



December 2, 2016

Southwest Regional Office 400 Waterfront Drive, Pittsburgh, PA 15222

Mr. Daniel H. Rowe, Manager
Municipal Sanitary Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: CSO Long-Term Control Plan
NPDES PA0027111
New Kensington STP
Westmoreland County

Mr. Rowe:

The United States Environmental Protection Agency, Region III (USEPA) and the Pennsylvania Department of Environmental Protection Pittsburgh, Southwest Regional Office (Department) have reviewed the Municipal Authority of the City of New Kensington's (MSANK) October 2014 CSO Long Term Control Plan (LTCP) submission, its April 14, 2016 response to the USEPA and Department (Agency) comments and the October 7, 2016 submission of requested additional information (Responses). Based upon the MSANK October 2014 LTCP submission and the MSANK Responses, the Agencies hereby approve the LTCP and the applicable modifications provided within the Responses.

We would like remind MSANK of some important LTCP components and conditions required by the Agencies as part of this LTCP approval.

1. In accordance with the EPA CSO Policy, the LTCP submission specifies the Presumption Approach criteria for compliance and proposes to capture for treatment no less than eight-five percent (85%) by volume of the combined sewage collected in the combined sewer system on an annual average basis. The CSO Policy also requires the Permittee(s) (MSANK and Arnold Borough) to plan for the modification of proposed LTCP facilities, additional facilities or CSO Program modifications, as may be necessary should Post-Construction Compliance Monitoring demonstrate that the LTCP proposed controls fail to meet applicable Water Quality Standards criteria.
2. Both MSANK and Department acknowledge and agree that a travel time period of nine (9) hours is an appropriate maximum combined system response period following a wet weather event of greater than 0.25 inch precipitation. Following this maximum nine (9) hour period the Agencies require MSANK to manage all flow received from its tributary collection system in a manner sufficient to eliminate discharges resulting from wet weather impacts upon the tributary combined sewer collection system. All discharges from CSO structures after this response period are considered SSO discharges and thus illegal. Discharge from a sanitary-only sewer system (or its appurtenances) continue to remain illegal at all times and are subject to applicable law and regulation.

3. Per Agency requests, MSANK provided supporting information pertaining to its CSO related POTW unit bypass request authorization as outlined in LTCP Project P1A. The Department determines that the LTCP and additional information provided was sufficient to support the bypass authorization request. Federal regulations at 40 CFR 122.41(m) allow for a CSO-related bypass (i.e. a bypass of certain portions of the treatment facility at the POTW). This can be an effective management tool for CSO systems if the bypass is proposed as provided for in the EPA's CSO Guidance for Permit Writers. Its use is limited to systems that have implemented NMCs and LTCPs, have maximized flows to the treatment plant and have justified the need to use a CSO-related bypass as part of its operational plan for the implementation of their LTCP. MSANK has the burden of demonstrating that it meets all requirements of 40 CFR 122.41(m). Per the PA CSO Policy, Attachment 4 provides permit language to be used in authorizing CSO-related bypasses in its NPDES permits. This permit condition language is to be used as provided by the policy unless there is documented justification for some change. Additional guidance on the use and limitation of the CSO-related bypass provisions are documented in EPA's Permit Writers' Guidance. Any adjustments made to the CSO-related bypass requirement must be documented in the permit Fact Sheet.

According to the LTCP Implementation Timeline, Project P1A (Maximization of Flow to the POTW) is slated to be completed in 72 months. This date is near the time when a renewal permit application is expected to be received and acted upon by the Department. Therefore during development of the next NPDES permit renewal application we anticipate MSANK's request for Department authorization of a CSO related POTW unit bypass. We suggest MSANK meet with Department personnel beforehand to determine what, if any, additional information is necessary for the Department to authorize the request in the MSANK NPDES permit.

4. LTCPs are to give the highest priority to controlling overflows to Sensitive Areas. Based on the information in your LTCP and our knowledge of your watershed, we have determined a public recreation area known as the Logans Ferry Boat Club, launch and docks is located in the vicinity of your CSO and is considered a Sensitive Area.
5. Per EPA CSO Policy, an assessment of possible revisions to the LTCP, available technology, and Implementation Timeline must be conducted each five year permit issuance cycle as part of the NPDES permit renewal obligations. Plan to provide an assessment of the LTCP program's implementation particularly as related to Sensitive Areas, in addition to any recommended LTCP revisions.
6. In response to Agency comments, on October 7, 2016, in "Attachment A" MSANK provided a revised "LTCP Implementation Timeline" which identified specific LTCP-related tasks and actions proposed to be completed in three phases; with facility improvements concluding within sixteen (16) years following Agency approval of the LTCP. This revised schedule is hereby approved and a copy of this approved implementation schedule is attached as Exhibit 1. Per Exhibit 1, the Agencies expect facility improvements will be completed on or before December 31, 2032 and the Post

Construction Compliance Monitoring Plan (PCCMP) shall be implemented and a final compliance report submitted for Department review on or before January 1, 2034. In keeping with this schedule, within Part C of the next (pending) MSANK NPDES permit the DEP will identify the following Task Implementation Schedule:

<u>Activity Description</u>	<u>Compliance Date:</u>
P1E, New Lower Burrell Interceptor	Completed
P1C, Screenings and Floatables Control	January 1, 2018
P1H, Plum I/I Removal Complete CCTV and I/I Removal	July 1, 2018
P1I, I/I Removal-Kinloch Interceptor	July 1, 2018
P1G, I/I Removal-Little Pucketa Interceptor, Phase 1	July 1, 2019
P1D, Phase 1 New Kensington Green Infrastructure	January 1, 2020
P2A, 6 th and 7 th Street CSO Consolidation	January 1 2020
P1F Begin New Chartiers Pump Station	July 1, 2020
P1J, Complete Interim Flow Monitoring Assessment	January 1, 2021
P1H, Begin Plum Storage Project Construction	January 1, 2021
P1B, Drey Street CSO Relocation and 14 th Street Regulator Upgrades	January 1 2022
P1A, Complete Construction to Maximize Flow to the WWTP/POTW	July 1, 2022

7. We remind MSANK that before any significant CSO structure modifications or the construction of new facilities, MSANK or its tributary municipalities must submit a Water Quality Management permit application for Department review and approval. These application materials are available on the Department's website.
8. Per the Agency's July 28, 2016 LTCP review comments and additional information request, we remind MSANK that a revision to the MSANK Act 537 Sewage Facilities Planning document is still required prior to beginning of any facility construction requiring a WQM permit.
9. Verification that the LTCP proposals meet the CSO Policy obligations must be determined through an approved Post Construction Compliance Monitoring program. Although a PCCMP was included in the Responses, it is not yet approved. Following LTCP implementation the Department intends to review and comment/approve a final PCCMP. We recommend the monitoring program be developed in accordance with the following guidance documents, EPA 932-B-95-002, "Guidance for Long-Term Control Plan" and EPA 832-B-99-002, "Guidance for Monitoring and Modeling". At least two (2) years prior to completion of the LTCP's implementation MSANK should plan to revise (as necessary) and re-submit a PCCMP. The tentative date for this submission is on or before January 1, 2032.

An important component of any CSO Control program is the continued implementation of the technology-based Nine Minimum Controls (NMCs). Your NMC implementation program is expected to fulfill the control objectives established under the CSO Policy for each control.

Your NPDES permit establishes specific reporting requirements regarding your progress toward compliance with the requirements of the CSO Policy. Among these is the submission of an Annual CSO Status report as an addendum to your Chapter 94 Annual Wasteload Management Report. The Annual CSO Status Reports must detail in very specific fashion your efforts in implementing the required Nine Minimum Controls (NMC's) to meet the CSO Policy objectives, efforts taken to prioritize and afford protection to environmentally Sensitive Areas, actions taken to maximize public participation in the development and implementation of the LTCP, and adherence to your LTCP implementation schedule. Please ensure that your annual report is submitted in a timely fashion and includes sufficient detail and adequate documentation to measure compliance progress.

Nothing in this letter is intended, nor shall be considered to relieve or limit MSANK's or its tributary municipalities' obligation to comply with the CSO Policy or any existing or subsequent statute, regulation, permit or order. In addition, this letter does not authorize any violation of any statute, regulation, order or permit issued or administered by the Department.

If you have any questions please feel free to contact me at the above address.

Sincerely,



Paul Eiswerth
CSO Coordinator
Clean Water Program

Cc: Kemal Niksic, P.E. Hatch Mott MacDonald
Steven Maslowski, EPA R3

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Exhibit 1
LTCP Implementation Schedule

Table 10 -2 Revision 1: U-TCP Phase 2 Implementation Schedule

Project ID	Project Description	Year 8	Year 9	Year 10
P2B	Green Infrastructure in New Kensington Phase 2			
	Location and Identification of Potential Sites with CO ₂ Offsets			
	Design Bid Phase			
	Construction Phase			
P2C	Utility and Infiltration Remedial - Lantz Station Interceptor Phase 2:			
	QA/QC Bid Phase (ADA, ADA, ADA, and ADA)			
	Design Bid Phase			
	Construction Phase			
	Market Street Station (M1042)			
	Design Phase			
	Construction Phase			
	Valley Heights & Calhoun Avenue Area (M1047)			
	Design Phase			
	Construction Phase			
	Power Drive (M1043)			
	Design Phase			
Construction Phase				
P2D	Utility and Infiltration Remedial - Kankakee Interceptor			
	Design Bid Phase (ADA)			
	Construction Phase			
	Design Phase			
	Construction Phase			
	Design Bid Phase (ADA)			
	Construction Phase			
	Design Phase			
	Construction Phase			
	Design Bid Phase (ADA)			
	Construction Phase			
	P2E	Final and Construction Monitoring Table Update		
Final and Construction Monitoring Table Update				
Final and Construction Monitoring Table Update				
Final and Construction Monitoring Table Update				

Table 10-3 Revision 1: LTCP Phase 3 Implementation Schedule

Project ID	Project Description	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17
P2A	Microbial Path CIPP - 15' CIPP Line Installation Park							
	Design Phase							
	Construction Phase							
P2B	Municipal Path Hydraulic Improvements							
	Design Phase							
	Construction							
	Closeout Phase							
P2C	Little Rocklet Storage Facility							
	Design Phase							
	Construction							
P2D	W-90 Wastewater Interceptor (Kinloch-John MANSKE, LESIA, and Plum)							
	Design Phase							
	Construction							
	Closeout Phase							
P2E	Shed of Phase 3 Pump Monitoring Adjustment							
	Post Construction Final Monitoring Division							

Iowa
 Ames
 New Kansas
 Lower level