

CHAPTER X

PERMITS AND REGULATIONS

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A. PERMITS

The following permits were issued and/or approvals obtained for the construction and/or operation of this wastewater treatment facility. Copies of the permits and/or approvals are provided herein to show the plant operator the exact conditions under which the plant operation is governed.

1. State Art Commission - Letter
2. Pennsylvania Department of Labor and Industry - Letter
3. PennDot Highway Occupancy Permit
4. Water Quality Management Domestic Waste Approval
5. Water Quality Management Industrial Waste Approval
6. National Pollution Discharge Elimination System Permit

B. REGULATIONS

The "Clean Streams Law" approved June 22, 1937, Act 394, P.L. 1987 through the most recent amendment (Act 275 approved December 3, 1970) of the Commonwealth of Pennsylvania is the basic legislation governing plant discharges. Under this law the Department of Environmental Resources has established several Rules and Regulations which apply to this plant. These are:

1. Chapter 91. General Provisions
2. Chapter 95. Waste Water Treatment Requirements
3. Chapter 99. Mine Drainage
4. Chapter 303. Certification of Operators

C. EFFLUENT REQUIREMENTS RESUME*

1. Dissolved Oxygen must be 5 mg/l or higher
2. Alkalinity must be 20 mg/l or higher
3. Total Iron must be 3 mg/l or lower
4. Total Suspended Solids must be 30 mg/l or lower

*See enclosed memoranda pages M1 thru M4



COMMONWEALTH OF PENNSYLVANIA
STATE ART COMMISSION
HARRISBURG, PENNSYLVANIA

JOHN L. HAUGHWOUT, AIA
SECRETARY

April 30, 1975

L. Robert Kimball & Associates
615 W. Highland Avenue
Ebensburg, Pennsylvania 15931

Attention: Edward E. Kale, Jr.

Re: Submission No. 19,633
Control Building for Mine
Drainage Treatment Plant
Washington Township, Indiana County
Final Submission

Gentlemen:

This office acknowledges receipt from you of one set of prints of final design for the above captioned project.

I wish to advise you that the design of this project has the final approval of the State Art Commission.

The State Art Commission Final Approval Decal has been submitted to Mr. Kale; please affix it to the appropriate tracing.

Very truly yours,

A handwritten signature in cursive script, reading "John L. Haughwout".

John L. Haughwout, AIA
Secretary

JLH/cld

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
Bureau of Occupational and Industrial Safety
HARRISBURG, PA. 17120

May 2, 1975

Re: File No. MA-157914
Fee No. CX-285627
Control Bldg, of Mine Drainage
Treatment Plant for
Commonwealth of Penna., Dept. of
Envir. Resources
Ernest
Washington Twp., Indiana Co.

Mr. Leo Robert Kimball, P.E.
615 West Highland Ave.
Ebensburg, Pa. 15931

Dear Sir:

Your plans have been approved. The stamps checked below have been placed on the back and are an essential part of the approval.

- | | | |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> (3) Type of Construction | <input checked="" type="checkbox"/> (X) Hand Rails | <input type="checkbox"/> () Emergency Lighting Approval |
| <input checked="" type="checkbox"/> (X) Transparent Glass Doors | <input checked="" type="checkbox"/> (X) Exit Signs | <input type="checkbox"/> () Sprinkler Approval |
| <input type="checkbox"/> () Boiler Room | <input checked="" type="checkbox"/> (X) Panic Bolts | <input type="checkbox"/> () Fire Alarm Approval |
| <input type="checkbox"/> () Facilities for the
Physically Handicapped | <input type="checkbox"/> () Final Letter of
Approval | <input type="checkbox"/> () Detector Approval |
| <input type="checkbox"/> () Fireproofing of Windows
and Doors | <input type="checkbox"/> () Shopping Center
Highway Clearance | <input type="checkbox"/> () Elevator Approval |
| <input checked="" type="checkbox"/> (X) Fire Extinguishers | <input type="checkbox"/> () Fire Escape | <input type="checkbox"/> () Roof Walkways |
| <input type="checkbox"/> () Seating | <input type="checkbox"/> () Projection Booth | <input checked="" type="checkbox"/> (X) Approved Plans |
| <input type="checkbox"/> () Dry Cleaning - Act 402
Solvent Equipment and Ventilation | | <input type="checkbox"/> () Other |

() Your attention is directed to the colored pencil markings on the plans. These changes are in accordance with regulations and must be incorporated in the construction before the building will receive final approval.

Failure to notify the Department of Labor and Industry that the construction proposed by these plans is completed, and/or the use and occupancy of the property prior to the issuance of a Use and Occupancy Permit by this Department, constitutes a violation of Section 9 of the Fire and Panic Act, Act #299, April 27, 1927, P. L. 465, as amended, and is subject to penalties and prosecutions prescribed by Sections 12 and 13 of the said Act.

