

OFFICIAL

Borough/Township of OHIO

Ordinance Number 195

AN ORDINANCE - REGULATING THE DISCHARGE OF WASTE MATERIALS INTO SEWERS OF THE BOROUGH/TOWNSHIP OF OHIO; PROHIBITING THE DISCHARGE THERE INTO OF WASTES WHICH MAY DAMAGE THE SEWERS OR OTHER FACILITIES OF THE BOROUGH/TOWNSHIP OF OHIO OR OF THE ALLEGHENY COUNTY SANITARY AUTHORITY; WHICH MAY INTERFERE WITH OR PASS THROUGH THE ALLEGHENY COUNTY SANITARY AUTHORITY SEWAGE TREATMENT PROCESS, OR WHICH MAY ENDANGER LIFE, HEALTH OR SAFETY, OR MAY VIOLATE LAWS, RULES OR REGULATIONS CONTROLLING THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTE AS PROMULGATED BY THE FEDERAL GOVERNMENT, THE COMMONWEALTH OF PENNSYLVANIA, THE COUNTY OF ALLEGHENY, THE OHIO VALLEY WATER SANITATION COMMISSION OR BY THE ALLEGHENY COUNTY SANITARY AUTHORITY; AND PROVIDING OF PENALTIES FOR VIOLATION.

WHEREAS, the Borough/Township of OHIO (hereinafter called "Borough/Township") is a party to a long-term sewage service agreement with the Allegheny County Sanitary Authority (hereinafter called "ALCOSAN") whereby the sewers located in said Borough/Township connect to ALCOSAN sewers and ALCOSAN operates and maintains a Sewage Disposal System providing sewage treatment service for the sewage coming from the Borough/Township; and

WHEREAS, the discharge of certain wastes into Borough/Township sewers could damage or clog not only the Borough's/Township's sewers but also the structures and other facilities of the ALCOSAN Sewage Disposal System, could interfere with the proper operation thereof or pass through the ALCOSAN Sewage Disposal System untreated; and

WHEREAS, some of such wastes are dangerous to the health, life and safety of operating personnel and the public, and some create offensive nuisance conditions; and

WHEREAS, the said sewage service agreement requires the Borough/Township to exercise its rights and powers to carry into effect the purposes and intent of such agreement and requires the Borough/Township to enact an ordinance incorporating all or designated portions of ALCOSAN's Rules and Regulations and providing appropriate penalties for the violation thereof, to amend such ordinance from time to time as requested by ALCOSAN and to enforce the provisions thereof fully and prosecute all violators thereof diligently;

WHEREAS, pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251, et seq., and the regulations promulgated pursuant thereto, 40 C.F.R. § 403.1 et seq., ALCOSAN is required to develop a pretreatment program, regulating the discharge of pollutants by industrial users into the Sewage Disposal System;

NOW, THEREFORE, in order to safeguard health, safety and life and insure the proper collection, treatment and disposal of sewage as well as to protect the sewers and other facilities of the Borough/Township and ALCOSAN, the following is hereby ordained and enacted:

Section 1. For the purposes of this ordinance, the following terms shall have the meaning hereafter designated:

(a) ALCOSAN: Allegheny County Sanitary Authority including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

(b) Corrosive waste: A waste or substance which has any of the following properties:

1. It is aqueous and has a pH of less than or equal to 5 or greater than or equal to 10, as determined by pH meter.
2. It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 mm (0.250 in.) per year at a test temperature of 55°C (130°F).

(c) Reactive/explosive waste: A waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of but is not limited to the following properties:

1. It is normally unstable and readily undergoes violent change without detonating.
2. It reacts violently with water.

3. It forms potentially explosive mixtures with water.
4. When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
5. It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
6. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
7. It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
8. It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

(d) Hazardous Waste: All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261.

(e) Ignitable Waste: A waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN

Treatment Facility which has any of but is not limited to the following properties:

1. It is liquid with a flash point less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.
2. It is an oxidizer as defined in 49CFR 173.151.

(f) Interference: A discharge originating in the Borough/Township which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal; and
2. Therefore is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to as "NPDES") Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in and State Sludge Management Plan prepared pursuant to subtitle D of

the solid Waste Disposal Act), the Clean Air Act, and the Toxic Substances Control Act.

(g) Pass-through: The term pass-through shall mean any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN's NPDES Permit (including an increase in the magnitude or duration of a violation).

(h) Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Governmental Entity, or any other legal entity, or its legal representatives, agents, or assigns.

(i) pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(j) Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal, or agricultural waste discharged into water.

(k) Pollution: The man made or man induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

(l) The Act: The Federal Water Pollution Control Act also known as The Clean Water Act, as amended, 33 USC 1251 et. seq.

(m) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA, pursuant to Section 307 (A) of the Act.

(n) Waste water: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.

(o) Waters of the Commonwealth: All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of PA or any portion thereof.

Section 2. No person shall introduce or cause to be introduced directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough/Township and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other wastewater which will:

(a) Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities; or

(b) pass through ALCOSAN's treatment plant or other facilities.

Section 3. No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the Borough/Township and transmitting substances into the facilities of ALCOSAN any of the following:

(a) Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

(b) Any ignitable, reactive, explosive, corrosive, or hazardous waste, except as provided for by ALCOSAN's Rules and Regulations.

(c) Any wastewater with a temperature greater than 140°F (60° C).

(d) Any waste which exceeds the naturally occurring background levels for either Alpha, Beta, or Gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations.

(e) Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.

(f) Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

(g) Pathological wastes from a hospital or other medical establishment.

(h) Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.

(i) Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants: unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

(j) Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.

(k) Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in non-compliance with sludge use or disposable criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State Laws or regulations applicable to the treatment or disposal of such effluent or such product.

Section 4. No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN.

The Pretreatment Regulations of the Allegheny County Sanitary Authority are incorporated into this Ordinance by reference as though fully set forth herein.

