



# AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR INDUSTRIAL WASTEWATER FACILITIES

**NPDES PERMIT NO: PA0263516 – Amendment No. 1**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**Fluid Recovery Services, LLC  
P.O. Box 232  
Creekside, PA 15732**

is authorized to discharge from a facility known as **Fluid Recovery Services -- Rouseville Facility**, located at **587 State Route 8, Oil City, PA 16301** in **Cornplanter Township, Venango County** to **Oil Creek** in Watershed **16-E** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

**THIS PERMIT SHALL BECOME EFFECTIVE ON May 10, 2013**

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON December 31, 2015**

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. 40 CFR 122.41(a)
3. A complete application for reissuance of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. 40 CFR 122.41(b) 122.41(d)

In the event that a timely and complete application for reissuance has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. 25 Pa. Code 92.9

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

**DATE PERMIT ISSUED December 9, 2010**

**ISSUED BY /s/ \_\_\_\_\_**

**John A. Holden, P.E.**

**DATE PERMIT AMENDMENT ISSUED May 10, 2013**

**Title: Regional Manager Clean Water Program  
Northwest Regional Office**

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

**I. For Outfall 001, Latitude 41° 27' 37", Longitude 79° 41' 23", River Mile Index 2.70, Stream Code 54128**

**Discharging to** Oil Creek

which receives wastewater from the production and fracturing of oil and gas wells

- A. The permittee is authorized to discharge during the period from issuance date, through expiration date.
- B. Based on the production data and anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Daily Maximum	Minimum	Monthly Average	Daily Maximum	Instantaneous Maximum <sup>(2)</sup>		
Flow (MGD) <sup>(4)</sup>		0.08					continuous	measured
Oil and Grease				15		30	1/week	grab
TSS				11.3	29.6	29.6	1/week	8-hr comp
BOD5				53	163	163	1/week	8-hr comp
Iron (Total)				3	6	7.5	1/week	8-hr comp
Barium				10	20	25	1/week	8-hr comp
Strontium				10	20	25	1/week	8-hr comp
Manganese				2	4	5	1/week	8-hr comp
Antimony				0.0312	0.111	0.111	1/week	8-hr comp
Arsenic				0.0199	0.0993	0.0993	1/week	8-hr comp
Cadmium				0.0102	0.0172	0.0255	1/week	8-hr comp
Chromium				0.0522	0.167	0.167	1/week	8-hr comp
Cobalt				0.0703	0.182	0.182	1/week	8-hr comp

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

**I. For Outfall 001, Continued**

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Daily Maximum	Minimum	Monthly Average	Daily Maximum	Instantaneous Maximum <sup>(2)</sup>		
Copper				0.216	0.659	0.659	1/week	8-hr comp
Lead				0.160	0.350	0.4	1/week	8-hr comp
Mercury				0.000246	0.000641	0.000641	1/week	8-hr comp
Nickel				0.309	0.794	0.794	1/week	8-hr comp
Selenium				0.0698	0.176	0.176	1/week	8-hr comp
Silver				0.0122	0.0318	0.0318	1/week	8-hr comp
Tin				0.0367	0.0955	0.0955	1/week	8-hr comp
Titanium				0.00612	0.0159	0.0159	1/week	8-hr comp
Vanadium				0.0518	0.0628	0.130	1/week	8-hr comp
Zinc				0.252	0.657	0.657	1/week	8-hr comp
Acetone				7.97	30.2	30.2	1/month	8-hr comp
Acetophenone				0.0562	0.114	0.141	1/month	8-hr comp
Butylbenzyl phthalate				0.0887	0.188	0.222	1/month	8-hr comp
Bis (2-ethylhexyl) phthalate				0.101	0.215	0.253	1/month	8-hr comp
Carbazole				0.276	0.598	0.698	1/month	8-hr comp
2-Butanone				1.85	4.81	4.81	1/month	8-hr comp
o-Cresol				0.561	1.92	1.92	1/month	8-hr comp
p-Cresol				0.205	0.698	0.698	1/month	8-hr comp
n-Decane				0.437	0.948	1.09	1/month	8-hr comp
Fluoranthene				0.0268	0.0537	0.067	1/month	8-hr comp

