

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

_____	)	
THE UNITED STATES OF AMERICA,	)	
	)	
THE ALLEGHENY COUNTY HEALTH DEPARTMENT, and	)	
	)	Civil Action No.
THE PENNSYLVANIA DEPARTMENT	)	
OF ENVIRONMENTAL PROTECTION	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
SHENANGO INCORPORATED,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

Plaintiffs, the United States of America, by and through its attorneys, by authority of the Attorney General of the United States and acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), together with the Allegheny County Health Department (“ACHD”), and the Pennsylvania Department of Environmental Protection (“PADEP”), allege the following:

**NATURE OF THE CASE**

1. This is a civil action brought against Shenango, Incorporated, (“Shenango” or “Defendant”) for injunctive relief and the assessment of civil penalties for violations of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7401 to 7671q, its implementing regulations, and the Allegheny

County portions of the Pennsylvania State Implementation Plan (“SIP”). The alleged violations occurred and are occurring at Defendant’s coke production facilities located on Neville Island, in Neville Township, Allegheny County, Pennsylvania (hereinafter, the “Facility”).

2. This civil action also is brought pursuant to Section 309(b) and (d) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d), for injunctive relief and civil penalties against Defendant. Specifically, Shenango discharged pollutants in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and has violated and continues to violate certain terms and conditions of a National Pollutant Discharge Elimination System (“NPDES”) permit issued to Defendant by PADEP pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

3. Defendant’s failures to comply with the effluent limitations and other conditions in the NPDES Permit also constitute violations of Sections 301 and 307 of the Pennsylvania Clean Streams Law, 35 P.S. §§ 691.301 and 691.307; statutory nuisances under Section 3 and Section 601 of the Pennsylvania Clean Streams Law, 35 P.S. §§691.3 and 691.601; unlawful conduct under Section 611 of the Pennsylvania Clean Streams Law, 35 P.S. §691.611; and subject Defendant to civil penalty liability under Section 605 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.605.

#### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), CWA Section 309(b), 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1331, 1345 and 1355.

5. This court has supplemental jurisdiction over the claims asserted herein by ACHD and PADEP pursuant to 28 U.S.C. § 1367(a) because those claims are so related to the federal

claims as to form part of the same case or controversy.

6. Venue is proper in this district pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), CWA Section 309(b), 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and 1395(a), because the violations of the CAA and CWA giving rise to these claims occurred in this district and Defendant does business and is found in this district.

#### **NOTICES**

7. On April 28, 2006, the EPA issued a Notice of Violation of the CAA to Defendant Shenango, pursuant to Section 113(a)(1) and (4) of the CAA, 42 U.S.C. § 7413(a)(1) and (4) that notified Defendant of its violations of the CAA and of Article XXI, Part E, Subpart 2, § 2105.21 of the ACHD Rules and Regulations that are incorporated into the Pennsylvania SIP. Violations of the CAA, and of those portions of the SIP have continued, and the violations in the NOV and the prior and subsequent violations of the CAA are the basis for the claims of the United States and the ACHD.

8. Notice of the commencement of this action has been given to PADEP pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. PADEP is joining this action as a co-Plaintiff.

#### **AUTHORITY**

9. Authority to bring this action is vested in the Attorney General of the United States pursuant to 28 U.S.C. §§ 516 and 519 and 42 U.S.C. § 7605 and 33 U.S.C. § 1366. Authority to bring this action is vested in the ACHD pursuant to the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4009.1(a) and 4012(g) and the Pennsylvania Local Health Administration Law, 19 P.S. §§ 12001-12028.

10. PADEP is the agency that is charged with the duty and authority to administer and

enforce, inter alia, the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. Sections 691.1-691.1001; Section 1917-A of the Administrative Code of 1929, P.L. 177, as amended, 71 P.S. Section 510-17 (“Administrative Code”), and the rules and regulations promulgated thereunder. PADEP is a “state water pollution control agency” and “person” as defined in Section 502(1) and (5) of the Act, 33 U.S. C. Sections 1362(1) and (5). PADEP has authority to join in this complaint pursuant to Section 601 of the Clean Streams Law, 35 P.S. Section 691.601.

### **DEFENDANT**

11. Defendant Shenango Incorporated is a corporation organized under the laws of the Commonwealth of Pennsylvania.

12. Defendant is a “person” as defined in CAA Section 302(e), 42 U.S.C. § 7602(e), and CWA Section 502(5), 33 U.S.C. § 1362(5).

13. Defendant owns and operates a single plant located on over 50 acres on Neville Island in the Ohio River, in Neville Township, Allegheny County, approximately five miles north of downtown Pittsburgh.

### **STATUTORY AND REGULATORY OVERVIEW**

#### **The Clean Air Act:**

14. The Clean Air Act establishes a regulatory scheme designed to protect and enhance the quality of the nation’s air so as to promote the public health and welfare and the productive capacity of its population. CAA Section 101(b)(1); 42 U.S.C. § 7401(b)(1).

15. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of U.S. EPA to publish and maintain primary and secondary national ambient air quality standards

(“NAAQS”) for certain criteria air pollutants. The primary NAAQS are to be adequate to protect the public health, and the secondary NAAQS are to be adequate to protect the public welfare, from any known or anticipated adverse effects associated with the presence of the air pollutant in the ambient air. The NAAQS promulgated by U.S. EPA pursuant to this provision are set forth in 40 C.F.R. Part 50.

16. Under CAA Section 110, 42 U.S.C. § 7410, each state is required to adopt and submit to U.S. EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance and enforcement of NAAQS established under CAA Section 109 within the States. Upon U.S. EPA’s approval, State plan provisions become part of the “applicable implementation plan” for the State within the meaning of CAA Section 302(q), 42 U.S.C. § 7602(q). U.S. EPA has approved Pennsylvania’s SIP. *See* 40 C.F.R. § 52.2020(b). These regulations are hereafter referred to as the “Pennsylvania SIP” or “PSIP”.

17. For facilities located in Allegheny County, the Pennsylvania SIP incorporates the Rules and Regulations of the ACHD. Article XXI, Part E, Subpart 2, § 2105.21 of the Rules and Regulations of the ACHD (“Section 2105.21”) pertains to coke oven emissions from charging, door areas, charging ports, offtake piping, pushing, combustion stacks, quenching, and coke oven gas and is part of the Allegheny County portion of the Pennsylvania SIP.

18. Section 2105.21a.1 regulates emissions from charging. It prohibits, for batteries constructed after 1978, operation in such manner that the aggregate of visible charging emissions exceeds a total of 55 seconds during any five (5) consecutive charges on such battery.

