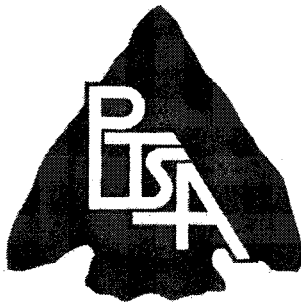


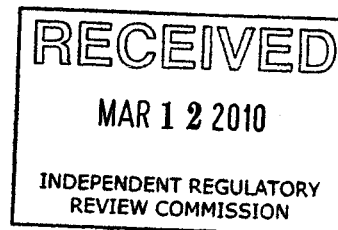
**PETERS TOWNSHIP
SANITARY AUTHORITY**

111 BELL DRIVE
McMURRAY, PA 15317-3415
PHONE: 724-941-6709
FAX: 724-941-2283
Web Site: ptsaonline.org



James J. Miskis, Manager
Mark A. Chucuddy, Asst. Manager
Patricia L. Mowry, Financial Controller
Gary A. Parks, Special Projects Manager
Diane L. Gregor, Administrative Assistant

2819



March 11, 2010

Environmental quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477

RE: Proposed Rulemaking, February 13, 2010 *Pa Bulletin*
25 PA. Code CHS. 92 and 92a, NPDES Permitting, Monitoring and Compliance

Dear Sirs:

The Peters Township Sanitary Authority owns and operates two wastewater treatment plants with a combined design capacity of 3.2 million gallons/day, serving 6,000 customers in Washington County, Pa. We are a stakeholder representing our 6,000 customers in the proposed rulemaking referenced above, and respectfully submit the following comments for your consideration:

1) *Section 92a.47 Sewerage Permit, (a) (4) and (a) (5)*

The proposed language in this section regarding discharge limitations for fecal coliforms eliminates the existing provision in our NPDES discharge permits that permits exceeding the 1,000 organisms/100 ml criteria "*in more than 10% of the samples tested*". We request that this phrase be reinstated for the following reasons:

- a) The proposed regulation has arbitrarily tightened the regulations without providing any basis or justification for doing so.
- b) The proposed regulation, if adopted, will cause the need for immediate expenditures in capital improvements to our disinfection facilities to ensure compliance with the new standard, when implementation of such new standard has not been shown to improve water quality.
- c) The proposed regulation is in conflict with existing provisions in Part C of our NPDES discharge permit whereby a permittee that uses chlorination for disinfection is required to comply with Total Residual Chlorine (TRC) Minimization requirements. These requirements impose a duty on the permittee to "*...ensure that applied chlorine dosages, used for disinfection or other purposes, are optimized to the degree necessary such that the total chlorine residual in the discharge does not cause an adverse stream impact.*" In practice this phrase requires that permittees not over-chlorinate the effluent. In order to comply with these TRC minimization requirements, chlorine dosages are closely controlled, and if so, slight changes in biological treatment performance, will on rare occasions, cause the maximum limit to be exceeded. The phrase "*in more than 10% of the samples tested*" recognizes this, and allows the permittee to achieve compliance with the TRC minimization requirements while still achieving effective disinfection. Elimination of the phrase will result in needless increases in chlorine usage, and non-compliance with the TRC minimization requirements.

2) Section 92a.47 Sewerage Permit, (b)

The proposed language in this section regarding a minimum of tertiary treatment standards, if adopted, will arbitrarily cause nearly every sewage treatment plant to be upgraded to tertiary treatment standards at the time the sewage treatment plant requires expansion. The entire subsection should be removed from the proposed rulemaking for the following reasons:

