



Pretreatment Regulations of the Allegheny County Sanitary Authority (ALCOSAN)

Revised 4/22/21

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PRETREATMENT REGULATIONS OF THE ALLEGHENY COUNTY SANITARY AUTHORITY

September 14, 1984 • Revised September 7, 1993 • Revised April 22, 1999

Revised February 25, 2010 • Revised April 22, 2021

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

This regulation sets forth uniform requirements for direct and indirect contributors into the System 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;
- c) To improve the opportunity to recycle and reclaim wastewater and sludges from the System; and
- d) To enable ALCOSAN to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or state laws to which ALCOSAN is subject.

This regulation provides for the regulation of direct and indirect contributors to the ALCOSAN System, authorizes monitoring, compliance and enforcement activities, establishes administrative review procedures, requires Industrial User reporting and assumes that existing customers' capacity will not be preempted.

1.2 Applicability

The regulations contained herein shall apply to Industrial Users of the System of ALCOSAN. Except as otherwise provided herein, the Executive Director of ALCOSAN shall administer, implement and enforce the provisions of these regulations. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executed Director to a duly authorized employee.

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 and/or the Pennsylvania Department of Environmental Protection, as applicable.
4. **Authorized Representative of Industrial User.** An authorized representative of a Industrial User may be: (1) a Responsible Corporate Officer if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively; (3) a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee, if the Industrial User is a Federal, state or local governmental facility; or (4) a Duly Authorized Representative of the individual designated in (1), (2) or (3) above.
 - a) A Responsible Corporate Officer means (i) the president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or other person who performs similar policy or decision making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b) A Duly Authorized Representative is an individual authorized in writing by a Responsible Corporate Officer, general partner, or proprietor or director of a Federal, state or local governmental facility to be signatory for all required reports submitted under the Industrial User's permit. To designate a Duly Authorized Representative, the authorization must specify either an individual or position having responsibility for the overall operation of the facility from which the discharge originates such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company and must be submitted in writing to ALCOSAN. The authorization designating the Duly Authorized Representative must be submitted to ALCOSAN prior to or together with any reports signed by an authorized representative. The authorization specified in (1), (2) or (3) must be submitted to ALCOSAN in writing.
5. **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in

Section 2.1 and to reduce or prevent pollution. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

6. **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)).

7. **Building Sewer.** A sewer conveying wastewater from the premises of a Industrial User, a Industrial User's tenant, subtenant, assign or designee to the System.

8. **Control Mechanism.** A permit, order or similar means to regulate discharges.

9. **County.** Allegheny County.

10. **Director.** The Executive Director of ALCOSAN or his/her authorized representative.

11. **Discharge.** The introduction of Pollution or Pollutants into the System.

12. **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, or where appropriate, the Administrator or other duly authorized officials of said agency.

13. **Existing Source.** Any source of Discharge which is not a new source, as defined hereinafter.

14. **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

15. **Industrial User (IU).** Any person or company who discharges or introduces Pollutants from any nondomestic source regulated under section 307(b), (c) or (d) of the Act (33 U.S.C. 1317(b), (c) or (d)) into the POTW. IU's may be placed in different categories depending on numerous factors including permit language, discharge amounts, past history and include the following:

a) **Categorical IU (CIU).** An IU subject to National Categorical Pretreatment Standards.

b) **Non-Significant Categorical IU (NSCIU).** An IU subject to Categorical Pretreatment Standards that discharges no more than 100 gallons per day of total categorical wastewater to the POTW, excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included an applicable Categorical Pretreatment Standard and that meets the following conditions:

(1) The IU has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(2) The IU annually submits the certification statement required in Section 4.3.5 together with any additional information necessary to support the certification statement; and

(3) The IU never discharges any untreated concentrated wastewater.

c) **Significant IU (SIU).**

(1) Except as provided in paragraphs 15.c (2) and (3) of this section, the term SIU means:

- i. All IU's that are subject to National Categorical Pretreatment Standards; and
- ii. Any other IU 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 non-process wastewater to the POTW; contributes a process waste stream 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 IU has a reasonable potential for affecting the POTW's operation or for violating any pretreatment standard or requirement.

(2) Upon a finding that an IU meeting the criteria in paragraph 15 c. (1) ii 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/her own initiative or in response to a petition received from an IU, and in accordance with 40 CFR 403.8(f)(6), determine that such an IU should not be considered a SIU.

(3) The Director has the discretion to determine that an IU subject to Categorical Pretreatment Standards is a Non-Significant Categorical IU (NSCIU) rather than a SIU on a finding that the IU never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- i. The IU, prior to the Director's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements.
- ii. The IU annually submits the certification statement required in Section 4.3.5 together with any additional information necessary to support the certification statement; and
- iii. The IU never discharges any untreated concentrated wastewater.

16. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
- b) 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.

17. **Maximum Daily Average.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
18. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
19. **National Categorical Pretreatment Standard or Categorical Pretreatment Standard.** Any regulation limiting discharges of pollutants by a specific category of IUs, promulgated by the U.S. Environmental Protection Agency pursuant to sections 307(b) and (c) of the Act and in 40 CFR Parts 405 through 471.
20. **National Prohibited Discharge Standard or General Standard.** Any regulation developed under the authority of section 307(b) of the Act and found in 40 CFR 403.5(a) and (b).
21. **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, provided that:
 - (1)
 - (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - (2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii) or (1)(iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.
 - (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (i) Begun, or caused to begin as part of a continuous onsite construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

22. **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).

23. **Pass Through.** Any discharge of a pollutant which exits the POTW into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, along 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).

24. **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. This definition includes all Federal, state and local governmental entities.

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

26. **Pollution.** The man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

27. **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.

28. **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 POTW. 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 403.6(d).

