

Permit



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**PAG-06**  
**APPROVAL FOR COVERAGE UNDER THE**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**FOR WET WEATHER OVERFLOW DISCHARGES**  
**FROM COMBINED SEWER SYSTEMS**  
**GENERAL PERMIT**

**NPDES PERMIT NO: \_\_\_\_\_**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended 35 P.S. Section 691.1 *et seq.*,

is authorized to discharge from a facility located at:

to receiving water(s) named:

in accordance with effluent limitations, discharge monitoring and reporting requirements, compliance schedules, conditions and criteria for the discharge of wet weather overflows from combined sewer systems, and other items herein.

All discharge monitoring and reporting requirements and compliance schedules specified in the PAG-06 apply to all wet weather overflow discharge point(s) from the combined sewer system at the locations identified in the Pennsylvania Notice of Intent submitted by the applicant for coverage under the PAG-06.

**APPROVAL FOR COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT SHALL COMMENCE \_\_\_\_\_, AND SHALL EXPIRE AT MIDNIGHT FEBRUARY 22, 2013, UNLESS EXTENDED IN WRITING BY DEP.**

**The aforementioned approval is authorized by:**

\_\_\_\_\_

**Regional Office**

**Department of Environmental Protection**



COMMONWEALTH OF PENNSYLVANIA  
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**PAG-06**  
**AUTHORIZATION TO DISCHARGE UNDER THE**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**GENERAL PERMIT FOR WET WEATHER OVERFLOW DISCHARGES**  
**FROM COMBINED SEWER SYSTEMS**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) will authorize discharge(s) of wet weather overflows from eligible combined sewer systems (CSSs) that are required under federal regulations to obtain a permit to discharge into waters of the Commonwealth of Pennsylvania. The authorization to discharge wet weather overflows under this General Permit shall only be valid for eligible discharges for which an administratively complete and acceptable Notice of Intent (NOI) has been submitted to DEP on the prescribed application forms.

The authorization is subject to the effluent limitations, discharge monitoring and reporting requirements and other terms, conditions and criteria contained herein, strictly for the discharge of wet weather overflows from existing CSSs, as defined in this General Permit, to surface waters of the Commonwealth of Pennsylvania.

Unless otherwise approved in writing by DEP, all discharge monitoring and reporting requirements and compliance schedules specified in DEP's approval of the NOI for coverage under this General Permit shall govern.

CSS owners/operators seeking coverage under this General Permit must submit a completed NOI in accordance with the requirements of this General Permit, using an NOI form provided by DEP (or photocopy thereof) and receive approval of coverage from DEP to be authorized to discharge under this General Permit.

Owners or operators of existing CSSs who meet the eligibility requirements of this General Permit and submit a timely, administratively complete and acceptable NOI to DEP are authorized, upon DEP's written approval, to discharge the overflow from CSSs to surface waters of the Commonwealth under the terms and conditions of this General Permit.

DEP may deny coverage under this General Permit and require submittal of an application for an individual NPDES permit for wet weather overflow discharges from CSSs based on a review of the NOI or other information submitted by the permittee or available to DEP.

**NOTICE OF INTENT REQUIREMENTS**

**Deadlines for NOI and Associated Document Submittal**

Owners/operators of existing CSOs which are eligible for, and are seeking coverage under this General Permit, must file an administratively complete and acceptable NOI as soon as possible after the publication date of the availability of the final General Permit. CSOs are point source discharges subject to the NPDES permitting requirements of the Clean Water Act and state law. Discharging pollutants to surface waters of the Commonwealth without an NPDES permit issued by DEP is unlawful and may lead to enforcement action and/or third party litigation.

**Contents of Notice of Intent**

Owners/operators of existing CSO's seeking coverage under this General Permit must submit a Notice of Intent (NOI) to DEP, in the format specified, to be covered under this General Permit. The NOI shall be signed in accordance with the signatory requirements of this General Permit and shall include the information specified on the NOI and in the instructions for completing the NOI. The NOI and instructions are available from DEP.

## Where to Submit

NOIs are to be submitted to the appropriate regional office of DEP.

