

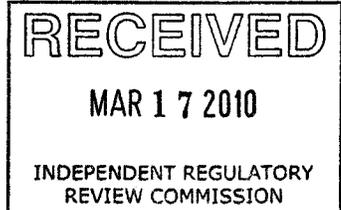
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Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17105-8477

March 11, 2010



RECEIVED

MAR 15 2010

RE: Proposed Rulemaking.
Environmental Quality Board.
[25 PA CODE CHS. 92 and 92a].
NPDES Permitting, Monitoring and Compliance

ENVIRONMENTAL QUALITY BOARD

Dear Sir or Madam:

After reviewing the Proposed Rulemaking published on February 13, 2010, in 40 PA.B.847, the City of Philadelphia, Division of Aviation, Philadelphia International Airport (DOA) wishes to present the following comments regarding the proposed changes to the NPDES permitting process.

Comment #1 – Regarding Application Fees and Annual Fees.
Reference Section #92a.28 and Table #1 and #2 in that section.

The proposed new fees for PERMIT APPLICATION are \$500.00 for reissuance of an existing permit for a "minor facility not covered by an ELG," and \$1500.00 for reissuance of an existing permit at a "minor facility that is covered by an ELG."

The proposed new ANNUAL FEES for similar categories are \$500.00 per year for those not covered by an ELG and \$1500 per year for those covered by an ELG.

The DOA operates two airports that currently have NPDES permits issued by PADEP, Philadelphia International Airport (PHL) and Northeast Philadelphia Airport (PNE). The DOA will be applying for renewal of the current NPDES permits for stormwater discharge at both PHL and PNE in 2012.

Assuming that PHL and PNE still fall into the "minor facility" category based on historic discharge rates (as opposed to the "major facility" category at approximately 250 MGD), and also assuming that ELGs will be imposed on both airports by 2012, the following fees would be applied to the DOA for these NPDES permits:

- Renewal fee (reissuance of existing permit) = \$1500, since covered by ELG.
- Annual fee for 5-year period = 5 X \$1500 = \$7500, since covered by ELG.
- This would total \$9000 in fees for the typical 5-year permit period for each airport, for a total of \$18,000 in NPDES permit-related fees.

Under the current fee provisions of PA Code Chapter 92, the total fees paid by the DOA would be \$1000 for the same time period, for the two \$500 application fees. The proposed fee structure, representing a 1700% increase over the current rates, would be an excessive burden on the DOA budget. Should any increase of this magnitude be imposed, it is suggested that it be phased in over some period of time (ex. 3 years) to allow permittees an opportunity to adjust their budgets accordingly.

Comment #2 – Regarding Proposed Discharge Limits. Reference Section #92a.48.

The proposed rulemaking would assign discharge limits to parameters such as biological oxygen demand (CBOD₅) and total suspended solids (TSS) for discharges of "conventional pollutants." This section of the proposed rulemaking also states that "The Board is especially interested in public comment on this issue and expects to address any concerns from individual facilities..." The proposed limit for CBOD₅ is 50 mg/L.

One of the components in stormwater runoff at PHL during the winter months is propylene glycol from the aircraft deicing fluid that must be applied for safe flight operations. Propylene glycol can contribute to the CBOD₅ content of the runoff. The DOA has invested significant effort and expense in recent years to institute Best Management Practices (BMPs) to collect and manage stormwater runoff associated with these seasonal deicing operations, including construction of a centralized aircraft deicing facility with a built-in stormwater collection system.

In spite of the DOA's documented efforts (in our DMR reports to PADEP) in collecting and disposing of major portions of deicing fluid, the CBOD₅ content of stormwater runoff occasionally exceeds 50 mg/L during winter months. We request that the Board, in finalizing the proposed rulemaking, consider unique industries such as airport operations and their associated periodic or seasonal discharge components such as propylene glycol and its CBOD₅ contribution. The Board should also consider that components such as these, are not "conventional pollutants" and allow for periodic or seasonal exceedances of set discharge limits if approved BMPs are in place and documented.

In 2006, the USEPA issued a nationwide questionnaire to the aviation community seeking information that would allow them to gain more knowledge of the aviation industry with respect to deicing operations. In 2009, the USEPA released its draft *Effluent Limit Guidelines for Stormwater Management at Airports* (EPAELGs) for public comment. The comment period has closed and the USEPA is currently undergoing their receipt-of-comments review period. It is widely assumed that these EPAELGs, either in their current form or modified, will be issued by USEPA within the next year, and that some form of EPAELGs will consequently be adopted by the state regulatory

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agencies including PADEP. We feel that it would be a bit premature to require airports to comply with the new State regulations while the federal vetting process has not been completed. In the interim, the DOA will continue to collect and dispose of the maximum amount of deicing fluid that is possible.

We wish to thank the Board for the opportunity to provide these comments for your consideration. If you wish to discuss these items or require additional information, please contact me at your convenience, or call at 215-937-6727.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Michael J. McCartney", is written over a horizontal line.

Michael J. McCartney
Airport Planning and
Environmental Stewardship Manager

cc: Calvin Davenger, DOA
Henry Fapohunda, DOA
Mark Gale, DOA
David Burke, PADEP
William Freeman, WESTON