29. **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.

30. **Pretreatment Requirement.** Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard, imposed on an Industrial User.

31. **Pretreatment Standard.** Any regulation containing pollutant discharge limits, including local limits and those promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibited discharge limits established pursuant to 40 CFR 403.5.

32. **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.
33. **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to (including recycling and reclamation of) municipal sewage and industrial waste.
34. **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this regulation. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.
35. **State.** The Commonwealth of Pennsylvania.
36. **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.
37. **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
38. **Suspended Solids.** The total matter that is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
39. **System.** The sewage wastewater and stormwater collection and treatment facilities owned, operated and/or maintained by ALCOSAN, including, but not limited to, the POTW Treatment Plant and the associated collection lines, pump stations and monitoring locations.
40. **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.
41. **Total Allowable Industrial Loading (TAIL).** The mass, expressed in pounds per day (lb/day), of any pollutant which may be allocated to all Industrial Industrial Users for discharge to the POTW.
42. **Wastewater.** The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial and manufacturing 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.
43. **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 or Pennsylvania or any portion thereof.

1.4 Abbreviations

The following abbreviations shall have the designated meanings:

| | |
|--------|---|
| BMP | Best Management Practices |
| BOD | Biochemical Oxygen Demand |
| C | Celsius |
| CAS | Chemical Abstracts Registry |
| CFR | Code of Federal Regulations |
| CIU | Categorical Industrial User |
| CWA | Clean Water Act |
| EPA | Environmental Protection Agency |
| gpd | Gallons per Day |
| IU | Industrial User |
| l | Liter |
| lb/day | Pounds per Day |
| mg | Milligrams |
| mg/l | Milligrams per Liter |
| N.D. | Non-Detect |
| NPDES | National Pollutant Discharge Elimination System |
| NSCIU | Non-Significant Categorical Industrial User |
| O&M | Operations and Maintenance |
| PA DEP | Pennsylvania Department of Environmental Protection |
| POTW | Publicly Owned Treatment Works |
| RCRA | Resource Conservation and Recovery Act |
| SIC | Standard Industrial Classification |
| SIU | Significant Industrial User |
| SWDA | Solid Waste Disposal Act, 42 U.S.C. 6901, et seq. |
| TAIL | Total Allowable Industrial Loading |
| TRC | Technical Review Criteria |
| Ug/l | Micrograms per Liter |
| USC | United States Code |

SECTION 2 – DISCHARGE STANDARDS AND REQUIREMENTS

2.1 General Discharge Prohibitions

No Industrial User shall introduce or cause to be introduced, directly or indirectly, into the POTW any Pollutant or Wastewater which causes Pass Through or Interference or adversely affects the operation or performance of the POTW, or causes or contributes to a violation of any requirement of ALCOSAN's NPDES permit, or adversely affects the use or disposal of the POTW's sludge.

No Industrial User shall introduce or cause to be introduced into the POTW any of the following substances:

- a) **Ignitable Waste.** Any substance which can create a fire hazard in the POTW, including, but not limited to, any substance that has any of the following properties:
 - (1) It is a 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 49 CFR 173.151.
- b) **Reactive/Explosive Waste.** Any substance which can create an explosion hazard in the POTW, including, but not limited to, any substance that has any of 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 explosion 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 173.99.
- c) **Corrosive Waste.** Any substance which can cause corrosive structural damage, to the POTW or equipment, including, but not limited to, any substance that has any of the following properties:
- (1) It is aqueous and has a pH less than or equal to 5.0 or greater than or equal to 10.0, as determined by a pH meter (instantaneous limit).
 - (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 7.35 mm (0.250 inch) per year at a test temperature of 55° (130°F).
- d) **Hazardous Waste.** All wastes that are defined as hazardous under the regulations enacted pursuant to 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 or at such a temperature that the temperature at the POTW treatment plant exceeds 27° C (80° F).
- f) **Radioactive Waste.** Any substance 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 substance capable of causing or contributing to an obstruction to the flow in sewers or other interferences with the proper operation of ALCOSAN's facilities or facilities discharging into ALCOSAN's System.
- h) **Malodorous/Noxious Substances.** Any substances or noxious or malodorous liquids, gases, or solids which either alone or by interaction with other substances:
 - (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 substance, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or concentration which will cause (either alone or by interaction with other substances) 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.
- l) Stormwater, surface water, groundwater, roof runoff, surface and subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Director.
- m) Medical wastes, except as specifically authorized by the Director in an individual wastewater discharge permit.
- n) **Unconventional Oil and Gas Extraction.** Wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (including, but not limited to, drilling muds, drill cuttings, produced sand, produced water). This prohibition does not apply to wastewater generated from stripper wells, as defined at 40 CFR Part 435, Subpart F.

2.2 National Categorical Pretreatment Standards

Certain IU 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 IU 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 with 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 IU 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 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 IU's of such promulgation and of the applicable reporting requirements under 40 CFR 403.12. National Categorical Pretreatment Standards apply to all affected IU's, and the Authority can enforce the standards even in the absence of the notification. The Director shall also notify affected IU's of any other applicable standards or requirements under sections 204(b) and 405 of the Act and subtitles C and D of RCRA.

2.4 Specific Pollutant Limits

The Executive Director is authorized to establish local limits pursuant to 40 CFR 403.5(c). No IU shall discharge Wastewater containing concentrations of pollutants in excess of those contained in the standards listed below unless (1) an exception has been granted to the IU under the provisions of Section 5 of these regulations or (2) the wastewater permit issued to such IU pursuant to Section 4 *infra* provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that such IU construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentrations 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 specific pollutant limitations are divided into the following 5 classifications:

- Metals;
- Organics;
- Restricted Pollutants;
- Pass Through Protection Level; and
- Miscellaneous.

