



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Programs

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

(25 Pa. Code § 92a.51)

Environmental Quality Board
November 15, 2022

Tom Wolf, Governor

Ramez Ziadeh, P.E., Acting Secretary

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.

Revision

§ 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

- Water Resources Advisory Committee (WRAC) voted to support proposed rulemaking at its July 28, 2021 meeting
- Outreach to the Pennsylvania Municipal Authorities Association and environmental groups during Fall 2021
- EQB adopted proposed rulemaking: October 19, 2021
- Public comment period: January 15 – March 1, 2022
- Public hearing held February 16, 2022

Stakeholder Input

- Independent Regulatory Review Commission: March 31, 2022 letter (no comments)
- EPA letter of support
- WRAC voted to support final-form rulemaking at its July 21, 2022 meeting

Public Comments

- One commenter supported rulemaking
- One commenter acknowledged purpose of rulemaking but expressed concerns about the possibility of future exceptions
 - Response: DEP has no plans for other exceptions
- One commenter argued that public health and environmental protection will be degraded by eliminating or extending CSO compliance
 - Response: The rulemaking does not change the compliance schedule

Recommendation

DEP recommends that the Board adopt the NPDES Schedules of Compliance final-form rulemaking.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

Lisa Daniels

Acting Deputy Secretary, Office of Water Programs

ldaniels@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