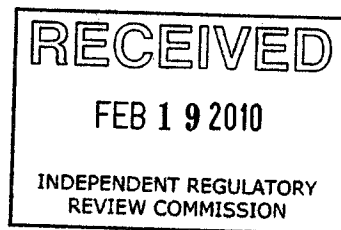


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WILLIAMSPORT MUNICIPAL WATER AUTHORITY
and
WILLIAMSPORT SANITARY AUTHORITY
253 WEST FOURTH STREET
WILLIAMSPORT, PA 17701
(570) 323-6148



February 11, 2010

Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477
[Sent via Electronic mail to RegComments@state.pa.us]

Dear Board Members:

The following comments are being submitted by the Williamsport Sanitary and Williamsport Municipal Water Authority on the PA Code, Chapter 95 TDS proposed regulations which appeared in the PA Bulletin on November 7, 2009. The Williamsport Sanitary Authority and Williamsport Municipal Water Authority support the goals of the proposed regulation and need to develop a sound regulatory mechanism to protect the water quality and uses of Pennsylvania streams from potential problems associated with the emerging rapid development of the Marcellus shale for natural gas exploration and production.

Our authorities are also aware of the need to focus the regulation on the specific gas development wastewater issues that are of concern without creating onerous and costly treatment requirements on other industries and municipal treatment plant customers such as ours which are working on water quality solutions to such problems and are already dealing with staggering cost increases due to the Chesapeake Bay nutrient removal initiatives.

Our basic recommendation centers on the concept that Marcellus shale gas development wastewater leaving the wellpad should be required to be treated to a minimum standard as defined by the PA Department of Environmental Resources (Department) before it may be discharged to either directly to the waters of the Commonwealth or to a municipal publicly owned treatment plant (POTW). Any subsequent discharges should then be subject to the Department's existing legal authorities including its NPDES permitting protocols and use of Chapter 93 standards and criteria to protect local stream water quality and uses. A POTW receiving wastewater treated to the required standard would need to verify that the level of pretreatment was being met by the indirect discharger in conformance with the Department's standards, any subsequently promulgated federal pretreatment standards, and the federal pretreatment program requirements under 40 CFR 403.

In developing this concept, we offer the following comments and recommendations.

1. In addressing control of total dissolved solids (TDS) constituents in the Commonwealth's streams, the Department should not subject POTWs to a statewide concentration standard for TDS constituents. A careful regulatory approach is required which focuses more directly on problem areas and sources of the current concern.

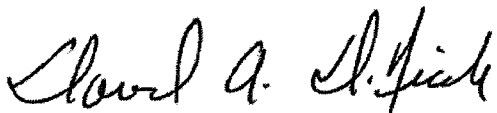
2. Chapter 93 water quality standards and criteria currently exist for key TDS constituents for the waters of the Commonwealth, and although TDS discharges have occurred over many years from many sources including a wide spectrum of treated industrial and municipal wastewaters, road salt runoff, and abandoned mine drainage, the Department has exercised limited monitoring and formalized NPDES permit requirements or effluent limitations with regard to these constituents. Consequently, most POTWs and industrial dischargers have not monitored for nor are providing treatment for TDS constituents. In the case of POTWs in the Susquehanna watershed, the costs incurred to meet the Chesapeake Bay initiatives are resulting in huge rate increases to the POTW customers including commercial and industrial users. Providing treatment for TDS would require an additional crippling cost increase to POTW industrial customers.
3. POTWs have many classes of customers discharging TDS constituents to their treatment plants at concentrations above the drinking water standards for TDS constituents which may include domestic users and many industries such as food, chemicals, beverage, and paper products manufacturing. POTWs also have a need to limit these TDS discharges to protect their biosolids quality and biological processes, particularly for nitrification and denitrification, and therefore the quantity and concentration of TDS constituents which the POTWs can handle is to a large extent self-limiting. It is not unusual for concentrations of TDS in POTW effluents handling a variety of industrial users to be in the range of 1,000-2,000 mg/L.
4. The concern over TDS constituents in streams within the Commonwealth has currently come to the forefront due primarily to TDS problems in the Monongahela River watershed and projected TDS constituents discharges to streams in other parts of the state from proposed facilities wishing to discharge Marcellus shale gas development wastewater. In the absence of promulgated EPA effluent limitation guidelines and pretreatment standards on Centralized Waste Treatment facilities (CWTs) handling this specific type of wastewater, the Department could move to enact new regulations which require minimum treatment standards on TDS constituents specifically on CWTs treating gas development wastewater.
5. The treatment technologies for wastewater from Marcellus shale gas development sources are currently evolving toward advanced treatment and recycling, with techniques such as evaporation or distillation/crystallization following chemical precipitation processes and solids removal beginning to be accepted as "Best Available Technologies (BATs)." Information is currently available for the Department to develop an evaluation of achievable BAT effluent standards from technologies economically feasible to CWTs used by the gas development industry. The standards could include parameters of concern such as TDS, chlorides, sulfates, barium and strontium.
6. The Department could then require that at a minimum, all Marcellus shale gas development wastewater trucked from a wellpad may only be discharged to the waters of the Commonwealth or to a POTW only if it is first treated at a permitted CWT facility meeting the Department's adopted BAT treatment standards. A POTW receiving such pretreated wastewater from a CWT facility would be required through its NPDES permit to enforce the Department's standards on its indirect dischargers or any subsequently

adopted federal pretreatment standards, whichever is more stringent, as required under federal pretreatment program regulations at 40 CFR Part 403.