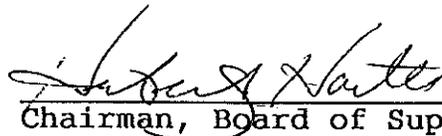
Section 5. Any person violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed the sum of One Thousand Dollars (\$1,000.00), for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding 30 days. Each day a violation is continued shall constitute separate offense. In addition, any person violating any provision of the ALCOSAN Pretreatment Regulations may be subject to administrative and civil penalties as provided for by the Pretreatment Regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to \$25,000.00 per day, per violation as provided for by the Publicly Owned Treatment Works Penalty Law, 35 PS 752.1 et seq. Authority to so enforce the Pretreatment Regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Borough/Township.

Section 6. The provisions of this Ordinance are severable, and the invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect or impair the validity of any other part of the Ordinance which can be given affect without the invalid part or parts.

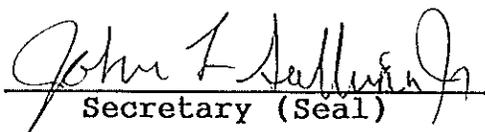
Section 7. Any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance is hereby repealed, so far as the same conflicts with this Ordinance.

RESOLVED AND ENACTED this 13 day of December, 1994.

TOWNSHIP OF OHIO


Chairman, Board of Supervisors

ATTEST:

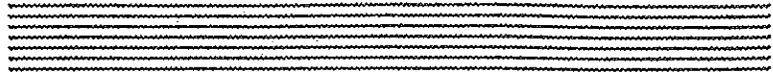

Secretary (Seal)

**PRETREATMENT
REGULATIONS
OF THE
ALLEGHENY COUNTY
SANITARY AUTHORITY**

September 14, 1984
Revised September 7, 1993

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PRETREATMENT REGULATIONS OF THE ALLEGHENY COUNTY SANITARY AUTHORITY

September 14, 1984 • Revised September 7, 1993

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This regulation sets forth uniform requirements for direct and indirect contributors into the sewage collection and treatment facilities of the Allegheny County Sanitary Authority ("ALCOSAN") and facilitates compliance with applicable state and Federal laws and regulations.

The objectives of this regulation are:

- a. To prevent the introduction of pollutants into the ALCOSAN system which will interfere with the operation of the system or adversely affect the resulting sludge;
- b. To prevent the introduction of pollutants into the ALCOSAN system which will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system; and
- c. To improve the opportunity to recycle and reclaim wastewater and sludges from the system.

This regulation provides for the regulation of direct and indirect contributors to the ALCOSAN system, authorizes monitoring and enforcement activities, requires User reporting and assumes that existing customers' capacity will not be preempted.

1.2 Applicability

The regulations contained herein shall apply to Persons discharging, directly or indirectly, into the system of ALCOSAN. Except as otherwise provided herein, the Executive Director of ALCOSAN shall implement the provisions of these regulations.

1.3 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

1. **The Act.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. **ALCOSAN.** The Allegheny County Sanitary Authority.
3. **Approval Authority.** The United States Environmental Protection Agency.
4. **Authorized Representative of Industrial User.** An authorized representative of an Industrial User may be: (a) A principal

executive officer of at least the level of vice-president, if the Industrial User is a corporation; (b) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates; (d) a duly authorized representative or signatory of a governmental entity operating as an Industrial User.

5. **Biochemical Oxygen Demand (BOD).**
The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
6. **Building Sewer.** A sewer conveying wastewater from the premises of a User to a publicly owned treatment works.
7. **County.** Allegheny County.
8. **Director.** The Executive Director of ALCOSAN or his authorized representative.
9. **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, or where appropriate, the Administrator or other duly authorized official of said agency.
10. **Existing Source.** Any source of discharge which is not a new source, as defined hereinafter.
11. **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
12. **Industrial User.** Any person who discharges or introduces pollutants from any nondomestic source regulated under sections 307(b), (c) or (d) of the Act (33 U.S.C. 1317 (b), (c) or (d)) into the POTW.
13. **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to SubTitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act.

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14. **National Categorical Pretreatment Standard.** Any National Categorical Pretreatment Standard limiting discharges of pollutants by a specific category of Industrial Users, promulgated by the U.S. Environmental Protection Agency pursuant to sections 307(b) and (c) of the Act including the general and specific prohibitions found in 40 CFR 403.5.
 15. **National Prohibited Discharge Standard or General Standard.** Any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.
 16. **New Source.** Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.
 17. **National Pollution Discharge Elimination System or NPDES Permit.** A permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342).
 18. **Pass Through.** Any discharge of a pollutant through the POTW into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
 19. **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents or assigns.
 20. **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
 21. **Pollution.** The man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.
 22. **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal, or agricultural waste discharged into water.
 23. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutant into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

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24. **Pretreatment Coordinator or "Coordinator"**. The Manager of Industrial Wastes or other person designated by the Director whose responsibility is the implementation and enforcement of these regulations.
25. **Pretreatment Requirement**. Any substantive or procedural requirement related to pretreatment, including but not limited to a National Categorical Pretreatment Standard imposed on an Industrial User.
26. **Publicly Owned Treatment Works or POTW**. A treatment works as defined by section 212 of the Act, which is owned in this instance by ALCOSAN. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances conveying wastewater to a POTW treatment plant. This definition also includes any municipality, as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharge to and the discharges from such treatment works.
27. **POTW Treatment Plant**. That portion of the POTW designed to provide treatment to (including recycling and reclamation of) municipal sewage and industrial waste.
28. **Significant Industrial User**.
- (a) Except as provided in paragraph 28(b) of this section, the term Significant Industrial User means:
- (1) All Industrial Users subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater) or discharges an average of 100,000 gallons per day or more of combined process and nonprocess wastewater to the POTW; contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Director on the basis that the Industrial User has a reasonable potential for affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (b) Upon a finding that an Industrial User meeting the criteria in paragraph 28(a)(2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Director may at any time, on his own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such an Industrial User is not a Significant Industrial User.
29. **State**. The Commonwealth of Pennsylvania.

