PPC) for the facility prepared in accordance with the most recent editions of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans";
- e. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit;
- f. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities;
- g. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition C.5;
- h. Bonding and insurance in an amount acceptable to the Department with supporting documentation.

F. 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 include 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 27 (Acceptance of General Permit Conditions), (v) bonding worksheets, and (vi) a DOA application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Department

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Regional Office. A check shall be made payable to the "Commonwealth of Pennsylvania." A copy of the renewal application shall also be sent to the attention of the Department's Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building, 400 Market Street, P.O. Box 69170, Harrisburg, PA 17106-9170.

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.