## Discharges eligible for coverage under this General Permit

Owners/operators of facilities with the following types of CSO discharges are eligible to apply for coverage under this General Permit:

Wet weather discharges from a municipal satellite CSS(s) serving fewer than 75,000 people that conveys wastewater through a downstream conveyance system owned and/or operated by another municipality to a publicly owned treatment works (POTW), or conveys wastewater directly to a downstream POTW owned and/or operated by another municipality or authority.

## Discharges ineligible for coverage under this General Permit

The following CSO discharges are NOT eligible to be covered by this General Permit:

1. Discharges which may contain hazardous pollutants, toxics, or any other substance which - because of its quantity, concentration, or physical, chemical, or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into waters of the Commonwealth;
2. Discharges which individually or cumulatively have the potential to cause significant adverse environmental impact;
3. Discharges to waters classified as "High Quality" or "Exceptional Value" under Chapter 93 of DEP's rules and regulations;
4. Discharges which do not, or are unlikely to, result in compliance with any of the terms or conditions of this General Permit;
5. Discharges from facilities with a significant history of non-compliance with prior permit(s) issued by DEP;
6. Discharges which do not, or will not, result in compliance with applicable effluent limitations or water quality standards;
7. Discharges which DEP determines require an individual NPDES permit to ensure compliance with the Clean Water Act or the Clean Streams Law, and rules and regulations promulgated thereto; or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
8. Discharges associated with an activity that would adversely affect a listed endangered or threatened species or its critical habitat;
9. Combined sewer overflow(s) during periods of dry weather flow;
10. Overflows from sewer systems designed and built as separate sanitary systems (SSOs) or overflow discharges resulting in sewage bypass(es) at the wastewater treatment plant;
11. Any CSO from a municipality or other incorporated place with a sewer population equal to or greater than 75,000 persons according to the latest decennial census by the United States Bureau of the Census;
12. The discharges would interfere with a downstream riparian landowner's reasonable use of surface waters, or property rights, or otherwise cause a private or public nuisance; or
13. The discharges are associated with an activity that is subject to an existing NPDES individual or General Permit, except as allowed herein or are from a facility where an NPDES permit has been terminated or denied.

## ADDITIONAL REQUIREMENTS

The authority granted by this General Permit is subject to the following additional requirements:

1. DEP may require any person or municipality authorized by this General Permit to apply for and obtain an individual NPDES permit. Any interested person may petition DEP to take action under this paragraph. DEP will require any owner or operator authorized to discharge under this General Permit to apply for an individual NPDES permit only after the owner or operator has been notified in writing that such permit application is required. The applicant shall submit the individual permit application within 90 days of receipt of notice. This notice shall include the following: (1) a brief statement of the reasons for this decision, (2) an application form, (3) a statement setting a deadline for the owner or operator to file the application, and (4) a statement that on the effective date of the individual NPDES permit, as it applies to the individual permittee, coverage under this General Permit shall be automatically terminated.

DEP may grant additional time to submit the application upon written request from the applicant. If an owner or operator fails to submit, in the prescribed timely manner, an individual NPDES permit application required by DEP under this paragraph, then the applicability of this General NPDES Permit to the individual NPDES permittee is automatically terminated on the day specified for application submittal by DEP.

2. Any owner or operator authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. The owner or operator shall submit an individual application on an approved Pennsylvania individual NPDES sewage application form, with reasons supporting the request, to DEP.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this General Permit, the applicability of this General Permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit. When an individual NPDES permit is denied to an owner or operator otherwise subject to this General Permit, the owner or operator may continue discharging if all eligibility requirements under this General Permit are met. If the owner or operator does not meet the eligibility requirements of this General Permit, or is otherwise prohibited from general permit coverage, coverage under this General Permit is automatically terminated on the date of such denial, unless otherwise specified by DEP.
4. Approval of coverage for existing discharges under this General Permit - Application for renewal of coverage under this General Permit must be submitted to DEP at least 180 days prior to the expiration date of coverage indicated on the approval for coverage form (unless permission has been granted by DEP for submission at a later date). A request for renewal of coverage is to be made using the "Pennsylvania Notice of Intent (NOI) for Coverage Under NPDES General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems."

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal of permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the previously issued General Permit.