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

**I. For Outfall 001, Continued**

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Daily Maximum	Minimum	Monthly Average	Daily Maximum	Instantaneous Maximum <sup>(2)</sup>		
n-Octadecane				0.302	0.589	0.755	1/month	8-hr comp
Phenol				1.08	3.65	3.65	1/month	8-hr comp
Pyridine				0.182	0.37	0.455	1/month	8-hr comp
2,4,6-Trichlorophenol				0.106	0.155	0.265	1/month	8-hr comp
TDS				500	1000	1250	1/week	8-hr comp
Acidity, Total (as CaCO <sub>3</sub> )				XX	XX		1/month	8-hr comp
Alkalinity, Total (as CaCO <sub>3</sub> )				XX	XX		1/month	8-hr comp
Alkalinity, Total (as CaCO <sub>3</sub> ) Effluent Net			0				1/month	8-hr comp
Chloride				250	500	625	1/week	8-hr comp
Benzene				XX	XX		1/month	8-hr comp
Bromide				XX	XX		1/month	8-hr comp
Aluminum				XX	XX		1/month	8-hr comp
Radium 226/228 (pCi/L)				XX	XX		½ weeks	8-hr comp
Gross Alpha (pCi/L)				XX	XX		½ weeks	8-hr comp
pH			6.0			9.0	daily	grab

XX -- Monitor and report.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):  
Outfall 001 (discharge from treatment facility).

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS  
(Con't)**

C. Additional Requirements

1. The discharger may not discharge floating materials, oil, grease, scum, foam, sheen and substances which produce color, taste, turbidity or settle to form deposits in concentrations or amounts sufficient to be, or creating a danger of being, inimical to the water uses to be protected or to human, animal, plant or aquatic life. 25 Pa. Code 92.51(6)

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) The Instantaneous Maximum Discharge Limitations are for compliance use by DEP only. Do not report instantaneous maximums on DMRs or supplemental DMRs unless specifically required to do so on those forms.
- (3) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.
- (4) The discharge shall also be controlled to a maximum discharge rate of 55.6 gpm.

Supplemental Information

- (1) The effluent limitations for this outfall were determined using an effluent discharge of 0.08 million gallons per day.

## II. DEFINITIONS

*At Outfall (XXX)* means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

*Average* refers to the use of an arithmetic mean, unless otherwise specified in this permit. 40 CFR 122.41(l) (4) (iii)

*Best Management Practices* (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to surface waters of the Commonwealth. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. 25 Pa. Code 92.1

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility. 40 CFR 122.41(m) (1) (i)

*Calendar Week* is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by the Department to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

*Clean Water Act* means the Federal Water Pollution Control Act, as amended, (33 U.S.C.A. §§1251 to 1387).

*Chemical Additive* means the chemicals that are used to control corrosion, algae, slime, fouling, oxygen or other blow down discharges in systems within a facility that might be present in its wastewater discharge. Other chemicals that would be included in this category include by are not limited to polymers, water softeners, flocculants, coagulants, emulsion breakers, dispersants, other oxygen scavenger or possible known carcinogens.

*Composite Sample* (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. EPA Form 2C

*Composite Sample* (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. EPA Form 2C

*Daily Average Temperature* means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

*Daily Discharge* means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. 25 Pa. Code 92.1 and 40 CFR 122.2

*Daily Maximum Discharge Limitation* means the highest allowable "daily discharge."

*Discharge Monitoring Report* (“DMR”) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. 40 CFR 122.2

Permit No. PA0263516 – Amendment No. 1

**Estimated Flow** means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.

**Geometric Mean** means the average of a set of n sample results given by the nth root of their product.

**Grab Sample** means an individual sample of at least 100 milliliters collected at a randomly selected time over a period not to exceed 15 minutes. EPA Form 2C

**Hazardous Substance** means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. 40 CFR 122.2

**Immersion Stabilization (i-s)** means a calibrated device is immersed in the wastewater until the reading is stabilized.

