

208 West Third Street, Suite 101
Williamsport, PA 17701-6448
December 7, 2009

Northcentral Regional Office

570-327-3740
Fax 570-327-3420

Residual Waste Transporters

Re: Waste Gas Well Fracturing Fluids Waste Transportation Vehicle Inspections

Dear Waste Transporter:

The Department of Environmental Protection (Department) is providing you with information concerning the inspection of waste transportation vehicles that transport gas well fracturing fluids in Pennsylvania to any storage, processing or disposal area or other well site for reuse. Pursuant to the Solid Waste Management Act, 35 P.S. § 6018.101 - 6018.1003 gas well fracturing fluids are considered residual waste and must be managed in accordance with applicable laws.

The Department will be conducting inspections jointly with the Motor Carrier Safety Awareness Program (MCSAP) team comprised of the Pennsylvania State Police and Penn DOT. Violations that are found during these inspections are subject to civil penalties, with each violation being a separate offense.

I wish to advise you, or the company you are employed by, that the following requirements must be met if you transport gas well fracturing fluids in Pennsylvania.

1. **Signs**

According to 25 Pa. Code Section 299.220 vehicles that transport residual waste within Pennsylvania are required to have proper identification signs with letters at least 6 inches in height. The signs should include the name and business address of the owner of the vehicle, and shall also indicate the type of waste being transported.

2. **Fire Extinguisher**

According to 25 Pa. Code Section 299.213 vehicles that transport residual waste within Pennsylvania are required to have proper fire extinguishing equipment.

3. **Leaks**

According to 25 Pa. Code Section 299.213 equipment to transport residual waste within Pennsylvania is required to be routinely tested, inspected and maintained by the operator to ensure that there is no release or leakage of waste during transportation.

4. **Emergency Equipment**

According to 25 Pa. Code Sections 299.216(a)(d) vehicles that transport residual waste within Pennsylvania are required to have safety equipment for use during discharges, fires and other emergencies. The equipment shall include protective clothing and equipment and first-aid supplies. Transportation vehicles shall also be equipped with absorbent mats and material to absorb liquids that might leak from the container.

5. **Daily Operational Record**

According to 25 Pa. Code Section 299.219 vehicles that transport residual waste within Pennsylvania are required to have a residual waste daily operational record in the cab of the vehicle. The report shall include among other things, the type of waste transported, the weight or volume of the waste, generator information, and the processing or disposal facility information.

6. **PPC Plan (Contingency Plan)**

According to 25 Pa. Code Section 299.216(d) vehicles that transport residual waste within Pennsylvania are required to have a residual waste contingency plan in the cab of the vehicle.

7. **Act 90 Authorizations**

In addition to the above requirements, in order for your waste to be transported within Pennsylvania and accepted at certain processing facilities or any disposal facility, you may need to obtain a written authorization from the Department to haul residual waste.

In addition to the requirements listed above, the MCSAP team will inspect all vehicles to ensure compliance with vehicle safety requirements for the following items:

1. The weight of the load being hauled
2. Driver's license
3. Ownership cards
4. Brake systems
5. Springs
6. Tires

Since these inspections will be conducted in the future, you may wish to take a few minutes to check your vehicle and make every attempt to be in compliance with the above requirements. Please be reminded that Penn DOT and State Police citations and fines are in addition to the Department's civil penalties that are assessed for each violation.

Enclosed with this letter is a copy of the Residual Waste Transportation Daily Operational Record that is required to be kept in the cab of your vehicle. You may make photocopies of these records as necessary. Also enclosed are guidelines for the development of a residual waste contingency plan. You can view the transportation regulations online at www.pacode.com/secure/data/025/chapter299/subchapBtoc.html .

If you have any questions concerning the Department's regulations governing the transportation of waste, please feel free to call our office at 570-327-3653.

Sincerely,

James E. Miller
Environmental Program Manager
Waste Management Program

Enclosures

Cc: File