19. Section 2105.21b.1 regulates emissions from door areas. It prohibits, for batteries constructed after 1978, operation in such manner that results in visible emissions from more than

five percent (5%) of the door areas of the operating coke ovens in such battery, excluding the two door areas of the last oven charged.

20. Section 2105.21c.1 regulates emissions from charging ports. It prohibits, for batteries constructed after 1978, operation in such manner that results in visible emissions from more than one percent (1%) of the charging ports or charging port seals on the operating coke ovens of such battery.

21. 2105.21d.1 regulates emissions from offtake piping. It prohibits, for batteries constructed after 1978, operation in such manner that results in visible emissions from more than four percent (4%) of the offtake piping on the operating coke ovens of such battery.

22. Section 2105.21e.4 regulates emissions from pushing. It prohibits operation of a battery without a pushing emission control device designed to reduce fugitive emissions from pushing to the minimum attainable through the use of Best Available Control Technology (“BACT”) and further prohibits operation of the battery in a manner that fugitive pushing emissions or emissions from the pushing emission control device outlet equal or exceed an opacity of twenty percent (20%) at any time, absent a written determination from the ACHD.

23. Section 2105.21f.3 and 4 regulates emissions from combustion stacks. Section 2105.21f.3 prohibits operation of any battery of coke ovens where emissions from the combustion stack serving the battery equal or exceed an opacity of twenty percent (20%) for a period or periods aggregating in excess of three minutes in any 60 minute period. Section 2105.21f.4 prohibits operation of any battery of coke ovens where emissions from the combustion stack serving the battery or equal or exceed an opacity of sixty percent (60%) at any time.

24. Section 2105.21h.3 regulates emissions of coke oven gas. It prohibits the operation of any source in a way that results in unburned coke oven gas being emitted into the open air, and also prohibits flaring, mixing or combustion of coke oven gas at the Defendant Facility in excess of 34 grains of hydrogen sulfide per hundred dry cubic feet of coke oven gas.

25. Both federal, SIP and ACHD regulations contain required procedures to quantify the magnitude of emissions subject to the foregoing regulations.

26. The Shenango Facility is a major air pollution source operating in Pennsylvania and subject to the Pennsylvania SIP, including the foregoing Allegheny County portions.

27. Pursuant to CAA Section 113(a) and (b), 42 U.S.C. § 7413(a) and (b), SIP requirements that U.S. EPA has approved are federally enforceable.

28. Failure to comply with any approved regulatory provision of a SIP renders the person subject to enforcement action under CAA Section 113, 42 U.S.C. § 7413 and 40 C.F.R. § 52.23.

29. Section 113(b) of the CAA, 42 U.S.C. § 7413(b), authorizes the Administrator to initiate a judicial enforcement action for a permanent or temporary injunction, and/or for a civil penalty of up to \$32,500 per day for each violation occurring on or after March 15, 2004, and \$37,500 per day for each such violation occurring on or after January 12, 2009.

30. As a municipal air pollution control agency, the ACHD is authorized by the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4009.1(a) and 4012(g) and the Pennsylvania Local Health Administration Law, 19 P.S. §§ 12001-12028, to initiate a judicial enforcement action for permanent or temporary injunctive relief, and/or for a civil penalty of up to \$25,000 per day for each violation occurring after July 9, 1996, 35 P.S. §§ 4009.1(a) and 4012(g); Article

XXI §§ 2109.02.a and 2109.06.a.1.

The Clean Water Act:

31. CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source into waters of the United States, except in compliance with the requirements of that section and as authorized by, and in compliance with, an NPDES permit issued pursuant to the authority contained in Section 402 of the CWA, 33 U.S.C. § 1342.

32. CWA Section 502(12), 33 U.S.C. § 1362(12), defines the term “discharge of a pollutant” as “any addition of any pollutant to navigable waters from any point source . . . .”

33. CWA Section 502(6), 33 U.S.C. § 1362(6), defines the term “pollutant” to include, *inter alia*, biological materials, solid waste, sewage, and chemical wastes.

34. CWA Section 502(7), 33 U.S.C. § 1362(7), defines the term “navigable waters” as the waters of the United States, including its territorial seas.

35. Part 122 of Title 40 of the Code of Federal Regulations, promulgated under the CWA to regulate the NPDES permit program, defines “waters of the United States” to include, in relevant part, “[a]ll waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.” 40 C.F.R. § 122.2(a).

36. CWA Section 502(14), 33 U.S.C. § 1362(14), defines the term “point source” as any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

37. CWA Section 502(11), 33 U.S.C. § 1362(11), defines the term “effluent



limitation” as any restriction established by the Administrator or a State on quantities, rates, and concentrations of chemical, physical, biological, or other constituents discharged from point sources into waters of the United States.

38. Under CWA Section 402(a), 33 U.S.C. § 1342(a), the Administrator may issue a NPDES permit that authorizes the discharge of pollutants into waters of the United States, provided that all discharges meet the applicable requirements of Section 301 of the CWA, 33 U.S.C. § 1311, or such other conditions, including data and information collection and reporting, as the Administrator determines are necessary to carry out the provisions of the CWA. Typically such permits include, *inter alia*, effluent limitations, monitoring and reporting requirements, and operating and maintenance requirements.

39. EPA has authorized Pennsylvania to issue such permits pursuant to Section 402(c) of the CWA, 33 U.S.C. § 1342(c).

40. CWA Section 402(i), 33 U.S.C. § 1342(i), states that nothing in CWA Section 402 shall limit the authority of EPA to take enforcement action pursuant to CWA Section 309, 33 U.S.C. § 1319.

41. CWA Section 309(a)(3), (b) and (d), 33 U.S.C. § 1319(a)(3), (b), and (d), authorize the Administrator to commence a civil action for injunctive relief and for civil penalties for each violation of CWA Section 301, 33 U.S.C. § 1311, or any permit condition or limitation implementing, *inter alia*, CWA Section 301, 33 U.S.C. § 1311, and contained in a NPDES permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

42. PADEP is the agency that is charged with the duty and authority to administer and enforce, *inter alia*, the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended,

35 P.S. Sections 691-691.1001; Section 1917-A of the Administrative Code of 1929, P.L. 177, as amended, 71 P.S. Section 510-17 (“Administrative Code”), and the rules and regulations promulgated thereunder (“Supplemental State Claims”) and which has been delegated authority to administer the NPDES permit program under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1342. PADEP alleges that Shenango discharged and/or continues to discharge pollutants, including industrial waste, into waters of the Commonwealth in violation of its 2002 NPDES Permit, and Sections 3, 301, 307, 601 and 611 of the Clean Streams Law, 35 P.S. Sections 691.3, 691.301, 691.307, 691.601 and 691.611.

