



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

Mr. Joseph Drnach, Superintendent
Clairton Municipal Authority
One North State Street
Clairton, Pennsylvania 15025

JUL 13 2011

Re: Acceptance of Oil and Gas Waste
NPDES Permit No. PA0026824

Dear Mr. Drnach:

This letter concerns the procedures that must be followed and approvals that must be obtained prior to a POTW accepting a new waste for disposal or treatment. The United States Environmental Protection Agency (EPA) has consulted with Pennsylvania Department of the Environmental Protection (PADEP) on this subject.

Issuance of an NPDES permit authorizes a facility to discharge waste consistent with the quantity and characteristics of the waste identified in the NPDES permit application. Where the quantity or characteristics of the waste changes, 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. For POTWs, 40 CFR 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 CWA 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 permit 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 in order to address possible effects due to the potential new indirect discharger, and 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 hydrofracking or other drilling waste would generally be considered a new introduction of pollutants or a substantial change in the volume or character of pollutants being introduced into the POTW. Unless a POTW has previously identified all the parameters, concentrations and volumes of the hydrofracking and/or drilling wastes in their NPDES permit application and received authorization to accept and discharge the waste through its NPDES permit, the notification requirements apply.

40 CFR 122.42(b) also defines the information that must be included in this notification. 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 notification needs to be submitted 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 industry 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 hydrofracking wastewater, that discharge characterization should include the concentrations of total dissolved solids, specific ions such as chlorides 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 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 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 the environment.

In addition, EPA will evaluate the notification to determine if the POTW will be required to develop and implement an approved pretreatment program. As an alternative, EPA may require that the POTW develop and enforce local limits to control the waste without development and implementation of a full pretreatment program in accordance with 40 CFR 403.5(c)(2). Note that all industrial user discharges to the POTW must comply with the specific prohibitions of 40 CFR 403.5(b), any applicable categorical standards, and any state and local limits.

Additional information on hydrofracking can be found at the following web address: <http://cfpub.epa.gov/npdes/hydrofracturing.cfm>. Guidance on the basic requirements of the pretreatment program can be found at this web address: http://www.epa.gov/npdes/pubs/pretreatment_program_intro_2011.pdf. 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 contact John Lovell at 215-814-5790.

Sincerely,



David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

**cc: Sam Harper, PADEP Southwest Region
Ron Furlan, PADEP Central Office
Kelly Hefner, PADEP Central Office**