



**REGION 3**

PHILADELPHIA, PA 19103

**FILED**

**Apr 15, 2025**

**6:33 am**

**U.S. EPA REGION 3  
HEARING CLERK**

**In the Matter of:**

Kiski Valley Water Pollution Control  
Authority  
1361 School Road  
Leechburg, Pennsylvania 15656-4904

**Respondent.**

Kiski Valley Water Pollution Control  
Authority  
1361 School Road  
Leechburg, Pennsylvania 15656-4904  
NPDES Permit No. PA0027626

**Facility.**

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: **U.S. EPA Docket No. CWA-03-2025-0046DN**  
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: **ADMINISTRATIVE ORDER ON CONSENT**  
: **PURSUANT TO 33 U.S.C. § 1319(a)**  
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**I. STATUTORY AUTHORITY AND JURISDICTION**

1. This Administrative Order on Consent ("AOC" or "Order") for compliance is issued to the Kiski Valley Water Pollution Control Authority ("Respondent"), under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 309(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act provides, among other things, that: "Whenever, on the basis of information available to [EPA], [EPA] finds that any person is in violation of any condition or limitation [implementing section 301, 302, 306, 307, 308, 318, or 405 of this title] in a permit issued under section [402] ... of this title, ... [EPA] shall issue an order requiring such person to comply with such condition or limitation ...." See 33 U.S.C. § 1319(a)(3).
3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.

4. The EPA has consulted with the Pennsylvania Department of Environmental Protection ("PADEP") regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed AOC to the appropriate PADEP representative.

## **II. GENERAL PROVISIONS**

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this AOC.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this AOC.
7. Respondents agree not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this Order.
8. The provisions of this AOC shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
9. Respondent shall bear its own costs and attorneys' fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
10. Issuance of this AOC is intended to address the violations described herein. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. The EPA also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. § 1251 – 1389, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction. Further, the EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this AOC, following the Effective Date, as defined below.
11. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. §§ 1251 – 1389, or any regulations promulgated thereunder.

12. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 – 706.
13. The EPA reserves all existing inspection authority otherwise available to the EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
14. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.
15. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
16. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this AOC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
17. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the tasks set forth in Section V of this AOC (Compliance Order) is deemed restitution, remediation, or required to come into compliance with the law.

### **III. STATUTORY AND REGULATORY BACKGROUND**

18. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except in compliance with, among other things, section 301 and 307 of the Act, 33 U.S.C. §§ 1311 and 1317.
19. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'." 40 C.F.R. § 122.2. *See also* 33 U.S.C. § 1362(12).

20. Pursuant to its authority under Sections 307(b) and (c) of the CWA, 33 U.S.C. § 1317 (b) and (c), the EPA established General Pretreatment Regulations, located in Title 40 of the C.F.R § 403, for the introduction of pollutants into publicly owned wastewater treatment works ("POTWs").
21. Section 307(d) of the CWA, 33 U.S.C. § 1317(d), prohibits the operation of a source of pollutants in violation of the pretreatment standards. Noncompliance with any pretreatment standard, prohibition, or effluent standard is a violation of the CWA. *See* 33 U.S.C. § 1317.
22. The term "POTW" means a treatment works as defined by section 212 of the Act, 33 U.S.C. § 1292, which is owned by a State or municipality (as defined by section 502(4) of the Act, 33 U.S.C. § 1362(4)). 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. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over Indirect Discharges to and the discharges from such a treatment works. *See* 40 C.F.R. § 403.3(q).
23. Pursuant to 40 C.F.R. § 403.8(a), any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day ("mgd") and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the National Pollutant Discharge Elimination System ("NPDES") State exercises its option to assume local responsibilities as provided for in § 403.10(e).
24. Pursuant to 40 C.F.R. § 403.8(b), a POTW Pretreatment Program shall meet the criteria set forth in 40 C.F.R. § 403.8(f) and shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.
25. The term "Industrial User" or "User" means a source of Indirect Discharge. 40 C.F.R. § 403.3(j).
26. The term "Indirect Discharge" or "Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, 33 U.S.C. § 1317(b), (c), or (d). 40 C.F.R. § 403.3(i).
27. The term "Approval Authority" means the Director in a NPDES State with an approved State pretreatment program and the appropriate EPA Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program. *See* 40 C.F.R. § 403.3(c).



28. The term “Control Authority” refers to: “(1) The POTW if the POTW’s Pretreatment Program Submission has been approved in accordance with the requirements of § 403.11; or (2) the Approval Authority if the Submission has not been approved.” See 40 C.F.R. § 403.3(f).
29. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
30. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), the EPA authorized the Commonwealth of Pennsylvania to issue NPDES permits in 1978. In 1991, EPA authorized the Commonwealth to issue General NPDES Permits.
31. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), the EPA retains its authority to take enforcement action within the Commonwealth of Pennsylvania for NPDES permit violations.

