

Comment/Response Document for PAG-06 (General Permit for CSO Discharges)

All comments are from EPA Region 3 and refer to PAG-06 (General Permit for CSO Discharges)

1. **Comment** - Page 2 - Under "Notice of Intent (NOI) Requirements." subsection for "Deadlines for NOI and Associated Document Submittal" -- The document currently requires owners/operators of existing eligible CSOs to file an administratively complete and acceptable NOI "as soon as possible after the publication date of the availability of the final General Permit." According to 40 CFR 122.28(b)(2)(iii), "General permits shall specify the deadlines for submitting notices of intent to be covered". The term "as soon as possible" does not define a deadline. Recommend inserting a deadline of a specific number of days, such as 180 days after publication date which is consistent with renewal requirements. (Also see Fact Sheet Page 4 - NOI Paragraph A) (Also see Instructions NOI Page 3)

Response – The Department agrees that setting a specific time will more clearly define a deadline and that 180 days is a reasonable amount of time to submit an NOI. The Department will require NOIs to be submitted within 180 days after the publication date of the final General Permit.

2. **Comment** - Page 6 - Part A.3.b. -- The first paragraph requires monitoring a representative 10% of outfalls or minimum of 10, whichever is less, once a year. It also requires that "outfall monitoring shall be rotated such that every discharge point is monitored at least once over a 5 year period." It seems that there may be a contradiction here. To get every discharge point monitored at least once every five years, a minimum of 20% of the CSOs would need to be monitored per year; not 10%. Recommend the following language: "Representative overflow points of discharges 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." (Also see Fact Sheet Page 5 – Monitoring and Recording)

Response – The Department agrees that this wording is unclear. The second sentence in the first paragraph will be changed to read “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.”

3. **Comment** - Page 6 - Part A.3.b. – The third paragraph requires that CSO discharge points shall be inspected and maintained "regularly" in periods of dry weather and "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." We feel the terms "regularly" and "routinely" need to be defined. Also, the second sentence implies that an inspection schedule should be developed, but the paragraph does not explicitly state that requirement. Recommend the following language: "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? MONTH? SOME OTHER TIMEFRAME?]. 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." (Also see Fact Sheet Page 5 – Monitoring and Recording)

Response – The Department agrees that it is reasonable to require an inspection of each discharge point at least once per year and that the permittee needs to develop an inspection and monitoring schedule. The permit will be changed to reflect this.

4. **Comment** - Page 7 - Part A.3.d.1. -- This section states "...records of all data used to complete the NOI to be covered by this General Permit, shall be retained by the permittee for a period of at least 1-year after the permit coverage termination date..." According to 40 CFR 122.41(j)(2), these records should be retained for a period of at least 3 years. If a facility completes an NOI within 2 years of the coverage termination date, the regulatory 3 year minimum may not be met. Recommend the following language: "... records of all data used to complete the NOI to be covered by this General Permit, shall be retained by the permittee for a period of at least 3 years or 1-year after the permit coverage termination date under Part A. 4.e., whichever is latest, or any extension thereof. (Also see Fact Sheet Page 5 – Monitoring and Recording & Records Retention)

Response – The permit language will be changed to require the minimum 3 years for records retention.

5. **Comment** - Page 14 - Part C.1.b. -- This paragraph as written implies that CSOs that are not identified on the NOI are covered, which is incorrect. Only identified CSO discharge points are authorized. Recommended language: "The point source discharge locations (outfalls) identified in the NOI submitted by the permittee for coverage under this general permit serve as authorized combined sewer overflow locations on the permittee sewer system."

Response – The permit language will be changed so that only identified CSO discharge points are authorized.

6. **Comment** - Page 14 - Part C.3.a. – Similar to the comment we provided on the PADEP Revised CSO Policy and the December 2006 draft PAG-06 permit, we feel the 1st sentence of this paragraph, “The long term goal of the LTCP requirements in this permit is to achieve compliance with the state water quality standards (WQS) upon completion of the LTCP implementation.”, should be removed. Our position has been that water quality standards compliance is required now by the CWA and that 40 CFR 122.44(d)(1) and 122.44(k) require compliance no later than the date allowed under state wqs.

Response – The Department agrees that the State WQS need to be met now. That is why the second sentence of the strategy is written in the present tense. Although the discharger is required to comply with State WQS immediately, the goal of the LTCP is still to allow the discharger to achieve compliance with the State WQS. In addition as information is developed by the LTCP, the Department anticipates that it will be able to develop numerical water quality based effluent limitations. The language in this general permit is also the language used in the Department’s CSO Policy approved by EPA so no changes will be made.

7. **Comment** - Page 15 - Part C.4.a. – The following sentence would not seem appropriate for this permit: "For CSOs that are part of a permitted POTW, the DMR for CSOs must be submitted with the permittee's regular DMR." Our understanding is that PAG-06 is used only for satellite communities that convey wastewater to a downstream POTW owned or operated by another municipality. Therefore, municipalities covered under this General Permit would not have a permitted POTW associated with their CSOs.

Response – This section will be clarified to state that satellite communities with CSOs on collection systems connected to a permitted POTW will submit their DMR for CSOs to the POTW. The Permitted POTW will submit the DMR for CSOs from all of their satellite communities with their regular DMR.

8. **Comment** – Page 14 – Part C.3.c.(3) – Change the sentence to state any revisions or updates to the LTCP instead of develop the LTCP. At this stage all CSO communities should have developed an LTCP.

Response – The Department agrees that all permittees in CSO communities should have developed an LTCP. A change will be made as suggested to reflect this.