The Limitations represent a maximum daily average concentration, except where otherwise noted. Periodically, the specific pollutant concentration limitations may be changed because of new

health effects studies, water quality reports, other adjustments to federal or state criteria or regulations or routine reevaluation of the limits by the Authority.

SPECIFIC POLLUTANT LIMITATIONS

METALS

| Priority Pollutant | Concentration Limitation (mg/l) | TAIL (lb/day) |
|--------------------|---------------------------------|---------------|
| Cadmium (Total) | 0.11 | 4.0 |
| Chromium (Total) | 2.50 | 90.8 |
| Copper (Total) | 7.00 | 254.3 |
| Lead (Total) | 1.6 | 58.1 |
| Nickel (Total) | 1.40 | 50.9 |
| Zinc (Total) | 11.70 | 425.0 |
| Antimony (Total) | 0.21 | 7.6 |
| Arsenic (Total) | 0.19 | 6.9 |
| Beryllium (Total) | 0.030 | 1.1 |
| Mercury (Total) | 0.05 | 1.8 |
| Selenium (Total) | 0.40 | 14.5 |
| Silver (Total) | 0.44 | 16.0 |
| Thallium (Total) | 1.20 | 43.6 |
| Molybdenum (Total) | 1.00 | 36.3 |

PASS THROUGH PROTECTION LEVEL

| | | |
|---------------------------------------|-----|-------|
| Cyanide (Total) (Instantaneous Limit) | 3.9 | 141.7 |
|---------------------------------------|-----|-------|

MISCELLANEOUS

| | |
|--------------------------------------|-----|
| Oil and Grease (Instantaneous Limit) | 200 |
|--------------------------------------|-----|

TOXIC ORGANICS

| Compound | CAS Number | Concentration Limitation (mg/l) | TAIL (lb/day) |
|------------------------------|------------|---------------------------------|---------------|
| Bis (2-Ethylhexyl) Phthalate | 117-81-7 | 4.7 | 170.7 |
| Butyl Benzyl Phthalate | 85-68-7 | 45.0 | 1,634.5 |
| Dibromochloromethane | 124-48-1 | 0.18 | 6.5 |
| Chloroform | 67-66-3 | 4.3 | 156.2 |
| Di-n-butyl Phthalate | 84-74-2 | 24.7 | 897.2 |
| Bromodichloromethane | 75-27-4 | 0.19 | 6.9 |
| Methylene Chloride | 75-09-2 | 8.8 | 319.6 |
| Tetrachloroethene | 127- 18-4 | 1.8 | 65.4 |

| | | | |
|-----------------|-----------------------------------|------|---------|
| Trichloroethene | 79-01-6 | 1.83 | 66.5 |
| Benzene | 71-43-2 | 1.5 | 54.5 |
| Xylenes | 108-38-3, 106-42-3, 95-47-6 | 89.4 | 3,247.2 |

RESTRICTED POLLUTANT

| Priority Pollutant | Concentration Limitation (mg/l) | TAIL (lb/day) |
|-------------------------------------|---------------------------------------|------------------|
| Aldrin | ND | |
| Alpha-BHC | ND | |
| Beta-BHC | ND | |
| Benzidine | ND | |
| Delta-BHC | ND | |
| Gamma-BHC (Lindane) | ND | |
| Chlordane | ND | |
| 4,4'-DDD (p,p'TDE) | ND | |
| 4,4'-DDE (p,p'DDX) | ND | |
| 4,4'-DDT | ND | |
| Dieldrin | ND | |
| Alpha-endosulfan | ND | |
| Beta-endosulfan | ND | |
| Endosulfan Sulfate | ND | |
| Endrin | ND | |
| Endrin Aldehyde | ND | |
| Heptachlor | ND | |
| Heptachlor Epoxide | ND | |
| Polychlorinated Biphenyls (PCB) | ND | |
| 2,3,7,9 Tetrachlorodibenzo-p-dioxin | ND | |
| Toxaphene | ND | |

ND¹ – Non-Detectable

¹ ND to be determined based on the lowest method detection limit, as defined by 40 CFR Part 136, for the approved analytical method.

2.5 Federal and State Requirements

All IU's shall fully comply with applicable state and Federal laws and regulations.

The General Pretreatment Regulations for Existing and New Sources of Pollution set forth in 40 CFR Part 403 are hereby incorporated by reference into these regulations and made a part hereof, except to the extent such Federal regulations are less stringent than those set forth in these regulations, in which case these regulations shall apply.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal Requirements and limitations or those in these regulations.

2.6 New or Changed Discharges

No IU 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 Pretreatment 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 an 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 IU.

2.7 Excessive Discharge

No IU 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 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 Discharges/Slug Discharges

- a) Each IU shall provide protection from accidental discharge, slug discharge of any substance in violation of these regulations or applicable state or Federal laws or regulations. Facilities to prevent such accidental discharge, slug discharge shall be provided and maintained at the IU's cost and expense.
- b) In the case of an accidental discharge, slug discharge or any other discharge that could cause problems to ALCOSAN or any facility changes that may affect the potential for a spill or slug discharge, the IU shall 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 IU's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge or slug discharge. IU's shall insure that all employees who may have knowledge that such

accidental discharge has occurred are advised of the notification procedure. Within five (5) days following such discharge, the IU shall submit to ALCOSAN a detailed written report describing the cause of such discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, penalty, fine or other liability which may be imposed pursuant to these regulations or other applicable law.