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30. **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, U.S. Office of Management and Budget, 1972.
31. **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
32. **Suspended Solids.** The total matter that is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
33. **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA pursuant to section 307(a) of the Act.
34. **Total Allowable Industrial Loading (TAIL)** The mass, expressed in pounds per day (lb/day), of any pollutant which has been allocated to all Industrial Users for discharge to the POTW.
35. **User.** Any Person who contributes, causes or permits the contribution of wastewater, directly or indirectly, into the facilities of ALCOSAN.
36. **Wastewater.** The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.
37. **Waters of the Commonwealth of Pennsylvania.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of Pennsylvania or any portion thereof.

1.4 Abbreviations

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CAS	Chemical Abstracts Registry
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TAIL	Total Allowable Industrial Loading
ug/l	Micrograms per Liter
USC	United States Code

SECTION 2 - REGULATIONS

2.1 General Discharge Prohibitions

No User shall introduce or cause to be introduced, directly or indirectly, into the POTW any pollutant or wastewater which will interfere with or adversely affect the operation or performance of the POTW, or pass through the POTW into the waters of the Commonwealth of Pennsylvania and causes, alone or in conjunction with other discharges, a violation of any requirement of the POTW's NPDES permit, or adversely affect the use or disposal of the POTW's sludge.

No User shall introduce any of the following substances into the POTW:

- a. **Ignitable Waste.** A waste or substance which can create a fire hazard in the POTW which has any of but is not limited to the following properties:
 - (1) It is a liquid with a flash point less than 60 degrees C (140 degrees F) using the test methods specified in 40 CFR 261.21
 - (2) It is an oxidizer as defined in 49 CFR 173.151
- b. **Reactive/Explosive Waste.** A waste or substance which can create an explosion hazard in the POTW which has any of but is not limited to the following properties:
 - (1) It is normally unstable and readily undergoes violent change without detonating.
 - (2) It reacts violently with water.
 - (3) It forms potentially explosive mixtures with water.
 - (4) When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
 - (5) It is a cyanide or sulfide bearing waste which can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
 - (6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
 - (7) It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
 - (8) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.
- c. **Corrosive Waste.** A waste or substance which has any of the following properties:
 - (1) It is aqueous and has a pH less than or equal to 5 or greater than or equal to 10, as determined by a pH meter.
 - (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55° C (130° F).

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- d. **Hazardous Waste.** All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261, except as provided for in these regulations.
- e. **Thermal Waste.** Any wastewater with a temperature greater than 60° C (140° F). Also, heat in the amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 27° C (80° F).
- f. **Radioactive Waste.** Any waste which exceeds the naturally occurring background levels for either alpha, beta, or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half-life or concentration not in compliance with applicable State or Federal regulations.
- g. **Solid or Viscous Substances.** Any solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Authority's facilities or facilities discharging into the Authority's system.
- h. **Malodorous/Noxious Substances.** Any pollutants or noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes:
- (1) result in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems; or
 - (2) are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- i. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- j. Any substance which will cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State laws or regulations applicable to the treatment or disposal of such effluent or such product.
- k. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil in origin in amounts that will cause interference or pass through, notwithstanding the provisions of Section 2.4 of these regulations relating to oil and grease.

2.2 National Categorical Pretreatment Standards

Certain Industrial Users are now or hereafter shall become subject to National Categorical Pretreatment Standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. Each Industrial User subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in these regulations unless modified pursuant to these regulations. Compliance with National Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of such standards, unless a shorter compliance time is specified in the standard. Compliance with National Categorical Pretreatment Standards for new sources shall be upon promulgation of the standard. Compliance with National Categorical Pretreatment Standards is required whether or not the Industrial User has been issued a permit or that permit has been revised pursuant to section 4.2.4 of these regulations. For the purpose of implementing and enforcing the provisions of this section, the National Categorical Standards, found in 40 CFR Chapter I, Subchapter N, parts 405-471, are hereby incorporated into these regulations and made a part hereof.

2.3 Notice of National Categorical Pretreatment Standards and Other Requirements

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the Director shall notify all affected Users of such promulgation and of the applicable reporting requirements under 40 CFR 403.12. The Director shall also notify affected Users of any other applicable standards or requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act.

2.4 Specific Pollutant Limits

No User shall discharge wastewater containing concentrations of pollutants in excess of those contained in the standards listed below unless (a) an exception has been granted to the User under the provisions of Section 5 of these regulations or (b) the wastewater permit issued to such User pursuant to Section 4 infra provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that such User construct a pretreatment facility or institute changes in its operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time. Interim limits shall be established in accordance with the requirements of section 5 of these regulations pertaining to Modifications to Standards and Requirements.

The 121 specific pollutant limitations are divided into the following 5 classifications:

- Metals (13);
- Organics (81);
- Restricted Pollutants (23);
- Pass Through Protection Level (2); and
- Miscellaneous (2).

The limitations represent a maximum instantaneous concentration. Periodically, the specific pollutant concentration limitations may be changed because of new health effects studies, water quality reports, or other adjustments to federal or state criteria or regulations.