5. Issuance, reissuance, or amendments of the General Permit - Unless extended by DEP by reissuance, this General Permit will expire 5 years from the date of its final issuance and availability. DEP will publish a notice in the *Pennsylvania Bulletin* of the draft, renewed, reissued or any amendments to this General Permit, and after a comment period, notice of the final, renewed, reissued or amended General Permit will be published in the *Pennsylvania Bulletin*.
6. This General Permit may be modified or revoked and reissued by DEP if monitoring data indicates one or more toxic pollutants are, or are expected to be, discharged from one or more CSOs. If there is evidence indicating potential or realized adverse impacts on water quality due to any CSO discharge covered by this General Permit, the owner or operator of such discharge may be required to obtain an individual NPDES permit and to take immediate steps to minimize or eliminate the impacts.

7. If there is a conflict between the approval of the NOI for coverage, its supporting documents and/or amendments, and the terms and conditions of this General Permit, the terms and conditions of this General Permit shall apply.
8. Failure to comply with the terms and conditions of this General Permit is grounds for any one or more of the following: enforcement action; coverage termination, revocation, reissuance, or modification; or for denial of a renewal application.
9. This General Permit does not constitute authorization to construct and operate a facility or make modifications to existing wastewater treatment facilities necessary to meet the terms and conditions of this General Permit. The permittee shall comply with all permitting and other requirements as necessary.
10. No condition of this General Permit shall release the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.
11. This General Permit is only an authorization to discharge and does not constitute authorization to construct a new sewer system or extensions to an existing system.
12. This General Permit expires at midnight on February 22, 2013. DEP will publish a notice in the *Pennsylvania Bulletin* of a draft, reissued General Permit prior to the expiration date of this General Permit. After a comment period, notice of the final reissued General Permit will be published in the *Pennsylvanian Bulletin*.

This CSO General Permit (PAG-06) is issued (Appropriate Date), and shall expire at midnight, February 22, 2013, unless reissued on or before the expiration date by DEP.

**General Permit  
(PAG-06) Issued**

**DATE Issue Date**

**By** \_\_\_\_\_  
**Director**  
**Bureau of Water Standards and Facility Regulation**

## PART A

### EFFLUENT LIMITATIONS, SELF-MONITORING AND REPORTING REQUIREMENTS

#### 1. Effluent Limitations

This General Permit establishes effluent limitations in the form of continued implementation of the technology-based nine minimum controls (NMCs), and implementation of a long term control plan (LTCP) consistent with the EPA National CSO Policy and DEP's CSO Policy. The NMCs influence the rate, quality, and quantity of pollutants discharged from CSOs into surface waters of the Commonwealth. Part C of this General Permit specifies the wet weather CSO permitting requirements that must be met by the permittee. Detailed guidance documents related to the NMCs and the LTCP referenced with the permit condition may be obtained from DEP or EPA.

In addition, all discharges from CSO(s) must comply with any effluent limitations established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all CSOs covered under this General Permit, DEP may, upon written notice, require additional best management practices (BMPs) or other control measures, to ensure that the water quality standards of the receiving water are attained.

#### 2. Toxicity Testing

DEP may require the permittee to conduct acute whole effluent toxicity testing (WETT) on one or more overflows in accordance with DEP's WETT protocols. DEP will provide such protocols with any notice to conduct the testing.

#### 3. Monitoring, Reporting, and Records Keeping

##### a. Annual CSO Status Report

As specified under Part C.4. of this General Permit, a discussion of the municipality's program for CSO controls shall be included in the annual Wasteload Management report submitted to the appropriate DEP regional office as required under Chapter 94 of DEP's rules and regulations. The report shall provide a summary of the frequency, duration, and estimated volume of the CSOs for the past calendar year, operational status of major overflow points, and identification of known adverse instream water quality impacts and their causes. The report shall also summarize all actions taken and their effectiveness in complying with the effluent limitations set forth in Part A.1. above. The report must be submitted no later than March 31 for the previous calendar year.

##### b. Monitoring and Recording

All monitoring and reporting shall be in accordance with the Provisions under Part C of this General Permit. Selected representative overflow points (not less than ten percent of the total number of outfalls, or ten, whichever is smaller) of discharge shall be monitored at least once per year for cause, frequency, duration, quality and quantity of flow during a rainfall event that caused the overflow to occur. The outfall monitoring shall be rotated such that every discharge point is monitored at least once over a 5-year period.

