



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 08/30/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Pretreatment – POTW Inspection
Facility Name: Butler Area Sewer Authority Wastewater Treatment Plant
Permittee(s): Butler Area Sewer Authority (BASA)
Facility Operator: Butler Area Sewer Authority (BASA)
Facility Address: 100 Litman Rd, Butler, PA 16001
Lat/Long: 40.839183/ -79.920039
County/Parish: Butler
Permit Number: PA0026697
NAICS & SIC Codes: 221320/4952
Unique Project #: 3E23WN056A

Facility Representative(s): Mason Miller – Pretreatment Coordinator – BASA
Point of Contact ☒
Phone: (724) 282-1978 x 120 Email: mmiller@basapa.org

EPA Inspectors: Aaron Thomson - EPA Inspector (3ED33)
Phone: 215-814-2116 Email: Thomson.aaron@epa.gov

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**Report Preparer
Signature/Date**

Aaron Thomson, Enforcement Officer
NPDES Enforcement Section 2 (3ED33)

Date

**Supervisor
Signature/Date**

Jessica Duffy, Section Chief
NPDES Enforcement Section 2 (3ED33)

Date

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I. Introduction

On August 30, 2023, Environmental Protection Agency (EPA) Region 3 representatives Aaron Thomson and Mike Greenwald (hereinafter, “the Inspection Team”), conducted an on-site inspection of the Butler Area Sewer Authority’s (hereinafter, “BASA”, “the Facility”) pretreatment program. BASA operates a Publicly Owned Treatment Works (“POTW”) that is subject to the federal pretreatment regulations, the Clean Water Act (“CWA”), and their National Pollutant Discharge Elimination System (“NPDES”) Permit No. PA0026697. Prior to the inspection, advance notification was sent to the Pennsylvania Department of Environmental Protection (“PADEP”). No PADEP representative was present for the inspection. The Inspection Team provided the facility with advance notification of the inspection.

A. Inspection Opening Conference

The Inspection Team arrived at the facility at approximately 8:30 AM for the on-site inspection. The Inspection Team met with the following facility representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Aaron Thomson	EPA - Philadelphia	215-814-2116	Thomson.aaron@epa.gov
Michael Greenwald	EPA - Philadelphia	215-814-2398	Greenwald.michael@epa.gov
Site/Facility Representatives			
Mason Miller	Pretreatment Coordinator – BASA	(724) 282-1978 x 120	mmiller@basapa.org

The Inspection Team displayed their credentials to Mr. Miller at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with the federal regulatory requirements at 40 CFR Part 403 and any applicable NPDES Permit requirements pertaining to the Facility’s pretreatment program. A copy of the Permit is provided as **Attachment 1**. The EPA Inspector informed Mr. Miller that any information that the Facility deemed to be confidential business information (“CBI”) should be identified to EPA representatives during the inspection and it would be handled as CBI according to EPA’s CBI procedures.

B. Weather and Precipitation Conditions

During the inspection, the weather was sunny with a high of 80 degrees Fahrenheit.

II. Facility Activity

The facility has an approved pretreatment program, which is subject to the federal pretreatment regulations at 40 CFR Part 403.

The pretreatment program of BASA is managed by Mr. Miller. Based on statements and information supplied by Mr. Miller (**Attachment 3**), the BASA WWTP design was based on an average flow of 10 MGD (million gallons per day), and a hydraulic capacity of 25 MGD. The Inspection Team asked if any major upgrades were planned for the Facility. Mr. Miller stated that the Facility is improving their sludge thickeners; has various replacements scheduled for secondaries, such as installing new blowers; the Facility will be switching from a chlorine contact disinfectant process to an ultraviolet (UV) process. Additionally, Mr. Miller stated that Pennsylvania American Water Company (PAWC) is in the process of acquiring Butler Area Sewer Authority. On February 14, 2023, PAWC submitted the formal application to the Pennsylvania Public utility Commission (PUC). The PUC is supposed to have their review completed by late October of 2023. If approved, PAWC will fund the POTW's future pretreatment program.