NOTE: (1) When construction has started and (2) when construction has been completed, NOTIFY IN WRITING, Supervising Inspector, Mr. Harold E. Shepley
7 Entrance Drive, Westmont Shopping Center, Johnstown, Penna. 15905

Drawing Index: 75-2584

Occupancy: D-5

CW
cc:

Office Johnstown

Very truly yours,
D. Ray Dreyer Chief
DIVISION OF BUILDINGS

TITLE 25. RULES AND REGULATIONS
PART I. DEPARTMENT OF ENVIRONMENTAL RESOURCES
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES

CHAPTER 91. GENERAL PROVISIONS

Authority

The provisions of this Chapter 91 issued under act of June 22, 1937, P.L. 1987, § 5 (35 P.S. § 691.5).

Source

The provisions of this Chapter 91 adopted September 2, 1971.

GENERAL

§ 91.1. Definitions.

The definitions set forth in the act of June 22, 1937, P.L. 1987, § 1 (35 P.S. § 691.1) shall apply to the provisions of this Article. In addition, the following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) *Act* - The Clean Streams Law (35 P.S. § 691.1 *et seq.*).
- (2) *Department* - The Department of Environmental Resources of the Commonwealth or, where appropriate, the Sanitary Water Board, Environmental Quality Board or Environmental Hearing Board.

§ 91.2. Agreements with other states and agencies.

The administration of the act and the rules and regulations of the Department shall conform to any interstate obligations the Commonwealth or the Department has assumed or shall in the future assume with other states, the Federal government, or their agents under interstate agreements or other formal commitments.

§ 91.3. Consistency with laws.

No act or approval by the Department shall be construed as an intent on its part to approve anything inconsistent with law or as abrogating the requirement that the approval of any other municipal, state or Federal agency shall be obtained (by the party in interest) where such approval is necessary or precedent to the carrying out of anything approved by the Department.

§ 91.5. Interpretation of Regulations.

Unless a provision of this Article explicitly exempts a discharge from permit requirements, no provision of this Article shall be construed as authorizing a discharge of industrial wastes or any other wastes without a permit.

ADMINISTRATION AND ENFORCEMENT

§ 91.11. Conferences with violators.

(a) The Department shall confer with the representatives of organizations required to abate their pollution of the waters of this Commonwealth and offer advice and suggestions regarding possible means for the abatement or treatment of the pollution in question. The staff shall interpret the orders of the Department.

(b) One or more conferences shall be held in the interests of attaining a better understanding of the pollution problems involved and of expediting solutions to specific pollution problems. Where applicable, such conferences shall be held prior to the preparation of plans.

§ 91.12. Conference procedure.

(a) The staff shall not select or recommend specific measures or methods to be adopted by the party in meeting the Department's requirements.

(b) The staff shall not act as a consulting engineer for a party or recommend the employment of a particular consultant, gather the data for the design of his treatment plant, prepare any plans, or act as an inspector on the construction of the project.

(c) The Department and the staff shall not guarantee directly or by implication the efficacy of a proposed method of pollution abatement.

(d) The staff shall exercise their best judgment in assisting from their experience the party and his engineers, but the responsibility for abating pollution shall rest entirely upon the one causing the pollution.

§ 91.13. Abatement or treatment required.

The Department shall require either abatement of the pollution or the submission of a report with detailed construction plans and specifications for a proposed treatment works by a specific date, and shall require progress reports thereon, usually at monthly or bi-monthly intervals as the Department shall deem appropriate.

§ 91.14. Time for constructing treatment works.

(a) If, in lieu of abatement, a notified party elects to provide waste treatment works and submits plans therefor, the Department, upon approving the plans, shall set a time within which the treatment works shall be constructed and placed in operation or shall notify the party to be prepared to construct the plant upon notice from the Department, depending upon the status of the Department's program of construction for the basin in which the receiving stream lies as specified in § 91.15 of this Title (relating to basin-wide plans).

(b) In some cases time may be required within which to prepare plans and construct treatment works by a party responsible for stream pollution before abatement can be consummated. The Department, upon application by the party and when in its judgment the public interest warrants, may grant a limited extension of time during which the discharge of waste shall be permitted, if the party responsible therefor continues work on corrective measures.

§ 91.15. Basin-wide plans.

(a) In general, the Department shall require submission of plans and construction of plants concurrently for a whole stream basin.

(b) Where certain sources of pollution especially affect the public interests, however, the Department may act to require the abatement of the sources of pollution individually in the general order of degree of adverse effect upon the public interest.

(c) It shall be the policy of the Department to require concurrent similar action by all parties in the same category with respect to stream pollution.

(d) Each case of pollution shall be considered by itself, without reference to other alleged or actual polluters.

§ 91.16. Notification of actions.

