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**U.S. EPA REGION 8
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:)	
)	Docket No. CWA-08-2025-0005
Emit Technologies, Inc.)	
2571 North Main Street)	ADMINISTRATIVE ORDER ON
Sheridan, WY 82801)	CONSENT
)	
Respondent.)	

INTRODUCTION

1. This Administrative Order on Consent (Order) is entered into voluntarily by the U.S. Environmental Protection Agency (EPA) and Emit Technologies, Inc. (Respondent) to carry out the goals of the Clean Water Act, as amended, 33 U.S.C. § 1251 – 1387 (CWA), to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

STATUTORY AUTHORITY

2. This Order is issued pursuant to section 309(a) of the CWA, 33 U.S.C. § 1319(a).
3. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits discharge of pollutants from a point source into navigable waters, except in compliance with, *inter alia*, sections 307 and 402 of the CWA, 33 U.S.C. §§ 1317 and 1342.
4. Section 307(b) of the CWA, 33 U.S.C. § 1317(b), directed EPA to promulgate regulations establishing pretreatment standards designed to regulate the introduction of pollutants into publicly owned treatment works (POTW) for those pollutants which are determined not to be susceptible to treatment by such treatment works or which could interfere with the operation of such treatment works. *See* 40 C.F.R. § 401.12(g).
5. Pursuant to section 307(b) of the CWA, 33 U.S.C. § 1317(b), EPA promulgated regulations at 40 C.F.R part 403, establishing the General Pretreatment Regulations, and at 40 C.F.R. parts 405 through 471, establishing the category-specific Point Source Categorical Standards.
6. The General Pretreatment Regulations establish responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards (Pretreatment Standards) to, *inter alia*, control pollutants which pass through or interfere with treatment processes in POTWs. 40 C.F.R. § 403.1(a). These

regulations apply to, *inter alia*, any new or existing source subject to the Pretreatment Standards, as set forth by 40 C.F.R. part 403. 40 C.F.R. § 403.1(b),

7. Section 402 of the CWA, 33 U.S.C. § 1342, sets up the National Pollution Discharge Elimination System (NPDES) program. Among other things, this section of the CWA authorizes the EPA to issue permits allowing the discharge of pollutants in compliance with all terms and conditions of the NPDES permit issued. 33 U.S.C. § 1342(a). This section of the CWA also allows any state desiring to administer its own permit program for discharges into navigable waters within its jurisdiction to submit to the Administrator, for approval, a full and complete description of the program the state proposes to establish and administer under state law or under an interstate compact 33 U.S.C. § 1342(b).
8. To date, the State of Wyoming has not sought EPA approval to administer the pretreatment component of the National Pollution Discharge Elimination System (NPDES) program under Section 402(b) of the CWA, 33 U.S.C. § 1342(b).
9. EPA has not required the City of Sheridan, Wyoming, (City of Sheridan) to develop an EPA-approved pretreatment program in accordance with 40 C.F.R. § 403.8(a).
10. Accordingly, EPA administers the pretreatment portion of the NPDES program in Wyoming and is the pretreatment “Control Authority,” as defined by the General Pretreatment Regulations at 40 C.F.R. § 403.3(f), for industrial users that discharge to the City of Sheridan POTW.
11. Under the General Pretreatment Regulations, an “industrial user” means a source of “indirect discharge.” 40 C.F.R. § 403.3(j). An “indirect discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under, *inter alia*, Section 307(b) of the CWA. 40 C.F.R. § 403.3(i).
12. Pursuant to 40 C.F.R. § 403.6, EPA has established categorical standards, to regulate 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.
13. Metal finishing facilities that discharge wastewater to a POTW are subject to the categorical Metal Finishing Point Source Category Pretreatment Standards found at 40 C.F.R. part 433.
14. The applicability section of the Metal Finishing Point Source Category states, “the provisions of this subpart apply to plants which perform any of the following six metal finishing operations on any basis material: ... Coating (chromating, phosphating, and coloring). If any of those six operations are present, then this part applies to discharges from those operations and also to discharges from any of the following 40 process operations: Cleaning, Machining, Grinding, Polishing, Tumbling, ...Welding, and...Assembly.” 40 C.F.R. § 433.10(a).

15. Coating is described in Table 3-1 on page 3-2 of EPA's 1984 *Guidance Manual for Electroplating and Metal Finishing Pretreatment Standards* as follows: "Coatings – Any operation that includes chromating, phosphating, metal coloring and passivating... Metal coloring involves the chemical method of converting the metal surface into an oxide or similar metallic compound to produce a decorative finish."

FINDINGS OF FACT

16. The City of Sheridan owns and operates a POTW located at 393 Fort Road, Sheridan, Wyoming 82801 (City of Sheridan POTW) for the treatment of both domestic and industrial wastewater. The City of Sheridan POTW meets the definition of a POTW under 40 C.F.R. § 403.3(q).
17. The City of Sheridan POTW discharges into the Goose Creek and then Big Goose Creek, which is considered a "navigable water" of the United States, as defined by section 502(7) of the CWA, 33 U.S.C. § 1362(7). Big Goose Creek is a relatively permanent tributary of the Tongue River, which is a Traditional Navigable Waters (TNW) and Interstate Water.
18. The City of Sheridan POTW is a "point source" that "discharges pollutants," as these terms are defined by section 502(14) and (12) of the CWA, respectively, 33 U.S.C. §§ 1362(14) and (12).
19. Emit Technologies, Inc. (Respondent) is a for-profit corporation incorporated under the laws of the State of Wyoming.
20. As a corporation, Respondent is a "person" within the meaning of section 502(5) of the CWA, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
21. Respondent owns and operates a manufacturing facility consisting of a factory shop and showroom located at 2571 North Main Street in Sheridan, Wyoming (the Facility).
22. At all times relevant to this Order, Respondent owned and operated the Facility.
23. At the Facility, Respondent manufactures natural gas compression equipment, emission control equipment, catalytic converters, structural steel and contact jobs per customer specifications.
24. The phosphate coating operation in the Facility's 4-stage phosphate cleaning line qualifies as a core Metal Finishing operation. 40 C.F.R. § 433.10. Because the Facility has a core Metal Finishing operation, the machining, painting, welding, and assembly operations are ancillary Metal Finishing operations, and wastestreams generated from these operations are subject to the Metal Finishing Pretreatment Standards if they are discharged to the City's POTW.

