

MAR 6 1984

Mr. Joseph A. Dinkel
President
The Water Works Operators' Association
of Pennsylvania
West View Water Authority
Neville Island Treatment Plant
Neville Island, Pennsylvania 15225

Dear Mr. Dinkel:

Thank you for your letters of February 1, 1984, concerning the policy of the Pennsylvania Department of Environmental Resources (Pennsylvania DER) on the discharge of wastewater from water treatment plants.

The Clean Water Act (CWA) requires that dischargers of pollutants to navigable waters obtain National Pollutant Discharge Elimination System (NPDES) permits containing, at a minimum, technology-based effluent limitations reflecting various levels of wastewater treatment and, where necessary, more stringent limitations necessary to assure attainment and maintenance of State water quality standards. The concept of technology-based requirements as a basis for water pollution control was mandated by Congress in the Federal Water Pollution Control Act Amendments of 1972 and reaffirmed in the 1977 amendments to the CWA. This concept requires that all dischargers of pollutants meet minimum standards based on what can be achieved, regardless of water quality impact. Only after determination of the minimum technology-based requirements can the effect of the discharge on the receiving water be considered in determining if more stringent limitations are necessary to protect the receiving water quality.

The Environmental Protection Agency (EPA) has not promulgated any rule establishing technology-based effluent limitations guidelines applicable generally to water treatment plants. Due to this fact, our regulations require that the technology-based effluent limitations for the discharges from a water treatment plant be established by the NPDES

permitting authority on a case-by-case basis using best professional judgment (BPJ) under Section 402(a)(1) of the CWA. The NPDES permitting authority must consider the appropriate factors contained in Section 304 of the CWA to establish the technology-based effluent limitations for the discharge from the water treatment plant. In the case of water treatment plants, the discharge of total suspended solids (TSS) would be subject to two levels of technology-based requirements -- best practicable control technology currently available (BPT) and best conventional pollutant control technology (BCT). In determining the technology-based requirements, cost factors are considered. For example, in determining BPT the total cost of application of technology is considered in relation to the effluent reduction benefits to be achieved from such application.

On June 30, 1978, EPA transferred the authority to issue NPDES permits in Pennsylvania to the Pennsylvania DER. The State thereby assumed responsibility for implementing the CWA, including the minimum technology-based requirements described above. The CWA also provides that States may establish limitations more stringent than any minimum federal requirements.

If you have any further general questions or comments on this matter, please contact Greene A. Jones, Director of the Region III Water Program Division at 215-597-9411 or Martha G. Prothro, Director of the Headquarters Permits Division at 202-755-2545. If you have further questions on the application of the Pennsylvania DER policy on discharges from water treatment plants, I suggest that you contact Louis W. Bercheni, Director, Bureau of Water Quality Management, Pennsylvania DER in Harrisburg at 717-787-2666.

Sincerely,

/S/ WILLIAM D. RUCKELSHAUS

William D. Ruckelshaus

**cc: Greene A. Jones, Director
Region III Water Program Division
Martha G. Prothro, Director, Permits Division
Louis W. Bercheni, Director
Bureau of Water Quality Management
Pennsylvania DER**