### **GENERAL ALLEGATIONS**

#### **The Facility:**

42. The Shenango Facility is located on Neville Island. Neville Island is five miles long and four-tenths of a mile wide, with a population of 1,232 and more than 150 businesses. The island is heavily industrialized on its east side and has residential neighborhoods overlooking the Ohio River on the western side of the island.

43. Defendant owns and operates a coke oven at its Facility that consists of one battery, Coke Oven Battery S-1, which contains 56 ovens.

44. Coke Oven Battery S-1 was constructed in 1983.

45. Coke is produced from coal. Coal is charged into hot ovens through ports at the top of each oven. Once the charge is complete, the oven ports are sealed and the coal is heated using cleaned coke oven gas to approximately between 1650 and 2000 degrees Fahrenheit for about 17 to 25 hours. At the end of the heating cycle for each oven, the front and rear doors are removed and the coke is pushed into a rail quench car. The quench car takes the coke to the

quench tower where the hot coke is cooled with water. The coke is then screened and sent off site. Coke is used as a carbon source and as a fuel to heat and melt iron ore at steel making facilities.

46. Volatile compounds are driven from the coal during the heating process and sent to the by-products recovery section of the plant. There the volatile gases are distilled and treated. Cleaned coke oven gas is used to fuel the heating of the coke ovens. Other compounds have commercial use and are sold.

47. The process of manufacturing coke produces hazardous gases and particles, the emission of which from the Facility is regulated pursuant to the CAA, the Pennsylvania SIP and the Rules and Regulations of ACHD set forth above.

The CWA Permit.

48. The coke manufacturing process also creates wastewaters which are sent to the wastewater treatment plant (“WTP”) for treatment. The WTP consists of a physical/chemical treatment plant that includes, along with other equipment, an ammonia still to treat ammonia compounds, a dephenolizer to treat phenol compounds, clarifiers and filters for solids removal, and activated carbon columns to treat various compounds. The WTP does not include biological treatment.

49. NPDES Permit No. PA0002437 (“NPDES Permit”) was issued under the authority of the CWA to the Defendant on or about September 18, 2002, and includes discharge and monitoring requirements as well as operation and maintenance requirements.

50. NPDES Permit No. PA0002437 was in effect at all times relevant to this Complaint.

51. NPDES Permit No. PA0002437 contains, among other terms and conditions, the effluent limits for Outfall 001, which discharges to the Ohio River, and for three internal monitoring points, Internal Outfalls 101, 201, and 301. PADEP issued the current NPDES Permit in 2002 and it has been administratively extended since then.

52. Outfall 101 receives wastewater from the wastewater treatment facility.

53. Outfall 201 receives wastewater from the hot lime soda ash softener blowdown.

54. Outfall 301 receives wastewater from the zeolite softener backwash and boiler blowdown.

55. The NPDES Permit authorizes Outfall 001 to receive wastewater from the three internal outfalls plus non-contact cooling water, boiler blowdown, filter backwash, and storm water.

56. NPDES Permit No. PA0002437 requires that Defendant “shall at all times maintain in good working order and properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance with the terms and conditions of” the permit.

57. As part of the application process for NPDES Permit No. PA0002437, Defendant was required to identify all discharge outfalls and all sources of discharged effluents.

58. On June 9, 2000, Defendant submitted an application for the renewal of the NPDES Permit (“2000 NPDES Application”).

59. PADEP relied on the information in the 2000 renewal application to issue the revised NPDES Permit in 2002.

60. In the NPDES Application, as required by the CWA and implementing

regulations, Defendant identified only a single external outfall, Outfall 001. It did not identify any other external discharge outfalls from the facility.

61. Defendant certified that the information contained in the NPDES Application was, to the best of its “knowledge and belief, true, accurate and complete.”

DTE Energy Acquisition of Shenango:

62. On or about April 11, 2008, DTE Energy Services (“DTE”) purchased the stock of Shenango Incorporated. The corporate entity directly owning and operating the Facility has remained the same and is now a subsidiary, directly or indirectly, of DTE.

63. Prior to its acquisition of Defendant, DTE performed an inspection of the coke ovens and other due diligence concerning the condition of the battery of coke ovens and the WTP.

Prior Enforcement under the CAA and CWA:

64. Defendant has been subject to federal, state and local enforcement actions for many years for non-compliance with both the CAA and the CWA.

65. One of the more recent enforcement efforts occurred in 2000, when the United States filed a consent decree resolving a motion for contempt and to enforce an earlier consent decree in a pending action (“2000 Consent Decree”).

66. The 2000 consent decree required as injunctive relief a range of measures to bring Defendant into compliance with the CAA, including improvements of the desulpherization controls treating the coke oven gas and enhanced monitoring and maintenance to address emissions at the combustion stack.

67. The 2000 consent decree also required Defendant to maintain and calibrate a

continuous opacity monitor (“COM”) at the combustion stack, and to operate the COM continuously, as well as to monitor other sources at the Facility and to maintain records and documents of the monitoring and equipment calibration.

68. The 2000 Consent Decree required Defendant to submit quarterly reports that included, *inter alia*, combustion stack summary opacity data summarizing the observations of visible emissions taken pursuant to 40 C.F.R. Part 60, Appendix A, Method 9 (“Method 9”).

69. In August, 2005, Defendant and the ACHD entered into an Administrative Consent Order and Agreement resolving, *inter alia*, violations of ACHD Article XXI including excessive emissions from coke oven charging, the door areas, the charging ports, the offtake piping, and pushing. Under the agreement, Defendant agreed to perform end flue repairs, to perform various other measures to attain compliance with the CAA, and to pay a civil penalty for violations through that date.

70. On April 28, 2006, the EPA sent Defendant a Notice of Violation documenting the findings of several inspections and its review of data obtained from Defendant, and citing a number of violations of the Allegheny County portion of the Pennsylvania SIP and the CAA.

71. The Facility also has been subject to state and federal enforcement actions pursuant to the Clean Water Act. PADEP and Defendant entered into a Consent Order and Agreement (“COA”) on November 4, 1999. That COA set forth a number of projects for Defendant to perform, required Defendant to attain compliance with the limits in the prior NPDES Permit, and set forth stipulated penalties in the event Defendant continued to violate the CWA.