(a) The Department shall determine the time and manner in which notification of its actions or hearings under the act shall be made. Whenever appropriate, (as where an action or hearing affects the general public), such notification may be published in the

Pennsylvania Bulletin and publication therein shall constitute notice to all interested persons except the permittee or respondent directly affected by such action or hearing.

(b) Normally, a person interested but not directly affected by such action or hearing will not be entitled to a formal hearing or to participate in a formal hearing but will be given an opportunity to present his objections and views to the Department before its action becomes final.

APPLICATIONS AND PERMITS

§ 91.21. Applications for permits.

(a) Applications for approval of projects by the Department shall be made upon the appropriate form, which shall be supplied upon request without charge.

(b) Applications shall be in triplicate, one copy of which shall be attested by a notary public, justice of the peace, alderman or district justice. The Department may require additional copies of applications to be filed.

(c) Applications and their accompanying papers shall be submitted to the Department through the regional engineer in whose region the project will be located.

§ 91.22. Fees.

Applications from all parties, except agencies of the Federal government or the Commonwealth, shall be accompanied by a check for \$25.00 payable to "Commonwealth of Pennsylvania".

§ 91.23. Plans, reports and specifications.

(a) An engineer's report as well as plans and specifications shall accompany the applications, showing clearly what is proposed and permitting the bases of design to be thoroughly understood and checked.

(b) Plans, reports and specifications shall be prepared by a licensed professional engineer authorized to practice in this Commonwealth.

(c) The front cover or flyleaf of each set of drawings and each copy of the report and specifications shall bear the imprint of the engineer's seal.

(d) All drawings submitted shall bear imprint or legible facsimile of the engineer's seal.

(e) Reports, drawings and specifications for strip mines or for minor work not involving safety to life or health may be submitted, as provided by law, by a registered surveyor and shall bear the imprint or facsimile of his seal.

§ 91.24. Basis of design.

Plans shall provide ample capacities for present needs and for a reasonable time in the future. Conservative and accepted factors of design shall be used.

§ 91.25. Experimental projects.

Where the suitability of a proposed device or method of treatment has not been demonstrated by actual field use, conditional approval only shall be given to it until such time as the effectiveness of the device or treatment has been demonstrated to the satisfaction of the Department by ample field experience.

§ 91.26. Withholding permit for noncompliance.

(a) When considering applications coming before it, the Department shall take notice of the failure of the applicant to comply with any of its prior requirements or orders respecting sewerage or industrial waste disposal and shall consider the application favorably only if, in its opinion, there are sufficient extenuating reasons for the failure or if the public interest as affected by the proposed project warrants favorable action, in which

case the Department shall include suitable conditions respecting compliance with its unfulfilled requirements in any permit which it may authorize.

(b) The Department shall not consider an application or issue a permit to an applicant who has conducted or is conducting a mining operation which is in violation of the Act, rules and regulations of the Department, or permit conditions unless and until the violation is abated or corrected to the satisfaction of the Department.

STANDARDS FOR APPROVAL

§ 91.31. Comprehensive water quality management.

(a) The Department shall not approve a project requiring such approval under the act or the provisions of this Article unless the project is included in and conforms with a comprehensive program of water quality management and pollution control, PROVIDED, HOWEVER, that the Department may approve a project which is not included in a comprehensive program of water quality management and pollution control if the Department finds that such a project is necessary and appropriate to abate existing pollution or health hazards and that said project will not preclude the development and/or implementation of the comprehensive program.

(b) The basis for determining whether a project is included in and conforms to a comprehensive program of water quality management and pollution control shall be:

(1) Appropriate Comprehensive Water Quality Management Plans approved by the Department; and

(2) Official Plans for Sewage Systems which are required by Chapter 71 of this Title.

(c) In cases where a comprehensive program of water quality management and pollution control is inadequate or non-existent and a project is necessary to abate existing pollution or health hazards, the best mix of:

- (i) Expeditious action to abate pollution and health hazards;
- (ii) Consistency with long-range development; and
- (iii) Economy.

should be considered in the evaluation of alternatives and in justifying proposals. In making determinations under this subsection the Department shall consider available relevant information including, but not limited to, applicable studies and plans prepared by:

- (1) The applicant;
- (2) The Department;
- (3) Federal agencies;
- (4) Approved planning agencies; and
- (5) Political subdivisions.

Source

The provisions of § 91.31 and the immediately preceding center heading amended October 21, 1971, effective December 1, 1971, 1 Pa. B. 2035.

§ 91.32. Private projects.

(a) The Department shall look with disfavor upon applications for sewerage permits for private sewerage projects to be located within the built-up parts of cities, boroughs, and first and second class townships.

(b) In general, issuance of such sewerage permits shall be limited to proper private sewerage projects located in the rural parts of first and second class townships, and for which areas there appears to be no present necessity for public sewerage.

