CHAPTER 92. [Reserved].
92.66. [Reserved].
92.67. [Reserved].
92.71. [Reserved].
92.71a. [Reserved].
92.72. [Reserved].
92.72a. [Reserved].
92.73. [Reserved].
92.74. [Reserved].
92.75. [Reserved].
92.76. [Reserved].
92.77. [Reserved].
92.78. [Reserved].
92.79. [Reserved].
92.81. [Reserved].
92.82. [Reserved].
92.83. [Reserved].
92.91. [Reserved].
92.92. [Reserved].
92.93. [Reserved].
92.94. [Reserved].

Authority

The provisions of this Chapter 92 issued under section 5 of The Clean Streams Law (35 P. S. § 691.5); reserved under sections 5(b)(1) and 402 of The Clean Streams Law and section 1920-A of The Administrative Code of 1929, unless otherwise noted.

Source

The provisions of this Chapter 92 adopted August 4, 1978, 8 Pa.B. 2157, unless otherwise noted.

Cross References


GENERAL PROVISIONS

§ 92.1. [Reserved].

Authority
The provisions of this § 92.1 issued under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402).

Source

Notes of Decisions

Pollutant
A discharge that tested positive for excessive levels of ammonia, chloride, nitrate, nitrite, phosphorous, sulfate, dissolved solids, total coliform bacteria, fecal coliform bacteria, copper, lead, nickel and zinc was a “pollutant” as defined in § 92.1. Reynolds v. Rick’s Mushroom Services, Inc., 246 F. Supp. 2d 449 (E. D. Pa. 2003).

Cross References

§ 92.2. [Reserved].

Authority
The provisions of this § 92.2 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.2 adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (351812) and (315457) to (315458).
§ 92.2a. [Reserved].

Authority
The provisions of this § 92.2a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).
§ 92.2b. [Reserved].

Authority

The provisions of this § 92.2b issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.2b adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (315458).

§ 92.2c. [Reserved].

Authority

The provisions of this § 92.2c issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.2c adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (315459) to (315459).

§ 92.2d. [Reserved].

Authority

The provisions of this § 92.2d issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.2d adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (315459) to (315460).

PERMITS

§ 92.3. [Reserved].

Authority

The provisions of this § 92.3 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

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Elements of Offense

Where the defendant admitted that it did not have an NPDES permit, the only determination for the court is whether the defendant discharged pollutants from a point source. *Reynolds v. Rick's Mushroom Services, Inc.*, 246 F. Supp. 2d 449 (E. D. Pa. 2003).

§ 92.4. [Reserved].

Authority

The provisions of this § 92.4 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.4 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (315461).

§ 92.5. [Reserved].

Source

The provisions of this § 92.5 reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (315463).

§ 92.5a. [Reserved].

Authority

The provisions of this § 92.5a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source


Cross References

This section cited in 25 Pa. Code § 91.36 (relating to pollution control and prevention at agricultural operations).
§ 92.6. [Reserved].

Source

The provisions of this § 92.6 amended October 6, 1978, 8 Pa.B. 2721; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial page (228249).

§ 92.7. [Reserved].

Authority

The provisions of this § 92.7 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

The provisions of this § 92.7 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (315465).

§ 92.8. [Reserved].

§ 92.8a. [Reserved].

Authority

The provisions of this § 92.8a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

The provisions of this § 92.8a adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (315465) to (315466).

§ 92.9. [Reserved].

Authority

The provisions of this § 92.9 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

The provisions of this § 92.9 amended October 5, 1979, effective October 6, 1979, 9 Pa.B. 3369; amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (315466) and (271975).
§ 92.10. [Reserved].

§ 92.11. [Reserved].

Authority

The provisions of this § 92.11 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source


§ 92.12. [Reserved].

§ 92.13. [Reserved].

Authority

The provisions of this § 92.13 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source


§ 92.13a. [Reserved].

Authority

The provisions of this § 92.13a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source


§ 92.14. [Reserved].

§ 92.15. [Reserved].
§ 92.16. [Reserved].

§ 92.17. [Reserved].

Authority
The provisions of this § 92.17 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

APPLICATION FOR PERMITS

§ 92.21. [Reserved].

Authority
The provisions of this § 92.21 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source
The provisions of this § 92.21 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271977) to (271978) and (336593) to (336594).

Notes of Decisions
Although a coordinated review may be generally desirable, there is nothing in the National Pollutant Discharge Elimination System regulations which requires that review of NPDES permit applications be coordinated with review of other required permits. Del-Aware Unlimited, Inc. v. Department of Environmental Resources, 508 A.2d 348. (Pa. Cmwlth. 1986); appeal denied 523 A.2d 1132 (Pa. 1986).

§ 92.21a. [Reserved].