**Instantaneous Maximum** means the highest allowable discharge of a concentration of a substance at any one time as measured by a grab sample. 25 Pa. Code 92.1

**Measured Flow** means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

**Monthly Average Discharge Limitation** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**Non-contact Cooling Water** means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

**Severe Property Damage** means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. 40 CFR 122.41(m) (1) (ii)

**Stormwater** means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. 25 Pa. Code 92.1

**Stormwater Associated with Industrial Activity** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas as defined at 40 CFR 122.26(b)(14) and 25 Pa. Code 92.1.

**Total Dissolved Solids** means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

**Toxic Pollutant** means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. 25 Pa. Code 92.1

### III. SELF-MONITORING, REPORTING, AND RECORDS KEEPING

#### A. Representative Sampling 40 CFR 122.41(j) (1)

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Records Retention 40 CFR 122.41(j) (2)

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report, or application. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results 40 CFR 122.41(j) (3)

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures 40 CFR 122.41(j) (4)

Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§4101 - 4113), relating to environmental laboratory accreditation. Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those approved under 40 CFR Part 136 (or in the case of sludge use or disposal, approved under 40 CFR Part 136, unless otherwise specified in 40 CFR Part 503 or Subpart J of 25 Pa. Code Chapter 271), or alternate test procedures approved pursuant to those parts, unless other test procedures have been specified in this permit.

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. 40 CFR 122.41(e) 122.41(i) (3)
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. 40 CFR 122.41(j) (4)



B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. 40 CFR 122.41(e) and 40 CFR 122.44 (i) (1)
2. Unless instructed otherwise in PART C of this permit, a properly completed DMR must be received by the agency(ies) below within 28 days after the end of each monthly reporting period. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) provided by the Department in this permit (or an approved equivalent), and submit the signed, completed forms on a monthly basis with the DMR to:

Department of Environmental Protection  
Oil and Gas Management Program  
230 Chestnut Street  
Meadville, PA 16335

NPDES Enforcement Branch (3WP42)  
Office of NPDES Permits & Enforcement  
Water Protection Division  
US EPA -- Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

3. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92.23:
  - For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
  - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
  - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. 40 CFR 122.22(b) (3)

4. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in PART A III.A.4 herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. 40 CFR 122.41(l) (4) (ii)

C. Reporting Requirements

1. Planned Changes 40 CFR 122.41(l) (1) - The permittee shall give notice to DEP as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
  - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b).
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit.
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated Noncompliance

The permittee shall give advance notice to DEP of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. 40 CFR 122.41(l) (2)

3. Unanticipated Noncompliance or Potential Pollution Reporting

a. Immediate Reporting - The permittee shall report incidents causing or threatening pollution in accordance with the requirements of 25 Pa. Code Section 91.33. If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify the Department by telephone of the location and nature of the danger and if reasonable possible to do so, notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger. The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substance contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.

b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l) (6). These requirements include the following obligations:

(i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; and

(3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hr reporting requirement. Note see 40 CFR 122.44(g)

(ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by the Department, the permittee shall submit a written report in accordance with this paragraph. 40 CFR 122.41(l) (6) (iii)

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.3. of this section or specific requirements of compliance schedules at the time DMRs are submitted. The reports shall contain the information listed in paragraph C.3.b.ii of this section. 40 CFR 122.41(l) (7)

**Permit No. PA0263516 – Amendment No. 1**

- D. Specific Toxic Pollutant Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Direct Dischargers) - The permittee shall notify DEP as soon as it knows or has reason to believe the following: 40 CFR 122.42(a)
1. That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in this permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels." 40 CFR 122.42(a) (1)
    - a. One hundred micrograms per liter.
    - b. Two hundred micrograms per liter for acrolein and acrylonitrile.
    - c. Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.
    - d. One milligram per liter for antimony.
    - e. Five times the maximum concentration value reported for that pollutant in this permit application.
    - f. Any other notification level established by DEP.
  2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels": 40 CFR 122.42(a)(2)
    - a. Five hundred micrograms per liter.
    - b. One milligram per liter for antimony.
    - c. Ten times the maximum concentration value reported for that pollutant in the permit application.
    - d. Any other notification level established by DEP.

