

CHAPTER 97. [Reserved]**§ 97.1. [Reserved].****Source**

The provisions of this § 97.1 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1889; amended February 26, 1988, effective upon delegation of the pretreatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial page (233515).

§ 97.2. [Reserved].**Source**

The provisions of this § 97.2 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275; amended February 26, 1988, effective upon delegation of the pretreatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3229; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (233515) to (233516).

§ 97.11. [Reserved].**Source**

The provisions of this § 97.11 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275. Immediately preceding text appears at serial page (4529).

§ 97.12. [Reserved].**Source**

The provisions of this § 97.12 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275. Immediately preceding text appears at serial page (4529).

§ 97.13. [Reserved].**Source**

The provisions of this § 97.13 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275. Immediately preceding text appears at serial page (4529).

§ 97.14. [Reserved].**Source**

The provisions of this § 97.14 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; corrected March 24, 1989, effective August 6, 1988, 19 Pa.B. 1289; reserved January 28, 2000, effective January 29, 2000, 30 Pa.B. 521. Immediately preceding text appears at serial page (233517).

§ 97.15. [Reserved].**Source**

The provisions of this § 97.15 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended July 25, 1980, effective July 26, 1980, 10 Pa.B. 3092; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (263069) to (263070).

Notes of Decisions

The DER can order the closing of a landfill site in a county which presently has no other conveniently available permitted site for the dumping of solid waste where the landfill discharges an industrial waste which does not meet the quality standards of 25 Pa. Code § 97.15 (relating to quality standards). *Reedy v. Commonwealth*, 68 Pa. D. & C.2d 460 (1975).

§§ 97.21—97.25. [Reserved].**Source**

The provisions of these §§ 97.21—97.25 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275. Immediately preceding text appears at serial pages (4530) to (4533).

§§ 97.31—97.35. [Reserved].**Source**

The provisions of these §§ 97.31—97.35 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved December 19, 1980, effective upon approval of the Secretary of the United States Department of Interior; noted at May 22, 1981, 11 Pa.B. 1801; reprinted June 6, 1981, 11 Pa.B. 1927; reserved February 1, 1985, effective February 2, 1985, 15 Pa.B. 361. Immediately preceding text appears at serial page (62404).

§§ 97.41—97.45. [Reserved].**Source**

The provisions of these §§ 97.41—97.45 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275. Immediately preceding text appears at serial pages (30904) to (30907).

§§ 97.51—97.58. [Reserved].**Source**

The provisions of these §§ 97.51—97.58 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved July 28, 1989, effective July 29, 1989, 19 Pa.B. 3229. Immediately preceding text appears at serial pages (126045) to (126047).

§ 97.61. [Reserved].**Source**

The provisions of this § 97.61 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved January 28, 2000, effective January 29, 2000, 30 Pa.B. 521. Immediately preceding text appears at serial page (233522).

§ 97.62. [Reserved].**Source**

The provisions of this § 97.62 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved July 8, 1977, effective July 9, 1977, 7 Pa.B. 1889. Immediately preceding text appears at serial page (4540).

§ 97.63. [Reserved].**Source**

The provisions of this § 97.63 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended July 8, 1977, effective July 9, 1977, 7 Pa.B. 1889; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (263072) to (263074).

Notes of Decisions*Applicability*

The provisions of this § 97.63 (relating to oil-bearing waste waters) are inapplicable to undiluted discharges of oil. *Department of Environmental Resources v. Federal Oil and Gas Co.*, 73 Pa. D. & C.2d 148 (1975).

Presence of Oil

Although oil can be measured, a major recognized test for the presence of oil is a visual one. *Department of Environmental Resources v. Federal Oil and Gas Co.*, 73 Pa. D. & C.2d 148 (1975).

§§ 97.64—97.66. [Reserved].**Source**

The provisions of these §§ 97.64—97.66 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved May 5, 1978, effective May 6, 1978, 8 Pa.B. 1275. Immediately preceding text appears at serial pages (30912) to (30913) and (4540).

§ 97.71. [Reserved].**Source**

The provisions of this § 97.71 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved January 28, 2000, effective January 29, 2000, 30 Pa.B. 521. Immediately preceding text appears at serial pages (255930) and (233525).