7. The level of control on TDS constituent discharges needed to protect receiving stream water quality may differ widely from stream to stream. During any NPDES permitting process, existing or updated Chapter 93 standards and criteria should be used to protect local receiving stream uses and water quality from a proposed CWT gas industry wastewater direct or indirect discharge by the Department using its existing legal authority under the NPDES program and existing laws and regulations.
8. The Department should base the determination of whether to place effluent limits on TDS constituents in POTW NPDES permits on the need to protect the local receiving stream water quality or uses. In the event that limitations on a POTW's discharge of TDS constituents are necessary, the Department should recognize baseline TDS levels from existing sources and properly follow its PENTOXSD pollutant allocation protocols or develop a TMDL process to reasonably determine the POTW's share of a reduction in TDS constituent discharges.
9. In developing NPDES permits and TMDLs for TDS constituent parameters, the streams of the Commonwealth should be protected for use as a source water for public drinking water systems which only use conventional or direct filtration and disinfection treatment processes. Additionally, the water quality of streams recharging groundwater sources of public water supplies should likewise be protected to not impair the source water for such public water supplies to prevent the need for additional non-conventional treatment processes.

We support the comments on this matter submitted by the Pennsylvania Municipal Authorities Association, recommend that the Department continue to work with the Water Resources Advisory Committee stakeholder subcommittee on this issue, and further recommend that the Department publish any revisions to the proposed regulations in the form of a draft for additional public comment prior to final adoption. Thank you for your consideration of these recommendations.

Very truly yours,



David A. DiNicola
Executive Director

c. Peter T. Slack, PMAA

Williamsport Sanitary Authority and Williamsport Municipal Water Authority

Summary of Comments on PA Code, Chapter 95 TDS proposed regulations which appeared in the PA Bulletin on November 7, 2009

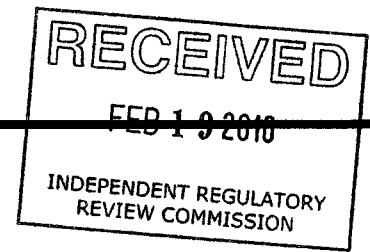
The Williamsport Sanitary Authority and Williamsport Municipal Water Authority support the goals of the proposed regulation and need to develop a sound regulatory mechanism to protect the water quality and uses of Pennsylvania streams from potential problems associated with the emerging rapid development of the Marcellus shale for natural gas exploration and production.

Our authorities recommend focusing the new regulations solely on the specific natural gas development industrial wastewaters that are of concern, and not subjecting municipal publicly owned treatment plants (POTWs) and other industrial dischargers to statewide concentration effluent standards which could create onerous and costly treatment requirements where not needed to protect local receiving stream water quality. Municipal treatment plant customers such as ours are working on water quality solutions to such problems and are already dealing with staggering cost increases due to the Chesapeake Bay nutrient removal initiatives.

Our basic recommendation centers on the concept that Marcellus shale gas development wastewater leaving the wellpad should be required to be treated to a minimum standard as defined by the PA Department of Environmental Resources (Department) before it may be discharged to either directly to the waters of the Commonwealth or to a municipal publicly owned treatment plant (POTW). Any subsequent discharges should then be subject to the Department's existing legal authorities including its NPDES permitting protocols and use of Chapter 93 standards and criteria to protect local stream water quality and uses. A POTW receiving wastewater treated to the required standard would need to verify that the level of pretreatment was being met by the indirect discharger in conformance with the Department's standards, any subsequently promulgated federal pretreatment standards, and the federal pretreatment program requirements under 40 CFR 403.

We support the comments on this matter submitted by the Pennsylvania Municipal Authorities Association, recommend that the Department continue to work with the Water Resources Advisory Committee stakeholder subcommittee on this issue, and further recommend that the Department publish any revisions to the proposed regulations in the form of a draft for additional public comment prior to final adoption.

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From: Walt Nicholson [wnicholson@wmwa-wsa.org]
Sent: Thursday, February 11, 2010 5:21 PM
To: EP, RegComments
Cc: David DiNicola; slack@municipalauthorities.org
Subject: RE: 25 PA Code, Chapter 95 Proposed regulations, PA Bulletin November 7, 2009
Attachments: Ch 95 TDS Comments,02112010.pdf

Revision of Summary Page, please replace page 4 in attachment.

From: Walt Nicholson
Sent: Thursday, February 11, 2010 4:58 PM
To: 'RegComments@state.pa.us'
Cc: David DiNicola; 'slack@municipalauthorities.org'
Subject: 25 PA Code, Chapter 95 Proposed regulations, PA Bulletin November 7, 2009

Environmental Quality Board:

Attached are our comments on the proposed 25 PA Code, Chapter 95 regulations on total dissolved solids (TDS) which appeared in the Pennsylvania Bulletin on November 7, 2009, including a one page summary of our comments.

Thank you for your consideration of our comments on this important matter.

Walter A. Nicholson
Director of Operations
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Williamsport Municipal Water Authority
253 West Fourth Street
Williamsport, PA 17701
(570)323-6140 (voice)
(570)323-1721 (fax)

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