



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

Proposed Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance

25 Pa. Code § 92a.51(a)

Water Resources Advisory Committee
July 28, 2021

Background

DEP's § 92a.51(a) regulation:

§ 92a.51. Schedules of compliance.

(a) With respect to an existing discharge that is not in compliance with the water quality standards and effluent limitations or standards in § 92a.44 or § 92a.12 (relating to establishing limitations, standards, and other permit conditions; and treatment requirements), the applicant shall be required in the permit to take specific steps to remedy a violation of the standards and limitations in accordance with a legally applicable schedule of compliance, in the shortest, reasonable period of time, the period to be consistent with the Federal Act. Any schedule of compliance specified in the permit must require compliance with final enforceable effluent limitations as soon as practicable, but in no case longer than 5 years, unless a court of competent jurisdiction issues an order allowing a longer time for compliance.

Background

- DEP has historically issued 5-year NPDES permits with interim milestones for CSOs
- EPA expressed concerns (10+ years ago) with this practice because of § 92a.51(a)
- The § 92a.51(a) regulation is more stringent than federal regulations and would remain so except for CSO dischargers

Proposed Revisions

DEP's § 92a.51(a) proposed revisions:

(a) With respect to an existing discharge that is not in compliance with the water quality standards and effluent limitations or standards in § 92a.44 or § 92a.12 (relating to establishing limitations, standards, and other permit conditions; and treatment requirements), the applicant shall be required in the permit to take specific steps to remedy a violation of the standards and limitations in accordance with a legally applicable schedule of compliance, in the shortest, reasonable period of time, the period to be consistent with the Federal Act. **Except as otherwise set forth in this subsection, a[A]ny schedule of compliance specified in the permit must require compliance with final enforceable effluent limitations as soon as practicable, but in no case longer than 5 years, unless a court of competent jurisdiction issues an order allowing a longer time for compliance. Compliance schedules granted to permitted CSO dischargers may exceed 5 years but shall in no event exceed the period of implementation specified in an approved long-term control plan (LTCP).**



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