SPECIFIC POLLUTANT LIMITATIONS

METALS

Priority Pollutant	Concentration Limitation (ug/l -unless otherwise noted)	TAIL (lb/day)
Cadmium (Total)	0.4 mg/l	40.8
Chromium (Total)	13.6 mg/l	1,389.0
Copper (Total)	10.4 mg/l	1,062.2
Lead (Total)	13.2 mg/l	1,348.2
Nickel (Total)	8.0 mg/l	817.1
Zinc (Total)	12.5 mg/l	1,276.7
Antimony (Total)	780	79.7
Arsenic (Total)	830	84.8
Beryllium (Total)	30	3.1
Mercury (Total)	90	9.2
Selenium (Total)	47	4.8
Silver (Total)	700	71.5
Thallium (Total)	50	5.1

PASS THROUGH PROTECTION LEVEL

Cyanide (Total)	1.5 mg/l	153.2
Phenols (Total)	60 mg/l	6,128.0

MISCELLANEOUS

Oil and Grease	200 mg/l	20,426.6
Asbestos (fibrous)	3 fibers/ml	

zation as herein provided may result in enforcement actions pursuant to Section 6 of these regulations, including but not limited to the revocation of any existing discharge permits issued to the User.

2.7 Excessive Discharge

No User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by ALCOSAN, or the State, unless specifically authorized to do so in writing by the authority which promulgated the applicable standard.

2.8 Accidental Prohibited Discharges/Slug Discharges

Each User shall provide protection from accidental discharge or slug discharge of any substance in violation of these regulations or of applicable State or Federal laws or regulations. Facilities to prevent such accidental prohibited discharge or slug discharge shall be provided and maintained at the User's cost and expense. In the case of an accidental prohibited discharge or slug discharge, it shall be the responsibility of the User to immediately notify ALCOSAN by telephone of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental prohibited discharge or slug discharge. Users shall insure that all employees who may have knowledge of such accidental prohibited discharge, or who may know or have reason to know that an accidental prohibited discharge has occurred, are advised of the notification procedure. Within five (5) days following an accidental prohibited discharge, the User shall submit to ALCOSAN a detailed written report describing the cause of such discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be imposed pursuant to these regulations or other applicable law. For the purposes of this section, a slug discharge is any discharge of a nonroutine episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge and may consist of, but is not limited to, any of the prohibited pollutants listed at Section 2.1 of these regulations or 40 CFR 403.5(b), or any discharges which could cause problems to the POTW. The Coordinator may at his discretion, require the implementation of a slug control plan by the User. A slug control plan shall contain, at a minimum, the following elements:

- a) Description of discharge practices, including nonroutine batch discharges;
- b) Description of stored chemicals;

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- c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for followup written notification within five days;
- d) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

2.9 Septic Tank Pumping, Hauling and Discharge:

No Person owning or operating vacuum or cess pool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such Person shall first have applied for and received a Truck Discharge Operation Permit from the Coordinator. Each applicant for a Truck Discharge Operation Permit shall complete such forms as required by the Coordinator, pay appropriate fees, and agree in writing to abide by the provisions of this article and any special conditions or regulations established by the Coordinator. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for the duration of the calendar year in which they are issued, provided that such permits shall be subject to revocation by the Coordinator for violation of any provision of these regulations. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The Director shall designate the locations and times where such trucks may be discharged, and may, in his absolute discretion, refuse to accept any truckload or waste where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

2.10 Removal Credits:

The Director may, but is not required to, apply for and grant removal credits to Industrial Users, pursuant to 40 CFR 403.7

SECTION 3 - FEES

All fees for treatment of wastewater and other material by ALCOSAN shall be set exclusively by resolution of ALCOSAN, pursuant to the agreements among ALCOSAN, the City of Pittsburgh and the municipalities served by ALCOSAN and pursuant to the agreements among ALCOSAN, the City of Pittsburgh and the Industrial Users served by ALCOSAN.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Discharges

No Person shall discharge, directly or indirectly, into the system of ALCOSAN, any wastewater in violation of the provisions of these regulations.

4.2 Wastewater Contribution Permits

4.2.1 General Permits

Each Significant Industrial User proposing to connect to or to contribute directly or indirectly to the ALCOSAN system shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. Each existing Significant Industrial User connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within one year of notification to submit a permit application but, in any case, no later than October 1, 1986. Any other Nondomestic User may be required to obtain a Wastewater Contribution Permit where such User, singly or in combination with other Users, has a reasonable potential for affecting the POTW's operations or for violating any pretreatment standard or requirement. For proper cause ALCOSAN may grant reasonable extension to the time limitations contained in this subsection.

4.2.2 Permit Application

Each User required to obtain a Wastewater Contribution Permit shall complete and file with the Pretreatment Coordinator, an application in the form prescribed by the Coordinator, and accompanied by a fee payable to ALCOSAN. Existing Users shall apply for a Wastewater Contribution Permit within 90 days of notification to submit a permit application, and proposed new Users required to obtain a Wastewater Contribution Permit shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit a Baseline Monitoring Report, in units and terms appropriate for evaluation, containing the following information:

- a) Name, address, and location (if different from the address) of the facility including the name of the operator and owners;
- b) SIC number;
- c) Wastewater constituents and characteristics, known or suspected to be present in the discharge, including but not limited to those described in Section 2 of these Regulations, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended;
- d) Time and duration of contribution;
- e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

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- f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewer connections, and appurtenances by the size, location and elevation; such plans shall include or be supplemented by schematic process diagrams which indicate points of discharge to the POTW from the regulated processes;
- g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h) A determination of applicable National Categorical Pretreatment Standards;
- i) The results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or POTW) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. Sampling shall be conducted in the manner prescribed in the following subsections:
- (1) (a) Users subject to National Categorical Pretreatment Standards must use a minimum of four (4) grab samples for Ph, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The POTW may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.
 - (1) (b) Users not subject to National Categorical Pretreatment Standards must obtain grab samples for all pollutants. Samples are to be taken during peak operation of regulated processes.
 - (2) Unless otherwise noted in this section, the User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (3) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User must measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with section 403.6(e) this adjusted limit along with supporting data shall be submitted to ALCOSAN.
 - (4) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or

analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by ALCOSAN or other parties, approved by the EPA.

