## **Erie Sewer Authority**

120 WEST 10th STREET ERIE, PENNSYLVANIA 16501

March 8, 2002

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

and the second

Re:

Comments

Chapter 93 Amendment (25 PA. Code CH. 93)

**Great Lakes Initiative** 

## Ladies/Gentlemen:

The Erie Sewer Authority located in Erie, PA, and serving the surrounding area, including six tributary municipalities and the City of Erie, wishes to comment regarding the proposed amendment of the Department's regulations to incorporate "Federal requirements concerning prohibitions and phasing out of mixing zones for Bioaccumulative Chemicals of Concern (BCC) in waters of the Great Lakes system."

The Department of Environmental Protection Regulatory Analysis Form completed for the amendment states in Item 14 that "No current discharges include these pollutants, therefore impacts would only exist if an existing discharge adds any of the BCC's or a new discharge is proposed that includes one or more BCC's."

The Authority's concern is that the existing testing techniques may not be accurate or explicit enough to determine the presence of these chemicals at the low levels defined in the criteria. Regulations do not define a compliance procedure once the mixing zone is eliminated should these chemicals be found using future testing techniques to have existed prior to passage of the regulations. The Authority encourages the Department to develop a compliance schedule procedure to be specified in the regulations for that condition.



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The Erie Sewer Authority agrees with the need to limit the discharge of Bioaccumulative Chemicals of Concern into the Great Lakes. The Authority also concurs with the remaining comments of the DEP in the Regulatory Analysis Form and only wishes to assure that if exceptions to the Department's conclusion that no current discharges include these pollutants are found, the permittee is allowed a timely period to reach compliance.

Very truly yours,

**ERIE SEWER AUTHORITY** 

David J. Sterrett, P.E.

Chairman

## DJS:1b

cc: Mayor Rick Filippi
Kelly Burch, PA DEP
Doug Mitchell, Erie City
Jim Gorski, Erie City
Mark Kwitowski, Erie City
ESA & Members