All monitoring data shall be summarized on the attached supplemental Discharge Monitoring Report (DMR) form and shall be recorded in the format specified by DEP. The DMR shall be kept on file at the permittee's business office for a 1-year period after the general permit coverage termination date set in this General Permit, for inspection by DEP or other interested persons, and shall be submitted to DEP upon request. A summary of the supplemental DMRs must be included as part of the annual CSO status report required in "a. Annual CSO Status Report" above.

In addition, the CSO discharge points shall be inspected and maintained regularly in periods of dry weather for obstructions and floating solids in the conveyance systems. The inspection schedule shall be such that every overflow point is monitored after each rainfall event that exceeds 0.25 inches in intensity, and routinely during dry weather.

**c. Recording of Results**

For each monitoring measurement or inspection conducted pursuant to the requirements of this General Permit, the permittee shall record the following information:

1. The exact place, date, and time of measurements and/or inspections.
2. The person(s) who performed the measurements and/or inspections.
3. The analytical techniques or methods used.
4. Results of the analysis/inspection and a summary thereof.
5. The date(s) analyses/inspections were performed.
6. The individual who performed the analysis/inspection.

**d. Records Retention**

1. All records of monitoring activities and results (including, where applicable, all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this General Permit, any authorizations received from DEP and records of all data used to complete the NOI to be covered by this General Permit, shall be retained by the permittee for a period of at least 1-year after the permit coverage termination date under Part A. 4.e. or any extension thereof.
2. In addition to the requirements in Part A. 3.d.1. above, permittees are required to retain analysis results for any samples collected for a 6-year period from the date of sample collection or for the term of this General Permit, whichever is greater. Permittees must submit such monitoring results to the appropriate DEP regional office upon request. A summary of such results shall also be included as part of the annual CSO report required under Part A.3.a. and every 5 years with the permit renewal application.

**4. Reporting and Records Keeping**

**a. Reporting of Monitoring Results**

Monitoring results shall be reported in accordance with Part C. 4. relating to CSO Discharge Monitoring Reports and Municipal Wasteload Management Annual Reports.

**b. Unanticipated Noncompliance or Potential Pollution Reporting**

- (1) Immediate Reporting - The permittee shall report incidents causing or threatening pollution in accordance with the requirements of 25 Pa. Code Section 91.33. These requirements include, but are not limited to, the following obligations. The permittee shall immediately notify the Department and, if reasonably possible to do so, to notify known downstream users of the waters of any accident or other activity or incident which would endanger downstream users of the waters of the Commonwealth or would otherwise result in pollution or create a danger of pollution of the waters of the Commonwealth. Such notice shall include the location and nature of the danger. The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- (2) The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l) (6). These requirements include, but are not limited to, the following obligations:
  - (a) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of

the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:

- Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - Any upset which exceeds any effluent limitation in the permit; and
  - Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. Note: see 40 CFR 122.44(g)
- (b) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (c) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by the Department, the permittee shall submit a written report in accordance with this paragraph. 40 CFR 122.41(l)(6)(iii).

**c. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under paragraph 4.b. of this section or specific requirements of compliance schedules, at the time DMRs are submitted. The reports shall contain the information listed in paragraph 4.b.(2)(b) of this section. 40 CFR 122.41(l)(7)

**d. Test Procedures**

Any monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or have been approved by DEP in writing.

**e. Signatory Requirements**

All NOIs, reports, certifications or information either submitted to DEP or that this General Permit requires be maintained by the permittee shall be signed.

- (1) All Notices of Intent shall be signed as follows:

For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this part, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

- (2) All reports required by this General Permit and other information requested by DEP shall be signed by a person described above or by a duly authorized representative of that person.

A person is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described above and submitted to DEP with the reports.
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).



(3) Changes in Signatory Authorization.