Authority
The provisions of this § 92.21a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source
The provisions of this § 92.21a adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (336594) and (271977) to (271981).
§ 92.22. [Reserved].

Authority
The provisions of this § 92.22 amended under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402).

Source

§ 92.23. [Reserved].

Authority
The provisions of this § 92.23 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

§ 92.24. [Reserved].

§ 92.25. [Reserved].

Authority
The provisions of this § 92.25 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.25 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271983) to (271984).

APPROVAL OF APPLICATIONS

§ 92.31. [Reserved].

Authority
The provisions of this § 92.31 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.31 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271984) and (313603).
MONITORING BY PERMITTEE

§ 92.41. [Reserved].

Authority

The provisions of this § 92.41 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.41 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (313603) to (313605).

PERMIT CONDITIONS

§ 92.51. [Reserved].

§ 92.52a. [Reserved].

§ 92.53. [Reserved].
§ 92.54. [Reserved].

§ 92.55. [Reserved].

Authority
The provisions of this § 92.55 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.55 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271989) to (271990).

§ 92.56. [Reserved].

§ 92.57. [Reserved].

Authority
The provisions of this § 92.57 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.57 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271990) to (271991).

§ 92.58. [Reserved].

§ 92.59. [Reserved].

Authority
The provisions of this § 92.59 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
§ 92.60. [Reserved].

§ 92.61. [Reserved].

Authority
The provisions of this § 92.61 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.61 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271991) to (271992), (313607) to (313608) and (351813).

Notes of Decisions

Posted Notice
A landowner failed to file a timely appeal after receipt of what was determined to be a properly noticed administrative agency action and as the prescribed time limits for appeals are jurisdictional, the Board lost the jurisdiction that it would have otherwise had and the landowner’s petition for allowance of an appeal nunc pro tunc was denied. Grimaud v. Department of Environmental Resources, 638 A.2d 299 (Pa. Cmwlth. 1994).

Cross References
This section cited in 25 Pa. Code § 95.10 (relating to treatment requirements for new and expanding mass loadings of Total Dissolved Solids (TDS)); and 25 Pa. Code § 96.7 (relating to public participation).

§ 92.62. [Reserved].

§ 92.63. [Reserved].

Authority
The provisions of this § 92.63 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.63 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (351813) to (351814).

§ 92.64. [Reserved].

§ 92.65. [Reserved].

Authority
The provisions of this § 92.65 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).
The provisions of this § 92.65 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (351814) and (343931).

§ 92.66. [Reserved].

§ 92.67. [Reserved].

Source
The provisions of this § 92.67 reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (343931).

MISCELLANEOUS

§ 92.71. [Reserved].

Authority
The provisions of this § 92.71 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402).

Source

§ 92.71a. [Reserved].

Authority
The provisions of this § 92.71a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.71a adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (343932).
§ 92.72. [Reserved].

§ 92.72a. [Reserved].

Authority

The provisions of this § 92.72a issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.72a adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (343932).

§ 92.73. [Reserved].

Authority

The provisions of this § 92.73 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.73 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (271999).

§ 92.74. [Reserved].

§ 92.75. [Reserved].

Authority

The provisions of this § 92.75 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 92.75 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (271999) to (272000).

§ 92.76. [Reserved].

§ 92.77. [Reserved].

Authority

The provisions of this § 92.77 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).
§ 92.77. [Reserved].

Source

§ 92.78. [Reserved].

Source
The provisions of this § 92.78 reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (272000).

§ 92.79. [Reserved].

Authority
The provisions of this § 92.79 amended under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source
The provisions of this § 92.79 amended November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (272000) to (272001).

NPDES PERMITS

§ 92.81. [Reserved].

Authority
The provisions of this § 92.81 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

Cross References
This section cited in 25 Pa. Code § 271.902 (relating to permits and direct enforceability).

§ 92.82. [Reserved].

Authority
The provisions of this § 92.82 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).
Source

Cross References
This section cited in 25 Pa. Code § 271.902 (relating to permits and direct enforceability).

§ 92.83. [Reserved].

Authority
The provisions of this § 92.83 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

Cross References
This section cited in 25 Pa. Code § 271.902 (relating to permits and direct enforceability).

CIVIL PENALTIES FOR VIOLATION OF NPDES PERMITS

§ 92.91. [Reserved].

Authority
The provisions of this § 92.91 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source
The provisions of this § 92.91 adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial page (272005).

§ 92.92. [Reserved].

Authority
The provisions of this § 92.92 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source
§ 92.93. [Reserved].

Authority
The provisions of this § 92.93 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.93 adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (272006) to (272007).

§ 92.94. [Reserved].

Authority
The provisions of this § 92.94 issued under sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source
The provisions of this § 92.94 adopted November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059; reserved October 8, 2010, effective October 9, 2010, 40 Pa.B. 5767. Immediately preceding text appears at serial pages (272007) to (272008).