§ 91.33. Permit requirements.

(a) A permit shall not be required for the discharge of sewage or industrial wastes into a sewer, sewer system or treatment plant which has been approved by a permit from

the Department, provided that the sewer, sewer system or treatment plant is capable of conveying and treating the discharge and is operated and maintained in accordance with the permit and applicable orders, rules and regulations.

(b) No person or municipality shall authorize or permit the added discharge of sewage or industrial wastes into a sewer, sewer system or treatment plant owned or operated by such person or municipality without written authorization from the Department where such person or municipality has previously been notified by the Department that the sewer, sewer system or treatment plant is not capable of conveying or treating additional sewage or industrial wastes, or is not operated or maintained in accordance with the permit or applicable orders, rules and regulations.

MISCELLANEOUS PROVISIONS

§ 91.41. Consultants.

(a) The selection of professional services upon a purely competitive bid basis is not in accordance with good practice and may not result in the best quality of service to a municipality which selects its engineers on a strictly "low bid" basis. The Department, therefore, shall recommend that careful consideration be given to the professional attainments of the proposed consultants.

(b) The Commonwealth, through the granting of financial aid to municipalities for sewage treatment works, has a direct interest in the validity of contracts entered into with engineers by municipalities. The Department shall, therefore, require that contracts for engineering services for the preparation of such plans comply with the following:

(1) Be covered by the proper legal steps so as to insure that the services may be properly paid for after having been rendered.

(2) Explicitly provide for the services to be rendered.

(3) Grant to the municipality the right to receive the reports, plans and specifications and later to construct the treatment works from those plans.

§ 91.42. Analyses of wastes.

Persons submitting operating reports to the Department shall use the methods and procedures for analyzing wastes described in the current edition of one of the following:

(a) Standard Methods for the Examination of Water and Wastewater (published by the American Public Health Association).

(b) Annual Book of ASTM Standards, Part 23 (published by the American Society for Testing and Materials).

(c) Methods for Chemical Analysis of Water and Wastes (published by the U.S. Environmental Protection Agency).

Persons wishing to use methods other than those described in Subsections (a), (b), and (c) of this Section shall obtain the approval of the Department before such other methods are used.

TITLE 25. RULES AND REGULATIONS
PART I. DEPARTMENT OF ENVIRONMENTAL RESOURCES
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES

CHAPTER 95. WASTE WATER TREATMENT REQUIREMENTS

Authority

The provisions of this Chapter 95 issued under act of June 22, 1937, P.L. 1987, § 5 (35 P.S. § 691.5.).

Source

The provisions of this Chapter 95 adopted September 2, 1971.

§ 95.1. General requirements.

(a) Specific treatment requirements shall be determined for each waste discharge so that the goals of the act, subsection (b) of this section, and the water quality criteria specified in Chapter 93 of this Title (relating to water quality criteria) shall be achieved.

(b) Waters having a better quality than the applicable water quality criteria as of the effective date of the establishment of such criteria shall be maintained at such high quality unless it is affirmatively demonstrated that a change is justified as a result of necessary economic or social development and will not preclude uses presently possible in such waters.

(c) Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters shall be required to provide the highest and best practicable means of waste treatment to maintain high water quality.

(d) In implementing the provisions of subsection (b) and (c) of this section, the Department shall keep the Administrator of the Environmental Protection Agency advised and shall provide him with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act (33 U.S.C. 1151 *et seq.*).

§ 95.2. Treatment for bio-degradable wastes.

(a) All bio-degradable wastes shall be given a minimum of secondary treatment or its equivalent for industrial wastes except as otherwise specified in this Chapter.

(b) Secondary treatment is that treatment which shall accomplish the following:

(1) Reduce the organic waste load as measured by the biochemical oxygen demand test by at least 85% during the period May 1 to October 31 and by at least 75% during the remainder of the year based on a five consecutive day average of values.

(2) Remove practically all of the suspended solids.

(3) Provide effective disinfection to control disease producing organisms.

(4) Provide satisfactory disposal of sludge.

(5) Reduce the quantities of oils, greases, acids, alkalis, toxic, taste and odor producing substances, color and other substances inimical to the public interest to levels which shall not pollute the receiving stream.

§ 95.3. Treatment for non-bio-degradable wastes.

An equivalent of the treatment prescribed in § 95.2 of this Title (relating to treatment for bio-degradable wastes) shall be required for non-bio-degradable wastes. Where specific requirements for certain wastes are not made available, requirements shall be determined on an individual basis.

§ 95.4. Discharge to acid stream.

(a) Where wastes are discharged to a stream polluted by coal mine drainage from abandoned mines to the extent that all the alkalinity of the stream has been exhausted and the pH of the stream is 4.0 or less at practically all times at the point of discharge and throughout the stream, a minimum of primary treatment or its equivalent for industrial wastes shall be provided to bio-degradable wastes.