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part A. 4.d.(2) must be submitted to DEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

**e. Termination of Coverage**

(1) **Notice of Termination.** Where all discharges of CSOs authorized by approval of coverage under this General Permit are eliminated, the operator of the facility may submit a letter that is signed in accordance with Part A. 4.d. (Signatory Requirements) of this General Permit certifying that:

"Under penalty of law, all CSO discharges from the identified facility that are authorized by approval of coverage under this NPDES CSO General Permit have been eliminated. I understand that by submitting this notice of termination, I am no longer authorized to discharge from the CSO discharge points under this General Permit, and that discharging pollutants to surface waters of the Commonwealth is unlawful under the Clean Water Act and Clean Streams Law where the discharge is not authorized by an NPDES permit."

(2) **Addresses.** All letters certifying discharge termination are to be sent to the appropriate DEP regional office.

**5. RESPONSIBILITIES**

**a. Duty to Comply**

The permittee must comply with all terms and conditions of this General Permit. Any permit non-compliance constitutes a violation of the Pennsylvania Clean Streams Law and/or the federal Clean Water Act (CWA) and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit or permit renewal.

**b. Penalties for Violations of Permit Conditions**

The permittee may be subject to criminal and/or civil penalties for violations of the terms and conditions of this General Permit under Sections 602 and 605 of the Clean Streams Law, 35 P.S. Sections 691.602 and 691.605, and under the Clean Water Act as specified in 40 CFR Sections 122.41(a)(2) and (3), which are incorporated by reference.

**c. Need to Halt or Reduce Activity Not a Defense**

The permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this General Permit.

**d. Penalties and Liability**

Nothing in this General Permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act (33 U.S.C. §1319) or Sections 602 or 605 of the Clean Streams Law (35 P.S. §§691.602 or 691.605).

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA (33 U.S.C. §1321) or Section 106 of CERCLA.

**e. Other Laws**

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation, or under authority preserved by Section 510 of the Clean Water Act.

**f. Monitoring and Records**

Any samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity and shall be taken during the peak operation of the activity.

**g. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this General Permit after the expiration date of this General Permit, the permittee shall submit a timely and administratively complete request for renewal of coverage at least 180 days prior to the expiration date of this General Permit, unless permission is granted by DEP to submit at a later date.

**6. DEFINITIONS**

- a. "Best Management Practices (BMPs)" - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution to waters of the Commonwealth. BMPs include Preparedness, Prevention, and Contingency (PPC) Plans, Erosion and Sedimentation Control Plans, Stormwater Management Act Plans, and other treatment requirements, operating procedures, and practices to control sewer overflows, spillage or leaks, sludge or waste disposal or drainage from raw material storage.
- b. "Bypass" - The intentional diversion of waste streams from any portion of a treatment facility as defined in 40 CFR 122.41(m).
- c. "Combined Sewer Overflow (CSO)" - Any intermittent overflow or other untreated discharge from a Municipal Combined Sewer System (including domestic, industrial and commercial wastewater and stormwater) prior to reaching the headworks of the sewage treatment facility which results from a flow in excess of the dry weather carrying capacity of the system.
- d. "Combined Sewer System (CSS)" - A sewer system which has been designed to serve as both a sanitary sewer and a storm sewer.
- e. "Department" - The Department of Environmental Protection (DEP) of the Commonwealth, including its regional office(s).
- f. "Dry Weather Flows" - Flows in a combined sewer system that result solely from domestic sewage, normal groundwater infiltration and industrial wastewaters.
- g. "Grab Sample" - A single "dip and take" sample collected at a representative point in the discharge stream.
- h. "Infiltration" - Water other than wastewater that enters a wastewater system and building sewers from the ground through such means as defective pipes, pipe joints, connections or manholes. (Infiltration does not include inflow.)
- i. "Infiltration/Inflow (I/I)" - The total quantity of water from both infiltration and inflow.
- j. "Inflow" - Water that enters a wastewater system and building sewer from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connection between storm drains and sanitary sewers, catch basins, cooling towers, stormwater surface runoff, street wash waters or drainage. (Inflow does not include infiltration.)
- k. "Municipality" - Any county, city, borough, town, township, school district, or institution, or any authority created by one or more of the foregoing.
- l. "Notice of Intent" - A complete form submitted for NPDES Permit coverage which contains information required by the terms of the permit and by §§92.81-92.83. An NOI is not an application.
- m. "Outfall" - The point where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.

