



LEHIGH COUNTY AUTHORITY

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Department of Environmental Protection Proposed Amendment of the National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance Regulations [25 PA. CODE CHS. 92 and 92a]

Issued: 40 Pa.B. 847 Saturday, February 13, 2010

Comment Deadline: March 15, 2010

1. **Summary:** Although the stated intents for the Chapter 92 revisions are commendable; the changes will:
 - a. Create more confusion or the opposite effect of clarity in many cases,
 - b. Add significant and in some cases dramatic changes and associated costs to the public for new and unjustified wastewater treatment requirements.

2. **Stated Intent:**
 - a. *"The primary goal of the proposed rulemaking is to reorganize the existing NPDES regulations outlined in Chapter 92 so that the organization of the regulations is consistent with the organization of the companion Federal regulations ..."*
 - b. *Every effort has been made to revert to the baseline Federal requirements except where additional or more stringent requirements in Chapter 92 were clear, well understood, and have an appropriate basis in The Clean Streams Law or other appropriate basis.*
 - c. *"... the proposed rulemaking does not include any new broad-based treatment requirements that would apply to most facilities."*
 - d. *"...so that the total additional cost to the regulated community will be approximately \$4.25 million per year"*

3. **Consequences:**
 - a. Federal "variance" provisions have been dropped
 - b. Requires tertiary treatment at significant costs *even on non- HQ or EV streams or impaired waters -see 92a (a)(1) after the "or"*
 - c. New broad based revised and/or additional standards will apply to many POTW as they increase hydraulic capacity to address wet weather issues or increase their capacity in the future, which is inevitable costing hundreds of millions
 - d. Lack of scientific or economic justifications for many of the significant changes that will affect costs and compliance.