

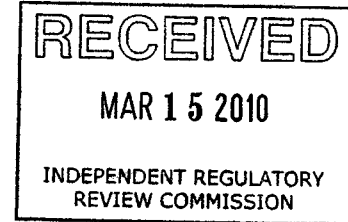
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WILLIAMSPORT MUNICIPAL WATER AUTHORITY  
and  
WILLIAMSPORT SANITARY AUTHORITY  
253 WEST FOURTH STREET  
WILLIAMSPORT, PA 17701  
(570) 328-6148

March 12, 2010

Environmental Quality Board  
P. O. Box 8477  
Harrisburg, PA 17105-8477  
[Sent via Electronic mail to [RegComments@state.pa.us](mailto:RegComments@state.pa.us)]



Dear Board Members:

The following comments are being submitted by the Williamsport Sanitary Authority (WSA) on the 25 PA Code, Chapter 92a proposed regulations which appeared in the PA Bulletin on February 13, 2010. The Williamsport Sanitary Authority owns and operates two municipal wastewater treatment plants serving 60,000 persons in eight municipalities in the greater Williamsport regional community.

Contrary to the preamble in the proposed regulations stating that the changes will have "No fiscal impact," the WSA believes the proposed changes if adopted as published could have a significant adverse economic impact on our community, including serious ramifications to important industrial customers which we serve. The WSA and its tributary municipalities are now in the latter stages of design, construction and implementation of treatment facility and sewer system improvements costing over \$150 million to simultaneously meet Chesapeake Bay nutrient removal initiatives and wet weather combined sewer overflow regulatory standards and are experiencing the subsequent staggering user rate increases. There are numerous changes in the proposed regulations that could have the effect of significantly changing the NPDES permit conditions and current Department policies on which our facility improvements have been designed. Some of these changes could conservatively cost the WSA over \$20 million to construct additional treatment facility improvements, experience significant operating cost increases, and cause major industrial customers to implement additional redundant costly pretreatment.

The WSA wholeheartedly supports, in their entirety, the comments submitted on these proposed Chapter 92a regulations by the Pennsylvania Municipal Authorities Association (PMAA). We also offer the following comments and recommendations to further support and amplify those of the PMAA.

1. The proposed changes are difficult to compare with the current regulations and bring with them a high level of confusion, especially with regard to the applicability of federal regulations (particularly 40 CFR 122 and 40 CFR 133) concerning secondary treatment definitions, standards and adjustments in NPDES permit effluent limitations formerly incorporated by reference. The proposed changes are so potentially different than those currently in force that an additional extension of time is required for the regulated

community to fully review and discuss with the Department its interpretations and justifications for the changes.

2. The elimination of incorporating federal Clean Water Act 40 CFR 133 regulations by reference into the new minimum secondary treatment standards at § 92a.47 (formerly at § 92.2c(b)(1)) has significant ramifications including the implication that the PADEP may no longer allow adjustments in effluent limitations for high strength industrial discharges as provided for under 40 CFR 133.103(b). The Department has previously recognized such adjustments in WSA NPDES permit limitations, and subsequently, pretreatment permit loading limitations on major WSA industrial customers such as Frito-Lay and Lonza, Inc. have been based on those properly-applied adjustments. Elimination of such high strength limitation adjustments would not be good Department policy for the following reasons:
  - Restrictive policies toward adjustments create a disincentive, rather than an incentive, for municipal plants to accept compatible industrial wastewaters;
  - Denial of adjustments otherwise applicable under federal regulations creates a treatment requirement for high strength industrial wastes handled by a municipal treatment plant which may be more stringent than that required if treated for direct stream discharge by the industries;
  - Municipal plants handling high strength industrial wastewaters normally meet secondary concentration limits, but may experience higher risks of not meeting those limits than plants handling only domestic wastewater. Industrial effluent adjustments afford municipal plants a margin of safety from liability which is provided for by federal regulations. Even with the best approved industrial pretreatment programs in place, municipal treatment plants may experience upsets due to unforeseen events within an industrial user's plant;
  - Without the provision for a high strength adjustment, a municipal treatment plant approaching its secondary treatment organic design load will be reluctant to accept high strength compatible industrial wastewater, resulting in industrial users needing to build their own expensive facilities redundant to those at the municipal plant; and
  - Elimination of high strength industrial adjustments by regulation or policy will over the long term, result in more, not fewer permits for the Department to write, administer, monitor and enforce (provided the industries don't move to another state which does allow the adjustments).
3. In the proposed § 92a.47(a)(4) fecal coliform treatment standard, the allowance for no more than 10% of the samples over 1000/100 mL in a summer month has been eliminated with no reason given. A result of the new change would dictate that excessive levels of chlorination or other disinfection method would need to be routinely used to guarantee that no sample exceeded the 1000/100 ml standard because of the potential for random interferences such as turbidity or normal variability in bacteriological testing methods. Standard Methods (21<sup>st</sup> Edition, Method 9221 C.1) states "...Consequently, use caution when interpreting the sanitary significance of any single coliform result." The

current regulation is appropriate because there is an inherent operational control issue caused by the 24-72 hours time lag between the time of sampling and when the result is known when a dosage correction could be made. Excessive disinfection with chlorine can result in additional production and discharge of toxic disinfection byproducts such as trihalomethanes which would not be in the best interests improving receiving stream water quality.