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- n. "Person" - Any individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; department, agency or instrumentality of state, federal or local government, or an agent or employee thereof; or any other legal entity.
- o. "Point Source" - Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged.
- p. "Publicly Owned Treatment Works (POTWs)" - Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality."
- q. "Rainfall Duration" - The length of time of a rainfall event.
- r. "Rainfall Intensity" - The amount of rainfall occurring in a unit of time, usually expressed in inches per hour.
- s. Satellite Combined Sewer System - A CSS that is not also the owner/operators of the POTW into which the CSS directly flows.
- t. "Stormwater" - Runoff from precipitation, snow melt runoff and surface runoff and drainage.
- u. "Surface Waters" - Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.
- v. "Wastewater Treatment Plant" - Publicly Owned Treatment Works (POTWs) or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar onlot sewage treatment devices.
- w. "Wet Weather Flow" - Any flow resulting from precipitation (rain, snow, etc.) which directly introduces additional flow and/or contaminants into combined sewerage systems.

## PART B

### STANDARD CONDITIONS

#### 1. MANAGEMENT REQUIREMENTS

##### a. Permit Modification, Termination, or Revocation and Reissuance

- (1) This General Permit may be modified, suspended, revoked, reissued or terminated during its term for any of the causes specified in 25 Pa. Code Chapter 92.

DEP may modify, revoke, suspend or terminate previously issued coverage under this General NPDES Permit, and require the point source discharger to apply for and obtain an individual NPDES permit in accordance with 25 Pa. Code §92.83(c).

- (2) The filing of a request by the permittee for a permit or coverage modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
- (3) Permit modification or revocation will be conducted according to 25 Pa. Code Chapter 92 of DEP's rules and regulations.

##### b. Duty to Provide Information

- (1) The permittee shall furnish to DEP, within a reasonable time, any information that DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this General Permit or coverage approved under this General Permit, or to determine compliance with this General Permit.
- (2) The permittee shall furnish to DEP, upon request, copies of records required to be kept by this General Permit.
- (3) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit such facts or information to DEP.
- (4) The permittee shall give advance notice to DEP of any planned physical alterations or additions to the permitted facility which could in any way affect the quantity and/or quality of the CSOs from the facility.

##### c. Facilities Operation

The permittee shall at all times maintain in good working order and properly operate all facilities and systems (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this General Permit. Proper operation and maintenance includes effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and processing controls including appropriate quality assurance procedures. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with this General Permit.

##### d. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the environment or human health resulting from non-compliance with this General Permit.

##### e. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in accordance with the Solid Waste Management Act (35 P.S. §§6018.101 - 6018.1003), 25 Pa. Code Chapters 271, 273, 275, 283, 285, and 287-291, and in a manner such as to prevent any pollutant from such materials from adversely affecting the environment.

## 2. RESPONSIBILITIES

### a. Right of Entry

- (1) Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law and 25 Pa. Code Chapter 92, the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:
  - (a) To enter upon the permittee's premises where an effluent source is located or where records must be kept under the terms and conditions of this General Permit;
  - (b) At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this General Permit;
  - (c) To inspect at reasonable times any facilities, equipment (including monitoring and control equipment) practices or operations regulated or required by this General Permit;
  - (d) To sample or monitor at reasonable times any substances or parameters at any location.
- (2) DEP reserves the right to enter onto or into the facility to conduct, or to require additional monitoring controls and/or treatment where necessary in appropriate circumstances, such as where a danger of water pollution is suspected to be occurring from the CSO or is present from the CSO.

### b. Transfer of Ownership or Control

- (1) No approval to discharge under this General Permit may be transferred unless the transfer is approved by DEP.
- (2) In the event of any pending change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify DEP by letter of such pending change at least 30 days prior to the change in ownership or control.
- (3) The letter shall be accompanied by the "Notice of Intent (NOI) For Coverage Under NPDES General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems" and a written agreement between the existing permittee and the new owner/operator stating that the existing permittee shall be liable for violations of the permit up to and until the date of coverage transfer and that the new owner or controller shall be liable for permit violations from that date on.
- (4) After receipt of the documentation described above, DEP shall notify the existing permittee and the new owner or controller of its decision concerning approval of the transfer.