25. EPA inspectors conducted an inspection of the Facility on November 7, 2023.

26. Based on information gathered during the inspection and conversations with the Facility's Chief Executive Officer, Chief Operating Officer, and other Facility staff, EPA inspectors determined that Respondent generates process wastewater in the 4-stage phosphate cleaning line. Parts to be powder coated are transported to the powder coating area, located on the southeast side of the manufacturing floor. The powder coating operation consists of a conveyerized system in which the parts are hung. The conveyor passes through a 4-stage phosphate cleaning line, dry-off oven, powder coat booth, and a curing oven. The phosphate cleaning line consists of four stages and each stage has a sump that supplies spray nozzles located in the stage to coat/rinse the part as it is flowing through the stage on the conveyor system. The sprayed chemical or rinsewater from the parts are collected in the sump, dedicated for that stage. The four stages of the phosphate coating line are detailed below:

- Phosphoric Acid Coating: Bulk Bond 777M, 1,750-gallon sump discharged to the City of Sheridan POTW when spent, about every 6 months. Note: the acid is stored in a 250-gallon tote contained within appropriately sized spill containment, located on the backside of the stage 1 acid sump and within 25 feet of the trench drain.
- Rinse Water, 650-gallon sump– continuous overflow to the City of Sheridan POTW.
- Rinse Water, 650-gallon sump– continuous overflow to the City of Sheridan POTW.
- Chrome-free Sealant: E-CLPS 1700 RA, 650-gallon sump discharged to the City of Sheridan POTW when spent, about every 6 months. Note: the sealant is stored in a 250-gallon tote contained within appropriately sized spill containment, located on the backside of the stage 4 sealant sump and within 25 feet of the trench drain.

The supply water used in the phosphating line is treated through a reverse osmosis (RO) system. The RO treatment system is located near the powder coat booth. The RO treatment is a series of two large cartridges that are changed out by the manufacturer when spent. The phosphate parts move along the conveyor from the 4-stage phosphate cleaning/degreasing line to a dry-off oven, then to the powder coat booth for painting, which is then cured in a curing oven. The powder coated parts are unloaded off of the conveyor and moved to the assembly area. The assembled parts are palletized and shipped.

27. Because the phosphate coating operation in the 4-stage phosphate cleaning line generates process wastestreams that are discharged to the City of Sheridan POTW, the Facility is subject to the Metal Finishing Point Source Category Pretreatment

Standards at 40 C.F.R. part 433, subpart A. Additionally, because the Facility has a core Metal Finishing operation, the machining, painting, welding, and assembly operations are ancillary Metal Finishing operations and wastestreams generated from those operations that are discharged to the City of Sheridan POTW are also subject to Metal Finishing Categorical Standards.

28. Industrial users that discharge wastewater regulated by a categorical process, such as coating, are considered Significant Industrial Users (SIU), pursuant to 40 C.F.R. § 403.3(v). Therefore, Respondent is a SIU.
29. The Facility relocated operations to the current location in approximately 2020, and Respondent first discharged process wastewater regulated by the Metal Finishing Point Source Category Pretreatment Standards in approximately 2022. Based on the EPA Memo titled *New Source Dates for Direct and Indirect Dischargers*, dated September 28, 2006, *"If the construction begins before the new source date, the source will generally be considered an existing source, not subject to new source standards, unless there was other construction after the new source date which constitutes a "total replacement" or is "substantially independent from the existing source" (see 40 CFR § 122.29(b)(ii) and (iii) and 40 CFR § 403.3(m)(1)(ii) and (iii))."* The "new source date" for indirect dischargers subject to Metal Finishing Point Source Category Pretreatment Standards at 40 C.F.R. part 433, subpart A was August 31, 1982. Because the Facility began operations after August 31, 1982, it meets the definition of a "new source" as defined in 40 C.F.R. § 403.3(m)(1).
30. The Facility discharges industrial process wastewater to the City of Sheridan POTW.
31. Respondent's wastewater contains "pollutants," as defined by section 502(6) of the CWA.
32. Respondent is an SIU that is subject to regulation under section 307(b) of the CWA, 33 U.S.C. § 1317(b), and at 40 C.F.R parts 403 and 433.

FINDINGS OF VIOLATION

33. Pursuant to 40 C.F.R. § 403.12(b), industrial users that are new sources subject to categorical standards must submit a baseline report to the Control Authority at least 90 days prior to commencement of discharge to a POTW, which includes, among other things, information on the method of pretreatment the source intends to use to meet applicable Pretreatment Standards. Respondent failed to submit a baseline report to EPA as required under 40 C.F.R. § 403.12(b).
34. Pursuant to 40 C.F.R. § 403.12(d), industrial users that are subject to categorical standards must submit to the Control Authority a report on compliance with categorical pretreatment standards within 90 days of commencing discharge. Respondent failed to submit a 90-day compliance report to EPA as required under 40 C.F.R. § 403.12(d).

35. Pursuant to 40 C.F.R. § 403.12(e), industrial users that are subject to categorical standards must, in June and December of each year, unless required more frequently in the Pretreatment Standards, or by the Control Authority or Approval Authority, submit a report (Periodic Compliance Report) to the Control Authority that indicates the nature and concentration of pollutants in the effluent which are limited by the categorical standard as well as measured or estimated average and maximum daily flows. The Control Authority may modify the months during which the above reports are to be submitted. Respondent has failed to submit the Periodic Compliance Reports semi-annually to EPA required under 40 C.F.R. § 403.12(e).

36. Pursuant to 40 C.F.R. § 403.12(f), all categorical and non-categorical industrial users must notify the POTW immediately of all discharges that could cause problems to the POTW. These discharges include, for example, any slug loadings, as defined by 40 C.F.R. § 403.5(b), discharged by an industrial user. Respondent has failed to submit any notification or provide a slug discharge control plan to describe discharge practices, stored chemicals, procedures to minimize or prevent accidental spills and non-routine batch discharges from impacting the POTW.

