

CITY OF TYLER  
WATER UTILITIES DIVISION

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

PERMIT NO. ##-##-##

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In accordance with all the terms and conditions of The City of Tyler Industrial Waste Ordinance, Chapter 19, Article IV, Division 2 of the City Code, and also with any applicable provisions of Federal or State law or regulation; Permission is hereby granted to:

INDUSTRY NAME

ADDRESS

TYLER, TEXAS 75702

to discharge industrial wastewater into the sanitary sewer of the City of Tyler at a point located at ADDRESS.

This permit is granted in accordance with the application filed on DATE in the office of the Manager, Water Production and Water Quality, and in conformity with the plans, specifications, and other data submitted and revised in support of the above permit, together with the following named conditions and requirements.

This permit shall become effective on DATE, and shall expire at midnight on DATE

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MANAGER, WATER PRODUCTION AND  
WATER QUALITY

## PART 1 – DEFINITIONS AND PROHIBITIONS

### A. DEFINITIONS

1. Bi-Weekly – Once every other week.
2. Bi-Monthly – Once every other month.
3. Bypass – Means the intentional diversion of wastes from any portion of a treatment facility.
4. Composite Sample – A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. The sampling time duration will be specified (i.e. 8-hour, 12-hour, 24-hour). Composite samples shall contain a minimum of four (4) discrete sample aliquots.
5. Cooling Water –
  - (a) Uncontaminated: Water used for cooling purposes only, which has no direct contact with any raw material, intermediate, or final product, and which does not contain a level of contaminants detectably higher than that of the intake water.
  - (b) Contaminated: Water used for cooling purposes only, which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
6. Daily Maximum – The maximum allowable discharge of pollutant during a calendar day. 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 measurements taken that day. Discharges in excess of the Daily Maximum Limit are in violation of this permit.
7. Grab Sample – An individual sample collected in less than 15 minutes, without regard for flow or time.

8. Instantaneous Maximum Concentration – The maximum concentration allowed in any single grab sample.
9. Monthly Average – The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).
10. Surcharge Limit – A base limit for the conventional pollutants (BOD5, COD, TSS, or TDS), which when exceeded will result in a surcharge. Where surcharge limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where surcharge limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
11. Upset – Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance, or lack thereof.
12. Weekly Average – The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

B. PROHIBITED DISCHARGE STANDARDS

The permittee shall comply with all the general prohibitive discharge standards in Section 19-73 of the Industrial Waste Ordinance. Namely, the industrial user shall not discharge the following substances to the POTW:

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection system and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.12.
2. Any wastewater having a pH less than 5.0 or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.
3. Solid or viscous substances in amounts which will cause obstruction of the flow to or within the POTW resulting in interference, but in no case solids greater than 0.5 inches in any dimension.
4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD5, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause pass through or interference with the POTW or any

wastewater treatment or sludge process; or which will constitute a hazard to human or animal life.

5. Any wastewater having a temperature greater than 150°F (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the water temperature at the introduction into the treatment plant to exceed 104°F (40° C).
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through. Any discharge of such oil is limited to 100 mg/l.
7. Any discharge of fats, oils, or greases of animal or vegetable origin in a concentration greater than 100 mg/l.
8. Any pollutants which 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.
9. Any trucked or hauled pollutants, except at discharge points designated by the Manager, Water Production and Water Quality in accordance with Section 19-74e.
10. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
11. Any wastewater which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes or vegetable tanning solutions, and which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
12. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager, Water Production and Water Quality in compliance with applicable State or Federal regulations.
13. Any wastewater causing the effluent from the treatment plant to fail a toxicity test.
14. Any wastes containing detergents, surface active agents, or other substances which cause excessive foaming in the POTW.