72. PADEP terminates its COA upon the filing of this Complaint.

73. Inspections from the spring of 2010 have revealed violations of the CWA arising from discharges of stormwater containing coal fines, a pollutant, and other unpermitted discharges. The discharge of coal pile runoff into the Ohio River was not authorized by any regulation or permit. PADEP sent Defendant a Notice of Violation on June 10, 2010.

74. Most recently, during its inspections on June 19, 2008, June 22, 2009, and September 30, 2010, PADEP again observed Defendant discharging coal pile runoff into the Ohio River, a water of the United States, without the authority of a permit.

75. Despite the efforts of the United States, ACHD, and PADEP to bring Defendant into compliance with the CAA and the CWA, Defendant continues to violate the pertinent ACHD regulations governing emissions at the coke ovens and consistently fails to meet the limits and conditions in its current NPDES Permit, as set forth in the claims below.

#### **FIRST CLAIM FOR RELIEF**

##### Violation of Limits on Visible Emissions from Charging

76. The foregoing allegations are realleged and incorporated herein by reference.

77. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21a.1, which limits visible emissions from charging to no more than 55 seconds during any five (5) consecutive charges on such battery.

78. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each violation referred to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and

Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

**SECOND CLAIM FOR RELIEF**

Violation of Limits on Visible Emissions from Door Areas

79. The foregoing allegations are realleged and incorporated herein by reference.

80. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21b.1, which limits visible emissions from door areas to no more than 5% of the door areas, excluding the two doors on the oven last charged.

81. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each violation referred to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

**THIRD CLAIM FOR RELIEF**

Violation of Limits on Visible Emissions from Charging Ports

82. The foregoing allegations are realleged and incorporated herein by reference.

83. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21.c.1, which limits visible emissions from charging ports to no more than 1% of the charging ports on operating ovens.

84. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each violation referred



to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

**FOURTH CLAIM FOR RELIEF**

Violation of Limits on Visible Emissions from Offtake Piping

85. The foregoing allegations are realleged and incorporated herein by reference.

86. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21d.1, which limits visible emissions from offtake piping to no more than 4% of the offtake piping on operating ovens.

87. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each violation referred to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

**FIFTH CLAIM FOR RELIEF**

Violation of Limits on Visible Emissions from Pushing

88. The foregoing allegations are realleged and incorporated herein by reference.

89. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21e.4, which limits fugitive emissions

from pushing; or emissions from the pushing emission control device outlet that equal or exceed an opacity of twenty percent (20%) at any time (hereinafter “pushing violations”).

90. The United States’ claims for Defendant’s pushing violations extend through December 31, 2010 and any subsequent pushing violations are not part of this lawsuit nor alleged herein.

91. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each pushing violation through December 31, 2010, referred to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

#### **SIXTH CLAIM FOR RELIEF**

##### Violation of Opacity Limits at the Combustion Stack

92. The foregoing allegations are realleged and incorporated herein by reference.

93. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21f.3 and 4, which prohibits emissions from a combustion stack with an opacity of 20% for more than three minutes in the aggregate in any 60 minute period, and further prohibits emissions from a combustion stack with an opacity of 60% at any time.

94. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each violation referred to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day

for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

**SEVENTH CLAIM FOR RELIEF**

Violation of Limits on Flaring, Mixing or Combustion of Coke Oven Gas

95. The foregoing allegations are realleged and incorporated herein by reference.

96. Defendant has violated and continues to violate Allegheny County Rules and Regulations Article XXI, Part E, Subpart 2, Section 2105.21h.3, which regulates emissions from the burning of of coke oven gas. It prohibits the operation of any source in a way that results in unburned coke oven gas being emitted into the open air, and also prohibits flaring, mixing or combustion of coke oven gas at the Shenango Facility with a concentration of sulfur compounds in excess of 34 grains of hydrogen sulfide per hundred dry cubic feet of coke oven gas

97. Pursuant to CAA Section 113(b), 42 U.S.C. § 7413(b), for each violation referred to in the preceding paragraphs, Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to ACHD Rules and Regulations Article XXI §§ 2109.02.a and 2109.06.a.1, Defendant is subject to injunctive relief and civil penalties of up to \$25,000 per day.

**EIGHT CLAIM FOR RELIEF**

Violations of Effluent Limitations in the NPDES Permit

98. The foregoing allegations are realleged and incorporated herein by reference.

99. Defendant is a person within the meaning of CWA Section 502(5), 33 U.S.C. §

1362(5).

100. Outfall 001, and internal Outfalls 101, 201, and 301, are point sources within the meaning of CWA Section 502(14), 33 U.S.C. § 1362(14)

101. The Ohio River is a traditionally navigable river and a water of the United States.

102. Defendant is a person that discharges pollutants from a point source to the Ohio River within the meaning of CWA Section 502(12), 33 U.S.C. § 1362(12).

103. Except for July 2008, August 2008, and August 2010, Defendant has reported at least one violation of the effluent limitations, and generally many more, in its NPDES Permit every month from July, 2005 through February, 2011.

104. Defendant has reported 226 exceedances of its NPDES Permit effluent limitations during that period. The specific violations are set forth in Appendix A.

105. On at least 116 occasions, Defendant discharged pollutants from Outfalls 101 and 001 in excess of Average Monthly effluent limitations.

106. On at least 110 occasions, Defendant discharged pollutants from Outfalls 101 and 001 in excess of Daily Maximum, Instantaneous Maximum, or Maximum effluent limitations in its Permit.

107. Upon information and belief, Defendant will continue to violate the effluent limitations contained in the Permit.

108. Pursuant to CWA Section 309(b) and 309(d), 33 U.S.C. § 1319(b) and (d), Defendant is subject to injunctive relief for these violations, and to civil penalties for all exceedances of Permit effluent limitations.

109. Pursuant to Sections 3, 301,307, 601 and 611 of the Clean Streams Law, 35 P.S.

Sections 691.3, 691.301, 691.307, 691.601 and 691.611, Defendant is subject to injunctive relief for these violations, and pursuant to Section 605 of the Clean Streams Law, 35 P.S.

Sections 691.305, Defendants are subject to civil penalties for all exceedances of Permit effluent limitations of up to \$10,000 per day, per violation.

### **NINTH CLAIM FOR RELIEF**

#### **Failure to Properly Operate and Maintain Facility**

110. The foregoing allegations are realleged and incorporated herein by reference.

111. The NPDES Permit requires that Defendant “shall at all times maintain in good working order and properly operate and maintain all facilities which are installed or used by the permittee to achieve compliance with the terms and conditions of” the NPDES Permit.

