



**PAG-06
FACT SHEET
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR WET WEATHER OVERFLOW DISCHARGES
FROM COMBINED SEWER SYSTEMS**

DEP regulations in Title 25 of the Pennsylvania Code, Chapter 92, §§92.81-92.83 on the Web site at www.pacode.com provide for the issuance of the General Permit. The General Permit is allowed to be issued when:

- A. the same, or substantially similar, types of operations are involved;
- B. the same types of waste are being discharged;
- C. the same effluent limitations and/or operating conditions are required;
- D. the same or similar monitoring is required;
- E. the discharge does not contain toxic or hazardous pollutants or any other substance which - because of its quantity; concentration; or physical, chemical, or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into navigable waters;
- F. in the opinion of DEP, the discharges are more appropriately controlled under a General Permit than under individual permits;
- G. individually and cumulatively, the discharges do not have the potential to cause significant adverse environmental impact(s); and
- H. the discharge is not to "High Quality" or "Exceptional Value Waters" as defined in Title 25 of the Pennsylvania Code, Chapter 93 of DEP Rules and Regulations, on the Web site at www.pacode.com.

POINT SOURCE DISCHARGES OF COMBINED SEWER OVERFLOWS (CSOS) THAT DISCHARGE INTO SURFACE WATERS OF THE COMMONWEALTH ARE REQUIRED TO BE REGULATED UNDER AN NPDES PERMIT. DEP HAS DETERMINED THAT:

- A. The waste characteristics of CSOs are generally similar.
- B. Similar effluent limitations and/or operating conditions are required to control CSOs.
- C. Although a variety of pollutants may be present at some overflow outfalls, properly implemented stormwater controls, erosion and sediment (E & S) controls, and associated best management practices (BMPs) shall ensure that CSOs do not discharge pollutants in amounts that may cause or contribute to a substantial present or future hazard to human health or the environment.
- D. Upon the proper development and implementation of required stormwater controls, erosion and sediment controls, and development and implementation of BMPs, CSOs individually and cumulatively will not cause significant adverse environmental impact(s).

Based on these determinations, DEP has elected to develop an NPDES General Permit (PAG-06) to control wet weather overflow discharges from combined sewer systems consistent with the requirements of Title 25 of the Pennsylvania Code, Chapter 92, on the Web site at www.pacode.com .

APPLICATION FOR COVERAGE UNDER THE NPDES GENERAL PERMIT AND ADMINISTRATION OF THE GENERAL PERMIT

A. Owners or operators of existing wet weather overflow discharges from combined sewer systems who wish to be covered by the General Permit must file a Notice of Intent (NOI) with DEP, in the format specified, for coverage under the General Permit (see Notice of Intent requirements below). If the NOI for coverage is acceptable as administratively complete, DEP will formally notify the municipality of coverage by assigning a unique NPDES permit identification number. Notice for each approval for coverage will be published by DEP in the *Pennsylvania Bulletin*.

B. The following CSO discharges are eligible for coverage under the General Permit:

Wet weather overflow discharges from combined sewer systems serving fewer than 75,000 people that convey wastewater through a downstream conveyance system owned and operated by another municipality or convey wastewater directly to a downstream sewage treatment plant owned and/or operated by another municipality or authority.

C. The following CSO discharges are not covered by the General Permit and may need to be covered under an individual NPDES permit from DEP:

1. Discharges which may contain hazardous pollutants, toxics, or any other substance which - because of its quantity, concentration, or physical, chemical, or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into waters of the Commonwealth;
2. Discharges which individually or cumulatively have the potential to cause significant adverse environmental impact;
3. Discharges to waters classified as "High Quality" or "Exceptional Value" under Title 25 of the Pennsylvania Code, Chapter 93 on the Web site at www.pacode.com, of DEP's Rules and Regulations;
4. Discharges which do not or are unlikely to result in compliance with any of the terms or conditions of the NPDES General Permit;
5. Discharges from facilities with a significant history of non-compliance with prior permit(s) issued by DEP;
6. Discharges which do not, or will not, result in compliance with applicable effluent limitations;
7. Discharges which DEP determines require an individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Stream Law, and rules and regulations promulgated thereto; or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
8. Discharges associated with an activity that would adversely affect a listed endangered or threatened species or its critical habitat;
9. CSO(s) during periods of dry weather flow;
10. Overflows from sewer systems designed and built as separate sanitary systems (SSOs) or overflow discharges resulting in sewage bypass(es) at the wastewater treatment plant;
11. Any CSO from a municipality or other incorporated place with a sewered population served equal to or greater than 75,000 persons according to the latest decennial census by the United States Bureau of the Census;
12. The discharges would interfere with a downstream riparian landowner's reasonable use of surface waters or property rights, or otherwise cause a private or public nuisance; or

13. The discharges are associated with an activity that is subject to an existing NPDES Individual or General Permit, except as allowed herein or are from a facility where an NPDES permit has been terminated or denied.

D. The authority granted by the General Permit is subject to the following additional requirements:

1. DEP may require any person authorized by the General Permit to apply for and obtain an individual NPDES permit. Any interested person may petition DEP to take action under this paragraph. DEP may require any owner or operator authorized to discharge CSOs under the General Permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that such a permit application is required. The applicant shall submit the individual permit application within **90 days** of receipt of notice. This notice shall include the following: (1) a brief statement of the reasons for this decision, (2) an application form, (3) a statement setting a deadline for the owner or operator to file the application, and (4) a statement that on the effective date of the individual NPDES permit, as it applies to the individual permittee, coverage under the General Permit shall be automatically terminated.

DEP may grant additional time to submit the application upon written request from the applicant. If an owner or operator fails to submit, in the described timely manner, an individual NPDES permit application required by DEP under this paragraph, then the applicability of the General NPDES Permit to the individual NPDES permittee is automatically terminated on the day specified for application submittal.

2. Any owner or operator authorized to discharge by the General Permit may request to be excluded from the coverage of the General Permit by applying for an individual permit. The owner or operator shall submit an individual application on an approved Pennsylvania individual NPDES sewage application form, with reasons supporting the request to DEP.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to the General Permit, the applicability of the General Permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit. When an individual NPDES permit is denied to an owner or operator otherwise subject to the General Permit, the owner or operator may continue discharging if all eligibility requirements under the General Permit are met. If the owner or operator does not meet the eligibility requirements of the General Permit, or is otherwise prohibited from General Permit coverage, coverage under the General Permit is automatically terminated on the date of such denial, unless otherwise specified by DEP.
4. Approval of Coverage Under the General Permit - Application for renewal of coverage under the General Permit must be submitted to DEP **at least 180 days prior to** the expiration date indicated on approval for coverage form (unless permission has been granted by DEP for submission at a later date). A request for renewal of coverage is to be made using the "Notice of Intent (NOI) for Coverage Under NPDES General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems."

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the General Permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal of permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the General Permit.

5. Issuance or Reissuance of the General Permit - Unless extended by DEP, the General Permit will expire 5 years from the date of its final issuance and availability. DEP will publish a notice in the *Pennsylvania Bulletin* of the draft, renewed, reissued or amended General Permit, and after a comment period, notice of the final, renewed, reissued or amended General Permit will be published in the *Pennsylvania Bulletin*.
6. The General Permit may be modified or revoked and reissued by DEP if monitoring data indicates one or more toxic pollutants are, or are expected to be discharged from one or more CSO discharges. If there is evidence indicating potential or realized impacts on water quality due to any CSO discharge covered by the General Permit, the owner or operator of such discharge may be required to obtain an individual NPDES permit and to take immediate steps to minimize or eliminate the impacts.

