

AMENDMENT TO RESPONSE TO COMMENTS
33 C.S.R. 1 SOLID WASTE MANAGEMENT RULE
2015 RULE MAKING

The WVDEP accepted written comments on proposed 33 C.S.R. 1 through July 30, 2014. A comment from Mr. Paul E. Hamrick was received by email on July 30, 2014; however his comments were inadvertently overlooked by the Agency. The following serves as an addendum to the Agency's response to comments, and adds Mr. Hamrick's comments and the Agency's responses, which were filed with the Secretary of State on August 12, 2014.

COMMENT A: Commenter asks if the definition of "drill cuttings and associated drilling wastes" includes flowback fluids.

RESPONSE A: The DEP has modified the definition of "drill cuttings and associated drilling wastes" to clarify that such term does not include wastes generated in the hydraulic fracturing process and defined the terms "completion waste" and "production waste," which are wastes associated with the hydraulic fracturing process.

COMMENT B: Commenter asks what percentage of a truck or container of drilling waste is permitted to be liquids.

RESPONSE B: The proposed Rule does not address how much of a truck or container load of waste is permitted to be liquid. However, the current Rule does require that all liquid waste be absorbed on solid material before it can be placed in the landfill.

COMMENT C: Commenter asks where the leachate from the drilling waste cell(s) goes for treatment.

RESPONSE C: The disposal facilities have an NPDES permit which requires the facility to treat the leachate from the facility. The leachate from the drilling waste cell(s) is treated based on the requirements in the facility's NPDES permit, either by a publicly owned treatment works or by an onsite treatment facility.

COMMENT D: Commenter asks if the publicly owned treatment works will now sample the leachate from the landfill using the parameters in Appendix V.

RESPONSE D: This comment is outside the scope of the proposed amendments and outside the authority of the Solid Waste Management Rule and, therefore, no response is required. The POTW must test and treat the leachate in accordance with its NPDES permit, which is governed by the NPDES Rule, 47 CSR 10.