### c. Confidentiality of Reports

Except for data determined to be confidential under §607 of the Clean Stream Law or 25 Pa. Code, Chapter 92, all reports prepared in accordance with the terms of this General Permit shall be available for public inspection at the offices of DEP and the EPA Regional Administrator. Effluent data shall not be considered confidential.

### d. Property Rights

The issuance of this General Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

### e. Severability

The provisions of this General Permit are severable, and if any provision of this General Permit or the application of any provision of this General Permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

## PART C

### OTHER SPECIFIC REQUIREMENTS

#### 1. MANAGEMENT AND CONTROL OF COMBINED SEWER OVERFLOWS

- a. Combined sewer overflows (CSOs) are allowed to discharge only in compliance with this permit when flows in combined sewer systems exceed the design capacity of the conveyance or treatment facilities of the system. Overflows that occur without an accompanying precipitation event or snowmelt are termed "dry weather overflows" and are prohibited. CSOs are point source discharges that must be provided with control measures in accordance with the Federal Clean Water Act and the 1994 National CSO Policy.
- b. The point source discharge locations (outfalls) identified in the NOI submitted by the permittee for coverage under this general permit serve as known combined sewer overflow locations on the permittee sewer system.

#### 2. CONTINUED IMPLEMENTATION OF TECHNOLOGY-BASED NINE MINIMUM CONTROLS

- a. Upon approval of coverage under this permit, the permittee shall continue the implementation of the NMCs, demonstrate system wide compliance with the NMCs and submit discharge monitoring reports and annual reports to the Department with appropriate documentation. The permittee's NMC documentation report is incorporated in this permit and the NMCs listed in the NOI are hereby incorporated by reference as enforceable provisions of this permit.
- b. The Department will use the EPA guidance document entitled "Guidance For Nine Minimum Controls" (EPA 832-B-95-003), dated May 1995, and specific comments provided during review of the NMC documentation reports to determine continued compliance with the CSO permit requirements.

#### 3. IMPLEMENTATION OF WATER QUALITY-BASED LONG TERM CONTROL PLAN (LTCP)

- a. The long term goal of the LTCP requirements in this permit is to achieve compliance with the state water quality standards upon completion of the LTCP implementation. The CSO discharge(s) shall comply with the performance standards of the selected CSO controls and shall comply with the water quality standards found in Chapter 93. When additional CSO-related information and data becomes available to revise water quality-based effluent limitations, the permit should be revised, as appropriate, to reflect the new effluent limitations.
- b. The permittee shall continue the implementation of the approved LTCP, demonstrate system-wide compliance with the LTCP's installed alternatives and submit with the Annual Report referenced in Section IV.B, annual progress reports on implementation.
- c. The permittee shall continue to implement its approved long term control plan (LTCP). The LTCP, at a minimum, shall incorporate the following requirements:
  - (1) Continued implementation of the nine minimum controls;
  - (2) Protection of sensitive areas (recreation areas, public water supply, unique ecological habitat, etc.);
  - (3) Public participation in developing the LTCP.
  - (4) The selected CSO controls should include a post-construction monitoring program plan adequate to verify compliance with water quality standards and protection of designated uses as well as to ascertain the effectiveness of CSO controls. This water quality compliance monitoring program should include a plan to be approved by the Department that details the monitoring protocols to be followed.
- d. The LTCP is described in the EPA's guidance document entitled "Guidance For Long Term Control Plan" (EPA 832-B-95-002), dated September 1995. Using a compliance monitoring program, the permittee shall periodically review the effectiveness of the LTCP and propose any changes or revisions to the LTCP to the Department for review and approval before its implementation. This shall be done at each approval renewal and as needed during the permit or approval term.

- e. The permittee shall implement, inspect, monitor and effectively operate and maintain the CSO controls identified in the LTCP pursuant to the LTCP implementation schedule. Notwithstanding any other provisions of this permit, the interim steps and/or milestones identified in the NOI and/or LTCP shall be incorporated by reference as enforceable provisions of this permit.