112. Inspections of Defendant’s WTP revealed significant deterioration of major components, including the clarifier, and a lack of basic maintenance including a failure to repair or replace components of the WTP consistent with good operating practices.

113. Defendant has repeatedly failed to maintain the WTP in good operating condition as required by the NPDES Permit.

114. Defendant’s failure to properly operate and maintain the WTP constitutes a violation of the Permit. Pursuant to CWA Section 309(b) and 309(d), 33 U.S.C. § 1319(b) and (d), Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to Clean Stream Law Sections 3, 301, 307, and 601, 35 P.S. Sections 691.3, 691.301, 691.307 and 691.601, Defendant is subject to injunctive relief and pursuant to Section 605 of the Clean Streams Law, 35 P.S. Section 691.605, Defendant is subject

to civil penalties of up to \$10,000 per day per violation.

**TENTH CLAIM FOR RELIEF**

Unpermitted Discharges of Polluted Storm Water through Outfall 001

115. The foregoing allegations are realleged and incorporated herein by reference.

116. Defendant has stored uncovered a significant amount of coal, coke, and other materials from its coke manufacturing process at the facility (the "Coal Pile"). On information and belief, it has stored the Coal Pile uncovered at the facility since at least June, 2005.

117. The storm water that came into contact with the Coal Pile previously flowed either directly to the Ohio River, a water of the United States, or was directed to storm water inlets that discharge to the Ohio River via Outfall 001. Defendant has constructed an earthen berm along the bank of the Ohio River intended to prevent the direct discharge of Coal Pile runoff to the River and instead direct runoff to a low area on the site for infiltration.

118. During its inspections of Defendant's facility, PADEP observed locations along the facility's berm that allowed Coal Pile runoff to discharge directly to the Ohio River. In addition, Coal Pile runoff continues to discharge to storm water inlets that discharge the untreated contaminated runoff to the Ohio River via Outfall 001. Coal Pile runoff is an industrial waste and generally has a depressed pH and is contaminated with pollutants including solids and metals.

119. Defendant regularly used a mechanical sump pump to pump contained Coal Pile runoff into a storm water inlet that discharges to the Ohio River via Outfall 001.

120. Defendant failed to identify in its NPDES Application the Coal Pile stormwater runoff as a source of industrial waste discharged from Outfall 001 or from any other outfall.

121. Defendant's NPDES Permit does not authorize the discharge of Coal Pile stormwater from its facility, nor does any other regulation or permit.

122. Each discharge of contaminated stormwater constitutes a violation of Section 311(a) of the CWA, 33 U.S.C. § 1301(a). Pursuant to CWA Section 309(b) and 309(d), 33 U.S.C. § 1319(b) and (d), Defendant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation occurring on or after March 15, 2004 and \$37,500 per day for each violation occurring on or after January 12, 2009. Pursuant to Sections 3, 301, 307, 601 and 611 of the Clean Streams Law, 35 P.S. Sections 691.3, 691.301, 691.307, 691.601 and 691.611, Defendant is subject to injunctive relief and pursuant to Section 605 of the Clean Streams Law, 35 P.S. Section 691.605, Defendant is subject to civil penalties of up to \$10,000 per day per violation.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, the United States of America, PADEP, and ACHD respectfully request that this Court:

A. Permanently enjoin Defendant from further violations of the CAA and applicable requirements established thereunder, including provisions of the Allegheny portion of the Pennsylvania SIP described above;

B. Permanently enjoin Defendant from further violations of the CWA and of the Pennsylvania Clean Streams Law, and applicable requirements established thereunder, including Defendant's NPDES Permit and any subsequently issued permits or permit modifications,;

C. Require Defendant to obtain and comply with all necessary NPDES permits and to undertake and complete expeditiously all actions necessary to achieve and maintain

compliance with the CAA and applicable requirements established thereunder, including provisions of the Pennsylvania SIP described above, the CWA, and the Pennsylvania Clean Streams Law;

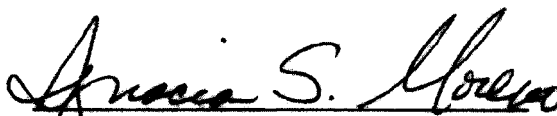
D. Assess civil penalties against Defendant for violations of applicable provisions of the CAA and the CWA as well as their implementing regulations and permits issued thereunder of up to \$32,500 per day of violation occurring on or after March 15, 2004 and \$37,500 per day of violation occurring on or after January 12, 2009;

E. Award Plaintiffs their costs and disbursements for this action; and

F. Grant Plaintiffs such other relief as the Court may deem just and proper.

Respectfully submitted,

UNITED STATES DEPARTMENT OF JUSTICE  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION




IGNACIA S. MORENO  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

/s/Nancy Flickinger

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UNITED STATES ATTORNEY  
WESTERN DISTRICT OF PENNSYLVANIA



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DAVID J. HICKTON  
United States Attorney

/s/ Christy Criswell Wiegand

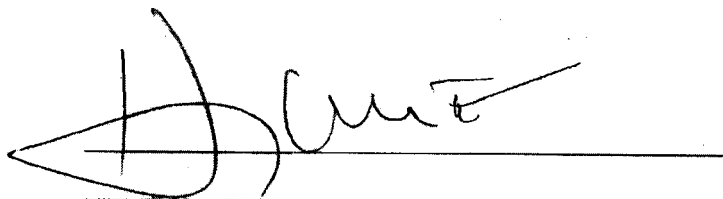
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CHRISTY CRISWELL WIEGAND  
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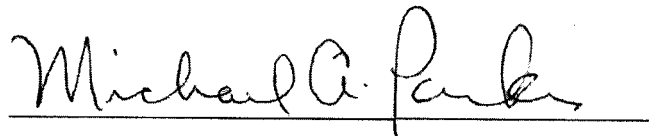
OF COUNSEL:

James Baker  
Douglas Frankenthaler  
Robert Smolski  
EPA Region 3  
Office of Regional Counsel  
1650 Arch Street  
Philadelphia, PA 19103

The following authorized official executes the Complaint in United States et al. v. Shenango Incorporated on behalf of the Allegheny County Health Department:

A handwritten signature in black ink, appearing to read "H. Miller, III", written over a horizontal line.