- c) 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.
- d) The Coordinator may at his/her discretion, require any IU to develop, submit for approval and implement a slug control plan or other such action necessary to control slug discharges. A slug control plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 2.1 or 40 CFR 403.5(b), with procedures for follow-up written notification with five days;
 - (4) Procedures to prevent adverse impact from accidental spills or slug discharges, 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 waste 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 provide such information or 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 ALCOSAN. 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. No discharge from any truck to the POTW shall violate the discharge prohibitions and/or pollutant limits set forth in Section 2 of these regulations. The Director shall designate the locations and times where such trucks may be discharged, and may, in his/her 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 IU's, 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 IU's served by ALCOSAN.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Discharges

- a) No Person shall discharge, directly or indirectly, into the system of ALCOSAN, any wastewater in violation of the provisions of these regulations and/or applicable Federal or state statutes or regulations.
- b) When requested by the Director, a IU must submit information on the nature, characteristics and quantity of its wastewater, in accordance with the request.
- c) ALCOSAN shall have the right to require any IU to provide wastewater storage capacity to the extent technically feasible.
- d) IU's shall cooperatively participate in ALCOSAN's wet weather prevention inspection.

4.2 Wastewater Contribution Permits

4.2.1 General Permits

- a) Each SIU 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 SIU 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 of each calendar year.
- b) Any other IU may be required to obtain a Wastewater Contribution Permit where such IU, singly or in combination with other IU's, has a reasonable potential for affecting the POTW's operations or for violating any Pretreatment Standard or Requirement.
- c) For proper cause, ALCOSAN may grant reasonable extension to the time limitations contained in this subsection.

4.2.2 Permit Application

Each Industrial 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 any other appropriate reports, plans, surveys, sampling as required by ALCOSAN, and accompanied by a fee payable to ALCOSAN. At a minimum, the application must provide the following information:

- a) The name and address of the facility, including the name of the operator and owner;
- b) Contact information;
- c) Description of activities, facilities, and plant production processes on the premises;
- d) A list of any environmental control permits held by or for the facility;
- e) Facility SIC number;
- f) General facility layout diagrams to show pertinent facility characteristics, operations and flows, including property boundaries, process areas, waste storage areas, material storage areas, loading/unloading areas, drainage areas and flow directions;
- g) A brief description of the nature and average and peak rates of waste production, including a schematic process diagram, which indicates piping, flow rates, tanks and capacities, pretreatment systems and points of discharge to the POTW from the regulated processes;
- h) A list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- i) Number of employees and hours and days of operation;
- j) A list of plans and reports previously submitted to ALCOSAN;
- k) The location for monitoring all wastes covered by the permit;
- l) Average daily and maximum daily flows, in gallons per day, to the POTW from regulated process streams and other streams;
- m) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
- n) The results of sampling and analysis identifying the nature and concentration and/or mass of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;
- o) Information regarding spills or slug discharges, including details of such events and spill/slug discharge control equipment and procedures;

- p) The wastewater storage capacity available to that IU, the maximum length of time that such amount can be stored by the IU, and the extent to which the IU maximizes such storage during wet weather (or if not known, measures proposed by ALCOSAN to obtain such information).
- q) Any other information as may be deemed necessary by Director to evaluate the permit application.

Existing IU's shall apply for a Wastewater Contribution Permit within 90 days of notification to submit a permit application, and proposed new IU's 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 IU 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) Facility 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;
- d) Time and duration of contribution;
- e) Average daily and 3-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any, from each regulated process stream;
- f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewer connections, appurtenances by the size, location and elevation and monitoring locations for all Wastewater covered by the permit; 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 Categorical Pretreatment Standard or POTW) of regulated Pollutants in the Discharge from each regulated process. Instantaneous, daily maximum and average concentration (or mass, where required) shall be reported, where available. The sample shall be representative of daily operations. Sampling shall be conducted in the manner prescribed in the following subsections:
 - (1) All IU;s 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 IU that demonstrates that flow-proportional sampling is infeasible. In such cases,

samples may be obtained through time-proportional composite sampling or through a minimum of four (4) grab samples where the IU demonstrates that this will provide a representative sample of the effluent being discharged.

- (2) Unless otherwise noted in this section, the IU 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 pre-treatment 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 IU must measure the flows and concentrations necessary to allow use of the combined waste stream 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 Section 4.3 of these regulations.
- (5) ALCOSAN may allow the submission of a Baseline Monitoring Report which utilizes 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;
 - (vi) The results of such analyses; and
 - (vii) Information needed to demonstrate compliance with BMPs 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 IU and certified 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 & M) and/or additional Pretreatment is required for the IU to meet applicable Pretreatment Standards and Requirements;
- k) If additional Pretreatment and/or O & M will be required to meet applicable Pretreatment Standards and Requirements, a schedule, pursuant to which the IU will provide such additional Pretreatment and/or O & M. Such schedule shall comply with the requirements of 40 CFR 403.12(b)(7) and (c);

