



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

Proposed Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance

(25 Pa. Code § 92a.51)

Environmental Quality Board
October 19, 2021

Tom Wolf, Governor

Patrick McDonnell, Secretary

Background

- NPDES permits are required to discharge to surface waters for a broad range of facilities and activities including combined sewer systems (stormwater + sewage)
- Long-Term Control Plans are required to control or eliminate combined sewer overflows (CSOs) – often takes 20+ years for municipalities to implement

Background

Current § 92a.51(a) regulation:

Any schedule of compliance specified in the permit must require compliance with final enforceable effluent limitations as soon as practicable, **but in no case longer than 5 years**, unless a court of competent jurisdiction issues an order allowing a longer time for compliance.

Background

- EPA expressed concerns with this practice because of § 92a.51(a).
- DEP has historically issued 5-year NPDES permits with interim milestones for combined sewer overflows.
- The § 92a.51(a) regulation is more stringent than federal regulations and would remain so except for CSO dischargers.

Proposed Revisions

Proposed § 92a.51(a) revision:

[Any] Except as otherwise set forth in this subsection, a schedule of compliance specified in the permit must require compliance with final enforceable effluent limitations as soon as practicable, but in no case longer than 5 years, unless a court of competent jurisdiction issues an order allowing a longer time for compliance. **Compliance schedules granted to CSO dischargers may exceed 5 years but may not exceed the period of implementation specified in an approved long-term control plan (LTCP).**

Stakeholder Input

- DEP presented the proposed rulemaking to the Water Resources Advisory Committee on July 28, 2021.
- DEP has engaged the Pennsylvania Municipal Authorities Association and environmental organizations for their input.

Recommendation

- The Department recommends the adoption of this proposed rulemaking.
- To comply with the federal Clean Water Act, a 45-day public comment period with one public hearing is recommended.



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Office of Water Programs

Aneca Y. Atkinson, MSWREE

Deputy Secretary

Office of Water Programs

aneatkinso@pa.gov

Manyi Liu, P.E.

Director

Bureau of Clean Water

maliu@pa.gov

Adam Duh

Assistant Counsel

Bureau of Regulatory Counsel

aduh@pa.gov

Sean Furjanic, P.E.

Environmental Program Manager

Bureau of Clean Water

sfurjanic@pa.gov