Notes of Decisions

The Department's inclusion of storm water runoff as a source of potential pollution does not constitute authority whereby D.E.R. has exercised its discretionary power to require permits for storm water runoff from highway projects. *Department of Transportation v. Precision Tube Co., Inc.*, 358 A.2d 137 (Pa. Cmwlth. 1976).

§ 97.72. [Reserved].**Source**

The provisions of this § 97.72 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved December 19, 1980, effective upon approval of the Secretary of the United States Department of Interior; noted May 22, 1981, 11 Pa.B. 1801; reprinted June 6, 1981, 11 Pa.B. 1927; reserved January 28, 2000, effective January 29, 2000, 30 Pa.B. 521. Immediately preceding text appears at serial page (233525).

Notes of Decisions

Where the record showed that appellants discharged inadequately treated industrial waste without a permit into the underground workings of an abandoned mine, the court held there was no merit to the contention that the evidence was insufficient to convict appellants for violation of this section. *Commonwealth v. Scatena*, 498 A.2d 1314 (Pa. 1985).

§§ 97.73—97.76. [Reserved].**Source**

The provisions of these §§ 97.73—97.76 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved January 28, 2000, effective January 29, 2000, 30 Pa.B. 521. Immediately preceding text appears at serial pages (233525) to (233526).

§ 97.81. [Reserved].**Source**

The provisions of this § 97.81 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended September 7, 1979, effective October 8, 1979, 9 Pa.B. 3051; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (263075) and (233527).

Notes of Decisions

The provisions of 25 Pa. Code §§ 97.81, 97.82(b) and 97.83 (relating to prohibition; allowable discharges; and fishways) modify the requirements of 25 Pa. Code § 97.82(a) (relating to allowable discharges) and require the Department to designate a mixing zone for the heated effluent from a power station where the ecological impact on the affected streams would be minimal outside the mixing zone and where the alternative would be a cooling tower having a greater economic and environmental impact on the area. *Bartram v. Parrish*, 74 Pa. D. & C.2d 627 (1974).

§ 97.82. [Reserved].**Source**

The provisions of this § 97.82 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended September 7, 1979, effective October 8, 1979, 9 Pa.B. 3051; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 968; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (233527) to (233528).

Notes of Decisions

The provisions of 25 Pa. Code §§ 97.81, 97.82(b) and 97.83 (relating to prohibition; allowable discharges; and fishways) modify the requirements of § 97.82 (relating to allowable discharges) and require the department to designate a mixing zone for the heated effluent from a power station where the ecological impact on the affected streams would be minimal outside the mixing zone and where the alternative would be a cooling tower having a greater economic and environmental impact on the area. *Bartram v. Parrish*, 74 Pa. D. & C.2d 627 (1974).

§ 97.83. [Reserved].**Source**

The provisions of this § 97.83 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended September 7, 1979, effective October 8, 1979, 9 Pa.B. 3051; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (233528) to (233529).

§§ 97.84—97.86. [Reserved].**Source**

The provisions of these §§ 97.84—97.86 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; reserved September 7, 1979, effective October 8, 1979, 9 Pa.B. 3051. Immediately preceding text appears at serial page (30916).

§ 97.91. [Reserved].**Source**

The provisions of this § 97.91 adopted February 26, 1988, effective upon delegation of the pre-treatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (233529) to (233532) and (248179).

§ 97.92. [Reserved].**Source**

The provisions of this § 97.92 adopted February 26, 1988, effective upon delegation of the pre-treatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (248179) to (248180).

§ 97.93. [Reserved].**Source**

The provisions of this § 97.93 adopted February 26, 1988, effective upon delegation of the pretreatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (248180) and (233535) to (233537).

§ 97.94. [Reserved].**Source**

The provisions of this § 97.94 adopted February 26, 1988, effective upon delegation of the pretreatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (233537) to (233538).

§ 97.95. [Reserved].**Source**

The provisions of this § 97.95 adopted February 26, 1988, effective upon delegation of the pretreatment program to the Department by the Environmental Protection Agency, 18 Pa.B. 846; reserved November 17, 2000, effective November 18, 2000, 30 Pa.B. 6059. Immediately preceding text appears at serial pages (233538) to (233544).

Cross References

This section cited in 25 Pa. Code § 94.61 (relating to pretreatment program requirements); and 25 Pa. Code § 94.64 (relating to reporting requirements for POTWs).

[Next page is 99-1.]