**PART B**

**I. MANAGEMENT REQUIREMENTS**

A. Compliance Schedules 25 Pa. Code 92.55 and 40 CFR 122.47(a)

1. The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit.
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. 40 CFR 122.47(a) (4)

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code 92.51(2) and 40 CFR 122.41(f)
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. 40 CFR 122.41(f)
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. 40 CFR 122.41(a) (1)

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. 40 CFR 122.41(h)
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. 25 Pa. Code 92.51(3) (ii) and 40 CFR 122.41(h)
3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. 40 CFR 122.41(l) (8)

D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. 40 CFR 122.41(e)

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. 40 CFR 122.41(d)

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. 40 CFR 122.41(m) (2)
2. Other Bypassing – In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
  - a. A bypass is unavoidable to prevent loss of life, personal injury, or "severe property damage." 40 CFR 122.41(m) (4) (i)(A)
  - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. 40 CFR 122.41(m) (4) (i) (B)
  - c. The permittee submitted the necessary reports required under F.4.a. and b. below. 40 CFR 122.41(m) (i) (C)
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. listed above. 40 CFR 122.41(m) (4) (ii)
4. Notice
  - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the bypass. 40 CFR 122.41(m)(3)(i)
  - b. Unanticipated Bypass
    - (i) The permittee shall submit immediate notice of an unanticipated bypass causing or threatening pollution. The notice shall be in accordance with PART A.III.C.3.a.
    - (ii) The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with PART A.III.C.3.b.

**II. PENALTIES AND LIABILITY**

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative, and/or criminal penalties as set forth in 40 CFR §122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation, or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603, and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance),

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in *18 Pa.C.S.A § 4904* and 40 CFR §122.41(j) (5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603, or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. 40 CFR 122.41(c)

**III. OTHER RESPONSIBILITIES**

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, Title 25 Pa. Code Chapter 92 and 40 CFR §122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law;

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; 25 Pa. Code 92.51(3)(i) and 40 CFR 122.41(i) (1)
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; 25 Pa. Code 92.51(3) (ii) and 40 CFR 122.41(i) (2)
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and 40 CFR 122.41(i)(3)
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. 40 CFR 122.41(i) (4)

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. 40 CFR 122.61(a)
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b of this section; 25 Pa Code 92.71a (1) and 40 CFR 122.61(b)(1)
  - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and 25 Pa. Code 92.7a (2) and 40 CFR 122.61(b)(2)
  - c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b of this section. 25 Pa. Code 92.71a (3) and 40 CFR 122.61(b) (3)
  - d. The new permittee is in compliance with existing Department issued permits, regulations, orders and schedules of compliance, or that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with § 92.55 (relating to schedules of compliance) and other appropriate Department regulations. 25 Pa. Code 92.71a(4)
3. In the event DEP does not approve transfer of this permit, the new owner or controller must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. 40 CFR 122.41(g)

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. 40 CFR 122.21(d)

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

**PART C**

**I. OTHER REQUIREMENTS**

None.

**II. SPECIAL CONDITIONS**

**1. Chemical Additives**

Chemical additives to control corrosion, scaling, algae, slime, fouling, oxygen, etc., and blowdown discharge rates shall be managed by the permittee to ensure that toxic effects in the receiving stream are prevented. Usage rates shall be limited to the minimum amount necessary to accomplish the intended purposes of the chemical addition and approval is limited to the chemicals and usage rates contained in the application.

Whenever a change in chemical additive or increase in usage rates is desired by the permittee, a written notification in the format specified by the Department, shall be submitted at least sixty (60) days prior to the proposed use of the chemical. For each proposed chemical or usage rate, the written notification, as a minimum, shall include the following:

- A. Trade names of additive;
- B. Name and address of additive manufacturer;
- C. Material Safety Data Sheet (MSDS) or other available information on mammalian or aquatic toxicological effects;
- D. Bioassay data including the 96-hour LC50 on the whole product,
- E. Proposed average and maximum additive usage rates in pounds per day;
- F. A flow diagram showing the point of chemical addition and the affected outfalls;
- G. The expected concentration of the product at the final outfall;
- H. The product density for liquids (pounds per gallon) used to convert the usage rate (gallons per day) to in-system concentrations (Milligrams per Liter);
- I. The analytical test method that could be used to verify final discharge concentrations when the product is in use and the associated minimum analytical detection level in Milligrams per Liter;
- J. The conditioned water discharge rate or blowdown rate and duration in hours;
- K. Available data on the degradation of or decomposition of the additive in the aquatic environment; and
- L. Any other data or information the permittee believes would be helpful to the Department in completing its review.