ORDER FOR COMPLIANCE

37. Based on the foregoing Findings of Violation, and pursuant to EPA's authority under section 309(a) of the CWA, 33 U.S.C. § 1319(a), EPA ORDERS, and Respondent hereby agrees to take, the following actions:

- a. to comply with the terms of Attachment 1, "Discharge Requirements Under General Pretreatment Regulations and Metal Finishing Point Source Category," Parts II-IV, inclusive of meeting all deadlines for submittals set forth therein.
- b. to report directly to the City of Sheridan upon notification from the EPA or the City of Sheridan that the City of Sheridan has an approved Pretreatment program and is the applicable "Control Authority," as defined by 40 C.F.R. § 403.3(f), if such determination is made after the Effective Date of this Order.

38. No requirements associated with this Order shall be construed to release Respondent from having to comply with any limits or requirements established by the City of Sheridan or the State of Wyoming.

GENERAL PROVISIONS

39. The provisions of this Order are severable. If any provision of this Order is determined to be unenforceable, the remaining provisions shall remain in full force and effect.

40. The Order shall apply to and be binding upon Respondent, its agents, successors, and assigns, and upon all persons, contractors, and consultants acting under or on behalf of Respondent in matters related to compliance with this Order. No change in the ownership, control or operation of the Facility shall alter its responsibilities under this Order unless EPA, Respondent, and the transferee agree in writing to allow the transferee to assume such responsibilities. A copy of this Order shall be provided to any successors prior to such transfer. Additionally, 30 calendar days prior to such transfer, Respondent shall notify EPA at the address specified in Part III.A of Attachment 1 to this Order.
41. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories and consultants retained to perform or monitor any portion of the work called for by this Order, on or before the date of such retention, and shall condition all such contracts on compliance with the terms of this Order.
42. This Order does not constitute a waiver or a modification of any requirements of the CWA, or its implementing regulations, all of which remain in full force and effect. EPA retains the right to seek any and all remedies available under sections 309(b), (c), (d), or (g), of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g), for any violation cited in this Order or any other authority. Issuance of this Order shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.
43. Failure to comply with the terms of this Order may result in Respondent's liability for civil penalties for each violation of up to \$66,712 per day under section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. part 19. Moreover, nothing in this Order shall be construed to relieve the Industrial User from civil and/or criminal penalties for noncompliance under 40 C.F.R. part 433 or State or Federal laws or regulations. Section § 309(c) of the CWA, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the CWA.
44. In signing this Consent Order, Respondent neither admits nor denies the FINDINGS OF FACT or FINDINGS OF VIOLATION. As such, and without any admission of liability, Respondent consents to issuance of this Consent Order and agrees to abide by all the conditions herein. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which Respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review of the section 309(a)(3) Compliance Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent further agrees not to challenge the jurisdiction of the EPA or the FINDINGS OF FACT or FINDINGS OF VIOLATION in any proceeding to enforce this Consent Order or in any action under this Consent Order.

Effective Date

45. This Order shall be effective with respect to Respondent upon receipt of a fully executed copy hereof. All time periods herein shall be calculated from the date of Respondent's receipt of the Order.

Signatories

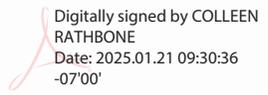
46. The undersigned representative of the Respondent has the legal authority to bind Respondent to the terms and conditions of this Order.

Termination

47. Upon EPA finding the requirements in this Order no longer apply or EPA finding Respondent has complied for a sufficient period of time, EPA may terminate this Order. Order termination does not relieve Respondent from requirements to comply with the CWA or its implementing regulations, including applicable requirements in 40 C.F.R. §§ 403 and 433.

EPA

Date: 1/21/2025

By: COLLEEN RATHBONE  Digitally signed by COLLEEN RATHBONE Date: 2025.01.21 09:30:36 -07'00'

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance
Division

Emit Technologies, Inc.

Date: 1/19/2025

By: 

Casey D. Osborn
Chief Executive Officer

ATTACHMENTS

To Administrative Order on Consent
In the Matter of: Emit Technologies, Inc.
U.S. Environmental Protection Agency, Region 8

ATTACHMENT 1

Discharge Requirements Under General Pretreatment Regulations and Metal Finishing Point Source Category

Industrial User (Facility): Emit Technologies, Inc.
2571 North Main Street
Sheridan, WY 82801

POTW: City of Sheridan Wastewater Treatment Facility
Sheridan, Wyoming

Control Authority: U.S. Environmental Protection Agency, Region 8

Regulated Process Wastewater: Wastewater generated from the phosphate coating, machining, painting, testing, cleaning, and assembly, which is regulated by the Metal Finishing Point Source Category at 40 C.F.R. part 433 and the General Pretreatment Regulations at 40 C.F.R. part 403.

PART I – Facility Information and Permit Application

A. General Facility Information

Emit Technologies, Inc. is a manufacturing facility of natural gas compression equipment, emission control equipment, catalytic converters, structural steel and contact jobs per customer specifications. The facility has two CNC machining processing areas for sheet metal and tubes. The raw materials are loaded onto a palletized cartridge system for laser cutting. These machines are automatically loaded and can be run on the day and the night shifts. The cut parts are formed in the two robotic press brakes or the manual presses. Depending on the part, they may be sent to the welding stations, the painting operations or mechanical assembly.

The facility has about 18 welding stations and performs both TIG/MIG welding. The gases used in the welding stations are stored in a central location and the individual gas bottles are moved to the stations. The welded parts are painted either in the wet paint booths or the powder coating area, depending on the part. The facility has two wet paint booths using primarily solvent-based paints and some water-based paint. The paint is mixed in the mixing station, located next to the paint booths. The facility uses primarily black or grey paint, and the hoses, guns and tips are cleaned using xylene during color changes. The waste xylene is kept in the 5-gallon buckets and stored outside the waste paint collection area to evaporate, and the sludge/residue is poured into the 55-gallon waste paint barrels. The painted parts are sent to the mechanical

assembly operation, which does not generate process wastewater. After assembly, the parts are palletized and shipped.

