

**Summary of Comments**  
of Citizens for Pennsylvania's Future (PennFuture)  
Proposed Rulemaking, 25 Pa. Code Chapters 92 and 92a  
National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance

- The proposed regulations would appropriately require the regulated entities to pay for the Commonwealth's share of the costs of administering the NPDES program and would equitably apportion the permit application and annual fees, but the Board should clarify that discharges of treated mine drainage are "discharges of industrial waste" for the purposes of applying the fee schedules.
- The proposed regulations would appropriately prohibit the use of both the "no exposure" conditional permit exclusion and general permits for discharges to High Quality Waters or Exceptional Value Waters.
- The definition of "surface waters" must match the breadth of the surface waters included in the statutory definition of "Waters of the Commonwealth," and the definitions of several other terms in proposed Section 92a.2 should be clarified.
- Sections 92a.3(a) and (c) of the proposed regulations should be revised to eliminate the ambiguity they create over which regulatory provisions govern.
- Proposed Section 92a.8 governing confidentiality of information is inconsistent with both the federal NPDES regulations and Section 607 of The Clean Streams Law.
- Proposed Section 92a.21(a) improperly purports to delegate to PADEP the power to unincorporate federal regulations that this Board has incorporated by reference.
- The Board may not create permits-by-rule for single residence sewage treatment plants and the application of pesticides because the federal NPDES program does not authorize the use of permits-by-rule.
- Proposed Section 92a.26(a) should be revised to provide that any new or increased discharge or change in wastestream that requires advance approval must be approved through the issuance or revision of an NPDES permit.
- Proposed Section 92a.41(b) must be rewritten so that it satisfies all of the reporting requirements of 40 C.F.R. § 122.41(l)(6).
- Proposed Section 92a.48(a)(3) should be revised to make clear that it applies where the relevant effluent limitation guidelines lack limitations for a specific parameter(s) of concern.
- Section 92a.51 of the proposed regulations governing schedules of compliance must either incorporate the relevant portions of 40 C.F.R. § 122.47 by reference or be revised so that it is consistent with § 122.47.