- (5) ALCOSAN may allow the submission of a baseline report which utilized only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (6) The baseline report shall indicate:
- (i) The exact place, date, and time of sampling or measurements;
 - (ii) The Persons who performed the sampling or measurements;
 - (iii) The dates the analyses were performed;
 - (iv) The Persons who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses;
- and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- j) A certification statement reviewed by an authorized representative of the User and certified to by a qualified professional indicating whether or not such pretreatment standards or requirements are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the User to meet applicable pretreatment standards and requirements;
- k) If additional pretreatment and/or O and M will be required to meet applicable pretreatment standards and requirements, a schedule, pursuant to which the User will provide such additional pretreatment and/or O and M. Such schedule shall comply with the requirements of 40 CFR 403.12(b)(7);
- l) Each product produced, described by type, amount, process or processes. Each User subject to categorical standards shall also include its rate of production when its categorical standard is based on units produced;
- m) The type and amount of raw materials processed (average and maximum per day);
- n) The number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system;
- o) A list of any environmental control permits held by or for the facility;
- n) Any other information as may be deemed by the Pretreatment Coordinator to be necessary to evaluate the permit application.

4.2.3 Issuance of Permits

The Pretreatment Coordinator shall review the data furnished by the User and may require additional information. Upon receipt of a completed application, the Coordinator shall issue a proposed Wastewater Contribution Permit, subject to such terms and conditions as deemed advisable, pursuant to these regulations. The applicant shall have 45 days from the date of the Coordinator's issuance of a proposed Permit to review the same and file written objections with the Coordinator concerning the proposed permit. After evaluation of any written objections filed, the Coordinator shall issue a final Wastewater Contribution Permit.

4.2.4 Permit Revisions

As soon as practical following the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of each Industrial User subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. If a User which is subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Wastewater Contribution Permit as required by Section 4.2.2, the User shall apply for a Wastewater Contribution Permit within 180 days after promulgation of an applicable National Categorical Pretreatment Standard. In addition, a User with an existing Wastewater Contribution Permit shall submit to the Pretreatment Coordinator within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraphs (h) and (i) of Section 4.2.2. Failure of the Pretreatment Coordinator to revise a User's Wastewater Contribution Permit shall not excuse a User from complying with applicable National Categorical Pretreatment Standards.

4.2.5 Permit Conditions

Wastewater Contribution Permits shall be expressly subject to all provisions of these regulations and all other applicable regulations established by ALCOSAN. Permits may contain the following:

- a) Limits on the average and maximum wastewater constituents and characteristics;
- b) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- c) Requirements for installation and maintenance of inspection and sampling facilities;
- d) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and a reporting schedule;
- e) Compliance schedules;
- f) Requirements for submission of technical reports or discharge reports, as required in Section 4.3, infra;

- g) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Pretreatment Coordinator, and affording the Coordinator access thereto;
- h) Requirements for notification of the Pretreatment Coordinator of any new introduction of wastewater constituents being introduced into the wastewater treatment system;
- i) Requirements for notification of slug discharges;
- j) A statement of applicable specific penalties including civil penalties of up to \$25,000 per violation per day and/or criminal penalties of not more than \$1,000 per violation and/or imprisonment of not more than 90 days per violation per day;
- k) Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with these regulations.

4.2.6 Duration of Permits

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than 5 years or may be stated to expire on a specific date. The User shall apply for reissuance of its permit a minimum of 180 days prior to the expiration of the User's existing permit.

4.2.7 Modifications of Permits

The terms and conditions of a permit may be subject to modification by the Pretreatment Coordinator during the term of the permit as limitations or requirements identified in these Regulations are modified or if other just cause exists. The issuance of modified permits by the Coordinator shall be done in accordance with the procedures prescribed in Section 4.2.3 and 4.2.4 of these Regulations. Any such modifications in the permit shall include a reasonable time schedule for compliance.

4.2.8 Permit Transfer

A wastewater discharge permit shall be issued to a specific User for a specific operation. A Wastewater Contribution Permit shall not be reassigned, transferred or sold to a new owner or new User, or used for different premises or for a new or changed operation, without the approval of the Pretreatment Coordinator.

4.3 Reporting Requirements for Users

4.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable pretreatment standards and requirements or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to National Categorical Pretreatment requirements shall submit to the Pretreatment Coordinator a report indicating the nature and concentration of all pollutants in the discharge from any regulated process, which pollutants are limited by such pretreatment standards or requirements and average and maximum

daily flow for those process units in the User's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable National Categorical Pretreatment Standards or other pretreatment requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the User into compliance with such applicable standards or requirements. This statement shall be reviewed by an authorized representative of the User and certified to by a qualified professional. The report shall contain such information as is required to be submitted by 40 CFR 403.12(d).

4.3.2 Periodic Compliance Reports

- a) Any User subject to any National Categorical Pretreatment Standard, after the compliance date of such pretreatment standard or requirement, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Pretreatment Coordinator, during the months of June and December, unless required more frequently in such pretreatment standard or requirement or by the User's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standard or requirement. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported pursuant to Section 4.2.2(e) of these Regulations. Each Significant User not subject to categorical standards shall report the same information during the months of June and December, unless required more frequently by the User's permit. At the discretion of the Coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Coordinator may alter the months during which the above reports are to be submitted.
- b) The Coordinator may impose on Users, mass limitations to prevent the use of dilution to meet applicable National Categorical Pretreatment Standards or other pretreatment requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall contain the results of sampling and analysis of the discharge, including the flow and the nature of the concentration, or production and mass where requested by the Coordinator, of pollutants contained therein which are limited by the applicable National Categorical Pretreatment Standard or other pretreatment requirement.
- c) All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by EPA.
- d) Compliance reporting submitted pursuant to this section shall include the results of all discharge analyses performed during the reporting period. Each analysis shall be accompanied by either a

certification that sampling was representative of normal operating conditions or by a complete description of the abnormal operating conditions which existed during sampling.