The parts to be powder coated are transported to the powder coating area, located on the southeast side of the manufacturing floor. The powder coating operation consists of a conveyORIZED system in which the parts are hung. The conveyor passes through a 4-stage phosphate cleaning line, dry-off oven, powder coat booth, and a curing oven. The phosphate cleaning line consists of four stages and each stage has a sump that supplies spray nozzles located in the stage to coat/rinse the part as it is flowing through the stage on the conveyor system. The sprayed chemical or rinsewater from the parts are collected in the sump, dedicated for that stage. The four stages of the phosphate coating line are detailed below:

1. Phosphoric Acid Coating: Bulk Bond 777M, 1,750-gallon sump discharged to the City sewer when spent, about every 6 months. Note: the acid is stored in a 250-gallon tote contained within appropriately sized spill containment, located on the backside of the stage 1 acid sump and within 25 feet of the trench drain.
2. Rinse Water, 650-gallon sump– continuous overflow to the City sewer.
3. Rinse Water, 650-gallon sump– continuous overflow to the City sewer.
4. Chrome-free Sealant: E-CLPS 1700 RA, 650-gallon sump discharged to the City sewer when spent, about every 6 months. Note: the sealant is stored in a 250-gallon tote contained within appropriately sized spill containment, located on the backside of the stage 4 sealant sump and within 25 feet of the trench drain.

The supply water used in the phosphating line is treated through a reverse osmosis (RO) system. The RO treatment system is located near the powder coat booth. The RO treatment is a series of two large cartridges that are changed out by the manufacturer when spent.

The phosphate parts move along the conveyor from the 4-stage phosphate cleaning/degreasing line to a dry-off oven, then to the powder coat booth for painting, which is then cured in a curing oven. The powder coated parts are unloaded off the conveyor and moved to the assembly area. These assembled parts are palletized and shipped.

The facility's phosphate coating operations qualify as metal finishing operations that are regulated by the Metal Finishing Point Source Category (40 C.F.R. part 433) of the EPA's categorical pretreatment regulations. 40 C.F.R. § 433.10. The wastewater discharges from the phosphate coating operations are therefore regulated under 40 C.F.R. parts 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) and 433. The regulated process wastewater produced by the phosphate coating process is discharged to the City of Sheridan's publicly owned treatment works (POTW) via a trench drain near the phosphate coating line. The trench drain collects all process wastewater generated from the four stages of the phosphate coating line.

B. Facility Outfall

<u>Outfall Number</u>	<u>Description of Discharge Point</u>
001	Regulated Process Wastewater, as defined in Part IV.E.12 of this attachment, from the Industrial User, as defined in Part IV.E. 6 of this attachment, that is generated from the four stages in the phosphate coating line collects in the trench drain located next to

the phosphate line and discharges from the trench drain directly to the City of Sheridan's POTW.

C. Permit Application

The facility submitted a certified and signed permit application to the EPA on July 31, 2024. This application included a dataset of sampling events for metals, cyanide and total toxic organics (TTO) that followed the requirements for the baseline monitoring and 90-day compliance reports. In its permit application, the facility stated that it was waiting for sampling equipment to gather a second dataset to complete the additional sampling requirements and resulting dataset it previously agreed to provide to the EPA. The facility subsequently submitted to the EPA another dataset for a second round of sampling events, which the EPA received on October 1, 2024. The EPA evaluated the information and data from the July 31, 2024 and October 1, 2024 dataset submissions to establish permit limitations and monitoring/reporting/notification requirements contained below in this Attachment.

PART II – Effluent Limitations and Monitoring Requirements

A. Dilution Prohibition (40 C.F.R. § 403.6(d))

Dilution is prohibited as a substitute for treatment. The Industrial User shall not increase the use of process water, or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance. Any act of prohibited dilution constitutes a violation of the Order to which this attachment applies.

B. Outfall Discharges

- i. No Regulated Process Wastewater, as defined in Part IV.E.12 of this attachment, shall be discharged to the POTW except at the Facility's designated Outfall 001, as listed in Part I.B of this attachment. Only Regulated Process Wastewater shall be discharged from the Facility through Outfall 001.
- ii. The facility's designated Outfall 001, as listed in Part I.B of this attachment, cannot be changed without notification to, and the prior written approval of, the EPA as the Control Authority.

C. Baseline Report and 90-Day Compliance Report Monitoring Requirements (40 C.F.R. § 403.12(b) and (d); 40 C.F.R. § 403.12(g)(3) and (4); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

The Industrial User collected and analyzed its Regulated Process Wastewater at Outfall 001 twice for the July 31, 2024 permit application and thus has satisfied the Baseline Report and 90-Day Compliance Report Monitoring Requirements as of the effective date of the Order to which this attachment applies.

D. Specific Effluent Limitations and Periodic Compliance Report Monitoring Requirements (40 C.F.R. § 403.12(e); 40 C.F.R. § 403.12(g)(3); 40 C.F.R. § 433.12(a) and (b); 40 C.F.R. § 433.15; 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and (4))

- i. All Regulated Process Wastewater discharged through Outfall 001 shall meet the limits identified in the table below. Samples or measurements shall be collected using the specified sample type and at least as often as mandated in the following table. Samples and

measurements taken shall be representative of the volume and nature of the monitored discharge. Monitoring shall be conducted by sampling after treatment processes and prior to the introduction of sanitary and other non-categorically defined dilution flows.

Specific Effluent Limitations and Monitoring Requirements – Outfall 001				
Effluent Parameters	Daily Maximum Limit (mg/L)	Monthly Average Limit (mg/L)	Measurement/ Sample Frequency	Sample Type
Effluent Flow (gallons per day)	—	—	Daily on days of discharge	Measured
pH, std units	Shall not be less than 5.0 std units	—	Daily on days of discharge	Grab
Cadmium (Total)	0.11	0.07	Once every three months	Composite ⁽¹⁾
Chromium (Total)	2.77	1.71	Once every three months	Composite ⁽¹⁾
Copper (Total)	3.38	2.07	Once every three months	Composite ⁽¹⁾
Lead (Total)	0.69	0.43	Once every three months	Composite ⁽¹⁾
Nickel (Total)	3.98	2.38	Once every three months	Composite ⁽¹⁾
Silver (Total)	0.43	0.24	Once every three months	Composite ⁽¹⁾
Zinc (Total)	2.61	1.48	Once every three months	Composite ⁽¹⁾
Cyanide (Total)	1.20	0.65	Once every three months	Grab-Composite ⁽²⁾
Total toxic organics (TTOs) ⁽⁴⁾⁽⁵⁾	2.13	-	Once every six months	<u>Volatile Organics</u> Grab ⁽³⁾ sample <u>Semi-Volatile Organics, PCBs, Pesticides—</u> composite ⁽¹⁾

⁽¹⁾ Composite sample: The facility shall gather an aliquot sample of the discharge every two hours throughout the production day and composited into a properly preserved, sample container.

