

Ariel,

Concerning the proposed revisions to Rule Chapter 0400-40-05, I would like to make a comment on the following sections.

Comment #1

1. For consistency of interpretation of what constitutes *improper operation and maintenance* to be determined by the Department, the term *improper operation and maintenance* should be included in the definition section of the rule. It should clearly state what constitutes *improper operation and maintenance*. I think the definition concerning wastewater systems *Proper operation and maintenance* (treatment and sewer collection system) should include language such as proper funding or budgeting of an adequate O&M program, including personnel, equipment and training.

0400-40-05-.07 Terms and Conditions of Permits.

(2)

(C) *Proper operation and maintenance*. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances, including collection and conveyance systems) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(m) 1. For POTWs or domestic wastewater treatment plants, Sanitary sewer overflows, including dry-weather overflows and wet weather overflows, as defined in Rule 0400-40-05-.02 are prohibited. Releases caused by *improper operation and maintenance*, which is to be determined by the Department based on the totality of the circumstances, are prohibited.

Comment # 2

For consistency of interpretation wet weather overflow (SSO or Releases) relate to a rain fall event, there needs to be language added to specify how to determine number of overflow events per site. If it is related to a "rain fall event" and the event is 3 days, shouldn't it be counted as one SSO or release per site.

(74)A "rainfall event" is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

(99)A "wet weather overflow" is a type of sanitary sewer overflow and defined as an unpermitted discharge of wastewater from the collection or treatment system other than through the permitted outfall that is directly related to a specific rainfall event.

Thanks,

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