- l) Each product produced, described by type, amount, process or processes. Each IU 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) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility, which are, or could accidentally or intentionally be, discharged to the POTW.
- o) Any requests for a monitoring waiver pursuant to 40 CFR 403.12(e)(2).
- p) The number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system;
- q) A list of any environmental control permits held by or for the facility;
- r) 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 IU and may require additional information. Upon receipt of a completed application, the Pretreatment Coordinator shall issue a proposed Wastewater Contribution Permit to acceptable discharges, 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. If the proposed discharge is unacceptable, the Pretreatment Coordinator may deny the issuance of a 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 IU subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. If a IU 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 IU shall apply for a Wastewater Contribution Permit within 180 days after promulgation of an applicable National Categorical Pretreatment Standard. In addition, a IU 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 Section 4.2.2. Failure of the Pretreatment Coordinator to revise a IU's Wastewater Contribution Permit shall not excuse a IU 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 instantaneous, average and maximum Wastewater constituents and characteristics;
- b) Limits on instantaneous, 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, pretreatment technology or pollution control devices;
- d) Requirements for the development and implementation of spill control plans, waste minimization plans, or other special conditions to minimize unanticipated discharges to the POTW and reduce the amount of Pollutants discharged to the POTW;
- e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and a reporting schedule;
- f) Compliance schedules and requirements for implementation of BMPs and reporting of information on compliance with BMPs;
- g) Requirements for submission of technical reports or discharge reports, as required in Section 4.3, *infra*;
- h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Pretreatment Coordinator, and affording the Coordinator access thereto;
- i) Requirements for notification of the Pretreatment Coordinator of any new introduction of wastewater constituents being introduced into the wastewater treatment system;
- j) Requirements for notification of slug discharges, development and implementation of slug control measures and notification of any changes at its facility that may affect the potential for a spill or slug discharge;
- k) A statement of applicable 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;
- l) Requirements to store wastewater to the maximum extent possible during wet weather unless doing so endangers human health or the environment.
- m) Notification that ALCOSAN encourages Pollution Prevention as the preferred strategy (over end-of-pipe controls) for reducing pollutants in wastewater. Pollution Prevention occurs when raw materials, water, energy and other resources are utilized more efficiently within production processes; when less harmful substances are substituted for hazardous materials; and when toxic substances are eliminated from use. Pollution Prevention initiatives may be considered good cause for modifying a permit as outlined in Modifications in Permits (4.2.7) of the Regulations. Pollution Prevention initiatives may, at the discretion of the Coordinator, be used as a compliance activity to address violations and may be incorporated into a compliance schedule.

- n) The process for seeking a waiver from monitoring for a Pollutant pursuant to 40 CFR 403.12(e)(2).
- o) 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 and will state the permit's issuance date, expiration date and effective date. The IU shall apply for reissuance of its permit a minimum of 180 days prior to the expiration of the IU'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 good cause exists. The issuance of modified permits by the Pretreatment Coordinator shall be done in accordance with the procedures prescribed in 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 IU for a specific operation. A Wastewater Contribution Permit shall not be reassigned, transferred or sold to a new owner or new IU, or used for different premises or for a new or changed operation, without the approval of the Pretreatment Coordinator and the providing of a copy of the existing permit to the new owner or operator. The request to transfer the permit must include a written certification by the new owner or operator which:

- a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b) Identifies the specific date on which the transfer is to occur; and
- c) Acknowledges full responsibility for complying with the existing permit.

This notice must be provided at least 30 days in advance of the requested transfer date. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

4.3 Sampling and Reporting Requirements for Industrial Users

4.3.1 All IUs shall comply with the reporting requirements of Sections 204(b), 307 and 308 of the Clean Water Act and any regulations adopted thereunder and the Clean Streams Law and any regulations adopted thereunder.

4.3.2 Sampling and Analyses

- a) All data reported by a IU shall be obtained through appropriate sampling and analysis and shall be representative of conditions occurring during the reporting

period. The appropriate number and type of sample (*i.e.*, grab or composite) shall be collected pursuant to 40 CFR 403.12(g) and these regulations.

- b) All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304 of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the EPA. 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. Unless otherwise specified by the Coordinator, all analyses for reporting purposes shall be performed by a Pennsylvania accredited laboratory.
- c) Wastewater monitoring and flow management facilities must be properly operated, kept clean and maintained in good working order at all times. The failure of a IU to keep its facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of the discharge.
- d) If a flow meter is used for flow monitoring, it must be appropriately calibrated in accordance with manufacturer specifications. All calibration records must be kept on site and made available for inspection upon request.

4.3.3 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 IU 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 IU's facility which are limited by such pretreatment standards or requirements. The report shall state whether the sampling was representative of normal operating conditions and 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 IU into compliance with such applicable standards or requirements. This statement shall be reviewed by an Authorized Representative of the IU 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) and these regulations and needed to demonstrate compliance with BMPs.

4.3.4 Periodic Compliance Reports

- a) Any IU 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

IU'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 pursuant to Section 4.2.2(e) of these regulations. Each SIU not subject to National Categorical Pretreatment Standards shall report the same information during the months of June and December, unless required more frequently by the IU'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) 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 a certification that sampling was representative of normal operating conditions.
- c) Any sampling that occurs during abnormal conditions must be reported with a description of the abnormal condition.
- d) IUs subject to any National Categorical Pretreatment Standard and subject to BMPs requirements must submit information on their compliance with applicable requirements even if their permit does not require such reports.
- e) The Director has the discretion to authorize the IU subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the IU has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the IU. This authorization is subject to the following conditions:
 - (i) The Director may authorize a waiver where a Pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
 - (ii) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than 5 years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
 - (iii) In making a demonstration that pollutant is not present, the IU must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed by an Authorized Representative and include the certification statement in 40 CFR 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

- (iv) Any grant of the monitoring waiver by the Director must be included as a condition in the IU's control mechanism. The reasons supporting the waiver and any information submitted by the IU in its request for the waiver will be maintained by the Director for 3 years after expiration of the waiver.
- (v) Upon approval of the monitoring waiver and revision of the IU's control mechanism by the Director, the IU must certify on each report with the statement below, that there has been no increase in the pollutant in its waste stream due to activities of the IU:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR -----
 ----- [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of ----- [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

- (vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the IU must immediately: Comply with the monitoring requirements of Section 4.3 or other more frequent monitoring requirements imposed by the Director; and notify the Director.
 - (vii) This provision does not supersede certification processes and requirements established in National Categorical Pretreatment Standards, except as otherwise specified in the National Categorical Pretreatment Standard.
- f) The Director may reduce the monitoring requirement in Section 4.3 to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the IU subject to a Categorical Pretreatment Standard meets all of the following conditions:
- (i) The IU's total categorical wastewater flow does not exceed any of the following:
 - (A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the IU discharges in batches;
 - (B) 0.01 percent of the design dry weather organic treatment capacity of the POTW; and
 - (C) 0.01 percent of the maximum allowable headworks loading for any Pollutant regulated by the applicable Categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with 40 CFR 403.5(c) and this section;