⁽²⁾ Grab-Composite: Grab samples must be used for Cyanide. A grab sample must be properly preserved immediately upon collection into an appropriate sample container. Multiple grab samples collected during a 24-hour period may be composited in the laboratory or in the field prior to analysis.

- (3) Grab sample: an individual sample collected over a period of time not exceeding 15 minutes. Grab samples are authorized based on the low volume and intermittent nature of the discharge from the Industrial User. For purposes of volatile organics, the facility shall collect a grab sample every two hours of discharge throughout the production day. The grab sample shall be collected into a 40mL vial without a presence of headspace.
 - (4) The term total toxic organics (TTO) is the summation of all quantifiable values greater than 0.01 mg/L for the toxic organics listed in the definition of TTO in Part IV.E.14 of this attachment.
 - (5) In lieu of requiring monitoring and reporting for TTOs on periodic compliance reports, the Industrial User may sign and submit the TTO certification statement per the reporting requirements in Part III.D.3 of this attachment. In order to use the TTO certification statement in lieu of sampling, the Industrial User must first have in place an effective Solvent Management Plan/TOMP approved by the EPA (*see* Part II.H.1 of this attachment)
- ii. The Industrial User may submit a request to the EPA for approval to forego sampling of a regulated pollutant listed above if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. The approval by the EPA of such a request is subject to the conditions listed in 40 C.F.R. § 403.12(e)(2).

E. Effluent Violation Resampling (40 C.F.R. § 403.12(g)(2); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

If sampling performed by the Industrial User indicates a violation, the Industrial User shall repeat the sampling and analysis and submit the results of the repeat analysis to the EPA within 30 days after becoming aware of the violation pursuant to Part III.F of this attachment. Part III.F also contains a 24-hour notification requirement when the Industrial User first becomes aware of the violation. Resampling is not required if:

1. The EPA performs sampling of the Industrial User's discharge at a frequency of at least once per month; or
2. The EPA performs sampling of the Industrial User's discharge between the time when the initial sampling was conducted and the time when the Industrial User receives the results of this sampling.

F. Sample and Analysis Methods (40 C.F.R. § 403.12(g)(3) and (5); 40 C.F.R. § 403.12(b)(5)(v); 403.8(f)(1)(iii)(B)(3) and (4))

All sampling and analysis data must be representative of conditions occurring during the reporting period. All sampling and analyses shall be performed in accordance with procedures contained in 40 C.F.R. part 136 and amendments thereto or with any other test procedures approved by the EPA (*see* 40 C.F.R. §§ 136.4 and 136.5). Where 40 C.F.R. part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical

procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

G. Minimum Sampling Records (40 C.F.R § 403.12(o); 40 C.F.R § 403.8(f)(1)(iii)(B)(4))

The Industrial User shall create and maintain the following records for each sample in accordance with Part IV.B of this attachment:

1. The date, exact place, method, and time of sampling and the names of the person(s) taking the sample(s);
2. The dates the analysis or analyses were performed;
3. Who performed the analysis or analyses;
4. The analytical technique(s)/method(s) used; and
5. The result(s) of such analysis or analyses.

H. Discharge Control Plans (40 C.F.R. § 403.8(f)(1)(iii)(B)(6); 40 C.F.R. § 403.8(f)(2)(vi); 40 C.F.R. § 433.12(a) and (b))

1. Solvent Management Plan/Toxic Organic Management Plan (TOMP)

Emit Technologies conducted two TTO analyses associated with the July 31, 2024 permit application. The EPA received one dataset on July 31, 2024 and the second dataset on October 1, 2024. Based on the datasets, the facility had the following detections for TTOs:

- Chloroform: 0.55 µg/L on 06/25/2024 and 4.7 µg/L on 09/09/2024
- Di-n-butyl phthalate: 10 µg/L on 06/25/2024
- Bis(2-ethylhexyl)phthalate: 6.1 µg/L on 06/25/2024

- a. Based on the TTO data from 06/25/2024 and 09/09/2024, the facility is required to develop a Solvent Management Plan/TOMP for the detected TTOs listed above and submit it to the EPA for approval.
- b. To be approved by the EPA, the Solvent Management Plan must include the following:
 - i. The toxic organic compounds used for those TTOs listed above;
 - ii. The method of disposal of toxic organic compounds used instead of dumping, such as reclamation, contract hauling, or incineration; and
 - iii. Procedures for ensuring that toxic organics do not routinely spill or leak into the wastewater.
- c. The facility must submit to the EPA, for approval, the required Solvent Management Plan/TOMP within (60) calendar days of receipt of the Order to which this attachment applies.

- d. Upon receipt of a submitted Solvent Management Plan/TOMP, as set forth above, the EPA will either:
 - i. Approve the Solvent Management Plan/TOMP as submitted;
 - ii. Conditionally approve the Solvent Management Plan/TOMP with modifications, pending the facility's written acceptance of the modifications within thirty (30) calendar days of the facility's receipt of the conditional approval;
 - iii. Disapprove the Solvent Management Plan/TOMP in whole or in part, with comments. If the EPA disapproves a Solvent Management Plan/TOMP under this subpart, the facility must resubmit a revised plan addressing the comments within thirty (30) calendar days of the facility's receipt of the EPA's disapproval.
- e. Upon receipt of the EPA's written approval of a Solvent Management Plan/TOMP, the facility must immediately implement the plan. Any failure to comply with the terms of an approved and effective Solvent Management Plan/TOMP constitutes a violation of the Order to which this attachment applies.
- f. The facility is not eligible to submit the TTO certification statement in lieu of sampling (see Part II.D of this attachment) on a submitted Solvent Management Plan/TOMP until after the receipt of the EPA's approval of a proposed plan.