4. The proposed § 92a.47(b) requirement for tertiary treatment is arbitrary, not requiring its application to be supported by scientific or economic analysis, and could result application of significantly more costly treatment for dischargers on streams where the "impairment" will not be improved by the increased costly treatment. This requirement also has the potential to wreak havoc on the planning and development of municipal plant facility improvements based on the Chesapeake Bay Compliance Strategy such as those owned by the WSA. The potential inappropriate use of this new requirement to trump or create uncertainty in the applicability of Chesapeake Bay "cap load" limitations or the proposed Chapter 96 trading regulations and the use of offsets afforded under current NPDES permits is a major concern. For example, if these requirements would be applied on the WSA West Plant as an end-of-pipe limit based on the Susquehanna River being impaired due to the Chesapeake Bay being impaired, then the WSA would need to install additional nutrient reduction facilities at a cost of least \$20 million in order to meet the required end-of-pipe limits, rather than use its NPDES permitted offsets to comply with the Chesapeake Bay cap load limitations. This requirement would also call into question the use of nutrient credits and offsets in complying with local stream TMDL standards. It is also not understood what is meant by "seasonal modifiers" in § 92a.47(c)(6). If this means that 8 mg/L of TN cannot be exceeded in the winter, then extremely more costly treatment systems would need to be installed than would be required under the Chesapeake Bay annual cap load compliance strategy.

The WSA supports the comments on this matter submitted by the Pennsylvania Municipal Authorities Association, recommends that the Department continue to work with the Water Resources Advisory Committee and stakeholder groups on these issues, and further recommends that the Department publish any revisions to the proposed regulations in the form of advance notice of final rulemaking for additional public comment prior to final adoption. Thank you for your consideration of these recommendations.

Very truly yours,



David A. DiNicola  
Executive Director

c. Peter T. Slack, PMAA

Williamsport Sanitary Authority

***Summary of Comments on 25 PA Code, Chapter 92a proposed regulations which appeared in the PA Bulletin on February 13, 2010***

The Williamsport Sanitary Authority wholeheartedly supports the comments on this matter submitted by the Pennsylvania Municipal Authorities Association. The proposed Chapter 92a changes are difficult to compare with the current regulations and bring with them a high level of confusion, especially with regard to the applicability of federal regulations (particularly 40 CFR 122 and 40 CFR 133) concerning secondary treatment definitions, standards and adjustments in NPDES permit effluent limitations formerly incorporated by reference. The proposed changes are so potentially different than those currently in force that an additional extension of time is required for the regulated community to fully review and discuss with the Department its interpretations and justifications for the changes. It is recommended that the Department publish any changes to these proposed regulations as advance notice of final rulemaking in order to allow for sufficient public and stakeholder input prior to adoption.

Contrary to the preamble in the proposed regulations stating that the changes will have "No fiscal impact," the WSA believes the proposed changes if adopted as published could have a significant adverse economic impact on our community, including serious ramifications to important industrial customers which we serve. The WSA and its tributary municipalities are now in the latter stages of design, construction and implementation of treatment facility and sewer system improvements costing over \$150 million to simultaneously meet Chesapeake Bay nutrient removal initiatives and wet weather combined sewer overflow regulatory standards and are experiencing the subsequent staggering user rate increases. There are numerous changes in the proposed regulations which could have the affect of significantly changing the NPDES permit conditions and current Department policies on which our facility improvements have been designed. Some of these changes could conservatively cost the WSA over \$20 million to construct additional treatment facility improvements, experience significant operating cost increases, and cause major industrial customers to implement additional redundant costly pretreatment.

The elimination of incorporating federal Clean Water Act 40 CFR 133 regulations by reference into the new minimum secondary treatment standards at § 92a.47 will have significant adverse impacts on user rates and costs to indirect industrial dischargers to municipal plants if provisions such as the high strength industrial effluent limitation adjustments provided by federal regulations are not allowed. Elimination of high strength industrial adjustments by regulation or policy will over the long term, result in more, not fewer permits for the Department to write, administer, monitor and enforce (provided the industries don't move to another state which does allow the adjustments).

The proposed § 92a.47(b) requirement for tertiary treatment is arbitrary, not requiring its application to be supported by scientific or economic analysis, and could result in significantly more costly treatment for dischargers on streams where the "impairment" will not be improved by the increased costly treatment. This section also has the potential to be in conflict with the proposed Chapter 96 regulations and to wreak havoc on the planning and development of municipal plant facility improvements based on the Chesapeake Bay Compliance Strategy such as those owned by the WSA.

There are changes in the proposed § 92a.47(a)(4) fecal coliform treatment standard, eliminating the allowance for no more than 10% of the samples over 1000/100 mL in a summer month. This change is not supported by scientific, statistical or operational justification and will have the practical effect of having many dischargers over-chlorinate their effluent and generate and discharge additional toxic disinfection byproducts.

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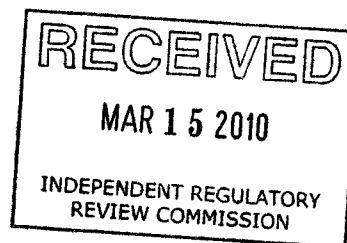
**From:** Walt Nicholson [wnicholson@wmwa-wsa.org]  
**Sent:** Friday, March 12, 2010 5:45 PM  
**To:** EP, RegComments  
**Cc:** David DiNicola; Pete Slack; John Brosious  
**Subject:** FW: 25 PA Code, Chapter 92a Proposed regulations, PA Bulletin February 13, 2010  
**Attachments:** Ch 92 Comments,03122010.pdf

Environmental Quality Board:

Attached are our comments on the proposed 25 PA Code, Chapter 92a regulations which appeared in the Pennsylvania Bulletin on February 13,2010, including a one page summary of our comments.

Thank you for your consideration of our comments on this important matter.

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