4.3.3 Compliance Schedule Reporting

In the event that a compliance schedule is required pursuant to Section 4.2.2 of these regulations or to implement correction of a violation of any Pretreatment requirement or National Categorical Standard, the following conditions shall apply:

- a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or O and M changes required for the User to meet the applicable Pretreatment Requirements or National Categorical Standards;
- b) No increment referred to in this section shall exceed 9 months;
- c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Pretreatment Coordinator including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Coordinator.

4.3.4 Violation Reporting

If sampling performed by a User indicates a violation, the User shall notify the Pretreatment Coordinator within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Coordinator within 30 days after becoming aware of the violation.

4.3.5 Notice of Hazardous Waste Discharge

- a) All Industrial Users shall notify the POTW, the EPA Regional Waste Management Division Director and the hazardous waste authorities of the Commonwealth of Pennsylvania in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification shall contain the information and be submitted with the frequency required by the provisions of 40 CFR 403.12(p)(1). Notification is not required for those pollutants already reported under the self-monitoring requirements of these regulations and of 40 CFR 403.12(b), (d) and (e).
- b) Dischargers are exempt from the requirements of paragraph (a) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of nonacute

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- hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Division Director, and the hazardous waste authorities of the Commonwealth of Pennsylvania of the discharge of the substance within 90 days of the effective date of such regulations.
 - d) In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

4.3.6 Certification Requirement

Any applications, reports, or other submissions required by these regulations shall, in addition to any other signatory requirements prescribed herein, contain the following certification signed by the Authorized Representative of the User:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4.3.7 Record Keeping Requirements

- a) Any User subject to reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
 - (1) The date, exact place, method, and time of sampling and the names of the Person or Persons taking the samples;
 - (2) The dates analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical techniques/methods used; and
 - (5) The results of such analyses.
- b) Any User subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make

such records available for inspection and copying by the EPA, DER, and the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the User or when requested by the EPA, DER, or POTW.

4.4 Monitoring Facilities

Each Industrial User shall provide, at its own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the connecting sewer, building sewer and/or internal drainage systems. The monitoring facility shall be situated on the Industrial User's premises, provided, however, that the Pretreatment Coordinator may, when such a location would be impractical or cause undue hardship to the User, allow the facility to be constructed in the public street or sidewalk area and located so that the public street and sidewalk area will not be obstructed. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction of a facility required under this subsection shall be completed within 90 days following written notification by the Coordinator to the Industrial User of the need for such facility.

4.5 Inspection and Sampling

The Pretreatment Coordinator may inspect the facilities of any User to ascertain whether the requirements contained in these regulations are being met. Users or other occupants of premises where wastewater is generated or discharged shall allow the Pretreatment Coordinator ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or other performance of their duties. The Coordinator shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry upon the said User's premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, representatives of the Coordinator shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Pretreatment

a) Compliance

Users shall achieve compliance with all applicable National Categorical Pretreatment Standards and other pretreatment requirements within the applicable time limitations. Any facilities required

to pretreat wastewater to a level acceptable under these regulations shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be approved by the Coordinator before construction of such facilities. The review of such plans and operating procedures shall not relieve the User from the responsibility of modifying its pretreatment facilities as necessary to produce the effluent required by these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Coordinator prior to the User's initiation of such changes. All records relating to compliance with pretreatment standards shall be made available to the Coordinator, EPA, the Pennsylvania Department of Environmental Resources or the Allegheny County Health Department upon request.

b) New or Changed Discharges.

No User shall discharge new waste streams, discharge new pollutants in existing waste streams, substantially increase the quantity of pollutants currently discharged, or otherwise substantially change the volume or character of a discharge without obtaining prior written approval from the Coordinator. A written request to make such changes must be submitted to the Coordinator at least thirty (30) days prior to the implementation of any such change or the implementation of any process change which would result in a substantial change in the quantity or quality of the existing discharge or the creation of a new wastewater discharge. Failure to apply for and obtain written authorization as herein provided may result in enforcement actions pursuant to Section 6 of these regulations, including but not limited to the revocation of any existing discharge permits issued to the User.

4.7 Confidential Information

Information and data obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public without restriction unless the User specifically requests and demonstrates to the satisfaction of the Pretreatment Coordinator that the release of such information would divulge information, processes or methods of production entitled to protection as a trade secret of the User and therefore should remain confidential. Information and data which constitute effluent data as defined in 40 CFR 2.302 shall be available to the public without restriction. The portions of a report, which, in the Coordinator's determination, should remain confidential, shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to these regulations, the National Pollutant Discharge Elimination System (NPDES) permit and/or the Pretreatment Programs and shall be available for use by local,

State or Federal Governments in judicial review or enforcement proceedings involving the user furnishing the report. In transmitting confidential information to governmental entities, the Coordinator shall comply with the requirements of 40 CFR 403.14. Wastewater constituents and characteristics shall not be deemed to be confidential information.

4.8 Revocation of Permit

Any permit issued under the provisions of these regulations is subject to modification, suspension or revocation, in whole or in part, during its term, for cause, including but not limited to the following:

- 1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;
- 2) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or
- 3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

4.9 Appeals

Final permit issuance or revocation pursuant to Section 4, permit modifications pursuant to Section 5 and enforcement actions taken pursuant to Section 6 of these regulations may be appealed by a User. A User shall have thirty (30) days from the date of receipt of notice of the final permit issuance or revocation, permit modifications, or enforcement action to submit a written notice of appeal. This appeal shall be submitted to the Director. The appeal shall specifically indicate the subject of the appeal and provide a brief explanation of the basis for appeal. The date of filing of the appeal shall be the date received by ALCOSAN.

