



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

# **Draft Final Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance**

(25 Pa. Code § 92a.51)

Water Resources Advisory Committee  
July 21, 2022

# Background

Current § 92a.51(a) regulation:

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.

# Revision

## § 92a.51(a) revision:

**[Any] Except as otherwise set forth in this subsection, a 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 CSO dischargers may exceed 5 years but may not exceed the period of implementation specified in an approved long-term control plan (LTCP).**

# Stakeholder Input

- WRAC voted to support draft proposed rulemaking at its July 28, 2021 meeting
- Outreach to PMAA and environmental groups during Fall 2021
- EQB voted to adopt the proposed rulemaking at its October 19, 2021 meeting
- Public comment period  
January 15 – March 1, 2022

# Public Comments

- One commenter supported rulemaking
- One commenter acknowledged purpose of rulemaking but expressed concerns about the possibility of future exceptions
- One commenter argued that public health and environmental protection will be degraded by eliminating or extending CSO compliance

# Next Steps

- DEP seeks WRAC's support of the draft final rulemaking
  - No changes to the rulemaking from proposed to final-form
- Final-form rulemaking planned for Fall 2022 EQB meeting



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

**Sean Furjanic, P.E.**  
Environmental Program Manager  
Bureau of Clean Water  
[sefurjanic@pa.gov](mailto:sefurjanic@pa.gov)