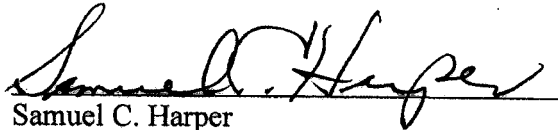
HENRY MILLER, III  
Solicitor  
Allegheny County Health Department

A handwritten signature in black ink, appearing to read "Michael A. Parker", written over a horizontal line.

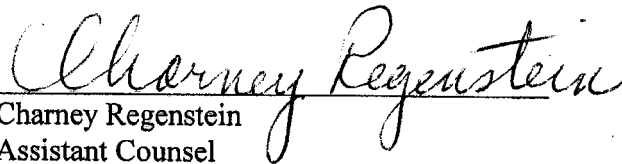
MICHAEL A. PARKER  
Assistant Solicitor  
Allegheny County Health Department

The following authorized official executes the Complaint in United States et al. v. Shenango Incorporated on behalf of the Pennsylvania Department of Environmental Protection:

FOR THE PENNSYLVANIA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION:



Samuel C. Harper  
Program Manager  
Clean Water Program



Charney Regenstein  
Assistant Counsel  
PA ID No. 52090

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Pittsburgh, PA 15222-4745  
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FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Date: July 24, 2012

# APPENDIX "A"

**Shenango Effluent Limit Violations**  
June 2005 to June 2011

Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
6/1-30/2005	101	Ammonia	Avg. Monthly	97	110
	101	Phenolics	Avg. Monthly	4.39	79.99
	101	Phenolics	Daily Max	13.2	191.7
	101	Phenolics	Avg. Monthly	1.6	56.1
	101	Phenolics	Daily Max	4.8	136.0
7/1-31/2005	001	pH	Instant. Max	9	9.2
	101	Ammonia	Avg. Monthly	97	106
	101	Phenolics	Avg. Monthly	4.39	61.86
	101	Phenolics	Daily Max	13.2	125.2
	101	Phenolics	Avg. Monthly	1.6	35.0
	101	Phenolics	Daily Max	4.8	72.0
8/1-31/2005	101	Phenolics	Avg. Monthly	4.39	36.66
	101	Phenolics	Daily Max	13.2	130.8
	101	Phenolics	Avg. Monthly	1.6	27.1
	101	Phenolics	Daily Max	4.8	98.0
	101	pH	Instant. Max	9	10.3
9/1-30/2005	101	Ammonia	Avg. Monthly	97	127
	101	pH	Instant. Max	9	9.1
10/1-31/2005	101	Ammonia	Avg. Monthly	97	165
	101	Benzene	Daily Max	0.057	0.216
	101	Benzene	Daily Max	0.05	0.19
11/1-30/2005	001	pH	Instant. Max	9	9.1
	101	Ammonia	Avg. Monthly	97	184
12/1-31/2005	001	pH	Instant. Max	9	9.6
	101	Phenolics	Avg. Monthly	4.39	66.20
	101	Phenolics	Daily Max	13.2	156.4
	101	Phenolics	Avg. Monthly	1.6	45.6
	101	Phenolics	Daily Max	4.8	109.0
	101	Benzene	Daily Max	0.057	0.116
	101	Benzene	Daily Max	0.05	0.09
1/1-31/2006	001	pH	Instant. Max	9	9.3
	101	Phenolics	Daily Max	13.2	17.4
	101	Phenolics	Avg. Monthly	1.6	3.7
	101	Phenolics	Daily Max	4.8	14.4
	101	Benzene	Daily Max	0.057	0.189
	101	Benzene	Daily Max	0.05	0.16
	101	pH	Instant. Max	9	10.6
2/1-28/2006	001	pH	Instant. Max	9	9.6
	101	Ammonia	Avg. Monthly	97	130
	101	Benzene	Daily Max	0.057	0.109
	101	Benzene	Daily Max	0.05	0.09
3/1-31/2006	101	Ammonia	Avg. Monthly	97	129
	101	Phenolics	Avg. Monthly	4.39	6.57
	101	Phenolics	Daily Max	13.2	22.4

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Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
4/1-30/2006	101	Phenolics	Avg. Monthly	1.6	5.2
	101	Phenolics	Daily Max	4.8	17.9
	101	Ammonia	Avg. Monthly	97	140
	101	Phenolics	Avg. Monthly	1.6	2.2
5/1-31/2006	101	Ammonia	Avg. Monthly	97	122
	101	Cyanide	Avg. Monthly	23	39
	101	Phenolics	Avg. Monthly	4.39	6.85
	101	Phenolics	Daily Max	13.2	37.4
	101	Phenolics	Avg. Monthly	1.6	4.8
	101	Phenolics	Daily Max	4.8	25.6
	101	Benzene	Daily Max	0.057	0.067
6/1-30/2006	101	Ammonia	Avg. Monthly	97	143
7/1-31/2006	101	Ammonia	Avg. Monthly	97	123
8/1-31/2006	001	pH	Instant. Max.	9	9.3
	101	Ammonia	Avg. Monthly	97	157
	101	Phenolics	Daily Max	4.8	6.8
9/1-30/2006	001	pH	Instant. Max.	9	9.2
	101	Ammonia	Avg. Monthly	97	161
10/1-31/2006	001	pH	Instant. Max.	9	9.1
	101	Ammonia	Avg. Monthly	97	121
	101	Phenolics	Avg. Monthly	1.6	1.8
	101	Phenolics	Daily Max	4.8	8.0
	101	Benzene	Daily Max	0.057	0.064
	101	pH	Instant. Max	9	9.2
11/1-30/2006	101	Ammonia	Avg. Monthly	97	123
	101	Phenolics	Avg. Monthly	1.6	2.6
	101	Phenolics	Daily Max	4.8	5.8
12/1-31/2006	001	pH	Instant. Max	9	9.5
	101	Ammonia	Avg. Monthly	97	119
	101	Phenolics	Avg. Monthly	4.39	31.49
	101	Phenolics	Daily Max	13.2	104.9
	101	Phenolics	Avg. Monthly	1.6	23.3
	101	Phenolics	Daily Max	4.8	75.3
1/1-31/2007	001	pH	Instant. Max	9	9.4
	101	Ammonia	Avg. Monthly	267	321
	101	Ammonia	Daily Max	802	849
	101	Ammonia	Avg. Monthly	97	254
	101	Ammonia	Daily Max	291	675
	101	pH	Instant. Max	9	9.5
2/1-28/2007	001	pH	Instant. Max	9	10
	101	Ammonia	Avg. Monthly	97	104
	101	pH	Instant. Max	9	9.6
3/1-31/2007	101	Ammonia	Avg. Monthly	97	103
	101	Phenolics	Avg. Monthly	4.39	58.0
	101	Phenolics	Daily Max	13.2	519.7
	101	Phenolics	Avg. Monthly	1.6	44.3
	101	Phenolics	Daily Max	4.8	290
4/1-30/2007	001	pH	Instant. Max	9	9.2
	101	Ammonia	Avg. Monthly	97	101
	101	Phenolics	Avg. Monthly	4.39	6.77