4.9.1 Hearing

Upon receipt of the notice of appeal, the Director shall schedule a hearing before the Appeals Panel (Panel). The Panel shall be composed of the Director and two members of the ALCOSAN Board. Written notice of the time, date, and location of the hearing shall be served upon the User in person or by mail with proof of service. The User shall be entitled to representation by counsel and may present any relevant facts for the Panel's consideration. A full and complete record shall be kept of the proceedings of the hearing. Notice of the findings of the Panel shall be served in writing upon the user and shall clearly state the Panel's decision and the basis for the decision. Service shall be in person or by mail with proof of service. The findings of the Panel shall be final.

4.9.2 Obligations Pending Appeal

Appealing a final permit or permit revocation, permit modifications, or enforcement action shall not relieve a user of a duty to mitigate and/or correct any violation of any federal, state or local Pretreatment Regula-

tion, nor will an appeal relieve a user from a duty to comply with the terms and conditions of the permit or a duty to comply with federal, state, or local Pretreatment Regulations while the appeal is pending.

4.9.3 Failure to Appeal

Failure to file an appeal within thirty (30) days of the date of receipt of notice of final permit issuance or revocation, permit modifications, or enforcement action shall preclude any appeal of such final permit or permit revocation, permit modifications, or enforcement action. Failure to appear for an appeal hearing without cause and advance notice shall be considered a failure to appeal.

Any due date for any notice pursuant to this section that falls on a Saturday, Sunday, or holiday shall be due on the next following day that is not a Saturday, Sunday or holiday.

SECTION 5 - MODIFICATIONS TO STANDARDS AND REQUIREMENTS

5.1 Applicability

The Pretreatment Coordinator may grant modifications to pretreatment standards and requirements imposed by these regulations, provided, however, that such modifications shall not conflict with applicable Federal pretreatment standards and requirements, nor shall any such modification affect any National Categorical Pretreatment Standard, except in accordance with Section 2.10 of these Regulations.

Only those pollutants for which TAIL Limits are listed are available for modification.

5.2 Time of Application

Applicants for a modification shall apply for same at the time they are required to apply for a Wastewater Contribution Permit or a renewal thereof; provided, however, that the Coordinator may allow applications at any time unless the applicant shall have submitted the same or a substantially similar application within the preceding year and the same shall have been denied.

5.3 Written Application

All applications for a modification shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the Coordinator pursuant to Paragraph 5.4 hereof.

5.4 Review by Pretreatment Coordinator

All applications for a modification shall be reviewed by the Pretreatment Coordinator. If the application does not contain sufficient information for complete evaluation the Coordinator shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the Coordinator to correct such

deficiencies. This thirty (30) day period may be extended by the Coordinator upon application and for just cause shown. Upon receipt of a complete application the Coordinator shall review and evaluate all applications for a modification and may take into account any or all of the following factors:

- a) Whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Section 2.4. The Coordinator shall grant a modification only if such modification may be granted within the limitations of applicable federal regulations;
- b) Whether or not a modification would apply to the discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant a modification only if such exception may be granted within the limitations of applicable federal regulations;
- c) Whether or not the granting of a modification would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;
- d) Whether or not the granting of a modification might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant;
- e) Whether or not the granting of a modification would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by ALCOSAN or which would cause ALCOSAN to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345);
- f) The cost of pretreatment or other types of control techniques which would be necessary for the User to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting a modification;
- g) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge, and, if applicable, the User's program for upgrading or replacement of such equipment and industrial facilities;
- h) The process employed by the User and process changes available which would affect the quality or quantity of wastewater discharge;
- i) The engineering aspects of various types of pretreatment or other control techniques available to the User to improve the quality or quantity of wastewater discharge;
- j) Such other factors as the Coordinator, in his discretion, may deem relevant.

5.5 Good Management Practices Required:

The Pretreatment Coordinator shall not grant an exception unless the applicant shall demonstrate to the Coordinator that it is utilizing "good management practices" to prevent or reduce its contribution of pollutants to the POTW. Good management practices include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to improve the quality or reduce the quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

5.6 Limits to Modifications

5.6.1 Pass-through and Interference

Notwithstanding the provisions of this section, modifications to pretreatment standards and requirements imposed by these regulations shall not be granted resulting in discharges which, alone or in conjunction with other discharges, may result in pass-through or interference, may cause a violation of the POTW's NPDES permit, or which may adversely affect the use or disposal of the POTW's sludge.

5.6.2 Pollutant Loading

The Pretreatment Coordinator shall not grant modifications to discharge limits for any pollutant which, if discharged in the quantity requested, would elevate the average daily loading of that Pollutant at the headworks of the POTW to a level which exceeds the daily TAIL Limit as listed at Part 2.4 without review and approval by the EPA.

5.6.3 Revocation of Modifications

ALCOSAN reserves the right to change or revoke any modification to a discharge permit limit for cause, including, but not limited to:

- a. Interference or pass-through related to the modification;
- b. Change(s) in Federal, State or local regulations related to the modification;
- c. Violation of any term or condition upon which the modification was granted;
- d. Obtaining the modification through misrepresentation or fraud.

SECTION 6 - ENFORCEMENT

6.1 Notice of Violation

The Pretreatment Coordinator may serve a written Notice of Violation (NOV) upon any User which the Coordinator determines has violated, or continues to violate, any provision of these regulations, a wastewater contribution permit or order issued hereunder, or any other pretreatment standard or requirement. The NOV shall indicate the nature of the violation, what actions (if any) are to be taken by the User, and a time frame within which the User is to respond to the NOV. Response

to the NOV in accordance with its terms in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the Coordinator to take any action, including emergency action or any other enforcement action, without first issuing a NOV.

6.2 Consent Orders

The Pretreatment Coordinator may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as orders issued pursuant to Sections 6.3 and 6.4 of these regulations and shall be judicially enforceable.