Use of products or chemicals that contain one or more ingredients that are carcinogens is generally prohibited. Before proposing limited use of such products or chemicals, the permittee must first thoroughly investigate use of alternative products or chemicals to avoid the use of the carcinogens. If no suitable alternatives are available, the permittee must submit written documentation as part of the information



required above, that demonstrates to the satisfaction of the Department that no suitable alternatives are available and any carcinogen in the proposed chemical or product will not be detectable in the final effluent using the most sensitive analytical method available.

Based on the information presented, the Department will determine within sixty (60) days whether the existing NPDES permit must be amended to include specific effluent limitations for active ingredients or other control measures. When so required, the permittee will be advised within sixty (60) days that a formal request for a permit amendment is required including a filing fee and Act 14 notices.

If a permit amendment application is not requested within sixty (60) days, the permittee may proceed with the use of the proposed chemical additive or usage rate.

Accurate records of usage (name of additive, quantity added, date added) of any approved chemical additive and blowdown discharge volumes must be maintained on the Chemical Additive Reporting Form and kept on-site by the permittee. All correspondence and notifications related to the chemical additives and usage rates must also be kept on-site with the required daily chemical usage records. If the notification is incomplete or the Department notifies the permittee that the proposed usage rate will cause violations of water quality standards, then use of the requested chemical additive or requested change in its usage rate will be denied.

## 2. Solids Disposal

Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in a manner "equivalent" to the requirements indicated in Chapters 271, 273, 275, 283, 285, 287, 288, 289, 291, 293, 295, 297, and 299, Federal Regulation 40 CFR 257, Pennsylvania Clean Streams Law, Pennsylvania Solid Waste Management Act of 1980, and the Federal Clean Water Act and its amendments.

The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

## 3. Receipt of Residual Waste

A. The permittee shall document each load of residual waste (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate) received for processing at the treatment facility. Upon receipt, the permittee shall record the information required for the Residual Waste Supplemental DMR (Form No. 3800-FM-WSFR0450) and the residual waste transporter operational record pursuant to 25 Pa. Code §299.219 as follows:

1. The types or classifications of residual waste received and well permit # if applicable.
2. The weight or volume of the types of wastes received.
3. The name, mailing address, telephone number, county and state of each generator of residual waste received.
4. The name and location of any transfer facility that received and transferred the waste.
5. The name and address of the person or municipality collecting or transporting the waste.
6. The license plate number of the vehicle/trailer transporting the waste.

B. This information at a minimum can be found on the required daily operational record of the transporter. If the transporter is unable to provide this information, the load shall not be accepted by the permittee until such time as the transporter is able to provide the required information.

**Permit No. PA0263516 – Amendment No. 1**

- C. In addition, the permittee shall summarize the information on a monthly basis and submit the enclosed Residual Waste DMR Supplemental Form (Form No. 3800-FM-WSFR0450) to the Department as an attachment to the DMR.
- D. Prior to receipt of any residual waste, the permittee shall obtain a chemical analysis of the wastewater as required in 25 Pa. Code § 287.54 from the generator of the wastewater.
- E. For oil and gas wastewaters, within 30 days of delivering fracturing (frac) water to the treatment facility, the operator of the well or well site generating the frac water will submit a characterization of the frac wastewater using the parameters listed in the Bureau of Waste Management Form 26R. For the first 30 days of wastewater generation after fracturing, the operator of the well site will provide and the receiving facilities will rely upon an oil and gas industry generic characterization of the wastewater. A waste characterization (as described above) will need to be submitted for all other types of wastewater generated prior to acceptance at the treatment facility.
- F. The information required by this condition shall be retained by the permittee for 5 years from the date of receipt. This information must be made available for inspection by and a copy made available to the Department, upon request.