(b) A minimum of secondary treatment shall be required on such streams where:

(1) the quality of the water in the receiving stream is expected to improve significantly due to a scheduled program for abatement of pollution from abandoned mines; or

(2) the primary treated effluent would cause pollution in downstream waters.

(c) Primary treatment is that treatment which shall accomplish the following:

(1) Remove practically all the settleable solids.

(2) Remove at least 35% of the organic pollution load as measured by the biochemical oxygen demand test.

(3) Provide effective disinfection to control disease producing organisms.

(4) Provide satisfactory disposal of sludge.

(5) Reduce the quantities of oils, greases, acids, alkalis, toxic-, taste-, and odor-producing substances, color and other substances inimical to the public interest to levels that will not pollute the receiving stream.

§ 95.5. Effective disinfection.

Effective disinfection to control disease producing organisms shall be the production of an effluent which will contain a concentration not greater than 200/100 ml of fecal coliform organisms as a geometric average value nor greater than 1,000/100 ml of these organisms in more than 10% of the samples tested.

§ 95.6. Change in treatment requirements.

(a) Whenever there is a change in the provisions of Chapter 93 (relating to water quality criteria) or this Chapter or whenever the department adopts a plan or makes a determination that would change existing or impose additional water quality criteria or treatment requirements, it shall be the duty of the permittee of facilities affected thereby, upon notice from the department, to promptly take such steps as shall be necessary to plan, obtain a permit or other approval, and construct such facilities as may be required to comply with the new water quality criteria or treatment requirements.

(b) Within ninety (90) days of the receipt of such notice, or within such lesser period as the department may specify, the permittee shall submit to the department either a report establishing that its existing facilities are capable of meeting the new water quality criteria or treatment requirements or a schedule setting forth the nature and date of completion of steps that shall be necessary to plan, obtain a permit or other approval, and construct facilities to comply with the new water quality or treatment requirements. The permittee shall comply with the schedule as approved by the department.

TITLE 25. RULES AND REGULATIONS
PART I. DEPARTMENT OF ENVIRONMENTAL RESOURCES
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES

CHAPTER 99. MINE DRAINAGE

Authority

The provisions of this Chapter 99 issued under act of June 22, 1937, P.L. 1987 § 5 (35 P.S. § 691.5).

Source

The provisions of this Chapter 99 adopted September 2, 1971.

GENERAL PROVISIONS

§ 99.1. Definitions.

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) *Operator* - A person engaged in mining as a principal as distinguished from an agent or individual contractor, and who is or becomes the owner of coal as a result of such mining.

(2) *Permit* - A mine drainage permit issued by the Department.

APPLICATION FOR PERMITS

§ 99.11. Required forms.

Applications for mine drainage permits shall be submitted on forms provided by the Department and shall include such information that would enable the Department to determine whether or not the proposed mining operation would be conducted in a manner which would prevent pollution to waters of this Commonwealth.

§ 99.12. Contents.

The application shall include complete plans of drainage, maps and other data required by the Department and the following information:

(1) *Identity of the operator.* All names under which the applicant has previously operated coal mines in this Commonwealth. In the case of a partnership, all partners shall be listed. In the case of a corporation, the application shall list the officers.

(2) *Test borings.* For a proposed strip mine, sufficient test borings of the overburden shall be given to ascertain its nature and acid forming potential, unless the applicant can provide such information in some other reliable manner.

(3) *Mine closing procedures.* Proposed plans or methods for mine closure or restoration shall be included which shall show how a polluttional discharge from the mine will be prevented after the operation is completed.

§ 99.13. Incomplete applications.

(a) Any application deemed to be incomplete by the Department shall be returned to the applicant with an appropriate request for additional information.

(b) If the applicant resubmits the application and indicates a desire that the

application be considered without additional information, the Department shall complete the processing of the application and shall take appropriate action thereon.

§ 99.14. Effect on water supply.

(a) Prior to the Department's action on an application for a permit for a new mine, or for one re-opened since May 8, 1945, the Department shall determine any public water supply purveyor whose source of water is adversely affected by the operation of the mine.

(b) If action is taken to authorize the issuance of the permit, the water supply purveyors shall be notified and shall have 15 days from the receipt of service of such notice to request a hearing.

(c) In the absence of a hearing, the permit may be issued only if the purveyors agree in writing to its issuance or fail to request a hearing within the 15-day period.

§ 99.15. Action on applications.

(a) Permits shall be issued only to an operator.

(b) Whenever special conditions are imposed on a mine drainage permit, the permit shall be effective only upon receipt by the Department of notice that the permittee has read the conditions placed in the permit and agrees to abide by them.

§ 99.16. Deep mining applications.

