



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

BUREAU OF WASTE MANAGEMENT
DIVISION OF MUNICIPAL and RESIDUAL WASTE

GENERAL PERMIT WMGR163

SHORT DURATION PROCESSING AND BENEFICIAL USE
OF OIL AND GAS LIQUID WASTE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

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**GENERAL PERMIT WMGR163
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OF OIL AND GAS LIQUID WASTE**

A. Description and Definitions:

1. This general permit authorizes the processing and transfer of oil and gas liquid waste at temporary facilities that operate for no more than 180 consecutive days at any one time, and subsequent beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.
2. Coverage under this general permit will expire 1 (one) year from the date that waste is initially received or processed, or a maximum of 2 (two) years from the date the Department issues coverage, whichever is less.
3. Permittees may only operate, as the term is defined below, under this general permit for a maximum of 180 consecutive days at any one time during the period of coverage described in paragraph A.2., above.
4. Definitions. For purposes of this general permit, the terms identified in this paragraph are defined as follows:

De-waste – A determination made by the Department (DEP) that a material is no longer a waste.

Facility – As defined in 25 Pa. Code § 287.1. The term includes processing facilities and transfer facilities.

Final closure – The date after which no further treatment, maintenance or other action is or will be necessary at a residual waste processing facility to ensure compliance with the Solid Waste Management Act, 35 P.S. §§ 6018.101 – 6018.1003 (SWMA), and 25 Pa. Code, Article IX. For final closure to be satisfied, the Department must acknowledge the final closure, in writing, to the permittee.

Oil and gas liquid waste – The term includes liquid wastes generated from oil and gas operations as defined in 25 Pa Code § 78a.1. The term includes contaminated water from oil and gas operations and the facility operating under this general permit, provided the generating facility has satisfied all other permitting requirements that may apply to contaminated water. The term does not include condensate from oil and gas pipeline compressor stations that exhibits a characteristic of hazardous waste under 40 CFR Part 261, Subpart C, as incorporated by reference at 25 Pa. Code § 261a.1.

Operate – To receive or process solid waste; to conduct closure and postclosure activities at a facility.

Processing – A method or technology used for the purpose of preparing oil and gas liquid waste for beneficial use to develop or hydraulically fracture an oil or gas well. The term includes the transfer or storage of oil and gas liquid wastes.

Transfer – Receiving and processing, or storage of, oil and gas liquid waste at a location other than the site where the oil and gas liquid waste was generated, and which facilitates the transportation of oil and gas liquid waste to a processing facility, a DEP-permitted well pad, or permitted impoundment or other facility designed to hold liquids for the development or hydraulic fracture of an oil or gas well. The term includes a facility that uses a method or technology to convert part or all of the waste materials for beneficial use.

Storage – The containment of waste on a temporary basis in a manner that does not constitute disposal of the waste.

B. Registration 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 registration from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed application on forms provided by the Department along with the application fee for a registration must be submitted to the appropriate Department Regional Office. The application must contain a proposed closure plan for the facility. Checks shall be made payable to the "Commonwealth of Pennsylvania". No activities authorized under the terms and conditions of this general permit shall commence unless approved, in writing, by the Department.

C. Operating Conditions:

1. The permittee shall notify the appropriate DEP Regional Office (see attached list) within 24 hours from the time that the permittee begins to operate under this general permit.
2. Oil and gas liquid waste that has been processed or stored under the authority of this general permit is not considered a waste as defined in 25 Pa. Code § 287.1 (i.e., dewatered) after the processed or stored oil and gas liquid waste has been transported to a DEP permitted well site, as defined in § 3273.1 of the Oil and Gas Act (58 P.S. § 3273.1), the owner or operator of the well site meets the conditions of § 3273.1, and the processed or stored oil and gas liquid waste is beneficially used to develop or hydraulically fracture an oil or gas well. Processed or stored oil and gas liquid waste shall be managed as a residual waste at the well site pursuant to 25 Pa. Code, Chapter 78, or 25 Pa. Code, Chapter 78a, until it is used to develop or hydraulically fracture an oil or gas well.
3. The facility shall not be located:
 - a. In the 100-year floodplain of waters of this Commonwealth, unless DEP approves in the permit a method for protecting the facility from a 100-year flood consistent with the Flood Plain Management Act (32 P.S. §§ 679.101 - 679.601) and the Dam Safety and Encroachment Act (32 P.S. §§ 693.1 - 693.27).
 - b. In or within 300 feet of an exceptional value wetland.
 - c. Within 300 feet measured horizontally from an occupied dwelling unless one of the following conditions are satisfied:
 - i. The owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner, or
 - ii. The operations take place in an enclosed facility, the applicant demonstrates that the location and operation of the facility do not conflict with local land use or local zoning and the applicant has provided written notice to owners of all occupied dwellings within 300 feet measured horizontally from the facility.
 - d. Within 50 feet of a property line unless the owner demonstrates one of the following:
 - i. That actual processing of waste is not occurring within 50 feet of a property line.
 - ii. That storage and processing take place in an enclosed facility.
 - iii. That the owner of the adjacent property has provided a written waiver consenting to the facility being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