#### **IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS**

32. Respondent owns and operates the Kiski POTW. The POTW is located at 1361 School Road, Leechburg, Pennsylvania and serves thirteen (13) communities in the Kiskiminetas River Valley.
33. Respondent is a “municipality,” and a “person” within the meaning of Section 502(4) and (5) of the Act, 33 U.S.C. § 1362(4) and (5).
34. On January 27, 2012, the PADEP issued the Respondent NPDES Permit No. PA0027626, with an effective date of February 01, 2012, and an expiration of January 31, 2017 (the “Permit”). The Permit continues to be administratively extended and is currently in effect.
35. The Commonwealth of Pennsylvania is not authorized to implement the NPDES pretreatment program under 40 C.F.R. § 403, thus the Regional Administrator of the EPA Region 3 serves as the Approval Authority for the Commonwealth of Pennsylvania.
36. Pursuant to 40 C.F.R. § 403.8(c), the Approved Pretreatment Program for Kiski POTW has been incorporated as enforceable conditions under the Permit.
37. The Kiski POTW has an average dry weather flow of 7 million gallons per day, a peak dry weather flow of 8.5 million gallons a day and a peak wet weather flow of 31 million gallons per day. See 40 C.F.R. § 403.8(a).

38. Pursuant to 40 C.F.R. § 403.8(b), the EPA approved Kiski POTW's Pretreatment Program on March 1, 1994, therefore Respondent is the "Control Authority" for Industrial Users discharging into its sewershed.
39. Significant Industrial Users, include Industrial Users subject to Categorical Pretreatment Standards under 40 C.F.R. § 403.6 and 40 C.F.R. chapter I, subchapter N, pursuant to 40 C.F.R. § 403.3(v)(i). 40 C.F.R. § 403.8 requires an Approved Pretreatment Program to meet requirements, including: adequate control of Industrial Users contributing pollutants to the POTW through permit or similar means; inclusion of specific, enforceable conditions into individual and general control mechanisms for Industrial Users; investigation and determination of Industrial Users' compliance with applicable Pretreatment Standards and Requirements; identification, location, characterization, and classification of all possible Industrial Users subject to the POTW's pretreatment program; and submission of certain information regarding Program implementation to the Approval Authority. See 40 C.F.R. §§ 403.8 and 403.12.
40. Respondent is permitted to discharge into the traditional navigable Kiskiminetas River, a tributary of the Allegheny River, a water of the United States, within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
41. At all times relevant to this AOC, the Kiski POTW discharged wastewater to the Kiskiminetas river, through three (3) "point sources," as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
42. On August 30, 2023, representatives of the EPA inspected the POTW for purposes of reviewing the self-monitoring and reporting program, as well as operation and maintenance of the POTW ("Inspection").
43. McCutcheon Enterprises, Inc. ("McCutcheon") is a centralized waste treatment facility, and thus is a Categorical Industrial User pursuant to 40 C.F.R. Part 437, "The Centralized Waste Treatment Point Source Category."
44. Leading Technologies, Inc. ("Leading") engages in metal finishing and fabrication, and thus is a Categorical Industrial User pursuant to 40 C.F.R. Part 433, "Metal Finishing Point Source Category."
45. McCutcheon and Leading are Categorical Industrial Users, and thus are Significant Industrial Users pursuant to 40 C.F.R. § 403.3(v)(1)(i).

**Count 1**

**Failure to Identify and Locate Industrial Users**

46. The allegations in the preceding paragraphs are incorporated by reference.
47. Part C(III)(A) of the Permit requires Respondent to operate and implement a POTW program in accordance with the CWA, the Pennsylvania Clean Streams Law, and the Pretreatment regulations at 40 C.F.R. Part 403.
48. 40 C.F.R. § 403.8(f)(2)(i) and (ii) require Respondent to locate all possible Industrial Users and identify the character and volume of pollutants contributed by them to the POTW.
49. Additionally, POTWs are required to “randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standard...” 40 C.F.R. § 403.8(f)(2)(v).
50. Respondent had not conducted a survey of any Industrial Users (categorical, significant or non-significant) in approximately ten (10) years. Thus, Respondent was unaware of the status of users and the character and volume of effluent pollutants discharged to the POTW.
51. Respondent has not conducted random sampling of effluent from Industrial Users in more than ten (10) years nor has Respondent provided evidence of conducting surveillance activities to identify compliance with pretreatment standards.
52. Based on the above allegations, Respondent violated Part C(III)(A) of the Permit by failing to reasonably locate all possible Industrial Users and identify the character and volume of pollutants they contribute to the POTW, as required by 40 C.F.R. § 403.8(f)(2).
53. In failing to properly operate and implement a POTW program, as required by Part C(III)(A) of the Permit, Respondent has violated Sections 301 and 307(d) of the CWA, 33 U.S.C. §§ 1311 and 1317(d), and the Pretreatment regulations at 40 C.F.R. Part 403.