2. Slug Discharge Control Plan

A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through (*see* Part IV.E.7, 9 of this attachment for definitions of those terms) or in any other way violate the POTW's regulations, local limits or conditions of the Order to which this attachment applies.

- a. Based on the chemicals stored throughout the facility and the phosphate coating line's proximity to the floor drain in the phosphate process area and the potential for discharge of spent chemical solutions (Tank # 1 - phosphoric acid and Tank #4 – chrome free sealant) on the phosphate coating line, the facility is required to develop a Slug Discharge Control Plan and submit it to the EPA for approval.
- b. To be approved by the EPA, the Slug Discharge Control Plan must include the following:
 - i. Description of discharge practices, including non-routine batch discharges.
 - ii. Description of stored chemicals.
 - iii. Procedures to address potential slug discharges from the management of spent chemical solutions and spills or leaks from the chemical supply from the phosphate coating line, including steps to prevent slug discharges.
 - iv. Procedures for immediately notifying the POTW and the Control Authority of slug discharges, including any Discharge that would violate a prohibition under 40 C.F.R. § 403.5(b), with procedures for follow-up written notification within five days.
 - v. Procedures to prevent adverse impact from accidental spills, including procedures for: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for

containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- c. The facility must submit to the EPA, for approval, the Slug Discharge Control Plan within (60) calendar days of receipt of the Order to which this attachment applies.
- d. Upon receipt of a submitted Slug Discharge Control Plan, as set forth above, the EPA will either:
 - i. Approve the Slug Discharge Control Plan as submitted;
 - ii. Conditionally approve the Slug Discharge Control Plan with modifications, pending the facility's written acceptance of the modifications within thirty (30) calendar days of the facility's receipt of the conditional approval;
 - iii. Disapprove the Slug Discharge Control Plan in whole or in part, with comments. If the EPA disapproves a Slug Discharge Control Plan under this subpart, the facility must resubmit a revised plan addressing the comments within thirty (30) calendar days of the facility's receipt of the EPA's disapproval.
- e. Upon receipt of the EPA's written approval of a Slug Discharge Control Plan, the facility must immediately implement the plan. Any failure to comply with the terms of an approved and effective Slug Discharge Control Plan constitutes a violation of the Order to which this attachment applies.

I. General and Specific Discharge Prohibitions

In addition, the following pollutants shall not be introduced into a POTW:

1. General Prohibitions

The Industrial User may not introduce into the POTW any pollutant(s) which cause Pass Through or Interference, as defined in Part IV.E.7 and 9 of this attachment.

2. Specific Prohibitions

In addition, the following pollutants shall not be introduced into a POTW:

- a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. § 261.21.
- b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges.
- c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
- d. Any pollutant, including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

- e. Heat in amounts that will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
- f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- g. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

PART III – Plan Submittals, Reporting and Notification Requirements

A. Plan Submittals, Reporting and Notification Contacts

1. Written plans, reports, and notifications required to be submitted to the EPA shall be sent to the following address:

NPDES & Wetlands Enforcement Section (8ECA-W-NW)
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
Attention: Pretreatment

2. Written plans, reports and notifications required to be submitted to the POTW shall be sent to the following address:

POTW Superintendent
City of Sheridan
393 Fort Road
Sheridan, WY 82801
bedwards@sheridanwy.gov

3. Verbal notifications required to be submitted to the EPA shall be made by calling either number below and asking to speak with NPDES Enforcement, Pretreatment.

303-312-6312 or 800-227-8917

4. Verbal notifications required to be submitted to the POTW shall be made by calling the number below.

307-674-7038 Ext. 350 (POTW Superintendent)

B. Report and Plan Signatory Requirements (40 C.F.R. § 403.12(l))

The Baseline Report, 90-day Compliance Report, Periodic Compliance Reports (Parts II.C and D), and Discharge Control Plans (Part II.H) shall include the following signed certification statement:

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.

The certification statement shall be signed as follows:

1. By a responsible corporate officer, if the Industrial User is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - a. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - b. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the Respondent is a partnership, or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in (1) or (2) of this section if:
 - a. The authorization is made in writing by the individual described in paragraph (1) or (2);
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the EPA.
4. If an authorization under (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for

environmental matters for the company, a new authorization satisfying the requirements of (3) of this section must be submitted to the EPA prior to or together with any reports to be signed by an authorized representative.

C. Baseline Report and 90-day Compliance Report (40 C.F.R. § 403.12(b) and (d); 40 C.F.R. § 403.12(l); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4)).

As referenced in Part 1, Section C, the Industrial User submitted information in the July 31, 2024 permit application that satisfied the reporting requirements for the Baseline Report and 90-day Compliance Report.

D. Periodic Compliance Reports (40 C.F.R. § 403.12(e); 40 C.F.R. § 403.12(g)(6); 40 C.F.R. § 403.12(l); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

The Industrial User shall submit Quarterly Periodic Compliance Reports to the EPA as follows:

1. Due Dates

The Quarterly Periodic Compliance Reports are due by the dates listed below and shall not be submitted until the compliance monitoring period is complete. The report shall contain information from the associated compliance monitoring period.

Compliance Monitoring Period	Due Date
January 1 through March 31	April 30
April 1 through June 30	July 31
July 1 through September 30	October 31
October 1 through December 31	January 31

2. Discharge Monitoring Report

Periodic Compliance Reports shall include a discharge monitoring report (DMR) containing sample information for the compliance monitoring period, which are included in Attachment 2 of the Order. Additional DMRs may be requested from the EPA. The DMR shall be fully completed using the applicable information required by Part II.D of this attachment. In the event no discharge occurs during the compliance monitoring period, this may be indicated with “NO DISCHARGE” on the DMR.

3. TTO Certification (40 C.F.R. § 433.12(a) & (b))

If the Industrial User is certifying in lieu of sampling for TTOs as allowed by Parts II.C and II.H.1 of this attachment, the TTO certification must include the following statement signed by an authorized person listed in Part III.B of this attachment:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has

occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority.