- (ii) The IU has not been in significant noncompliance, as defined in 40 CFR 403.8(f)(2)(viii), for any time in the past two years;
- (iii) The IU does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this IU would result in data that are not representative of conditions occurring during the reporting period pursuant to Section 4.3;
- (iv) The IU must notify the Director immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (f)(i) or (f)(ii) of this section. Upon notification, the IU must immediately begin complying with the minimum reporting in Section 4.3.4(a); and
- (v) The Director will retain documentation to support the Director's determination that a specific IU qualifies for reduced reporting requirements under Section 4.3 for a period of 3 years after the expiration of the term of the control mechanism.

4.3.5 Non-Significant Categorical Industrial User.

NSCIUs are not subject to the reporting requirements set forth in Section 4.3.4, provided that such NSCIUs annually submit the following certification statement, signed by an Authorized Representative of the IU. This certification must accompany any alternative report required by the Control Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR -----, I certify that, to the best of my knowledge and belief that during the period from ----- ----, to -----, ----- [month, days, year]:

(a) The facility described as ----- [facility name] met the definition of a NSCIU as described in 40 CFR 403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

4.3.6 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 & M changes required for the IU 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 IU 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 IU to return to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Coordinator.

4.3.7 Violation Reporting

If sampling performed by a IU indicates a violation of these regulations, the IU's wastewater discharge permit or applicable laws or regulations, the IU shall notify the Pretreatment Coordinator within 24 hours of becoming aware of the violation. The IU 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.

4.3.8 Notice of Hazardous Waste Discharge

- a) All IUs 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 Part 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 Part 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 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 IU 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 IU 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 IU 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.

4.3.9 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 IU:

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.

4.3.10 Record Keeping Requirements

- a) Any IU subject to reporting requirements established in this section shall maintain and make available for inspection and copying all records of all information resulting from any monitoring activities required by this section, any additional records of information obtained pursuant to monitoring activities undertaken by the IU independent of such requirements, and any records necessary to demonstrate compliance with applicable BMPs. 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 IU subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any such records of monitoring activities, including any records necessary to demonstrate compliance with any applicable BMP 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, DEP, and the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or when requested by the EPA, DEP, or POTW.

4.3.11 Grab/Composite Sampling Requirements

- a) Whenever grab sampling is required, a minimum of one (1) grab sample (representative of normal operating conditions) must be collected for routine monitoring during a 24-hour period for pollutant(s). A grab sample is a sample which is taken from a waste stream without regard to flow in the waste stream and over a period of time not to exceed fifteen minutes. Grab samples must be taken for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. If multiple grab samples are taken (or required), they must be composited as outlined in the following subsections and must be representative of the discharge.
 - (i) Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

- a) For cyanide, total phenols and sulfides, the samples may be composited in the laboratory or the field;
 - b) For volatile organics, and oil and grease, the samples may be composited in the laboratory.
 - c) Composite samples for other parameters unaffected by the compositing procedures, as documented in approved EPA methodologies may be authorized by the Pretreatment Coordinator, as appropriate.
- (ii) pH samples must be analyzed immediately in the field and may not be composited.
- b) The IU must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator, the samples must be representative of the discharge and the reason must be documented on a case-by-case basis on the appropriate sample type for each discharge. Sampling must be representative of normal conditions, taken within a 24-hour period and during the period in which the IU is discharging.
 - c) For variable, intermittent and batch discharges, sampling shall be scheduled to coincide with these discharges.

4.4 Monitoring Facilities

Each IU 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 IU's premises, provided, however, that the Pretreatment Coordinator may, when such a location would be impractical or cause undue hardship to the IU, 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 IU. 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 IU of the need for such facility.

4.5 Inspection and Sampling

- a) The Pretreatment Coordinator may inspect the facilities and sample the Discharge from any IU to ascertain whether the requirements contained in these regulations or any applicable permits, laws or regulations are being met. IUs or other occupants of premises that are connected to the System 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 Pretreatment Coordinator shall have the right to set up on the IU's property, or to require the installation of, such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a IU has security measures in force which would require proper identification and clearance before entry upon the said IU's premises, the IU 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.

- b) The Pretreatment Coordinator may require the IU to install monitoring equipment as necessary.
- c) Unreasonable delays in allowing access to the Industrial User's premises shall be a violation of this regulation.
- d) ALCOSAN representatives will inspect and sample the effluent from each SIU at least once a year, except as otherwise specified below:
 - (i) Where the POTW has authorized the IU subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard, the POTW will sample for the waived pollutant(s) at least once during the term of the CIU's control mechanism. In the event that the POTW subsequently determines that a waived Pollutant is present or is expected to be present in the IU's wastewater based on changes that occur in the IU's operations, the POTW will immediately begin at least annual effluent monitoring of the IU's Discharge and inspection.
 - (ii) Where the POTW has determined that an IU meets the criteria for classification as a NSCIU, the POTW will evaluate, at least once per year, whether an IU continues to meet the criteria of a NSCIU.
 - (iii) In the case of IUs subject to reduced reporting requirements under Section 4.3.4(f), the POTW will randomly sample and analyze the effluent from IU and conduct inspections at least once every two years. If the IU no longer meets the conditions for reduced reporting, the POTW will immediately begin sampling and inspecting the IU at least once a year.

4.6 Pretreatment Compliance

IUs subject to the National Categorical Pretreatment Standards shall achieve compliance with all applicable requirements 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 IU'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 IU 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 Pretreatment Coordinator prior to the IU's initiation of such changes. All records relating to compliance with pretreatment standards shall be made

available to the Coordinator, EPA, the DEP or the Allegheny County Health Department upon request.