6.3 Compliance Orders

Upon determining that a User has violated, or continues to violate, any provision of these regulations, a wastewater contribution permit or order issued hereunder, or any other pretreatment standard or requirement, the Pretreatment Coordinator may issue an order to the User responsible for the violation directing that the User come into compliance within a specified time. The compliance order may require that specific actions be taken by the User to facilitate the User's return to compliance and may specify penalties for failure to comply with the order. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6.4 Cease and Desist Orders

Upon determining that a User has violated, or continues to violate, any provisions of these regulations, a wastewater contribution permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Pretreatment Coordinator may issue an order to the User directing it to cease and desist all such violations. Such orders shall direct the User to immediately comply with all requirements and to take such appropriate remedial or preventive action necessary to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Such order may direct the User to suspend the activities or discharge causing the violation until corrective actions have been taken by the User. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6.5 Civil Penalty Assessment

- a) Pursuant to the provisions of the Publicly Owned Treatment Works Penalty Law of the Commonwealth of Pennsylvania ("Penalty Law"), the Pretreatment Coordinator may assess a civil penalty in an amount not to exceed \$25,000.00 per violation per day against a User determined to have violated any provision of these regulations, a wastewater contribution permit or order issued hereunder, or any other pretreatment standard or requirement. Such penalty shall be assessed in accordance with the Civil Penalty Assessment policy adopted by the Board of ALCOSAN pursuant to the provisions of the Penalty Law. Such penalties shall be assessed on a per violation per day basis. In the case of monthly or other long term average contribution limits, penalties may be assessed for each day during the period of violation.
- b) *Operational Upset Exception*
For the purposes of this section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation.
- c) Civil penalties assessed under this section shall be served upon the User in writing and include a description of the applicable appeals process to be followed, including the name, address, and telephone number of the person responsible for accepting such an appeal.
- d) Any user desiring to appeal the assessment of a civil penalty must file a written appeal of the penalty within thirty (30) days of the date of issuance of the assessment with the Director.
- e) Assessment of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

6.6 Imposition of Criminal Penalties

Criminal penalties for the violation of these regulations may be imposed in accordance with the ordinances of municipalities which are served by ALCOSAN and with the Rules and Regulations of the Allegheny County Health Department.

6.7 ALCOSAN May Obtain Injunctive Relief

- a) ALCOSAN may obtain injunctive relief to enforce compliance with or restrain any violations of any pretreatment standard. Injunctive relief may be obtained upon the occurrence of one or more of the following:
- (1) A contribution from an User presents an imminent danger or substantial harm to the POTW or the public;
 - (2) A contribution from an User presents an imminent or substantial endangerment to the environment;
 - (3) A contribution from a User causes the POTW to violate any condition of its contribution permit; or
 - (4) The User has shown a lack of ability or intention to comply with a pretreatment standard.

b) Notwithstanding subparagraph (a), an injunction affecting an industrial operation not directly related to the condition or violation in question, may be obtained if the court determines that other enforcement procedures would not be adequate to effect prompt correction of the condition or violation.

6.8 Emergency Cessation of Contribution

ALCOSAN may order the immediate cessation of the contribution to the POTW of pollutants by a User, upon verbal notification to the User by the Director, where the Director has determined that the contribution of such pollutants reasonably appears to present an imminent endangerment to the health or welfare of persons. A verbal notification under this section shall be confirmed within five (5) days with a written order to cease such pollutant contribution. Such orders shall take effect immediately upon verbal notification of the User and shall not be contingent upon receipt by the User of written confirmation. ALCOSAN may seek a temporary restraining order from a court of competent jurisdiction to enforce such an order to cease discharging. Such restraining order shall be requested in compliance with the laws of the Commonwealth of Pennsylvania regarding proper process and procedure for ex parte actions.

6.9 Additional Enforcement Remedies

In addition to other remedies for enforcement provided herein, ALCOSAN may request the district attorney of the appropriate jurisdiction or other appropriate official of the Commonwealth of Pennsylvania or the EPA, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws or regulations to ensure compliance by Users with applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law. In matters involving major enforcement efforts or challenges of federal laws or regulations, ALCOSAN shall request the assistance of EPA.

6.10 Remedies Nonexclusive

The remedies provided for in these regulations are not exclusive. The Director or Pretreatment Coordinator may take any, all, or any combinations of these actions against a noncompliant User. The Director or Coordinator may take any civil or equitable action or any action at law, available to ALCOSAN under the laws of the Commonwealth of Pennsylvania, whether or not herein specified, to enforce these regulations.

SECTION 7 - PUBLIC NOTICE OF NON COMPLIANCE

The Director shall publish annually, in the largest daily newspaper in the County, a list of Users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards or

other pretreatment requirements. For the purposes of this subsection, a User is in significant noncompliance if its violation meets one or more of the following criteria:

- a) Chronic violations of wastewater contribution limits, defined here as those in which 66% or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit, instantaneous maximum, or the average limit for the same pollutant parameter;
- b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit, instantaneous maximum, or the average limit multiplied by the applicable TRC (TRC = 1.4 BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the POTW determines has caused, alone or combination with other contributions, interference or pass through (including endangering the health of POTW personnel or the general public);
- d) Any contribution of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under section 6 of these regulations to halt or prevent such a contribution;
- e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in an wastewater contribution permit or enforcement order for starting construction, completing construction or attaining final compliance;
- f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g) Failure to accurately report noncompliance;
- h) Any other violation or group of violations which the POTW determines will adversely affect the operation or implementation of its pretreatment program.

SECTION 8 - SEVERABILITY

If any provision, paragraph, word, section or article of these regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 9 - EFFECTIVE DATE

These ALCOSAN regulations shall become effective upon enactment by the Board of ALCOSAN.