7. If there is a conflict between the approval of the NOI for coverage, its supporting documents and/or amendments, and the terms and conditions of the General Permit, the terms and conditions of the General Permit shall apply.
 8. Failure to comply with the terms and conditions of the General Permit is grounds for any one or more of the following: enforcement action; coverage termination, revocation, reissuance, or modification or for denial of a renewal application.
 9. The general NPDES permit does not constitute authorization to construct and operate a facility or make modifications to existing wastewater treatment facilities necessary to meet the terms and conditions of the General Permit. The permittee shall comply with all permitting and other requirements as necessary.
 10. No condition of the General Permit shall release the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.
 11. The General Permit is only an authorization to discharge and does not constitute authorization to construct a new sewer system or extensions to the existing system.
- E. As in the case of individual NPDES permits, NPDES General Permits may be issued, amended, suspended, revoked, reissued, or terminated in accordance with Title 25 of the Pennsylvania Code, Chapter 92, on the Web site at www.pacode.com, of DEP's Rules and Regulations.
- F. CSOs are point source discharges subject to the NPDES permitting requirements of the Clean Water Act. It is unlawful for owners (or operators when owners do not operate the facility) of existing wet weather overflow discharges from CSOs, to discharge CSOs to surface waters of the Commonwealth without an NPDES permit issued by DEP. This activity may lead to enforcement action and/or third party litigation.
- G. It is anticipated that the discharge of CSOs will be minimized or may be eliminated based on the implementation of nine minimum controls and BMPs. When all CSOs that are authorized by the General Permit are eliminated, the operator of the facility must submit a letter signed in accordance with Part A.4.e. (Signatory Requirements) of the General Permit to notify DEP of the termination of a permittee's responsibilities under the General Permit.

NOTICE OF INTENT (NOI)

- A. Operators or owners of existing wet weather overflow discharges from CSOs which are eligible for, and are seeking coverage under the General Permit, must file an administratively complete and acceptable NOI within 180 days after the publication date of the availability of the final General NPDES Permit. New CSO combined sewer systems will not be permitted.
- B. Owners or operators of existing CSOs seeking coverage under the General NPDES Permit must submit a Notice of Intent (NOI) or photocopy thereof, and all other required information to the appropriate DEP regional office. A list of names, addresses, and telephone numbers of the regional offices can be found on DEP's Web site at www.depweb.state.pa.us.

PUBLIC NOTICE OF GENERAL PERMIT

Public notice of this proposed General Permit was published by DEP in the *Pennsylvania Bulletin* on February 9, 2008 with a 30-day comment period. Final notice of the availability of the General Permit was published in the *Pennsylvania Bulletin* on _____.

CONTINUED IMPLEMENTATION OF NINE MINIMUM CONTROLS (NMC) AND A LONG-TERM CONTROL PLAN (LTCP)

Part C of the General Permit establishes a permit condition that requires the owner/operator's immediate compliance with CSO NMC and LTCP requirements upon permit issuance. The NMCs influence the rate, quality and quantity of pollutants discharged from CSO(s) into surface waters of the Commonwealth. Part C of this permit specifies the wet weather CSO permitting requirements that must be met by the permittee. Detailed guidance documents related to the NMCs and the LTCP may be obtained from DEP.

TOXICITY TESTING

DEP may require the permittee to conduct acute whole effluent toxicity testing (WETT) on one or more overflows in accordance with DEP WETT protocols. DEP will provide such protocols with any notice to conduct the testing.

MONITORING, REPORTING, AND RECORDKEEPING

A. Annual CSO Status Report

A discussion of the municipality's program for CSO controls shall be included in the annual Wasteload Management report submitted to the appropriate DEP regional office as required under Title 25 of the Pennsylvania Code, Chapter 94, at www.pacode.com, of DEP Rules and Regulations. The report shall provide a summary of the frequency, duration, and estimated volume of the CSOs for the past calendar year, operational status of major overflow points, and identification of known adverse instream water quality impacts and their causes. The report shall also summarize all actions taken to implement the NMCs and LTCP and their effectiveness in complying with the effluent limitations set forth in Part A.1. of the General Permit. The report must be submitted no later than March 31 for the previous calendar year.