4. pH/Flow Data

Submit the measured minimum and maximum pH from Outfall 001 for each month in the reporting period on the DMR. In addition, submit the measured total monthly flows and calculated daily average flows for each month in the reporting period on the DMR. If discharge did not occur during a calendar month, indicate this with the appropriate no data indicator code.

5. Additional Monitoring

If the Industrial User monitors any regulated pollutant listed in Part II.D of this attachment at Outfall 001 more frequently than required using the procedures required by Part II.F of this attachment, all sample results along with the sample date shall be listed in the Periodic Compliance Report. This includes any resampling results following noncompliance that may have already been submitted.

6. Certification statement

Include the signed certification statement listed in Part III.B of this attachment.

E. Potential Problem and Slug Reporting (40 C.F.R. § 403.12(f); 40 C.F.R. §§ 403.8(f)(2)(vi); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or conditions of the Order.

Immediate Notification

The Industrial User shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings from the Industrial User.

POTW Superintendent
307-674-7038 Ext. 350, bedwards@sheridanwy.gov

F. Effluent Violation Reporting (40 C.F.R. § 403.12(g)(2); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

If sampling performed by the Industrial User indicates a violation:

1. The Industrial User shall notify the EPA within 24 hours of becoming aware of the violation.
2. Within 30 days of becoming aware of the violation, the Industrial User shall submit to EPA in writing the results of the repeat analysis performed pursuant to Part II.E of this attachment.

All sample results shall also be included in the applicable Periodic Compliance Report.

G. Notification of Changed Discharge (40 C.F.R. § 403.12(j); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

The Industrial User shall promptly notify the EPA and the POTW in advance of any substantial change in the volume or character of pollutants in its discharge, including any of the listed or characteristic hazardous wastes referenced in Part III.H of this attachment.

H. Hazardous Waste Discharge Notification (40 C.F.R. § 403.12(p); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

1. The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Notifications to the EPA Regional Waste Management Division Director may be mailed to the same address listed in Part III.A for other EPA notifications. Such notification must include:
 - a. The name of the hazardous waste as set forth in 40 C.F.R. part 261;
 - b. The EPA hazardous waste number;
 - c. The type of discharge (continuous, batch, or other);
 - d. If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User:
 - i. An identification of the hazardous constituents contained in the wastes;
 - ii. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - iii. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.
2. The Industrial User shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted pursuant to Part III.G of this attachment. This notification requirement does not apply to pollutants already reported in a Baseline Report, 90-day Compliance Report, or Periodic Compliance Report.
3. The Industrial User is exempt from the notification requirement during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than these quantities of any hazardous waste do not require additional notification.

4. In the case of any new regulations under section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
5. In the case of any hazardous waste notification, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

I. Upset Effect, Notification, and Reporting (40 C.F.R. § 403.16; 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

1. Affirmative defense. An Upset, as defined in Part IV.E.15 of this attachment, shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of (2), below, are met.
2. Conditions necessary for a demonstration of Upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - c. The Industrial User has submitted the following information to the POTW and the EPA within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - i. A description of the Indirect Discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
3. Burden of proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
4. Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

5. User responsibility in case of upset. The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

J. Bypass Requirements Notification (40 C.F.R. § 403.17; 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

1. Allowable Bypass

An allowable bypass is one not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (2) and (3), below.

2. Prohibition of Bypass

- a. Unanticipated bypass. Bypass is prohibited, and the EPA may take enforcement action against the Industrial User for a bypass, unless:

- i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- iii. The Industrial User submitted notices as required under (3), below.

- b. Unanticipated bypass. The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed in (2)(a), above.

3. Notification of Bypass (40 C.F.R. § 403.17; 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

- a. Unanticipated bypass. If the Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the EPA, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the EPA within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent

reoccurrence of the bypass. The EPA may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

PART IV – General Conditions

A. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with the Order does not relieve the Industrial User of its obligations to comply with any and all applicable local, state, and federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of the Order.

B. Retention of Records (40 C.F.R. § 403.12(o); 40 C.F.R. § 403.8(f)(1)(iii)(B)(4))

The Industrial User is required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required). This includes but is not limited to any calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the Order, records of all data and laboratory reports, and records of Best Management Practices (BMPs), as defined in Part IV.E.1 of this attachment. The Industrial User shall make such records available for inspection and copying by the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the EPA.

The Industrial User shall maintain, as required by this Part, records of all information resulting from any monitoring activities required by the Order, including documentation associated with BMPs (e.g., inspections of spill control BMPs).

C. Confidentiality (40 C.F.R. § 403.14)

In accordance with 40 C.F.R. part 2, any information submitted pursuant to the Order may be claimed as confidential by the submitter. following the confidentiality provisions of 40 C.F.R. § 403.14. If no claim is made at the time of submission, the EPA may make the information available to the public without further notice. Information and data provided to the EPA which is effluent data shall be available to the public without restriction.

D. Right of Entry

Pursuant to section 308 of the CWA, the EPA or an EPA authorized representative (including an authorized contractor acting as a representative of the EPA), upon presentation of his or her credentials, shall have a right to:

1. Enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Order;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the Order;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the Order;

4. Sample or monitor, for the purposes of assuring compliance, any substances or parameters at any location; and
5. Inspect any production, manufacturing, fabricating, or storage area where pollutants regulated under the Order, could originate, be stored, or be discharged to the City POTW.