- e. Within 100 feet of a perennial stream unless the storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result.
- f. Within 150 feet of high quality or exceptional value waters, as defined in 25 Pa. Code § 93.1, unless the storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result.
- g. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet.
- h. Within 900 feet measured horizontally from the property line of the following, unless a written waiver is obtained from the current property owner:
 - i. A building owned by a school district or parochial school and used for instructional purposes;
 - ii. A park;
 - iii. A playground.
 - i. In an area where the facility would adversely affect a habitat of a known endangered or threatened species unless written clearance is received by the regulating agency through the Pennsylvania Natural Heritage Program.
- 4. Once a permittee has ceased receiving and processing waste at a facility operating under authorization granted in this permit, the permittee shall clean and/or remove any residual waste, storage tanks and structures or other materials associated only with the activities authorized under WMGR163 that contain or have been contaminated with residual waste and shall provide for the processing and disposal of the waste or material in accordance with the SWMA, other environmental protection acts and the regulations promulgated thereunder. Structures, storage tanks or materials that are also utilized for ongoing oil and gas operations located on a well pad would not be subject to this condition.
- 5. The processing, storage and transfer of the oil and gas liquid waste authorized by this permit, and any other wastes that are generated, shall not cause or allow conditions that are harmful to the environment, public health or safety, including but not limited to, odors, noise, or other public nuisances.
- 6. A Preparedness, Prevention and Contingency (PPC) plan that is consistent with the most recent edition of DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" shall be developed and shall be available at the facility. The PPC plan shall be updated as needed or at least every five years. The permittee shall immediately implement the applicable provisions of the DEP-approved PPC plan for any emergency that affects or threatens public health, safety, welfare, or the environment.
- 7. A copy of the DEP-approved Radiation Protection Action Plan (RPAP), for the facility must be maintained by the permittee and be available at the facility at all times. A physical copy of the RPAP shall be maintained on-site or, if there is not an office or building located on-site where the records can be maintained, at the permittee's office for five (5) years. Permittees must ensure that an RPAP be immediately accessible at the facility at any point while the facility is operating. A copy of the RPAP, a physical or an electronic copy, shall be provided to DEP upon request. The RPAP must address the management of oil and gas liquid waste and solids generated that contain technologically enhanced naturally occurring radioactive material (TENORM) and be implemented during all phases of operations at the facility.
- 8. 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 materials as described in the permit application.

9. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to 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 25 Pa. Code §§123.1 and 123.2 (relating to prohibition of certain fugitive emissions and fugitive particulate matter).
10. Nothing in this general permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable law, ordinance, or regulations, providing that said local law, ordinance, or regulation is not preempted by the SWMA; Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§ 4000.101 – 4000.1904; Air Pollution Control Act, 35 P.S. §§ 4001 – 4005; Waste Transportation Safety Act, 27 Pa. C.S. §§ 6201 – 6209; Oil and Gas Act, §§ 58 Pa.C.S.A. §§ 2301 – 3504; Radiation Protection Act, 35 P.S. §§ 7110.101 – 7110.703 and the Clean Streams Law, 35 PS. §§ 691.1 – 691.1001.
11. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of DEP, 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 required of the permittee 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; inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by DEP to be maintained. This permit condition is referenced in accordance with §§ 608 and 610(7) of the SWMA, 35 P.S. §§ 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the SWMA.
12. Any independent contractors or agents retained by the permittee that possess or exercise control over any aspect of the processing and beneficial use activity authorized under this permit shall be subject to a compliance history review by DEP prior to initiation of activities under this general permit, as specified by the SWMA.
13. Failure of measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules, and regulations and terms and conditions of this general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this general permit.
14. 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. DEP may modify, suspend, revoke, and reissue the authorization granted in this general permit if it deems necessary to prevent harm or the threat of harm to the public health, and the environment or if they cannot be adequately regulated under the conditions of this general permit.
15. 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 activities were covered by an individual permit. DEP 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.
16. The permittee shall not cause or allow a point or non-point source discharge of any of the following: residual wastes; liquid waste; combined stormwater runoff and leachate, if generated; or runoff from the staging, processing, and storage areas where solid waste management activities are conducted; to the surface waters of the Commonwealth, unless permitted by DEP. This does not include rainwater or stormwater that is collected in a containment area that has not been mixed with a residual waste.
17. Best Management Practices (BMPs) shall be implemented to divert stormwater run-on away from the facility. Stormwater runoff shall be managed in accordance with the Clean Streams Law, 35 PS. §§ 691.1 – 691.1001, and regulations promulgated thereunder. Prior to commencing operations at the facility, the permittee must comply with regulations and obtain all the necessary erosion and sediment control and stormwater management permits.