**Count 2**

**Failure to Require Industrial Users to Notify of Potential Slug Discharge or Potential Bypass**

54. The allegations in the preceding paragraphs are incorporated by reference.
55. Part C(III)(A) of the Permit requires Respondent to operate and implement a Pretreatment program in accordance with the CWA, the Pennsylvania Clean Streams Law, and the Pretreatment regulations at 40 C.F.R. Part 403.

56. 40 C.F.R. § 403.8(f)(2)(vi) requires the POTW to evaluate whether each Significant Industrial User (SIU) needs a plan or other action to control slug discharges.
57. 40 C.F.R. § 403.12(f) requires all categorical and non-categorical Industrial Users to notify the POTW immediately of all discharges by the Industrial User that could cause problems to the POTW, including any slug loadings, as defined by 40 C.F.R. § 403.5(b).
58. 40 C.F.R. § 403.17(c), requires permits for Industrial Users to require notification to the POTW of bypasses.
59. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) requires that the POTW include self-monitoring, sampling, reporting, and notification requirements as part of the control mechanisms for Industrial Users.
60. 40 C.F.R. § 403.8(f)(1)(iii)(B)(6) requires the POTW to control slug discharges from Industrial Users.
61. The permits issued by Respondent to the only two identified Industrial Users, McCutcheon and Leading, did not require notification to Respondent of any change in process that could result in slug problems with the POTW.
62. The individual permits issued to McCutcheon and Leading did not require notification of potential bypasses.
63. Based on the above allegations, Respondent violated Part C(III)(A) of the Permit by failing to require Industrial Users to notify of potential slug discharges and of potential bypass, as required by 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and 403.17).
64. In failing to properly operate and implement a Pretreatment program, as required by Permit Part C(III)(A), Respondent has violated Sections 301 and 307(d) of the CWA, 33 U.S.C. §§ 1311 and 1317(d), and the Pretreatment regulations at 40 C.F.R. Part 403.

**Count 3**

**Failure to Identify Pollutants to be Monitored**

65. The allegations in the preceding paragraphs are incorporated by reference.
66. Part C(III)(A) of the Permit requires Respondent to operate and implement a Pretreatment program in accordance with the CWA, the Pennsylvania Clean Streams Law, and the Pretreatment regulations at 40 C.F.R. Part 403.
67. 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) requires Respondent to include effluent limits in SIU permits.



68. 40 C.F.R. § 403.5(c)(1) requires Respondent to develop and enforce specific limits to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b).
69. 40 C.F.R. § 403.5(a)(1) prohibits the introduction into a POTW of any pollutant(s) which cause Pass Through or Interference.
70. 40 C.F.R. § 403.5(b) prohibits the introduction into a POTW of specific pollutants, including biological oxygen on demand ("BOD") and total suspended solids ("TSS") in discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
71. The permits issued by Respondent to McCutcheon and Leading did not require the permittees to abide by specific limits for BOD and TSS. The permit issued to Leading did not require the permittee to monitor for BOD.
72. Based on the above allegations, Respondent violated Part C(III)(A) of the Permit by failing to require Leading to monitor for BOD, and for failing to require McCutcheon and Leading to abide by requisite limits for the pollutants BOD and TSS, as required by 40 C.F.R. § 403.5 and § 403.8(f)(1)(iii)(B)(3).
73. In failing to properly operate and implement a POTW program, as required by Permit Part C(III)(A), Respondent has violated Sections 301 and 307(d) of the CWA, 33 U.S.C. §§ 1311 and 1317(d), and the Pretreatment regulations at 40 C.F.R. Part 403.

#### **V. COMPLIANCE ORDER**

Therefore, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

74. The Respondent shall take all actions necessary to comply with the Clean Water Act, including, but not limited to, complying with all requirements of the Permit, along with any subsequent permit or permit modifications, and 40 C.F.R. § 403.
75. Within sixty (60) days of the Effective Date of the AOC, the Respondent shall provide to the EPA for review a Corrective Action Plan ("CAP") to address the Industrial User permit deficiencies. The CAP shall include, at a minimum, a plan and a schedule to

correct all violations addressed in this AOC, to be completed within six (6) months of the EPA's acceptance of the CAP. Specifically, the CAP must provide for:

- a. A comprehensive plan for identifying and locating all possible industrial users which might be subject to the POTW's Pretreatment Program (the "Industrial User Survey"), including establishment of a schedule for conducting Industrial User Surveys on a regular basis, and the development of evaluation criteria.
- b. An updated "Industrial User Survey."
- c. A comprehensive evaluation of existing Industrial User permits (including Leading and McCutcheon) for required permit language. Such review shall include all regulatory requirements under 40 C.F.R. § 403 et seq., including the violations noted herein.
- d. Amendment of Industrial User permits, where appropriate, to include required language per 40 C.F.R. § 403.