B. Monitoring and Recording

All monitoring and reporting shall be in accordance with the Provisions under Part C of this General Permit. Selected representative overflow points (not less than twenty percent of the total number of outfalls) shall be monitored at least once per year for cause, frequency, duration, quality and quantity of flow during a rainfall event that caused the overflow to occur. The outfall monitoring shall be rotated such that every discharge point is monitored at least once over a 5-year period.

In addition, the permittee shall develop and implement an inspection and maintenance schedule. Such schedule shall provide for inspection and maintenance of the CSO discharge points in periods of dry weather for obstructions and floating solids in the conveyance systems such that each discharge point is inspected at least once per year. The inspection schedule shall be such that every overflow point is monitored after each rainfall event that exceeds 0.25 inches in intensity, and routinely during dry weather. All monitoring data shall be summarized on the Discharge Monitoring Report (DMR) form and shall be recorded in the format specified by DEP. The DMR shall be kept on file at the permittee's business office for a 1-year period after the General Permit coverage termination date set in the General Permit for inspection by DEP or other interested persons and shall be submitted to DEP upon request.

C. Recording of Results

For each measurement or inspection conducted pursuant to the requirements of the General Permit, the permittee shall record the following information:

1. The exact place, date, and time of measurements and/or inspections.
2. The person(s) who performed the measurements and/or inspections.
3. The analytical techniques or methods used.
4. The summary of results of the analysis/inspection.
5. The date(s) analyses/inspections were performed.
6. The individual who performed the analysis/inspection.

D. Records Retention

1. All records of monitoring activities and results (including, where applicable, all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this General Permit, any authorizations received from DEP and records of all data used to complete the NOI to be covered by the General Permit, shall be retained by the permittee for a

period of at least 3 years or 1 year after the General Permit coverage termination date whichever is latest, or any extension thereof.

2. In addition to the requirements in Part A.3. of the General Permit, permittees are required to retain analysis results for any samples collected for a 6-year period from the date of sample collection or for the term of the General Permit, whichever is greater. Permittees must submit such monitoring results to the appropriate DEP regional office upon request. A summary of such results shall also be included as part of the annual CSO report required under Part A.3. of the General Permit and every 5 years with the General Permit renewal application.

REPORTING AND RECORDKEEPING

A. Reporting of Monitoring Results

Monitoring results shall be reported on a DMR form. A signed copy of the DMR form and all other reports required herein shall be kept on file at the permittee's business office and shall be submitted with the annual CSO status report to the appropriate DEP regional office.

B. Noncompliance Reporting

1. Required Reporting. The permittee shall report incident(s) that may cause, contribute, pose, and/or have potential to cause a substantial present or future hazard to human health, adverse impact(s) to the environment, and/or noncompliance to DEP in accordance with the following:

- a. 24-Hour Oral Reporting - The permittee shall give at least a 24-hour advanced notice to DEP of any planned changes to the permitted activity or facility that may result in present or future hazard to human health and/or damage(s) to the environment. The permittee shall also report non-compliance with any term or condition of the General Permit, and any statute, rule, or regulation, to DEP within 24 hours of becoming aware of the noncompliance.
- b. Follow-up Written Reporting - Where the permittee orally reports the information in Part A.4.b.(1) of the General Permit within the 24-hour time period, a written submission outlining the reported information must be completed, kept on file, summarized annually, and submitted to DEP with the annual CSO status report.
- c. Noncompliance reporting pursuant to Part A.4.b. of the General Permit shall not excuse a person from immediate notification to DEP of incidents causing or threatening pollution pursuant to Title 25 of the Pennsylvania Code Section 91.33, on the Web site at www.pacode.com, of DEP Rules and Regulations.

2. Required Information. The reports and notifications required in Part A.4.b.(1) of the General Permit shall contain the following information:

- a. A description of the discharge and cause of hazard to human health and/or damage to the environment, including exact dates and times and/or the anticipated time when the discharge will be ceased;
- b. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
- c. Steps being taken to reduce, eliminate, and prevent recurrence of incidence causing hazard to human health, adverse impact to the environment, and/or the noncomplying discharge.

C. Test Procedures

Any monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the General Permit or have been approved by DEP in writing.