E. Definitions

1. Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. (See 40 CFR 403.3(e))
2. Bypass - The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility. (See 40 C.F.R. § 403.17)
3. Composite Sample - A collection of individual grab samples obtained at regular intervals, either based on time intervals or flow intervals (e.g., every two hours during a 24-hour time span or every 1,000 gallons of process wastewater produced). Each individual grab sample is either combined with the others or analyzed individually and the results averaged. In time composite sampling, the samples are collected after equal time intervals and combined in proportion to the rate of flow when the sample was collected. Flow composite sampling occurs in one of two ways. The first method of obtaining a flow composite sample is to collect equal volume individual grab samples after a specific volume of flow passes the sampling point. The second method of obtaining a flow composite sample is to vary the volume of the aliquot collected in proportion to the amount of flow that passed over the time interval which the sample represents. Composite samples are designed to be representative of the effluent conditions by reflecting the average conditions during the entire sampling period.
4. Daily Maximum Limit - The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all representative measurements taken that day.
5. Grab Sample - An individual sample collected over a period of time not exceeding 15 minutes. (See Appendix E to 40 C.F.R. part 403)
6. Industrial User or User - The source of the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. For this document, the Industrial User is named on the first page. (See 40 C.F.R. § 403.3(i) and (j))
7. Interference - A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the CWA, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. (See 40 C.F.R. § 403.3(k))
8. Monthly Average - The highest allowable average of *daily discharges* over a calendar month, calculated as the sum of all *daily discharges* measured during a calendar month divided by the number of *daily discharges* measured during that month.
 9. Pass Through - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (See 40 C.F.R. § 403.3(p))
 10. Publicly Owned Treatment Works (POTW) - A treatment works as defined by section 212 of the CWA, which is owned by a State or municipality (as defined by section 502(4) of the CWA). 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 CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. (See 40 C.F.R. § 403.3(q))
 11. POTW Treatment Plant - That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. (See 40 C.F.R. § 403.3(r))
 12. Regulated Process Wastewater - Wastewater generated from a categorically defined process, defined at subpart of 40 C.F.R. chapter I, subchapter N, that is discharged to the POTW.
 13. Severe property damage - Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (See 40 C.F.R. § 403.17)
 14. Total Toxic Organics (TTO) - The summation of all quantifiable values greater than 0.01 milligrams per liter for the following toxic organics:

Acenaphthene
 Acrolein
 Acrylonitrile

Benzene
 Benzidine

Carbon tetrachloride (tetrachloromethane)	Isophorone
Chlorobenzene	Naphthalene
1,2,4-Trichlorobenzene	Nitrobenzene
Hexachlorobenzene	2-Nitrophenol
1,2,-Dichloroethane	4-Nitrophenol
1,1,1-Trichloroethane	2,4-Dinitrophenol
Hexachloroethane	4,6-Dinitro-o-cresol
1,1-Dichloroethane	N-nitrosodimethylamine
1,1,2-Trichloroethane	N-nitrosodiphenylamine
1,1,2,2-Tetrachloroethane	N-nitrosodi-n-propylamine
Chloroethane	Pentachlorophenol
Bis (2-chloroethyl) ether	Phenol
2-Chloroethyl vinyl ether (mixed)	Bis (2-ethylhexyl) phthalate
2-Chloronaphthalene	Butyl benzyl phthalate
2,4,6-Trichlorophenol	Di-n-butyl phthalate
Parachlorometa cresol	Di-n-octyl phthalate
Chloroform (trichloromethane)	Diethyl phthalate
2-Chlorophenol	Dimethyl phthalate
1,2-Dichlorobenzene	1,2-Benzanthracene (benzo(a)anthracene)
1,3-Dichlorobenzene	Benzo(a)pyrene (3,4-benzopyrene)
1,4-Dichlorobenzene	3,4-Benzofluoranthene (benzo(b)fluoranthene)
3,3-Dichlorobenzidine	11,12-Benzofluoranthene (benzo(k)fluoranthene)
1,1-Dichloroethylene	Chrysene
1,2-Trans-dichloroethylene	Acenaphthylene
2,4-Dichlorophenol	Anthracene
1,2-Dichloropropane	1,12-Benzoperylene (benzo(ghi)perylene)
1,3-Dichloropropylene (1,3- dichloropropene)	Fluorene
2,4-Dimethylphenol	Phenanthrene
2,4-Dinitrotoluene	1,2,5,6-Dibenzanthracene (dibenzo(a,h)anthracene)
2,6-Dinitrotoluene	Indeno(1,2,3-cd) pyrene (2,3-o- phenylene pyrene)
1,2-Diphenylhydrazine	Pyrene
Ethylbenzene	Tetrachloroethylene
Fluoranthene	Toluene
4-Chlorophenyl phenyl ether	Trichloroethylene
4-Bromophenyl phenyl ether	Vinyl chloride (chloroethylene)
Bis (2-chloroisopropyl) ether	Aldrin
Bis (2-chloroethoxy) methane	Dieldrin
Methylene chloride (dichloromethane)	Chlordane (technical mixture and metabolites)
Methyl chloride (chloromethane)	4,4-DDT
Methyl bromide (bromomethane)	4,4-DDE (p,p-DDX)
Bromoform (tribromomethane)	4,4-DDD (p,p-TDE)
Dichlorobromomethane	
Chlorodibromomethane	
Hexachlorobutadiene	
Hexachlorocyclopentadiene	

Alpha-endosulfan
Beta-endosulfan
Endosulfan sulfate
Endrin
Endrin aldehyde
Heptachlor
Heptachlor epoxide (BHC-
hexachloro-cyclohexane)
Alpha-BHC
Beta-BHC
Gamma-BHC
Delta-BHC

PCB-polychlorinated biphenyls:
PCB-1242 (Arochlor 1242)
PCB-1254 (Arochlor 1254)
PCB-1221 (Arochlor 1221)
PCB-1232 (Arochlor 1232)
PCB-1248 (Arochlor 1248)
PCB-1260 (Arochlor 1260)
PCB-1016 (Arochlor 1016)
Toxaphene
2,3,7,8-Tetrachlorodibenzo-p-dioxin
(TCDD)

15. Upset - An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the facility. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (*See* 40 C.F.R. § 403.16)

ATTACHMENT 2

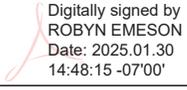
Required Discharge Monitoring Reports (DMRs):

January through March 2025
April through June 2025
July through September 2025
October through December 2025
January through March 2026
April through June 2026
July through September 2026
October through December 2026
January through March 2027
April through June 2027
July through September 2027
October through December 2027
January through March 2028
April through June 2028
July through September 2028
October through December 2028
January through March 2029
April through June 2029
July through September 2029
October through December 2029

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent (Order) was transmitted by email to the Regional Hearing Clerk for EPA Region 8 at [R8 Hearing Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov) and to Respondent at cdosborn@emittechnologies.com.

Date: January 30, 2025

By: ROBYN EMESON  Digitally signed by ROBYN EMESON
Date: 2025.01.30 14:48:15 -07'00'