#### 4. MONITORING AND REPORTING REQUIREMENTS

##### a. Discharge Monitoring Report for the Combined Sewer Overflows (DMR for CSOs)

The permittee shall record data on CSO discharges in the format specified in the Department's DMR for CSOs attached to this permit. The data shall be submitted to the appropriate regional office of the Department within 28 days of the end of the month. For CSOs that are part of a permitted POTW, the DMR for CSOs must be submitted with the permittee's regular DMR. Copies of DMRs for CSOs must be retained at the STP site for at least five (5) years.

##### b. Annual CSO Status Report

On March 31 of each year, an Annual CSO Status Report shall be submitted to the Department with the annual "Municipal Wasteload Management Report" required by 25 Pa. Code Chapter 94, Section 94.12. For a satellite CSO system, a copy of the annual report shall also be provided to the POTW providing treatment for its wastewater.

(1) The Annual CSO Status Report shall:

- (a) Provide a summary of the frequency, duration and volume of the CSO discharges for the past calendar year,
- (b) Provide the operational status of overflow points,
- (c) Provide an identification of known in-stream water quality impacts, their causes, and their effects on downstream water uses,
- (d) Summarize all actions taken to implement the NMCs and the LTCP and their effectiveness, and
- (e) Evaluate and provide a progress report on implementing and necessary revisions to the NMC and LTCP.

(2) Specifically, the following CSO-related information shall be included in the report:

- (a) Rain gauge data - total inches (to the nearest 0.01 inch) that caused each CSO discharge being reported in the DMR for CSOs.
- (b) Inspections and maintenance
  - Total number of regulator inspections conducted during the period of the report (reported by drainage system).
  - A list of blockages (if any) corrected or other interceptor maintenance performed, including location, date and time discovered, date and time corrected and any discharges to the stream observed and/or suspected to have occurred.
- (c) Dry weather overflows

Dry weather CSO discharges are prohibited. Immediate telephone notification to DEP of such discharges is required in accordance with 25 Pa. Code, Section 91.33. Indicate location, date and time discovered, date and time corrected/ceased, and action(s) taken to prevent their reoccurrence. A plan to correct this condition and schedule to implement the plan must be submitted with the DMR for CSOs.

(d) Wet weather overflows

- For all locations that have automatic level monitoring of the regulators, report all exceedances of the overflow level during the period of the report, including location, date, time, and duration of wet weather overflows.
- For all locations at which flows in the interceptors can be controlled by throttling and/or pumping, report all instances when the overflow level was reached or the gates were lowered. For each instance, provide the location, date, time, and duration of the overflow.

**5. AREA-WIDE PLANNING/PARTICIPATION REQUIREMENT FOR SATELLITE CSO SYSTEMS**

The operator of the satellite municipal sewer system covered by the general permit shall participate in any area-wide CSO NMCs and LTCP activities being developed and/or carried out by the operator of the POTW identified in the NOI that provides sewage treatment services. The operator shall also participate in implementing applicable portions of the approved NMC and LTCP for the operator of the POTW providing treatment and/or conveyance and treatment to the permittee.

**6. PERMIT REOPENER CLAUSE**

The Department reserves the right to modify, revoke and reissue this permit as provided pursuant to 40 CFR 122.62 and 124.5 for the reasons set forth in 25 Pa. Code Section 92.51 (2) and for the following reasons:

- a. To include new or revised conditions developed to comply with any State or Federal law or regulation that addresses CSOs and that is adopted or promulgated subsequent to the effective date of this permit.
- b. To include new or revised conditions if new information indicates that CSO controls imposed under the permit have failed to ensure the attainment of State Water Quality Standards.
- c. To include new or revised conditions based on new information resulting from implementation of the LTCP or other plans or data.

**7. COMBINED SEWER OVERFLOW COMPLIANCE SCHEDULE**

The permittee shall complete the above CSO activities in accordance with the following compliance schedule:

<b><u>Schedule Activity Description</u></b>	<b><u>Compliance Due Date</u></b>
Continue Implementation of the NMCs	Permit effective date
Continue Implementation of the LTCP	Permit effective date
Submit Annual CSO Status Report to Department with Chapter 94 Report	March 31 of each year
Submit DMR for CSO (Attachment 4)	Within 28 days of the end of a month



