

APPENDIX H



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

June 1, 2011

Mr. David Katz
Deputy Water Commissioner
City of Philadelphia Water Department
ARAMARK Tower
1101 Market Street, 4th Floor
Philadelphia, PA 19107-2994

Dear Mr. Katz:

The Pennsylvania Department of Environmental Protection (DEP) has completed its review of the City of Philadelphia's (City) September 2009 Long Term Control Plan Update (LTCPU), which describes the City's plan for the control of combined sewer overflows (CSOs). Since the time that the original LTCPU was submitted, DEP and the City have engaged in a dialogue that has resulted in some modifications being made to the plan. Modifications to the LTCPU are described in a revised Consent Order and Agreement (CO&A) that is being executed simultaneously with the issuance of this letter. The CO&A also lists several required deliverables which will supplement the LTCPU when they are submitted by the City and approved by DEP.

DEP hereby authorizes the City to begin implementing the LTCPU, including modifications as documented in the CO&A, as a means of addressing the requirements of the Pennsylvania Clean Streams Law, 35 P.S. Sections 691.1–691.1001, the regulations promulgated thereunder, the Pennsylvania CSO Policy, and the National CSO Control Policy. The CO&A that we are executing this date contains specific requirements and enforcement mechanisms, and is intended to be in effect for at least 25 years. The CO&A, in turn, refers to CSO requirements that will be included as special conditions in the National Pollutant Discharge Elimination System (NPDES) permits for the City's three Water Pollution Control Plants (WPCPs). NPDES permits are normally reissued by DEP every 5 years, in accordance with Federal and Pennsylvania requirements. DEP intends that each successive renewal of the Philadelphia permits during the term of the CO&A will include a condition to cover the CSO requirements.

DEP understands that the City designed its CSO program to be adaptive, such that changes in approach or emphasis can be implemented as necessary. DEP's right to review and approve major changes is provided in the CO&A. DEP also understands that the City has designed a program that addresses the state and federal water quality goals while at the same time managing the financial burden on the City's sewer customers.

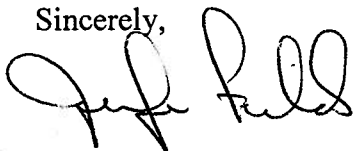
Mr. David Katz

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June 1, 2011

DEP acknowledges that the LTCPU represents a significant undertaking for the City. We are hopeful that the effort will yield significant benefits for water quality in Philadelphia and the region.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenifer Fields". The signature is fluid and cursive, with the first name "Jenifer" written in a larger, more prominent script than the last name "Fields".

Jenifer Fields, P.E.
Regional Manager
Water Management

cc: Mr. Capacasa – USEPA, Region 3
Mr. Feola
Mr. Newbold
Adam N. Bram, Esq.
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