

Emily Collins <eac50@pitt.edu>
To "Matthew L. Wolford" <wolford@erie.net>

September 25 2013 5:33 PM

Re: Waste Treatment Corporation

Matt,

Thanks for your letter. I hope you are doing well. [REDACTED]

We have a few clarifying questions before we speak to our client about your letter and request to meet.

First, on page 4 of your letter, you threatened a suit for "statements...that WTC is in violation of the Clean Water Act because the 'expired' 2003 NPDES permit does not authorize WTC to process wastewater generated by the oil and gas industry...." I'm not sure what you are calling false in that statement. Is it that the permit "expired" or is it that the 2003 NPDES Permit does not authorize WTC to discharge oil and gas wastewater or both?

If it is to the "expired" language, you will note that on page 4 of our NOI that we do describe the permit as "expired, but administratively-extended, NPDES permit...." It is true that on page 8 of the NOI in the last sentence of the first paragraph on that page, we use the word "expired." However, in that same paragraph (sentence 1), we refer to the permit as administratively extended. We are aware that even though the 2003 permit has an expiration date, that permit has been administratively extended. We are happy to reiterate this operation of the law to our client.

If the falsehood that you are alleging relates to whether WTC has authorization to discharge wastewater generated by the oil and gas industry, our arguments related to that point are described at length in our NOI.

Second, on page 3 of your letter, you state that "WTC ceased treating wastewater from unconventional development..." and now sends the wastewater, after processing, to injection wells owned by Bear Lake Properties, LLC. If you are referring to the injection wells owned by Bear Lake Properties, LLC, under Permits PAS2D215BWAR and PAS2D216BWAR, we are curious about where the wastewater was taken after processing between April 2011-December 2012 since Bear Lake did not have authorization to operate those UIC wells until mid-December 2012.

Finally, since the only wastewater containing chloride that your client disclosed in the permitting process related to oil and gas wastewater, we find it hard to believe that the chloride concentrations disclosed on your client's DMRs could be coming from anything but an oil and gas wastewater (or, perhaps, filtrate from oil and gas wastewater at this point). If your client is no longer discharging treated oil and gas wastewater, we are interested in whether the DEP files simply did not contain application materials provided by your client that disclosed these levels of chloride from a different waste stream.

Please let us know if you can provide some clarification on those issues so that we can discuss your request to meet with our client.

Thanks again,
Emily

Emily A. Collins
Clinical Associate Professor
Supervising Attorney
University of Pittsburgh School of Law
Environmental Law Clinic
(412) 648-8549
Fax: (412) 648-1992
eac50@pitt.edu

Address for U.S. Mail:
P.O. Box 7226
Pittsburgh, PA 15213-0221

Physical Address:
Sennott Square, Room 5217
210 South Bouquet Street
Pittsburgh, PA 15260

This e-mail (and any attachments hereto) is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please (1) notify me by replying to this message, (2) permanently delete the original and any electronic copies of this e-mail and any attachments, and (3) destroy any hard copies of the same. Thank you.

On Sep 25, 2013, at 12:46 PM, "Matthew L. Wolford" <wolford@erie.net> wrote:

Emily:

Attached please find a self-explanatory letter of today's date, the original of which is being sent by regular mail. As noted in the letter, please contact me at your convenience to discuss your client's role in the DEP's recently filed enforcement action.

[REDACTED]
[REDACTED] Thanks.

MLW

Matthew L. Wolford
638 West Sixth Street
Erie, PA 16507
(814) 459-9600 (Office)
(814) 459-9661 (Fax)
(814) 392-5599 (Cell)

The information contained in this e-mail note and any attachments is intended for the personal and confidential use of the designated recipient(s). This communication may be an attorney-client communication, attorney work product, or otherwise privileged, confidential, or protected from disclosure under applicable law. If you are not the intended recipient or an authorized agent, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution, copying of, use of, or reliance upon this communication is prohibited. If you believe this communication was sent to you in error, do not read it. Please reply to the sender that you received the note in error and delete it. Thank you.

Please consider the environment before printing this note.

<WTC CWA response letter 092513.PDF>