Applications for deep mining operations shall be separate and apart from applications for strip or highwall mechanical mining operations, and no application shall be reviewed nor permit granted where deep and strip or highwall mechanical mining operations are included in the same application.

§ 99.17. Certificates of approval.

(a) Certificates of approval, subject to the appropriate conditions, may be issued for proper plans of drainage and disposal of industrial wastes in the case of mines which were in operation prior to May 8, 1945, and which have been in continuous operation since that date.

(b) A hearing may be ordered for each case, and the applicant may be required to substantiate the facts with proper legal documentation.

MINE DRAINAGE PERMITS

§ 99.21. Voiding of permits.

Permits shall become null and void two years after date of issuance unless within that time the mine has been placed in production. A one-year extension of the starting time may be granted if the permittee can demonstrate sufficient reason.

§ 99.22. Transfer of permits.

(a) Permits may be reissued in a new name provided that no change of ownership is involved.

(b) Where a person desires to assume the operation of an active mine and does not wish to submit an entirely new application, the Department shall accept an application which incorporates the original plan of drainage. In such a case the applicant shall expressly agree to abide by all permit conditions, assume the responsibility for any violations which may occur on the area previously affected and shall furnish the Department with complete information as to the identity of the applicant, a property map in triplicate showing the extent to which the mining has been completed under the existing permit and such additional information as will enable the Department to determine that the applicant shall be able to operate the mine in such a manner as to prevent pollution to waters of this Commonwealth.

§ 99.23 Name changes.

The name of a permittee or certificate holder may be changed upon application to the Department if the following conditions are met:

(1) The mine is in operation or operation has been suspended because of an act of God, a miner's holiday, a strike or lack of orders with workable equipment left on the site or in the mine.

(2) No operation of either party is in violation of the act, rule, regulation, order of the Department or any permit condition.

(3) The permit is not an experimental permit.

§ 99.24. Operations in violation of permit.

(a) If, upon investigation, the Department finds a coal mine operating in violation of one or more of the provisions of the mine drainage permit, the Department may issue a notice informing the permittee of the nature and the extent of his permit violations and advising him that unless the violations are removed by a specified date, the case shall be referred for suspension or revocation of the drainage permit and whatever other action as the Department may see fit to take.

(b) If, upon reinspection of the mining operation by the Department at an appropriate date, one of the following situations is disclosed the indicated action shall be taken:

(1) If, prior to the suspension or revocation of the permit, the reported violations have been satisfactorily corrected, the Department shall notify the operator and inform him that no further action shall be taken.

(2) If, after suspension or revocation of the permit, it is found within a reasonable time that the reported violations have been satisfactorily corrected, the Department may reinstate the permit.

(3) If, after suspension or revocation of the permit, the permittee fails within a reasonable time to correct the permit violations, the Department may refer the case for appropriate legal action.

§ 99.25. Placard posting.

Mines operating under permit from the Department shall display an appropriate placard in a prominent place on each operation during the life of the operation. Failure to post a placard shall result in revocation of authority to operate.

§ 99.26. Mining without a permit.

Cease and desist orders may be issued by the Department in cases where an operator begins operation or is found to be operating a mine without receiving a permit from the Department.

MINE OPERATIONS

§ 99.31. Notification of production.

The permittee shall notify the Department of the date on which the mine is placed in production. Such notice shall be given by certified mail within 15 days after such date.

§ 99.32. Operation reports.

(a) Monthly operation reports shall be submitted to the Department on forms supplied by the Department in all cases in which treatment is applied to the discharge and for those operations where the combined flow from the mine exceeds an average daily discharge rate of 50 gallons per minute.

(b) The permittee shall furnish the following information:

- (1) Rate of discharge, for each day during the preceeding month.
- (2) Analysis of final effluent as indicated in § 99.33 of this Title (relating to discharge limitations), one day within each week during the preceeding month.

§ 99.33. Discharge limitations.

- (a) *Acid.* There shall be no discharge of mine drainage which is acid.
- (b) *Iron.* There shall be no discharge of mine drainage containing a concentration of iron in excess of seven milligrams per liter.
- (c) *pH.* The pH of discharges of mine drainage shall be maintained between 6.0 and 9.0.
- (d) *Exceptions.* The Department may grant an exception to any of the limitations in subsection (a)-(c) of this section only when the operator has affirmatively demonstrated that operation under the proposed exception would not cause pollution to waters of this Commonwealth.
- (e) *Specific limitations.* The Department may require more stringent requirements than those listed in subsection (a)-(c) of this section including specific limitations as to other constituents of mine drainage, such as aluminum, sulphates, manganese and the like.

§ 99.34. Discharges to unclean streams.

In those cases in which the proposed discharge would be to an already polluted or unclean stream, or to an insignificant clean stream not devoted to public use and which in turn flows into a polluted stream, the Department may grant a permit subject to appropriate conditions and limitations, such as those specified in § 99.33 of this Title (relating to discharge limitations).

