



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029\
February 1, 2013

Mary Aversa, Manager
122 E Butler Ave
Ambler, PA 19002-4476

Re: Acceptance of Oil and Gas Waste
NPDES Permit No.- PA0026603

Dear Mary Aversa, Manager:

The purpose of this letter is to clarify the procedures that a publicly-owned treatment works (POTW) in Pennsylvania must follow and approvals that must be obtained prior to a POTW accepting a new waste, including any waste that is significantly different than a previously accepted waste, for disposal or treatment. In the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Protection (PADEP) is authorized to implement the National Pollutant Discharge Elimination System (NPDES) Permit Program under U.S. Environmental Protection Agency (EPA) oversight, with the exception of the Pretreatment Program which the EPA implements. Your facility has been identified as one which is covered by an NPDES permit issued by PADEP, and also covered under a Pretreatment Program approved by EPA.

Issuance of an NPDES permit authorizes a facility to discharge waste in accordance with the permit and consistent with the quantity and characteristics of the waste identified in the NPDES permit application submitted by the permittee. Where the quantity or characteristics of the waste change, the discharger is required to notify the permitting authority, obtain a revised NPDES permit, and obtain approval of revisions to its approved pretreatment program as necessary to prevent pass through and interference with operations at the POTW. For POTWs, 40 CFR Part 122.42(b) requires that the POTW provide adequate notification of:

- (1) any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- (2) any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of permit issuance.



“Adequate notice” is meant to provide the NPDES permitting authority with enough time to determine if the POTW’s NPDES permit needs to be modified to address possible effects due to the potential new or changed discharges. Therefore this notification must be provided and revision of the NPDES permit and approved pretreatment program obtained before the POTW may accept the wastewater.

Acceptance of oil and gas wastewater or other drilling waste that was not previously included in the permit application or permit would generally be considered a new introduction of pollutants or may be a substantial change in the volume or character of pollutants being introduced into the POTW. Unless a POTW has previously identified and provided analyses for all of the parameters, concentrations and volumes of the oil and gas extraction wastes in its NPDES permit application and received authorization to accept and discharge the waste through its NPDES permit, the notification requirements apply.

40 CFR Part 122.42(b) also defines the information that is required. This includes:

- (1) the quality and quantity of effluent introduced into the POTW, and
- (2) any anticipated impact of the change on the quantity or quality of the effluent to be discharged from the POTW.

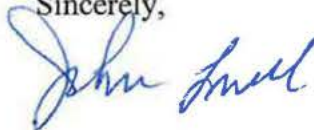
The POTW must submit the notification to both PADEP as the permitting authority and EPA as the pretreatment authority. When considering the acceptance of new or changed wastewater, a POTW needs to collect information from the industrial user on the quality and quantity of the wastewater proposed to be introduced to the POTW and assess the potential impact to the POTW and the receiving waters if the POTW were to accept the wastewater. For oil and gas wastewater, that discharge characterization should include the concentrations of total dissolved solids; specific ions such as chlorides, barium, strontium and sulfate; specific radionuclides; metals; and other pollutants that could reasonably be expected to be present in wastewater from a well. In addition to the ions, radionuclides, and metals that can be expected to be present in wastewater produced from a well, the characterization should include all chemicals used in well drilling, completions, treatment, workover, or production that could reasonably be expected to be present in the wastewater. The assessment of the potential impacts of the new/changed discharge would also need to include an evaluation of the potential for exceedance of narrative and numeric water quality requirements as well as the potential for inhibition of POTW treatment processes. EPA will work with PADEP to evaluate the new/changed discharge to ensure that the effluent limits and other requirements of the NPDES permit are appropriately revised to address numeric and narrative water quality standards, pretreatment requirements, and protect human health and the environment.

In addition to this notification, all industrial user discharges to a POTW must comply with the specific prohibitions of 40 CFR Part 403.5(b), any applicable categorical standards, and any state and local limits. 40 CFR Part 403.5(c)(1) also requires that the POTW develop local limits to prevent pass through and interference. To prevent pass through and interference, the local limits and any other necessary controls on the discharges into the POTW must be approved and in place prior to accepting the waste. Therefore, any POTW planning to accept oil and gas extraction waste should provide the required local limits evaluation with the notification discussed above and obtain approval of the proposed limits prior to accepting the waste.

Additional information on natural gas extraction can be found on EPA's website at the following address: <http://www.epa.gov/hydraulicfracture/>. Information on development of local limits including EPA's *Local Limits Development Guidance* and a spreadsheet for calculation of local limits can be found at this web address: <http://www.epa.gov/reg3wapd/npdes/?tab1=3>.

If you have any questions regarding this matter, please do not hesitate to contact me at 215-814-5790 or by email at lovell.john@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "John Lovell". The signature is written in a cursive style with a large initial "J".

John Lovell
Pretreatment Program Coordinator
NPDES Permits Branch (3WP41)
Water Protection Division

cc: Jenifer Fields, PADEP Southeast Region
Ron Furlan, PADEP Central Office
Kelly Heffner, PADEP Central Office