The Inspection Team asked Mr. Miller to describe the process for accepting and identifying new industrial users (IU) and their associated categories, if applicable. Mr. Miller stated that all new industries must complete a preliminary Industrial Wastewater Discharge Questionnaire (IWDQ) (**example provided as Attachment 4**) which BASA will use to develop a permit for an identified IU to discharge to BASA, and to determine if the industry is a categorical industrial user (CIU). Mr. Miller provided a copy of local limits developed by the Facility, which he stated would also be incorporated when developing an IU's discharge permit. The Inspection Team asked how Mr. Miller would survey and identify new or unpermitted users discharging to the Facility. According to Mr. Miller, the Facility maintains contact with the townships' planning committee, monitor influent samples and conducts field investigations to identify all potential industrial users discharging industrial wastewater to the Facility. Mr. Miller stated that an industrial waste survey was conducted in 2021 where the Facility inspected roughly 15 sites for process wastewater and did not identify any unpermitted sites as categorical industrial users (CIU) or significant industrial users (SIU). The Inspection Team asked if any sites had recently been permitted to discharge wastewater to the Facility or identified as potential permitted industrial users. Mr. Miller stated that Belleville International, a metal spring manufacturer, is in the process of a permit application and is currently conducting baseline monitoring testing. Mr. Miller handles enforcement of their permits, either fining IU's for exceeding their limit, or discontinuing the site's permission to discharge to BASA as outlined in their Enforcement Response Plan (ERP) (**Attachment 6**).

The Inspection team asked Mr. Miller to describe the Facilities' pretreatment program. Mr. Miller stated that the Facility has two (2) permitted CIUs, two (2) permitted SIUs and three permitted (3) non-significant industrial users (NSIU) and provided documents detailing each user (**Attachment 7**) and provided permits for each IU (**Attachment 8**). The Inspection Team asked Mr. Miller to describe the daily average wastewater flow from the users to the Facility; Mr. Miller provided a chart detailing wastewater flow from the users (**Attachment 9**) which showed NSIU Linde Gas discharging an average 4,453 gallons per day (gpd) NSIU Air Products and Chemicals discharging an average 7,595 gpd and NSIU IDL Worldwide discharging an average 126 gpd. The Inspection Team requested Mr. Miller describe the sampling and inspection frequency performed by the Facility at their industrial users; Mr. Miller stated that each permitted IU is inspected and sampled by the Facility at least once a year and provided a compliance monitoring schedule (**Attachment 10**) detailing the sampling methods, analyses and sampling points for each IU. Mr. Miller also provided the most recent annual inspections for each IU (**Attachment 11**).

According to Mr. Miller, the permitted IUs self-monitor at least monthly and report all results to the Facility at least quarterly.

During the inspection, Mr. Miller led the Inspection Team on a brief tour of the Facility. The Inspection Team was led to the Facility lab where they observed the pH buffer storage location where containers with 4.0 pH buffer, a 7.0 pH buffer and a 10.0 pH buffer were observed (**Attachment 2, Photographs 7-9**) as well as a daily sampling log (**Attachment 2 Photograph 10**) and a portable composite sampler used to sample the Facility's IUs (**Attachment 2 Photograph 11**). At the time of the inspection the pH 7 buffer was expired. The Inspection Team was then led to the influent composite sampler (**Attachment 2, Photographs 12-16**), including a thermometer reading approximately 2 degrees Celsius (**Attachment 2, Photograph 15**). The Inspection Team was then led to the Facility effluent composite sampler (**Attachment 2, Photographs 17-20**) with the thermometer reading approximately 1 degree Celsius (**Attachment 2, Photograph 20**) located at the effluent discharge location (**Attachment 2, Photograph 21**). This concluded the tour of the Facility.