§ 99.35. Discharges to clean streams.

- (a) In those cases in which the proposed drainage would be into a clean stream and there is no evidence that the drainage will be acid, the Department may, unless there is presumptive evidence of potential pollution of the waters of this Commonwealth, grant a permit subject to the appropriate conditions, including those limitations specified in § 99.33 of this Title (relating to discharge limitations).
- (b) In those cases in which the proposed discharge would be to a polluted or unclean stream which in turn flows into a clean stream, the Department, under the provisions in subsection (a) of this section, may issue a permit for mine drainage.

§ 99.36. Acid-forming refuse from strip mines.

(a) *General.* In order to protect the waters of this Commonwealth from pollution, all acid-forming refuse materials, including all rider, rooster, blossom, boney or other inferior coal, or sulphur-bearing substances disturbed during each cut of the operation, shall be disposed of in accordance with the provisions of subsections (b) and (c) of this section.

(b) *Anthracite strip mines.* Acid-forming materials shall be separated from the rest of the spoil and spread along the bottom of the pit close to the base of the spoil pile along the low-wall side of the cut. Promptly after being so placed, the acid-forming materials shall be covered with a sufficient amount of clean overburden. The top surface of the cover shall be graded so that water will run off rather than soak into the backfill to reach the acid-forming refuse.

(c) *Bituminous strip mines.* The method of disposal of the acid-forming materials in bituminous strip mines shall depend upon whether after completion of backfill the affected area will be impregnated with water at an elevation above the highest elevation of the refuse disposal area. The following methods shall be followed:

(1) *Impregnation with water.* Acid-forming materials shall be separated from the rest of the spoil and spread along the bottom of the pit close to the base of the spoil pile along the low-wall side of the cut. All exposed refuse shall be covered with

clean fill daily if necessary to prevent pollution, but at least at intervals not to exceed one week. The top surface of the cover shall be graded so that water will run off rather than soak into the backfill to reach the acid-forming refuse. Alternate layers of refuse and clean fill shall be spread over the area so that the maximum thickness of each layer of refuse shall be no greater than 30 inches and the minimum thickness of each layer of clean fill shall be no less than 24 inches. The top layer of refuse shall have a cover of clean fill with a minimum thickness of five feet. The cover shall be graded so that surface water will drain away from the disposal area until such time as the area has been completely restored.

(2) *Nonimpregnation with water.* The acid-forming materials shall be buried in the open strip pit at a point of comparatively high elevation in the following manner:

(i) The floor of the open cut shall be backfilled with clean fill to a minimum depth of three feet above the elevation at the top of the coal seam.

(ii) Alternate layers of refuse and clean fill shall be spread over the area so that the maximum thickness of each layer of refuse shall be no greater than 30 inches and the minimum thickness of each layer of clean fill shall be no less than 24 inches.

(iii) The top layer of refuse shall have a cover of clean fill with a minimum thickness of five feet.

(iv) The final surface covering shall be graded so that surface water will drain away from the disposal area.

(v) All exposed refuse shall be covered with clean fill daily if necessary to prevent pollution, but at least at intervals not to exceed one week.

§ 99.37. Diversion of surface water in strip mining operations.

(a) Surface water which might otherwise drain into the stripping pit shall be effectively intercepted on the uphill side of the high-wall by suitable and adequate diversion ditches and conveyed by adequate channels or other suitable means for discharge to natural water courses outside the entire stripping operation.

(b) No drainage course shall be intercepted by the stripping operation, unless provision is first made for the conveyance of the natural drainage in an adequate enclosed water-tight conduit across the entire stripping operation for discharge to natural water courses.

(c) This shall minimize the entrance of surface water into stripping pits and to that extent prevent the discharge of acid drainage from the operation.

§ 99.38. Experimental strip mines.

(a) The Department may from time to time issue mine drainage permits for strip mines on an experimental basis. Permits shall contain special conditions as approved by the Department.

(b) The Department shall reserve judgment in the issuance of experimental permits to other operations or in modifying their conditions until a sufficient period of time has elapsed to demonstrate their usefulness in permitting the strip mining of coal in situations where special precautions are necessary to prevent pollution of waters of this Commonwealth.

§ 99.39. Abandoned operations.

(a) If the Department learns that a coal mine operation has already been abandoned before action on its permit application has been taken, the Department shall direct a letter to the mine operator inquiring whether or not the operation has in fact been abandoned.

(b) If the operator confirms that the operation has been abandoned or, if ten days after the transmittal of such notice no reply has been received from the operator, and the Department's records indicate that there is no discharge of acid mine drainage to a clean stream, the application shall be returned to the applicant without action.

§ 99.40. Permit extensions.

(a) No mine drainage permit issued prior to January 1, 1966, shall be valid after December 31, 1966, unless specifically extended by action of the Department.

