

Williamsport Sanitary Authority

Summary of Comments on 25 PA Code, Chapter 92a proposed regulations which appeared in the PA Bulletin on February 13, 2010

The Williamsport Sanitary Authority wholeheartedly supports the comments on this matter submitted by the Pennsylvania Municipal Authorities Association. The proposed Chapter 92a changes are difficult to compare with the current regulations and bring with them a high level of confusion, especially with regard to the applicability of federal regulations (particularly 40 CFR 122 and 40 CFR 133) concerning secondary treatment definitions, standards and adjustments in NPDES permit effluent limitations formerly incorporated by reference. The proposed changes are so potentially different than those currently in force that an additional extension of time is required for the regulated community to fully review and discuss with the Department its interpretations and justifications for the changes. It is recommended that the Department publish any changes to these proposed regulations as advance notice of final rulemaking in order to allow for sufficient public and stakeholder input prior to adoption.

Contrary to the preamble in the proposed regulations stating that the changes will have "No fiscal impact," the WSA believes the proposed changes if adopted as published could have a significant adverse economic impact on our community, including serious ramifications to important industrial customers which we serve. The WSA and its tributary municipalities are now in the latter stages of design, construction and implementation of treatment facility and sewer system improvements costing over \$150 million to simultaneously meet Chesapeake Bay nutrient removal initiatives and wet weather combined sewer overflow regulatory standards and are experiencing the subsequent staggering user rate increases. There are numerous changes in the proposed regulations which could have the affect of significantly changing the NPDES permit conditions and current Department policies on which our facility improvements have been designed. Some of these changes could conservatively cost the WSA over \$20 million to construct additional treatment facility improvements, experience significant operating cost increases, and cause major industrial customers to implement additional redundant costly pretreatment.

The elimination of incorporating federal Clean Water Act 40 CFR 133 regulations by reference into the new minimum secondary treatment standards at § 92a.47 will have significant adverse impacts on user rates and costs to indirect industrial dischargers to municipal plants if provisions such as the high strength industrial effluent limitation adjustments provided by federal regulations are not allowed. Elimination of high strength industrial adjustments by regulation or policy will over the long term, result in more, not fewer permits for the Department to write, administer, monitor and enforce (provided the industries don't move to another state which does allow the adjustments).

The proposed § 92a.47(b) requirement for tertiary treatment is arbitrary, not requiring its application to be supported by scientific or economic analysis, and could result in significantly more costly treatment for dischargers on streams where the "impairment" will not be improved by the increased costly treatment. This section also has the potential to be in conflict with the proposed Chapter 96 regulations and to wreak havoc on the planning and development of municipal plant facility improvements based on the Chesapeake Bay Compliance Strategy such as those owned by the WSA.

There are changes in the proposed § 92a.47(a)(4) fecal coliform treatment standard, eliminating the allowance for no more than 10% of the samples over 1000/100 mL in a summer month. This change is not supported by scientific, statistical or operational justification and will have the practical effect of having many dischargers over-chlorinate their effluent and generate and discharge additional toxic disinfection byproducts.