Oil and Grease/NPDES Permit: Jeannette, Pennsylvania Turbomachinery Manufacturer Files Administrative Challenge Before the Pennsylvania Environmental Hearing Board

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Elliot Company, Inc. ("ECI") filed a July 24th Notice of Appeal ("Appeal") before the Pennsylvania Environmental Hearing Board ("Board") challenging certain conditions related to oil and grease ("O&G") effluent limits in a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit issued by the Pennsylvania Department of Environmental Protection ("PDEP").

ECI operates a turbomachinery manufacturing facility in Jeannette, Pennsylvania.

The facility was issued a Clean Water Act NPDES Permit that became effective on August 1st.

ECI argues that the NPDES Permit is unlawful, unreasonable, arbitrary, capricious and/or an abuse of discretion for reasons outlined in its Appeal.

The Appeal challenges a decrease in effluent limits for oil and grease for two outfalls stating that such decrease:

…three years after the effective date of the Permit, the daily maximum and monthly average O&G effluent limitations for both outfalls were decreased form 30 mg/l to 5.3 mg/l and from 15 mg/l to 5.1 mg/l, respectively.

Alleged issues with the O&G effluent limits include:

- Inconsistent with Pennsylvania regulations and guidance and should be recalculated to reflect the allowable quantity of O&G in the non-process wastewater flow.
- Unreasonable because between the Permit issued in 2002 and issuance of the renewed Permit, there has been no change to 25 Pa. Code 95.2(2) regarding oil-bearing wastewater and no appreciable change to the facility's discharge/O&G technology-based effluent limitations of the referenced Pennsylvania Code cited are more stringent than the effluent limit guidelines of 40 C.F.R. Part 438.
- The facility has been meeting the existing limits of 30 mg/l daily maximum of 15 mg/l average monthly, which were calculated to take into account all process and non-process wastewater flow to the respective outfalls inputting 5.0 mg/l O&G for the non-process wastewater into the flow-

weighted formula for both monthly average and daily maximum of concentrations of O&G effectively imposes an unsubstantiated Best Professional Judgment TBEL for the non-process wastewater.

- PDEP arbitrarily assumes that groundwater from the foundation sumps and secondary containment drainage, among other wastewater have no detectable oil.
- ECI's identifying of likely oil-bearing wastewater was unreasonably construed by PDEP to definitively identify wastewater with O&G concentrations below 5.0 mg/l.
- Inputting 5.0 mg/l O&G concentration, based on the QL for the non-process wastewater is arbitrary, capricious, unreasonable, and inconsistent with PDEP's NPDES Permits for similar types of non-process wastewater discharges.
- PDEP incorrectly conflates ELG-regulated waste streams from oil-bearing waste streams.
- Neither oil-bearing nor non-oil bearing is defined in PDEP's NPDES regulations.
- O&G effluent limitations for the outfalls should be calculated using a daily maximum concentration of 30 mg/l and a monthly average concentration of 15 mg/l for the non-process wastewater, which would result in a daily maximum limitation for O&G at the outfalls of mg/l and a monthly average limitation of 15 mg/l, consistent with the administratively extended permit.

A copy of the Appeal can be downloaded here.