As part of the pretreatment inspection, The Inspection Team requested Mr. Miller lead a site visit and inspection of JSP International (herein after "JSP"), one of the Facility's IU's. According to Mr. Miller, JSP, a plastic manufacturing facility, is a categorical industrial user (CIU). Mr. Miller supplied JSP's permit, issued by the Facility on February 23, 2021 and effective from March 9, 2021 to December 31, 2024 (**Attachment 8d**). Mr. Miller and the Inspection Team were received by Ed Wall, JSP plant manager upon entering the site. Based on observations during the inspection and statements made by Mr. Wall, the processes that contribute to JSP's wastewater discharge to the Facility include process wastewater from their expanded polypropylene (EPP) and expanded polyethylene (EPE) production processes as well as extruder bath blowdown, molding press contact cooling water, non-contact cooling water blowdown from jacketed cooling water system for EPP and EPE reactor vessels, boiler blowdown water and water softener backwash from boiler feed water. The pretreatment process for this wastewater begins with diatomaceous earth filtration system to remove solids. The wastewater then enters a neutralization tank where pH is continuously monitored (**Attachment 2 Photograph 2**), and sulfuric acid is used to bring the pH of the wastewater within permitted discharge levels. After treatment occurs, the wastewater enters a final effluent tank (**Attachment 2 Photograph 3**) which includes a feed line to JSP's sampling station (**Attachment 2 Photographs 1**) which includes a programmable pump for both grab samples as well as time-proportioned composite sampling (in accordance with their permit, which specifies to use time-proportioned composite sampling), collected in the plastic bin in Photograph 1. Water is held in the final effluent tank until sampled then is batch discharged to the POTW once results confirm the batch is within effluent limits in the permit. The inspection team asked Mr. Miller to explain how a sampling event would occur at this location, and Mr. Miller stated that the system operates as a "normal composite sampler," but "does not include refrigeration because only metals are being tested and do not require refrigeration". According to Mr. Wall, the production floor is entirely sealed with trenches that can feed any spillage back into the treatment system. Finally, the Inspection Team was led to JSP's discharge location, a manhole located outside of JSP (**Attachment 2 Photograph 4**). This concluded the tour of JSP.

As part of the pretreatment inspection, the Inspection Team requested Mr. Miller lead a site visit and inspection of Air Products and Chemicals (herein after "AP&C"), one of the Facility's IU's. According to Mr. Miller, AP&C is a non-significant industrial user (NSIU). Mr. Miller supplied AP&C's permit, issued by the Facility on July 20, 2022 with an effective date of September 01, 2022 and expiration date of August 31, 2027 (**Attachment 8a**). Mr. Miller and the Inspection Team were received by Mike Sullivan, representing AP&C. Based on observations during the inspection and statements made by Mr. Sullivan, AP&C is a natural gas reformer for production of pure hydrogen gas via steam/methane reformation for local use by Cleveland Cliffs Steel Corporation, with excess being shipped to alternative users. According to Mr. Sullivan, the processes at AP&C that generate wastewater that is discharged to the facility includes boiler tower blowdown wastewater; steam drum wastewater; condensate from the low temperature shift reactor; pressure swing adsorption unit wastewater; and non-contact cooling water from the cooling tower sump. Wastewater is collected in a waste/neutralization chamber and soda ash is introduced to the wastewater via drip until the pH is brought above pH of 5, within permitted limits, and is then discharged to the POTW, passing through AP&C effluent sampling points (**Attachment 2 Photographs 5**). Mr. Miller described how samples would be taken from this location at the request of the Inspection Team, which included removing the manhole cover to gain access for both grab samples or for the hose of a portable composite sampler. The sampling location included a totalizer (**Attachment 2 Photograph 6**) used to measure effluent flow. According to Mr. Sullivan, all floor drains are plugged, only being unplugged during routine cleaning events, and any spill could be collected and hauled as waste if determined by the IU to be inappropriate to discharge as wastewater to the POTW. This concluded the tour of AC&P.

A checklist was utilized during the review and is provided as **Attachment 12**. The checklist was completed by the Inspection Team using information provided by Mr. Miller. Photographs were taken during the inspection by Inspector Thomson. Photographs pertaining to the inspection report are provided in **Attachment 2**.

III.Observations

40 CFR 403.5(d): Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

40 CFR 403.8(f)(1)(iii): Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under § 403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.