76. After review of the CAP:

- a. The EPA will, in writing: (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.
- b. If the submission is accepted by the EPA, Respondent shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part by the EPA, Respondent shall, upon written direction from the EPA, take all actions required by the accepted CAP that the EPA determines are technically severable from any unacceptable portions.
- c. If the CAP is unacceptable in whole or in part, Respondent shall, within thirty (30) days, or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the CAP, or any unacceptable portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.
- d. CAP Deadlines. No later than twenty (20) days from the EPA's acceptance of the CAP, Respondent shall submit to the EPA for review a list of deadlines included in the CAP. The list shall be submitted in an electronic format (e.g.,

unlocked spreadsheet or similar format agreed to by the Parties). Within ten (10) days of modification of any deadline under the CAP, Respondent shall provide an updated list reflecting changes to the future schedule.

77. Respondent shall submit a notice to the EPA within thirty (30) days of completing a scheduled event in the CAP until all work as identified in and required by the CAP has been completed.

## **VI. PROCEDURES FOR SUBMISSIONS**

78. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 CFR 122.22(d), that reads as follows:

*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.*

Signed \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

79. Respondent may assert a business confidentiality claim covering part of all the information which this AOC requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to the EPA, Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

80. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Email: [Thomson.aaron@epa.gov](mailto:Thomson.aaron@epa.gov)  
Mr. Aaron Thomson  
NPDES Enforcement Officer  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 3

Any information submitted electronically shall be submitted in a widely recognized electronic format.

**VII. CERTIFICATION OF COMPLIANCE AND  
REQUEST FOR TERMINATION OF AOC**

81. Upon completion of all items required by the CAP and a determination of completeness of each item, Respondent shall submit to the EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- a. a certification that Respondent has maintained compliance with this AOC for the term of this AOC; and
  - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section V (Compliance Order) of this AOC.
82. If, following review of any Certification of Compliance and Request for Termination of this AOC, the EPA agrees that Respondent has adequately complied with all requirements of this AOC, then the EPA may, in its unreviewable discretion, provide written notification of termination of this AOC.

**VIII. AOC MODIFICATIONS**

83. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to the EPA and shall be subject to review and approval by the EPA, in its sole and unreviewable discretion. Respondent's submission of a written request for modification of this AOC shall not relieve Respondent of any obligation under this AOC and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

**IX. CHANGE OF OWNERSHIP OR OPERATION OF THE WWTP**

84. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the WWTP.
85. At least ninety (90) days prior to any transfer of ownership or operation of the WWTP, Respondent shall submit a written notification to the EPA of any such anticipated change in ownership or operation of the WWTP (Notification of Change of Ownership or Operation). Each such Notification of Change of Ownership or Operation shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTP and a schedule for such anticipated change.
86. Respondent shall condition any sale or transfer of ownership or operation of the WWTP, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer, of the WWTP, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

**X. EFFECTIVE DATE**

87. This AOC will become effective upon the Respondent's receipt of a fully-executed copy of this AOC.



**Kiski Valley Water Pollution Control Authority**

Date: 3/19/2025

By:

A black rectangular box redacting the signature of the Board President.

Anthony J. Bione, Board President

**SO ORDERED:**

**FOR U.S. ENVIRONMENTAL PROTECTION AGENCY**

By:

**Melvin, Karen**

Digitally signed by Melvin, Karen  
Date: 2025.04.11 14:10:53  
-04'00'

*[Digital Signature and Date]*

Karen Melvin, Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 3

[illegible]

## CERTIFICATE OF SERVICE

Copies served via email and UPS, signature requested, to:

Larry Loperfido, Esq.  
Geary, Loperfido & Generelli, LLC  
159 Lincoln Avenue  
Vandergrift, Pennsylvania 15690  
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Aaron Thomson  
NPDES Enforcement – Water Branch, Enforcement and Compliance Assurance Division  
U.S. EPA, Region 3  
[thomson.aaron@epa.gov](mailto:thomson.aaron@epa.gov)

BEVIN  
ESPOSITO

Digitally signed by BEVIN ESPOSITO  
Date: 2025.04.15 05:34:53 -0400

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*[Digital Signature and Date]*

Bevin Esposito  
Regional Hearing Clerk  
U.S. EPA, Region 3