18. The permittee shall maintain in force and affect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E (relating to bonding and insurance requirements) to provide continuous coverage during operation of the facility and until DEP issues a final closure certification.
19. The permittee shall maintain a bond in the amount and with sufficient guarantees acceptable to DEP as provided by 25 Pa. Code, Chapter 287, Subchapter E (bonding and insurance requirements). The bond should guarantee the removal and proper management of the maximum volume of oil and gas liquid waste (before, during and after processing) and other wastes at the facility at any one time, if required. The amount of the bond shall be based upon the total estimated cost (i.e., off-site disposal, transportation cost, decontamination cost) to the Commonwealth for removal and proper management of the wastes associated with operations permitted under WMGR163. For activities occurring on a DEP-permitted well site, the activities authorized under WMGR163 shall be covered under this financial bond. DEP may require additional bonding for any other necessary measures to prevent adverse impacts upon public health, safety, welfare, and environment.
20. At a minimum, weekly inspections of all processing and storage areas are to be conducted to determine compliance with the terms and conditions of this general permit, and for evidence of failure. This includes the processing and storage areas for operations permitted under WMGR163 that are located on a well pad that is actively engaged in drilling, casing, cementing, hydraulic fracturing, or flowback operations. For operations permitted under WMGR163 that are located on a well pad and are not actively engaged in processing or transfer, a monthly inspection of all storage areas is adequate.
21. Oil and gas liquid waste, before and after processing, 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.
22. Certification of the equipment installation at facilities permitted under this general permit shall be submitted to DEP by a professional engineer, registered in the Commonwealth of Pennsylvania, upon completion of construction. The permittee must notify DEP, in writing, within seventy-two (72) hours prior to commencing construction. The permittee shall submit one original and one copy of as-built drawings and the construction certification report document to DEP upon completion of the construction activity. Prior to any waste processing or transfer, DEP must approve the certification reports, in writing.
23. A registered Pennsylvania professional engineer shall certify in writing on Form 19R, provided by the Department, for each phase of the construction, under penalty of law respecting unsworn falsification to authority (18 Pa. C.S. Section 4904), indicating that he/she has personally examined the construction of said phase and it is constructed and prepared in accordance with the documents, statements, design, and plans submitted as part of the application as approved by DEP.
24. The oil and gas liquid waste that is processed or stored and beneficially used under this general permit shall not be mixed with other types of waste materials, including hazardous waste, municipal waste, special handling waste, or other residual waste, unless otherwise approved by DEP in writing.
25. Permittees are not authorized to use open-top storage tank(s) or any other air contamination source(s) under the terms of this general permit unless the facility demonstrates that the open top tank(s) or source(s) are in compliance with 25 Pa. Code, Subpart C, Article III, pertaining to air emissions, or otherwise demonstrates that the facility is exempt from regulatory requirements under 25 Pa. Code, Subpart C, Article III. Permittees are not authorized to store oil and gas liquid waste in impoundments under this general permit.
26. Any waste generated from the processing activity authorized by this general permit or processed or stored oil and gas liquid waste that is not beneficially used shall be managed in accordance with the SWMA and the regulations promulgated thereunder

D. Recordkeeping:

1. The permittee shall maintain records of the processing or storage and beneficial use of oil and gas liquid waste as follows:
 - a. Names of the generators and locations where the oil and gas liquid waste is generated.
 - b. The dates and volumes of oil and gas liquid waste received by the facility.
 - c. The dates and volumes of processed oil and gas liquid waste and wastes produced by the operation of the facility as follows:
 - i. For continuous processes, the volumes should be recorded on a daily basis.
 - ii. For batch processes, the volumes should be recorded on a per batch basis.
 - d. The dates, volumes, and locations, including the names of the facilities to which the processed oil and gas liquid waste is transported for beneficial use, disposal, storage, transfer, or processing.
 - e. The maximum volume of all unprocessed and processed oil and gas liquid waste and other wastes that are managed at the facility each day to demonstrate that the volumes used to calculate the bond are not exceeded. This includes all materials generated, received, processed, and stored at the facility.
2. The permittee shall maintain records of the volumes of fresh surface water and other water sources withdrawn for use by the facility.
3. All records required in this general permit shall be maintained by the permittee for a minimum of five years, shall be available at the facility (either in hard copy or in an electronic format), and shall be made available to DEP upon request. Should a facility be no longer located at the site where the processing occurred, the records shall be maintained by the permittee for a minimum of five years and shall be made available to DEP upon request.

