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west virginia department of environmental protection

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Division of Water and Waste Management  
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Jim Justice, Governor  
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September 14, 2017

Danial Flynn, CFO  
Petta Enterprises LLC  
128 Steubenville Ave  
Cambridge, OH 26059

CERTIFIED RETURN RECEIPT REQUESTED

Re: Truck Wash Facility (Frac Water Carrying Trucks)

Dear Mr. Flynn:

This correspondence is in response to your request provided in an email dated August 14, 2017 for a determination of the regulatory requirements of a reuse/recycle wastewater and solids from Truck wash facility. These trucks carry flowback and produced fluids.

Based on the information provided, the proposed facility will be generating wastewater from washing trucks. The proposed facility is located at 38 Technology drive, Triadelphia, WV 26059. The facility consists of a building that has 9,000 square feet, with a garage space of 7,000 square feet and 2,000 square feet of office space and storage. The inside of the garage will have two pits and two lanes for trucks coming in to be washed and cleaned. The center lane will consist of a settling tank where the facility will use flocculant to separate water and solids. The water will be suctioned and transferred to an approved injection well in Ohio. The solids will be solidified, mixed with other materials and tested for TNORM prior to being transferred to Ohio or Pennsylvania to an approved landfill for disposal. There shall be no discharge of any kind of pollutant through a point source from this proposed facility.

Also, since the owner / operator does not propose to discharge pollutants per the definition in 47 CSR 10-2.13/2.14 or 47 CSR 2-2.14, a WV/NPDES Individual Permit Application is not required at this time per 47 CSR 10-4.1. a.

Any future construction of a process wastewater discharge pipe to navigable waters will require a WV/NPDES Individual Permit Application, will be subject to the NSPS of 40 CFR 437, will require a WV/NPDES permit, will require the establishment of baseline water quality (60 CSR 5) and result in effluent limitations from the federal guideline being applicable to the

effluents from each individual treatment unit's discharge to ensure performance standards are met. Therefore, if the future includes constructing a process wastewater discharge point source to any navigable water it is recommended that the Best Available Technology identified during development of the effluent guideline be installed at the facility during construction. The Best Available Technology (under PSNS) would also be required if there will be any future discharge of process wastewater to a Publicly Owned Treatment Works (POTW) as a non-domestic user. A modification to the POTW's NPDES permit and an anti-degradation review would be required.

Considering the above, the agency does not object to the proposed truck wash treatment / recycle / disposal method contingent upon the following:

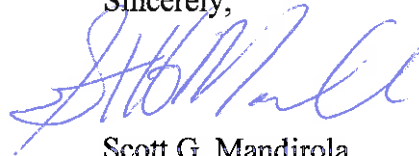
- **There shall be no potential to discharge of any pollutants from any point source to the State's waters as defined by 47 CSR 10-2.13/2.14, 47 CSR 2-2.14, or 47 CSR 10-2.38 either by the owner / operator of the proposed treatment unit or the owner / operator of any facility accepting treated/recycled wastewater unless the owner / operator holds an active WV/NPDES Individual Industrial permit for the discharge of those pollutants.**
- Contaminated or uncontaminated storm water or any other discharges via any point source from the facility is also prohibited without an active WV/NPDES permit. Any stormwater discharge controlled via a point source as defined per 47 CSR 10-2.38 must be covered under an Individual Industrial WV/NPDES permit prior to construction of any treatment / disposal system that proposes to add pollutants via a point source. Currently, the Multi-Sector General Stormwater Permit No. WV0111457 does not cover stormwater discharges from either Oil and Gas related operations and / or Centralized Waste Treatment facilities. In addition, construction of the facility may require registration under WV/NPDES General Permit No. WV0115924, Stormwater Associated with Construction Activities. **An Individual Industrial WV/NPDES Permit would be required for stormwater discharges from facility operations of this type.**
- The owner / operator shall comply with any and all regulations for this type of operation specified by the Resource Conservation and Recovery Act (RCRA), Clean Air Act, or additional Clean Water Act programs (ex. Oil and Gas or Underground Injection Control).
- The facility is subject to the Groundwater Protection Act (47 CSR 58) and therefore all tanks should be properly constructed (minimum number of liners and thicknesses, leak detection systems, etc) and all tanks shall be installed with secondary containment as necessary. Baseline / routine groundwater monitoring and best management practices may be required for any inground impoundments that are designed to hold raw fracturing wastewater prior to and/or post treatment.

- The owner / operator must obtain approval from the agency prior to disposal of any sludges/solids generated by the facility. The owner / operator may not accept Technically Enhanced Naturally Occurring Radioactive Materials (TENORM, 64 CSR 23). To determine if TENORM is going to be accepted at your facility, it is suggested that all raw wastewater is sampled and analyzed to confirm that radionuclides are either absent or de minimus in all sources of fracturing wastewater. If radionuclides are present in sufficient levels, the facility must be certified by the WVDHHR or the NRC to accept TENORM and routine monitoring of radionuclides may be necessary. Please contact Jason R. Frame, B.S. R.T. (R) of the Office of Environmental Health Services / Radiation, Toxics and Indoor Division prior to accepting wastewater that has the potential to contain TENORM.

The agency encourages all owners / operators to obtain coverage under a WV/NPDES permit when operating a closed disposal / treatment system where toxic pollutant are present to ensure that proper operation, maintenance, and management practices are employed to protect human health and the environment. Please be aware, that owners / operators that do not hold an active WV/NPDES permit may not claim certain provisions of the permit should an illicit discharge occur that impacts waters of the State. For example, leakage, bypass or upset of the disposal / treatment system beyond the control of the owner / operator cannot be considered an acceptable defense in the case of an enforcement action brought against the owner / operator by this agency or by any third party (including the USEPA) without a WV/NPDES Permit.

If you should have any questions, please contact Yogesh Patel, P.E. of this office at (304) 926-0499 x1014.

Sincerely,



Scott G. Mandirola  
Director

SGM/yp

cc: Env. Insp. Supv.