4.7 Confidential Information

Information and data obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections and sampling activities shall be available to the public without restriction unless the IU 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 IU and therefore should remain confidential. Any such request must be asserted at the time of submission of the information or data. Information and data which constitute effluent data as defined in 40 CFR 2.302 shall be available to the public without restriction. All other information shall be available to the public at least to the extent provided by 40 CFR 2.302. 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 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 IU 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:

- a) Violation of any terms or conditions of a wastewater discharge permit, these regulations, any Pretreatment Standard or Requirement, or other applicable law or regulation;
- b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or
- c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- d) Failure to notify ALCOSAN, pursuant to these regulations, of significant changes to the wastewater or discharge conditions;
- e) Falsifying self-monitoring reports and certification statements;
- f) Tampering with monitoring equipment;
- g) Refusing to allow ALCOSAN representatives timely access to the IU's facility and records;
- h) Failure to meet effluent limitations;
- i) Failure to meet compliance schedules;

- j) Failure to complete a wastewater survey or the wastewater discharge permit application;
- k) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- l) Failure to report spills;
- m) Dilution of waste streams in lieu of treatment.

4.9 Appeals

Final ALCOSAN actions regarding permit issuance, denial or revocation pursuant to Section 4, permit modifications pursuant to Section 5 and enforcement actions (including civil penalties) taken pursuant to Section 6 of these regulations may be appealed by a IU. A IU shall have thirty (30) days from the date of receipt of notice of ALCOSAN's final decision regarding final permit issuance, denial or revocation, permit modifications, or enforcement action to submit a written notice of appeal. This appeal shall be submitted to the Executive Director of ALCOSAN with a copy to ALCOSAN's Industrial Waste Department Manager. The appeal shall specifically indicate the subject of the appeal and provide a brief explanation of the basis for appeal. The appeal shall be accompanied by a check in the amount of the daily penalty assessment made payable to the order of ALCOSAN. The date of filing of the appeal shall be the date posted as indicated by the U.S. Postal Service post mark, if mailed, the date sent by express or overnight delivery, or the date received, if hand delivered.

- a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.
- c) For daily penalty assessments, the appealing party must indicate whether the appeal is in reference to the fact of the violation, the amount of the penalty or both.
- d) The effectiveness of the permit shall not be stayed pending the appeal.

Upon receipt of the notice of appeal, the Executive Director or his/her designee shall establish a time and location for a meeting to determine the merits of the appeal which is to be attended by the Executive Director and staff as well as by representatives of the violator. Written notice of this meeting is to be served upon the violator in person or by mail with proof of service. If, during the course of this meeting, the matter is not satisfactorily resolved, the violator shall have ten (10) days from the date of the meeting to request formal hearing before the Board of Directors of ALCOSAN.

4.9.1 Hearing

Requests for Board hearings must be submitted in writing to the Executive Director of ALCOSAN. The date of filing of the request shall be the date posted as indicated by the U.S. Postal Service

post mark, if mailed, the date mailed if sent via overnight delivery, or the date received, if hand delivered. The violator shall be notified in writing of the time, date and location of the hearing. The violator shall be entitled to representation by counsel and may present any relevant facts for the Board's consideration. For the purposes of this hearing, a quorum of the Board shall be convened and its decision made by simple majority vote. A full and complete record shall be kept of the proceedings. Notice of the findings of the Board shall be served in writing upon the violator and shall clearly state the Board's decision and the basis for the decision. Service shall be in person or by mail with proof of service. The finding of the Board shall be final and appealable to a court of competent jurisdiction. IUIU IU

In the event that the violator obtains a favorable decision either from the Executive Director or from a quorum of the Board, any amount of the penalty assessment to be returned to the violator shall be refunded within sixty (60) days of the decision.

4.9.2 Obligations Pending Appeal

Appealing a final action, including a final permit or permit revocation, permit modification, or enforcement action or negotiating a consent agreement shall not relieve a IU of a duty to mitigate and/or correct any violation of any federal, state or local Pretreatment Regulation, nor will an appeal relieve a IU 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. Penalties shall continue to accrue for existing or new violations during the negotiation or appeal process until the issues involved with such violations are resolved.

4.9.3 Failure to Appeal

Failure to file an appeal within thirty (30) days of the date of receipt of notice of the final action, including, a final permit issuance or revocation, permit modification, 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 Pretreatment 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. No variance (modification) is effective until the IU's permit has been modified to include the variance (modification).

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 good 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 USC 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 work's 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 POTW 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 IU 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 IU's program for upgrading or replacement of such equipment and industrial facilities;
- h) The process employed by the IU and process changes available which would affect the quality or quantity of the Wastewater discharge;
- i) The engineering aspects of various types of Pretreatment or other control techniques available to the IU to improve the quality or quantity of Wastewater discharge;
- j) Such other factors as the Pretreatment Coordinator, in his/her 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 O&M 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 if such modifications result 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 would allow the total loading allocated to all IUs for that Pollutant to exceed the 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 modifications;
- c) Violation of any term or condition upon which the modification was granted;
- d) Obtaining the modification through misrepresentation or fraud.

5.7 Permit Modification by ALCOSAN

The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a) To incorporate any new or revised Federal, state, or local Pretreatment Standards or Requirements;
- b) To address significant alterations or additions to the IU's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d) Information indicating that the permitted discharge poses a threat to the POTW, its personnel, the receiving waters or the POTW's beneficial sludge use;
- e) Violation of any terms or conditions of the individual wastewater discharge permit;
- f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- h) To correct typographical or other errors in the individual wastewater discharge permit;
- i) To reflect a transfer of the facility ownership or operation to a new owner or operator;
- j) Information that the permitted discharge is causing or contributing to a violation of ALCOSAN's NPDES permit;
- k) Unpermitted or illegal discharge; or;
- l) Failure to mitigate noncompliance or halt/reduce production;
- m) Failure to meet milestones of a compliance schedule;
- n) Failure to properly operate and/or maintain pretreatment facility;
- o) Failure to report noncompliance.