### C. SPECIFIC POLLUTANT LIMITS

The industrial user shall not discharge wastewater with pollutant concentrations in excess of the following daily maximum limits:

Arsenic (As)	0.60 mg/l	Mercury (Hg)	0.01 mg/l
Cadmium (Cd)	0.20 mg/l	Nickel (Ni)	2.00 mg/l
Chromium (Cr)	5.00 mg/l	Silver (Ag)	0.10 mg/l
Copper (Cu)	0.60 mg/l	Total Phenols	2.00 mg/l
Cyanide	0.30 mg/l	Zinc (Zn)	2.00 mg/l
Lead (Pb)	0.30 mg/l		

## PART 2 – AUTHORIZATION TO DISCHARGE

### A. OUTFALL DESCRIPTION

During the period of **DATE** to **DATE**, the permittee is authorized to discharge wastewater to the City of Tyler sewer system from the outfall(s) listed below.

Description of outfalls:

<u>Outfall</u>	<u>Descriptions</u>
###	Sample point description

### B. EFFLUENT LIMITATIONS

During the period of **February 1, 2009** to **December 31, 2011**, the discharge of process wastewater from Outfall 001 shall not exceed the following effluent limitations. Effluent from this outfall consists of pickling rinse wastewater only.

#### EFFLUENT LIMITATIONS

<u>Parameter</u>	<u>Daily Max (mg/l)</u>	<u>Monthly Avg (mg/l)</u>
Chemical Oxygen Demand (COD)	1,200 (1)	N/A
Total Suspended Solids (TSS)	1,500 (1)	N/A
Total Dissolved Solids (TDS)	4,400 (1)	N/A
pH	5.0 – 11.5 s.u.	N/A
Arsenic (As)	0.60	N/A
Cadmium (Cd), Total (2)	0.11 (3)	0.07 (3)
Chromium (Cr), Total (2)	2.77 (3)	1.71 (3)
Copper (Cu), Total (2)	0.60	2.07 (3)
Lead (Pb), Total (2)	0.30	0.43 (3)
Mercury (Hg), Total (2)	0.01	N/A
Nickel (Ni), Total (2)	2.00	2.38 (3)
Silver (Ag), Total (2)	0.10	0.24 (3)
Zinc (Zn), Total (2)	2.00	1.48 (3)
Oil & Grease	100.00	N/A
Phenol, Total	2.00	N/A
Cyanide, Total (2)	0.30	0.65 (3)
Total Toxic Organics (TTO) (2)	2.13 (3)	N/A

(1) See Part 9, Section C.

(2) Federally regulated pollutant

(3) Categorical effluent standard (40 CFR 433.17)

C. OTHER DISCHARGE REQUIREMENTS

All discharges shall comply with all other applicable laws, regulations, standards, and requirements of the City of Tyler and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

PART 3 – MONITORING REQUIREMENTS

A. PARAMETERS AND FREQUENCY

From the period beginning on the effective date of the permit until **December 31, 2011**, the permittee shall monitor Outfall 001 for the following parameters, at the indicated frequency:

<u>Sample Parameter (mg/l)</u>	<u>Measurement Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Chemical Oxygen Demand (COD)	(1)	Monthly	Grab
Total Suspended Solids (TSS)	(1)	Monthly	Grab
Total Dissolved Solids (TDS)	(1)	Monthly	Grab
pH	(1)	Monthly	Grab (3)
Arsenic (As)	(1)	Monthly	Grab
Cadmium (Cd), Total	(1)	Monthly	Grab
Chromium (Cr), Total	(1)	Monthly	Grab
Copper (Cu), Total	(1)	Monthly	Grab
Lead (Pb), Total	(1)	Monthly	Grab
Mercury (Hg), Total	(1)	Monthly	Grab
Nickel (Ni), Total	(1)	Monthly	Grab
Silver (Ag), Total	(1)	Monthly	Grab
Zinc (Zn), Total	(1)	Monthly	Grab
Cyanide, Total	(1)	Monthly	Grab
Oil & Grease	(1)	Monthly	Grab
Phenol, Total	(1)	Monthly	Grab
Total Toxic Organics (TTO)	(1)	Semi-Annual	Grab (4)
Flow (MGD)	(1)	Daily	Metered (5)

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- (1) See Part 10 for a diagram identifying sample location(s).
  - (2) Composite samples shall contain a minimum of four (4) discrete sample aliquots.
  - (3) Report pH of one grab sample, or if metered, report high and low pH for the sampling period.
  - (4) The permittee may substitute a Solvent/Toxic Organic Management Plan (TOMP) for the TTO required in June and December of the year. See Part 11.
  - (5) Daily flows are to be recorded from the permittee's flow meter. The permittee is required to report average daily flow, and total monthly flow for the sampling period.

