

## ONE PAGE SUMMARY OF COMMENTS

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There are too many technical and legal errors in the proposed regulations to even list on one page. However, there are several important matters that I hope the Board will seriously consider, which apply to many of my individual comments:

1. The Board should understand that **this is the most radical rule change the Department has proposed in over a decade.** The proposed regulations constitute sweeping and universal changes to long-standing Federal discharge requirements. They radically re-write the standards under which municipal and industrial treatment facilities operate. The Secondary Treatment regulations (40 CFR Part 133) have been gutted and a "one size fits all" approach has been substituted for the thoughtful, technically accurate, and flexible EPA rules. The Federal Effluent Limits Guidelines are to be generally ignored and arbitrary BOD and TSS limits instituted in their place. New terms with no Federal counterpart are invented and ambiguity is rampant, inviting confusion and litigation to figure out what these new rules mean. Compliance costs will be enormous, noncompliance rates will increase, and, in spite of all of this, there will be NO change in environmental protection (the existing rules are working just fine). These changes are related not to environmental protection, but to simplifying DEP's regulatory program by imposing arbitrary new standards across the board, eliminating the well-researched EPA standards that have served us well for over 40 years. Statements in the Preamble that the rules are merely a recodification of existing rules and propose no substantive changes are false.
2. Most important, in light of the magnitude of the changes, is the almost complete lack of documentation, in the Preamble or any other place, regarding the basis for making these new rules. The ONLY "justification" for these substantive changes is the unsupported statement that the federal standards have mysteriously become "outdated." Not a single study, scholarly paper, magazine article, or letter to the editor is cited in support of this astounding statement. If municipalities are to spend millions, and hundreds of industries are to be shut down, the Department should at least tell us why.
3. Arbitrary new zero discharge standards will be imposed on every municipal and industrial wastewater facility in the state. No timetable is provided to meet these radical new standards, **which cannot be met using installed technology.** DEP's comment on all of this? "an unqualified prohibition on most of these listed conditions is appropriate." Since environmental protection is not the issue, what is this statement based on?
4. Even worse, the prohibitions and other changes (e.g., the strange and arbitrary "tertiary treatment standards") will cumulative cost hundreds of millions of dollars to address. Meeting a zero discharge standard for turbidity, oil and grease, or color, will require installation of state-of-the art equipment costing hundreds of thousands of dollars to construct and more each year to operate at every treatment plant in the state. DEP's comment? "the proposed rulemaking does not include any new broad-based treatment requirements . . . . The compliance costs of the proposed rulemaking for most facilities is [sic] limited to the revised application and annual fees." Nothing could be further from the truth! *The attempt at concealment of the enormous cost of the most radical and far-reaching treatment requirements in forty years is inexcusable and an affront to the Board and the regulated community, not to mention a violation of the law.*