SECTION 6 - ENFORCEMENT

ALCOSAN's Enforcement Response Plan (ERP) is incorporated into these regulations and is available for review upon request at ALCOSAN's offices. In instances where the provisions of the ERP may be construed as conflicting with these regulations, these regulations supersede the ERP.

6.1 Notice of Violation

The Pretreatment Coordinator may serve a written Notice of Violation (NOV) upon any Industrial User which the Coordinator determines has violated, or continues to violate, any provision of these regulations, a wastewater 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 Industrial User, and a time frame within which the Industrial User is to respond to the NOV. Response to the NOV in accordance with its terms in no way relieves the Industrial 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. An NOV is not appealable.

6.2 Consent Agreement

The Pretreatment Coordinator may enter into a Consent Agreement, assurances of voluntary compliance, or other similar documents establishing an agreement with any IU responsible for noncompliance. Such documents will include specific action to be taken by the IU 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 IU has violated, or continues to violate, any provision of these regulations, a wastewater permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may issue an order to the IU responsible for the violation directing that the IU come into compliance within a specified time. The compliance order may require that specific actions be taken by the IU to facilitate the IU's return to compliance and may specify Consent 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 IU 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 IU.

6.4 Cease and Desist Orders

Upon determining that a IU has violated, or continues to violate, any provisions of these regulations, a wastewater permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the IU's past violations are likely to recur, the Pretreatment Coordinator may issue an order to the IU directing it to cease and desist all such violations. ALCOSAN will provide written follow-up if a verbal cease and desist order is initially given. Such orders may direct the IU 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 IU to suspend the

activities or discharge causing the violation until corrective actions have been taken by the IU. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

6.5 Civil Penalty

- 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 IU determined to have violated any provision of these regulations, a wastewater permit or order issued hereunder, or any other Pretreatment Standard or Requirement. Such penalty shall be assessed in accordance with ALCOSAN's ERP. 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.

1. For the purposes of this Section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the IU. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the IU demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An Upset occurred and the IU can identify the cause(s) of the Upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The IU has submitted the following information to ALCOSAN within twenty-four (24) hours of becoming aware of the Upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- c) Civil penalties assessed under this section shall be served upon the IU 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) The Director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the costs of any actual damages incurred by ALCOSAN.

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, PA DEP and/or the United States Environmental Protection Agency.

6.7 Injunctive Relief

- a) ALCOSAN may obtain injunctive relief to enforce compliance with or restrain any violations of any Pretreatment Standard and Requirement. Injunctive relief may be obtained upon, but not be limited to, the occurrence of one or more of the following:
 - (1) A contribution from a IU presents an imminent danger or substantial harm to the POTW or the public;
 - (2) A contribution from a IU presents an imminent or substantial endangerment to the environment;
 - (3) A contribution from a IU causes the POTW to violate any condition of its NPDES permit;
 - (4) The IU has shown a lack of ability or intention to comply with a Pretreatment Standard or Requirement;
 - (5) The discharge to the POTW is unpermitted and/or illegal;
 - (6) A contribution of a IU violates of any terms or conditions of a wastewater discharge permit, these regulations, any Pretreatment Standard or Requirement, or other applicable law or regulation;
- b) A permit is obtained by misrepresentation or failure to disclose fully all relevant facts;
- c) A IU fails to notify ALCOSAN, pursuant to these regulations, of significant changes to the wastewater or discharge conditions;
- e) A IU falsifies self-monitoring reports and certification statements;
- f) A IU tampers with monitoring equipment;

- g) A IU refuses to allow ALCOSAN representatives timely access to the IU's facility and records;
 - h) A IU fails to provide advance notice of the transfer of business ownership of a permitted facility; or
 - l) Failure to report spills or noncompliance, pursuant to these regulations and applicable law.
- 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 IU, upon verbal notification to the IU 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. ALCOSAN may also immediately suspend a IU's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment or which is causing or contributing to a violation of ALCOSAN's NPDES permit. 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 IU and shall not be contingent upon receipt by the IU of written confirmation. Any IU notified of a cessation order shall immediately stop or eliminate its contribution. 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, temporary or permanent injunctive relief, or such other remedies as may be provided by applicable federal or state laws or regulations to ensure compliance by IUs with applicable Pretreatment Standards or Requirements, to prevent the introduction of Toxic Pollutants or other 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 IU. 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. For any appropriate enforcement action set forth in Section

6, IUs may, at their discretion, attempt to assert the affirmative defenses set forth in 40 CFR 403.5(a)(2).

SECTION 7 - PUBLIC NOTICE OF NON-COMPLIANCE

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of IUs which, at any time during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards or other pretreatment requirements. Such IUs identified as an SIU that have caused Pass Through or Interference, have had a discharge that resulted in the POTW's exercise of its emergency authority to halt or prevent such a Discharge, have caused imminent endangerment to human health, welfare or the environment or have otherwise adversely affected the POTW's ability to operate its pretreatment program. For the purposes of this subsection, a IU 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 for the same parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l);
- b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3 (l) multiplied by the applicable TRC (TRC = 1.4 for BOD, total suspended solids (TSS), fats, oil and grease, and 1.2 for all other pollutants except pH);
- c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or combination with other Discharges, 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 45 days after the due date, required reports such as baseline monitoring reports, 90-day 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 may include a violation of BMPs, 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.