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Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
	101	Phenolics	Daily Max	13.2	21.37
	101	Phenolics	Avg. Monthly	1.6	6.3
	101	Phenolics	Daily Max	4.8	20.5
5/1-31/2007	001	pH	Instant. Max	9	9.6
	101	Phenolics	Avg. Monthly	1.6	1.7
	101	pH	Instant. Max	9	9.6
6/1-30/2007	001	pH	Instant. Max	9	9.1
	101	Phenolics	Avg. Monthly	1.6	2.6
	101	Phenolics	Daily Max	4.8	5.3
	101	O & G	Ave. Monthly	12	18
7/1-31/2007	101	O & G	Daily Max	35	48
	001	O & G	Ave. Monthly	15	102
	001	O & G	Instant. Max	30	488
	101	Phenolics	Avg. Monthly	4.39	9.83
	101	Phenolics	Daily Max	13.2	30.8
	101	Phenolics	Avg. Monthly	1.6	6.7
	101	Phenolics	Daily Max	4.8	24.3
8/1-31/2007	101	pH	Instant. Max	9	9.7
9/1-31/2007	101	O & G	Ave. Monthly	12	18
10/1-30/2007	101	Ammonia	Avg. Monthly	97	108
10/1-31/2007	101	Ammonia	Avg. Monthly	97	142
	101	Ammonia	Avg. Monthly	97	119
11/1-30/2007	101	pH	Instant. Max	9	10.1
	001	pH	Instant. Max.	9	9.3
	101	Ammonia	Avg. Monthly	97	124
	101	O & G	Ave. Monthly	12	17
	101	O & G	Daily Max	35	43
	101	Phenolics	Avg. Monthly	1.6	1.9
12/1-31/2007	101	pH	Instant. Max	9	9.9
	001	pH	Instant. Max.	9	9.5
	101	O & G	Ave. Monthly	12	22
	101	Phenolics	Avg. Monthly	4.39	115.6
	101	Phenolics	Daily Max	13.2	566.6
	101	Phenolics	Avg. Monthly	1.6	80.5
	101	Phenolics	Daily Max	4.8	395
1/1-31/2008	101	pH	Instant. Max	9	11.1
	001	pH	Instant. Max.	9	9.2
	101	O & G	Ave. Monthly	12	13
	101	pH	Instant. Max	9	9.4
3/1-31/2008	101	pH	Instant. Max	9	9.1
4/1-30/2008	101	Ammonia	Avg. Monthly	97	127.4
5/1-31/2008	101	Ammonia	Avg. Monthly	97	125.3
6/1-30/2008	001	pH	Instant. Max.	9	9.1
	101	Ammonia	Avg. Monthly	97	129
	101	Phenolics	Daily Max	4.8	5.0
	101	pH	Instant. Max	9	9.1
7/1 - 31/2008	<i>No violations</i>				
8/1 - 31/2008	<i>No violations</i>				
9/1 - 30/2008	101	Ammonia	Avg. Monthly	97	101
	101	O & G	Ave. Monthly	12	14.4

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Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
	101	Phenolics	Avg. Monthly	4.39	92.6
	101	Phenolics	Daily Max	13.2	345
	101	Phenolics	Avg. Monthly	1.6	56.2
	101	Phenolics	Daily Max	4.8	205
10/1-31/2008	101	Ammonia	Daily Max	802	867
	101	Ammonia	Avg. Monthly	97	185
	101	Ammonia	Daily Max	291	655
	101	O & G	Ave. Monthly	32	46
	101	O & G	Daily Max	96	101
	101	O & G	Ave. Monthly	12	32
	101	O & G	Daily Max	35	67.3
	101	Phenolics	Avg. Monthly	4.39	5.77
	101	Phenolics	Daily Max	13.2	22.6
	101	Phenolics	Avg. Monthly	1.6	4.0
	101	Phenolics	Daily Max	4.8	15.8
	11/1-30/2008	001	pH	Instant. Max.	9
101		O & G	Ave. Monthly	12	16.8
101		O & G	Daily Max	35	39.6
101		pH	Instant. Max	9	9.4
12/1-31/2008	001	pH	Instant. Max.	9	9.2
	101	O & G	Ave. Monthly	12	19.4
	101	O & G	Daily Max	35	49
	101	Phenolics	Avg. Monthly	1.6	1.7
1/1-31/2009	101	Ammonia	Avg. Monthly	97	164
	101	Ammonia	Daily Max	291	334
	101	Phenolics	Avg. Monthly	1.6	2.2
	101	Phenolics	Daily Max	4.8	6.6
2/1-28/2009	101	Ammonia	Avg. Monthly	97	121
	101	Phenolics	Avg. Monthly	4.39	6.66
	101	Phenolics	Daily Max	13.2	16.3
	101	Phenolics	Avg. Monthly	1.6	4.6
	101	Phenolics	Daily Max	4.8	10.3
3/1-31/2009	101	Ammonia	Avg. Monthly	97	144
	101	Phenolics	Avg. Monthly	1.6	2.3
	101	Phenolics	Daily Max	4.8	8.4
4/1-30/2009	101	Ammonia	Avg. Monthly	97	133
5/1-31/2009	101	Ammonia	Avg. Monthly	267	290
	101	Ammonia	Avg. Monthly	97	220
	101	Ammonia	Daily Max	291	362
	101	Phenolics	Avg. Monthly	4.39	10.06
	101	Phenolics	Daily Max	13.2	33.2
	101	Phenolics	Avg. Monthly	1.6	7.6
	101	Phenolics	Daily Max	4.8	25.1
6/1-30/2009	101	Ammonia	Avg. Monthly	97	119
	101	Phenolics	Avg. Monthly	4.39	72.85
	101	Phenolics	Daily Max	13.2	356.4
	101	Phenolics	Avg. Monthly	1.6	38.0