B. REQUIREMENTS UNDER 40 CFR 136

All sampling and analysis required by this permit, including the handling and preservation of collected samples, shall be performed in accordance with 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit.

C. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to, and the approval of, the Manager, Water Production and Water Quality.

D. FLOW MEASUREMENTS

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

E. DILUTION

The permittee shall not increase the use of potable or process water or, in any way; attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

## PART 4 – REPORTING REQUIREMENTS

All reports required by this permit shall be submitted to the City of Tyler at the following address:

City of Tyler Water Utilities  
Attn: Mitch Marable, Manager  
Water Production and Water Quality  
14792 CR 192  
Tyler, Texas 75703

A. SELF-MONITORING REPORTS

Monitoring information required by this permit shall be summarized and submitted on an Industrial User Self-Monitoring Report Form once per month. The reports shall be submitted to the office of the Manager, Water Production and Water Quality, City of Tyler Water Utilities Division. Reporting periods shall end on the last day of the month. The Industrial User Self-Monitoring Report shall be submitted no later than the 15<sup>th</sup> day following the end of the reporting period. The reporting period shall begin DATE. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the calendar month preceding the submission of the report. The following information must be included on each report:

1. The date, exact place and time of sampling;
2. The dates the analyses were performed;
3. Who performed the analyses; who performed the sampling or measurement;
4. Type of analytical techniques or methods used;
5. Type of sample (grab, sample composite, or flow-proportioned composite);
6. Results of all required analyses; and
7. The instantaneous flow at grab sample collections (if applicable).

B. ADDITIONAL MONITORING

If the permittee monitors any pollutant more frequently than required by this permit using test procedures identified in Part 3.B. above, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge, and the results shall be reported in the monthly report submitted to the City of Tyler. Such increased monitoring frequency shall also be indicated in the permittee's self-monitoring reports.

C. EFFLUENT LIMIT VIOLATION REPORT

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must:

1. Inform the City of Tyler within 24 hours of becoming aware of the violation. This notification may be made by telephone to the Water Quality Chemist (903-939-8278), the Manager, Water Production and Water Quality (903-939-1538), or the Industrial Pretreatment Technician (903-595-1678).
2. Repeat the sampling and pollutant analysis for the parameter(s) violated, and submit, in writing, the results of this second analysis within thirty (30) days after becoming aware of the violation.
3. The actions described in 1. and 2. above are not required for the conventional pollutants of BOD5, COD, TSS, or TDS when the Surcharge

Limit is exceeded. If the Daily Maximum Limit for any of the conventional pollutants is exceeded (See Part 2, Section B), the requirements of 1. and 2. above apply.

D. ACCIDENTAL DISCHARGES, SLUG DISCHARGES, OPERATING UPSETS

The permittee shall notify the City of Tyler immediately upon the occurrence of an accidental discharge of substances prohibited by Section 19-73 a. of the City Code (See Part 1.B. and C.). Any permittee that experiences a slug discharge or an upset in operations that place the permittee in a temporary state of noncompliance with the provisions of either this permit or with the City of Tyler Industrial Waste Ordinance shall inform the City of Tyler within 24 hours of becoming aware of the upset. During normal business hours, the City shall be notified by telephone at 903-939-8278, 903-939-1538, or 903-595-1678. After 5 p.m. Monday – Friday, on weekends and holidays, the City should be notified at 903-597-6541.