Observation 1. All local limits are not incorporated into Table 2 of Cleveland-Cliffs Steel Corporation control mechanism which contains the required sampling to be performed by the IU. The self-monitoring reports submitted by the IU contain statements that no process discharge has been occurring at the facility for several years; however, should a discharge occur, it is unclear if sampling

conducted by the IU would ensure all pollutants listed in the local limits are monitored for.

The federal regulations at 40 CFR Part 403.6 (Categorical Standards) require that, “National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this part.”

40 CFR Part 420 identifies Iron and Steel Manufacturing as a point source category. 40 CFR Part 420.01(a) states that the provisions of this part apply to discharges and to the introduction of pollutants into a publicly owned treatment works resulting from production operations in the Iron and Steel Point Source Category.

Observation 2. Cleveland-Cliffs Steel Corporation was being referred to as an SIU by the pretreatment coordinator. The IU appears to be subject to the Iron and Steel Manufacturing Point Source Category (40 CFR Part 420) of the Federal Pretreatment Regulations and would be considered a non-significant (less than 100 gpd discharge) categorical industrial user.

The federal regulations at 40 CFR Part 403.6 (Categorical Standards) require that, “National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this part.”

40 CFR Part 415 identifies inorganic chemicals manufacturing as a point source category. 40 CFR Part 415 subpart AO states that the provisions of this subpart are applicable to discharges resulting from the production of hydrogen as a refinery by-product.

The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User 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 Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

- (ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and
- (iii) The Industrial User never discharges any untreated concentrated wastewater.

Observation 3. Air Products and Chemicals was being referred to as an NSIU by the pretreatment coordinator. The IU appears to be a CIU, subject to Hydrogen Production Point Source Category (40 CFR Part 414 Subpart AO) of the Federal Pretreatment Regulations and discharges on average 7959 gpd, exceeding 100 gallons a day.

The federal regulations at 40 CFR Part 403.6 (Categorical Standards) require that, “National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this part.”

40 CFR Part 415 identifies inorganic chemicals manufacturing as a point source category. 40 CFR Part 415 Subpart AW states that the provisions of this subpart are applicable to discharges resulting from the production of oxygen and nitrogen by air liquification.

40 CFR 403.3(v)(2) states “The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater”

Observation 4. Linde Gas North America, LLC is identified as an NSIU by the Facility. Linde Gas North America, LLC seems to be a CIU, subject to production of oxygen and nitrogen by air liquification 40 CFR Part 415 Subpart AW and discharges on average 4, 453 gpd, which would exceed the 100 gpd limit required to be “non-significant.”

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require permits to include “[s]elf-monitoring, sampling, reporting, notification, and record keeping requirements.”

The federal regulations at 40 CFR 403.17 require industrial users to notify the City of any potential bypasses.

Observation 5. None of the IU permits, issued by the Facility, include the requirement to notify the city/publicly owned treatment works of any potential bypasses.

40 CFR 403.3(q) states “The term *Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined

by section 502(4) of the Act). 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 only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.”

40 CFR 122.3(c) states “§ 122.3 Exclusions. The following discharges do not require NPDES permits: (c)The introduction of sewage, industrial wastes or other pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the United States are eliminated. (See also [§ 122.47\(b\)](#)). This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other party not leading to treatment works.”

Observation 6. Mr. Miller stated that Pennsylvania American Water Company (PAWC) is in the process of acquiring Butler Area Sewer Authority. If approved, PAWC will fund the POTW's future pretreatment program. This would require each IU to apply for an individual NPDES permit.