(b) Except where administrative reasons require the Department grant an extension of time, no permit shall be extended unless the permittee has requested, prior to July 1, 1966, an extension on forms supplied by the Department and has demonstrated to the Department that substantial progress is being made toward the correction of any pollution condition.

January 24, 1973
In reply refer to
WCE
SL 107-1-1

Effluent Criteria for Ernest Mine
SUBJECT: Complex Treatment Plant

TO: D. W. Perrego, Director
Bureau of Consulting Services
Engineering & Construction
Department of Environmental Resources

FROM: D. E. Fowler, Director *D. E. Fowler*
Bureau of Planning & Developmental Research
Engineering & Construction
Department of Environmental Resources

Enclosed is the effluent criteria for the proposed Ernest Mine Complex treatment plant. In a telephone conversation I had on January 23rd with Dick Boardman, Bureau of Water Quality Management, he said we should keep the stated criteria with following comments:

1. We do not have to provide mechanical aerators to bring the effluent DO up to 5 mg/l. (He believes that normal discharge will do this.)
2. We should add lime @ discharge to get the required 20 mg/l alkalinity.
3. The suspended solids should be okay if the iron is brought down to less than 3 mg/l.
4. The change in iron criteria from 7 mg/l to 3 mg/l should not change the plant design.

If the consultant determines in his design phase that the plant, as previously designed, must be altered to meet these new standards, our office and Tom Koons of the Mine Drainage Division (787-8184) should be contacted to resolve these differences.

Encls. (2)

January 22, 1973

WCE
SL 107-01-1

SUBJECT: Ernest Mine Complex
Crooked Creek Watershed
Indiana County

TO: D. E. Fowler, Director
Bureau of Planning & Development Research
Office of Engineering & Construction

FROM: Kenneth C. Shoates /s/
Assistant Chief
Division of Water Quality

Recommended effluent standards for Ernest Mine Complex, Indiana County

Alkalinity	- Not less than 20 mg/l
Total Iron	- Not to exceed 3 mg/l
Total Suspended Solids	- Not to exceed 30 mg/l
Dissolved Oxygen	- Not less than 3 mg/l

This recommendation is based on the fact that during low summertime flow the subject mine will make up at least one-half of the total streamflow.

The alkalinity is needed to maintain the productivity of the water. Iron-suspended solids control is needed to prevent excessive coating of the stream bottom with iron. The dissolved oxygen is needed to prevent a pollution block of low dissolved oxygen in the stream.

May 14, 1976

Subject: Bond Issue Acid Mine Drainage Treatment Plants

Hon. Wesley E. Gilbertson & Hon. C. H. McConnell ✓
Deputy Secretary Deputy Secretary
Environmental Protection & Regulation Office of Resources Management

William M. Eichbaum
Deputy Secretary for Enforcement
and General Counsel

Intradepartmental questions have arisen over the need for permits and/or Water Quality Management approvals for mine drainage treatment plants undertaken with bond issue money by the Department's Mine Area Restoration program.

To the extent that these questions require legal opinions, I set forth the following views.

Section 16(a)(1)(II) of Act 443 states:

"The Department of Environmental Resources shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: Provided, That the above provisions of this paragraph shall not be deemed in any way to appeal or supersede any portion of the Act of June 22, 1937 (P.L. 1987), as amended known as the 'The Clean Streams Law,' and no control or treatment hereunder shall be in any way less than that required under the Act of June 22, 1937 (P.L. 1987), as amended, known as the 'The Clean Streams Law. ***.'" (emphasis added).

It is my view that this deals with water quality standards and not with permit requirements, and conclude, therefore, that permits are not required for the design, construction and operation, by the Department, of acid mine drainage treatment plants.

However, under Executive Order 1973-9 of July 13, 1973, I believe that the Secretary is directed to set up a mechanism for insuring compliance with water quality standards. This might take the form of a memorandum of understanding between the Bureau of Resources

Hon. Wesley E. Gilbertson

and

Hon. C. H. McConnell

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Programming and the Bureau of Water Quality Management to provide guidelines for review and concurrence of treatment plant projects by the Bureau of Water Quality Management. Conflicts that develop in the review procedure could be presented to the Deputy Secretaries for Resources Management and Environmental Protection and Regulation, and, if necessary, to the Secretary, for decision.

With respect to water quality standards, the above-quoted portion of Act 443 is directed only to plants for the control and treatment of water pollution resulting from mine drainage. It is my opinion, therefore, that only those water quality standards applicable to acid mine drainage treatment would be involved.

I also understand that a plant may be designed to treat the flow of an entire stream and, therefore, be subjected to excessive storm water flows. I do not believe that The Clean Streams Law requires that such a plant treat such excessive storm water flows.

If you have any further questions, please advise.

cc: Richard Boardman