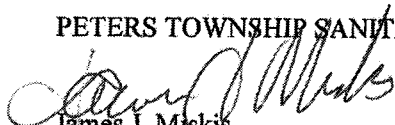
- a) There are existing environmental regulations that determine how to establish effluent limits to protect or improve impaired waters. The proposed regulations will duplicate these existing requirements, and in some instances, may conflict with them.
- b) The language in the proposed regulations is vague and therefore could be widely interpreted by regulatory personnel, leading to unfair and imbalanced enforcement of the regulations. Language of special concern includes:
 1. the definition of "expanded facility or activity"
 2. the lack of definition of what constitutes "impairment"
 3. the lack of definition of what "at least partially due to point source discharge of sewage".
- c) The combination of the above vague and inadequate language could result in nearly any water being labeled as impaired to sewage discharge, requiring application of tertiary treatment standards without consideration of the cost to the permittee or the benefit to the environment. With the proposed vague language, if the receiving stream's impairment is "turbidity", and since all sewage treatment plants discharge suspended solids, how can a permittee defend itself against the vague language of "at least partially due to point source discharge of sewage"? Suspended solids contribute to turbidity, therefore the impairment is at least partially due to sewage discharge.
- d) As identified above the proposed rulemaking creates a pathway to arbitrarily impose tertiary treatment standards on nearly all sewerage dischargers, without regard for cost or environmental benefit, and **will lead to multi-billion dollar expenditures!**
- e) *Section F, Benefits, Costs, and Compliance*, states under *Compliance Cost*:
 1. Paragraph 1 states "*No new requirements are proposed in this proposed rulemaking that would require general increases in personnel complement, skills or certification*". This statement totally ignores that tertiary treatment standards will require additional facilities (effluent filters, chemical feed facilities, and modified processes") and that these new facilities will require additional personnel and additional skills.
 2. Paragraph 2 states "*The treatment requirements for the NPDES regulations affect operational costs to some extent, but the proposed rulemaking does not include any new broad-based treatment requirements that would apply to most facilities.*" To be polite we will call this a mis-representation of the facts. As stated above, the proposed rulemaking creates a pathway for the expenditure of billions of dollars. This mis-representation alone is cause to eliminate consideration of this section for adoption.
- f) The DEP has provided no scientific analysis as the water quality improvements that would result from imposing the proposed tertiary treatment standards, or the economic justification for such.
- g) Many permittees are struggling to comply with wet weather compliance issues which in many cases will require expansion to treatment facilities in the near future. The proposed tertiary standards will create an additional road block, and expense, and could derail or substantially setback many proactively planned treatment plant expansions. Thereby, the proposed regulations could actually serve to stop necessary plant expansions, harming the environment in the short term.

- h) Subsection (b)'s introduction paragraph exempts CSO facilities from the proposed tertiary treatment standards. The Environmental Quality Board should consider the unintended consequences of this particular exemption in conjunction with the proposed standards on non-CSO facilities, with regard to the Allegheny County/Pittsburgh CSO problem. ALCOSAN receives separate sanitary sewage from a number of the 83 involved communities. The logical and long term best solution to the problem is to separate out the separate sanitary sewage where there is a high concentration of users, and direct this sanitary sewage to new, regional sewage treatment plants. Otherwise, the 100-year CSO policy will continue for another 100 years. Currently, this alternative of new regional plants located on the out-skirts of Pittsburgh is a feasible, potentially cost effective solution, that could benefit the water environment in the long run. If the proposed regulations are adopted, any new discharge would likely require tertiary treatment standards doubling or tripling the cost of construction and operation. The unintended consequence will be that the only cost effective alternative will be to invest billions of dollars to preserve the existing CSO exemptions, and avoid tertiary standards.

Respectfully submitted.

Sincerely,

PETERS TOWNSHIP SANITARY AUTHORITY



James J. Miskis
Manager

JJM/ms

From: James J. Miskis [jmiskis@ptsaonline.org]
Sent: Thursday, March 11, 2010 11:31 AM
To: EP, RegComments
Subject: Feb. 13 Pa Bulletin 25 PA CHDS 92 and 92a NPDES Permitting
Attachments: Comments on Proposed Rule CHS 92a.pdf

Environmental Quality Board

Attached are our comments. Thank you for considering them.

James J. Miskis, Manager

Peters Township Sanitary Authority
111 Bell Drive
McMurray, Pa 15317

724/941-6709
724/941-2283 (fax)
724/263-7166 (emergency cell)

ptsaonline.org
jmiskis@ptsaonline.org