E. Reporting Requirements:

1. Any person that operates under the provisions of this permit shall immediately notify DEP within ten (10) business days, via certified mail, of any changes in: the company name, address, owners, operators, and/or responsible officials of the company, compliance status, and the status of any permit issued by DEP or the federal government under the environmental protection acts.
2. Persons operating under the provision of this general permit shall submit to the appropriate DEP Regional Office (see attached list), a final report on the beneficial use activities conducted under this permit within 60 days following the expiration date of coverage under this general permit. This report shall include:
 - a. Names of the generators and locations where the oil and gas liquid waste is generated;
 - b. The dates and volumes of oil and gas liquid waste received by the facility;
 - c. The dates and volumes of processed oil and gas liquid waste and wastes produced by the operation of the facility, if applicable;
 - d. The dates, volumes, and locations, including the names of the facilities to which the processed oil and gas liquid waste is transported for beneficial use, disposal, storage, transfer, or processing; and
 - e. The maximum volume of all unprocessed and processed oil and gas liquid waste and other wastes that are managed at the facility each day.

Permittees that process or transfer solely their own oil and gas liquid waste are relieved from the requirement to provide information in the final report that is otherwise provided to the Department in accordance with unconventional monthly Oil and Gas Reporting Electronic (OGRE) requirements, which is available on the Department's website. As with all general permits, records relating to the permitted operation and the wastes authorized for processing or beneficial use may be requested and made available to the public.

3. Persons operating under the provisions of this general permit shall not exceed the maximum volumes of processed and unprocessed oil and gas liquid wastes or other wastes provided in their approved bonding calculations. In the event these volumes are exceeded the DEP shall be immediately notified.
4. The permittee shall immediately notify DEP's Emergency Hotline by telephone at 800-541-2050 and the appropriate DEP regional office waste management program in the event of a discharge or any spill of oil and gas liquid waste generated or processed in a quantity capable of reaching surface water, and shall take appropriate immediate action to protect the health and safety of the public and the environment.

F. Renewal:

1. Renewal of coverage under this general permit is only available to permittees whose 2 -years of coverage would span beyond the expiration date of the base general permit. This situation would only occur if an applicant has submitted an application for coverage within 2 years of the expiration date of the base general permit. Due to the short duration that permittees are authorized to operate under this general permit, and the unlikelihood that any updates to original permit application materials would occur between the time of permit issuance and base permit renewal, the Department will consider the initial application for coverage under this general permit to also be the renewal application, provided the permittee submits, in writing, a statement to the Department at least 180 days in advance of the expiration date of the base general permit certifying that the information contained in the original application has not changed from the time of permit issuance. If initial permit issuance occurs within 180 days of the expiration date of the base general permit, the certification statement is not required.
2. Any permittee whose coverage under this general permit expires prior to the expiration date of the base general permit is not eligible for renewal. Any applicants that intend to continue to operate at the same site beyond the expiration date of their authorization (except for a permittee whose authorization would be renewed in accordance with Condition F.1.) will need to apply for coverage under General Permit No. WMGR123.
3. A person or municipality may apply for coverage under this general permit at a site where prior authorization under this general permit was issued but only if the prior permittee has successfully completed closure and postclosure activities, as the terms are defined in 25 Pa. Code § 287.1 (relating to definitions), at the site.

**Department of Environmental Protection Regional Offices
(and Counties Served)**

- I. Bucks, Chester, Delaware, Montgomery, Philadelphia.

Southeast Regional Office
2 East Main Street
Norristown, PA 19401
Phone: 484-250-5960

- II. Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming.

Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18701-1915
Phone: 570-826-2511

- III. Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York.

Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone: 717-705-4706

- IV. Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union.

Northcentral Regional Office
208 West 3rd Street - Suite 101
Williamsport, PA 17701
Phone: 570-327-3653

- V. Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, Westmoreland.

Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: 412-442-4000

- VI. Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

Northwest Regional Office
230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6848