IV. Records Review

Prior to the inspection, the Inspection Team requested the following records be submitted via email two weeks before the inspection or up to two weeks after the inspection:

- Narrative description of the current wastewater treatment process at the facility;
- copies of all NPDES permit applications/permits from past 3 years;
- copies of all discharge monitoring reports for last 3 years; an excel file including a table of all exceedances for effluent limits for NPDES permit for the last 3 years;
- any correspondence with PADEP for the last 3 years regarding formal or informal enforcement actions;
- for each of the identified industrial users (IUs), the IUs permit and/or discharge limit controlling document, categorical status, monthly average flow in gallons per day, spill plans/slug control plans/best management practices plan, copies of the IU self-monitoring reports including lab sample reports for the past 3 years, list of pollutants the POTW samples with identifying details;
- map of service area;
- copies of all local sewer ordinances;
- copies of all intergovernmental sewer agreements;
- standard operating procedures including a description of the POTW's Industrial User Inventory (Industrial Waste Survey) and Characterization Procedures, copies of the sampling plan/protocol/QAPP, enforcement response plan, and basic IU inspection procedures;

- copies of all inspection reports for the identified IU's;
- compliance evaluations, compliance reports and notices submitted by the IU's for the past 3 years; and
- copies of all enforcement actions taken against each IU for the past 3 years; each pass through/interference occurrence identified and actions taken to prevent future occurrences.

During the inspection, Mr. Miller provided the following information/documents which were reviewed by the Inspection Team, excluding the documents listed in the following paragraph provided by Mr. Miller via email post-inspection:

- Facility permit (**Attachment 1**);
- Facility permit renewal application (**Attachment 3**);
- PAWC Industrial Waste Survey (**Attachment 4**) – The most recent IWS for each IU was reviewed by the EPA Inspection Team during the on-site inspection, PAWC IWS was the only copy provided digitally by the Facility;
- Facility-developed local limits (**Attachment 5**);
- BASA pretreatment Enforcement Response Plan (**Attachment 6**);
- BASA industrial user list/general description (**Attachment 7**);
- IU Permits (**Attachment 8**);
- IU Flow Spreadsheet (**Attachment 9**);
- IU Compliance Monitoring Schedule (**Attachment 10**);
- IU Inspection Reports (**Attachment 11**);
- Facility Discharge Monitoring Reports (DMR) for 2020-2023 (**Attachment 13**);
- Industrial User Compliance Report Summary Checklist (**Attachment 14**);
- IU Compliance Reports for 2020-2023 (**Attachment 15**);
- Facility enforcement actions (**Attachment 16**); and
- IU Spill/Slug prevention plans (**Attachment 18**).

On 10/25/2023 the Inspection Team requested, via email,

- copies of IDL Worldwide's and Linde Gas's IU permits (**Attachment 8**);
- Facility-conducted inspection reports (**Attachment 11**);
- Linde's compliance monitoring reports (**Attachment 15**);
- Cleveland-Cliffs' Facility-conducted inspection report's chain of custody/lab (**Attachment 11**)

Each of these documents was initially reviewed by the EPA Inspection Team during the on-site inspection; digital copies were provided electronically by Mr. Miller on 10/25/2023.

V. Closing Conference

After the facility inspection, the Inspection Team met with the facility representatives for a closing conference. The Inspection Team shared preliminary observations with the facility. The Inspection Team reiterated to the facility representatives that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared

were subject to further investigation by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

The inspection concluded at 2:00 PM.

VI. List of Attachments

- Attachment 1.** Facility Permit
- Attachment 2.** Photo Log
- Attachment 3.** BASA 2023 NPDES PERMIT RENEWAL APPLICATION
- Attachment 4.** PAWC Industrial Waste Survey 08-08-1989
- Attachment 5.** Resolution No 11-10-2020-02 Local Limits
- Attachment 6.** Enforcement Response Plan (6 Files)
- Attachment 7.** Industrial User General Description
- Attachment 8.** IU Permits (7 files)
- Attachment 9.** INDUSTRIAL USER FLOW SPREADSHEET
- Attachment 10.** Industrial User Compliance Monitoring Schedule
- Attachment 11.** IU Inspection Reports (23 files)
- Attachment 12.** PCI FORM
- Attachment 13.** Facility DMR
- Attachment 14.** INDUSTRIAL USER COMPLIANCE REPORT CHECKLIST
- Attachment 15.** IU Compliance Reports
- Attachment 16.** Facility enforcement actions
- Attachment 17.** Facility Annual Pretreatment Reports
- Attachment 18.** IU Spill Slug Prevention Plans (4 Files)