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Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
	101	Phenolics	Daily Max	4.8	183
7/1-31/2009	101	pH	Instant. Max	9	9.5
	101	O & G	Avg. Monthly	12	14
	101	Phenolics	Avg. Monthly	4.39	18.6
	101	Phenolics	Daily Max	13.2	66.4
	101	Phenolics	Avg. Monthly	1.6	11.3
	101	Phenolics	Daily Max	4.8	40
	8/1-31/2009	101	pH	Instant. Max	9
101		O & G	Avg. Monthly	12	15
101		Phenolics	Avg. Monthly	4.39	13.70
101		Phenolics	Daily Max	13.2	33.9
101		Phenolics	Avg. Monthly	1.6	8.9
101		Phenolics	Daily Max	4.8	22.3
9/1-30/2009	101	pH	Instant. Max	9	9.5
	101	O & G	Avg. Monthly	12	14
	101	O & G	Daily Max	35	46
	101	Phenolics	Avg. Monthly	4.39	6.87
	101	Phenolics	Avg. Monthly	1.6	4.4
	101	Phenolics	Daily Max	4.8	7.2
10/1-31/2009	101	O & G	Avg. Monthly	12	17
	101	Phenolics	Avg. Monthly	4.39	6.12
	101	Phenolics	Avg. Monthly	1.6	4.3
	101	Phenolics	Daily Max	4.8	5.7
11/1-30/2009	001	pH	Instant. Max	9	9.3
	101	pH	Instant. Max	9	10.5
	101	O & G	Avg. Monthly	12	15
	101	Ammonia	Avg. Monthly	97	121
	101	Ammonia	Daily Max	291	320
	101	Phenolics	Avg. Monthly	4.39	22.96
	101	Phenolics	Daily Max	13.2	88.1
	101	Phenolics	Avg. Monthly	1.6	17.6
12/1-31/2009	001	pH	Instant. Max	9	9.2
	101	pH	Instant. Max	9	9.5
	101	O & G	Avg. Monthly - C	12	17
	101	O & G	Daily Max - C	35	46
	101	Ammonia	Avg. Monthly - C	97	115
	101	Phenolics	Avg. Monthly - Q	4.39	4.44
	101	Phenolics	Avg. Monthly - C	1.6	2.7
	101	Phenolics	Daily Max - C	4.8	5.8
1/1-31/2010	101	pH	Instant. Max	9	9.6
	101	O & G	Avg. Monthly - Q	32	34
	101	O & G	Avg. Monthly - C	12	23
	101	O & G	Daily Max - C	35	44
	101	Ammonia	Avg. Monthly - C	97	160
	101	Phenolics	Avg. Monthly - C	1.6	2.2

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Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
	101	Phenolics	Daily Max	4.8	5.5
2/1-29/2010	101	Ammonia	Avg. Monthly - Q	267	274
	101	Ammonia	Avg. Monthly - C	97	196
	101	Phenolics	Avg. Monthly - C	1.6	2.0
	101	Phenolics	Daily Max - C	4.8	7.0
3/1-31/2010	101	Ammonia	Avg. Monthly - C	97	174
	101	Ammonia	Daily Max - C	291	299
	101	Benzene	Daily Max - Q	0.057	0.071
	101	Benzene	Daily Max - C	0.05	0.06
4/1-30/2010	101	Ammonia	Avg. Monthly - Q	267	375
	101	Ammonia	Avg. Monthly - C	97	260
	101	Ammonia	Daily Max - C	291	527
5/1-31/2010	101	Ammonia	Avg. Monthly - Q	267	319
	101	Ammonia	Avg. Monthly - C	97	189
6/1-30/2010	001	pH	Instant. Max	9	9.8
	101	pH	Instant. Max	9	11.9
	101	Ammonia	Avg. Monthly - C	97	105
7/1 - 31/2010	101	Ammonia	Avg. Monthly - C	97	99
8/1 - 31/2010	<i>No violations</i>				
9/1 - 30/2010	101	Ammonia	Avg. Monthly - C	97	157
10/1 - 31/2010	101	Ammonia	Avg. Monthly - Q	267	343
	101	Ammonia	Avg. Monthly - C	97	206
11/1 - 30/2010	101	pH	Instant. Max	9	9.6
	101	Ammonia	Avg. Monthly - Q	267	320
	101	Ammonia	Avg. Monthly - C	97	150
12/1 - 31/2010	101	pH	Instant. Max	9	9.08
	101	Ammonia	Avg. Monthly - Q	267	312
	101	Ammonia	Avg. Monthly - C	97	148
1/1-31/2011	101	O & G	Avg. Monthly - C	12	13
	101	Ammonia	Avg. Monthly - Q	267	319
	101	Ammonia	Avg. Monthly - C	97	163
	101	Phenolics	Avg. Monthly - Q	4.39	13.34
	101	Phenolics	Daily Max - Q	13.2	94.5
	101	Phenolics	Avg. Monthly - C	1.6	6.1
	101	Phenolics	Daily Max - C	4.8	42.5
2/1-28/2011	101	Ammonia	Avg. Monthly - Q	267	467
	101	Ammonia	Avg. Monthly - C	97	234
	101	Phenolics	Avg. Monthly - Q	4.39	6.86
	101	Phenolics	Daily Max - Q	13.2	17.4
	101	Phenolics	Avg. Monthly - C	1.6	3.3
	101	Phenolics	Daily Max - C	4.8	6.6
3/1-31/2011	101	Ammonia	Avg. Monthly - Q	267	431
	101	Ammonia	Avg. Monthly - C	97	240
	101	Ammonia	Daily Max - C	291	314
	101	Phenolics	Avg. Monthly - Q	4.39	14.31

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Reporting Period	Outfall	Parameter	Loading and Concentration	Required	Reported
	101	Phenolics	Daily Max - Q	13.2	75.4
	101	Phenolics	Avg. Monthly - C	1.6	7.8
	101	Phenolics	Daily Max - C	4.8	40.6
4/1-30/2011	101	O & G	Avg. Monthly - Q	32	37
	101	O & G	Avg. Monthly - C	12	20
	101	O & G	Daily Max - C	35	46
	101	Ammonia	Avg. Monthly - Q	267	381
	101	Ammonia	Avg. Monthly - C	97	201
5/1-31/2011	101	Phenolics	Avg. Monthly - Q	4.39	17.9
	101	Phenolics	Daily Max - Q	13.2	85.7
	101	Phenolics	Avg. Monthly - C	1.6	8.7
	101	Phenolics	Daily Max - C	4.8	41.4
6/1-30/2011	101	Ammonia	Avg. Monthly - Q	267	439
	101	Ammonia	Avg. Monthly - C	97	248
	101	Ammonia	Daily Max - C	291	410

Q = Quantity or Loading; C = Quality or Concentration