The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws.

Within five (5) working days following an accidental discharge, slug discharge, or operating upset, the permittee shall submit to the City of Tyler a detailed written report. The report shall specify:

1. Description and cause of the accidental discharge, slug discharge, or operating upset, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration, and volume of waste.
2. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such accidental discharge, slug load, or operating upset, or other condition of noncompliance.
4. The potential danger to human health or safety, or to the environment. The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner. A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

E. PLANNED CHANGES

The permittee shall give notice to the City of Tyler 90 days prior to any facility expansion, production increase, or process modification which results in new or substantially increased discharges or a change in the nature of the discharge.

F. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice to the City of Tyler of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

G. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the City of Tyler within 45 days any information which the City may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the City of Tyler within 45 days copies of any records required to be kept by this permit.

H. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the City of Tyler must contain the following 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.”

All documentation containing the certification statement must be signed as required below:

1. By a responsible corporate officer, if the Industrial User submitting the report(s) 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 operation facilities if 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 Industrial User submitting the reports is a partnership or sole proprietorship respectively.
3. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.
4. By a duly authorized representative of the individual designated in paragraph (1), (2), or (3) of this section if:

- a. the authorization is made in writing by the individual described in paragraph (1), (2), or (3);
  - 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 a 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 City.
5. If an authorization under paragraph (4) 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 the environmental matters for the company, a new authorization satisfying the requirements of paragraph (4) of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

I. FALSIFYING INFORMATION

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

## PART 5 – INSPECTIONS AND RECORDS

A. INSPECTION AND ENTRY

The permittee shall allow duly authorized employees of the City, State and EPA, or an authorized representative, upon the presentation of proper credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
4. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
5. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

B. RETENTION OF RECORDS

1. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application.

This period may be extended by request of the City of Tyler at any time.

2. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Tyler shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

PART 6 – GENERAL PERMIT CONDITIONS

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

B. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliant discharge.

C. PERMIT MODIFICATION

This permit may be modified for good causes including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
3. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's collection and treatment systems, plant or associated personnel, or the receiving waters;
5. Violation of any terms or conditions of the permit;

6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
7. Revision of, or a grant of variance from, such categorical standards pursuant to 40 CFR 403.13 (as applicable);
8. To correct typographical or other errors in the permit;
9. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. PERMIT REVOCATION

This permit may be revoked for the following reasons:

1. Falsifying self-monitoring reports;
2. Tampering with monitoring equipment;
3. Refusing to allow timely access to the facility premises and records;
4. Failure to meet effluent limitation;
5. Failure to pay fines;
6. Failure to pay sewer charges (including surcharges); or
7. Failure to meet compliance schedules.

E. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

F. LIMITATION ON PERMIT TRANSFER

Permits are nontransferable without, at a minimum, prior notification to and approval of the Manager, Water Production and Water Quality or his delegated representative and provision of a copy of the existing permit to the new owner or operator and upon meeting the following conditions:

1. The permittee must give at least thirty (30) days advance notice to the City;
2. The notice must include a written certification by the new owner which:
  - a. States that the new owner has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing permit.

G. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit at least 90 days before the expiration date of this permit.

H. CONTINUATION OF EXPIRED PERMITS

An expired permit will continue to be effective and enforceable until the permit is reissued if:

1. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and
2. The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

I. REOPENER CLAUSE

1. This permit may be reopened and modified to incorporate any new or revised requirements contained in a National Categorical Pretreatment Standard promulgated for the Metal Finishing Industrial Category (40 CFR Part 433).
2. This permit may be reopened and modified to incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

J. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## PART 7 – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

A. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. DUTY TO HALT OR REDUCE ACTIVITY

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. BYPASS OF TREATMENT FACILITIES

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage, or no feasible alternatives exist.
2. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
3. Notification of bypass:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the City of Tyler.
  - b. Unanticipated bypass. The permittee shall immediately notify the City of Tyler and then submit a written notice to the City within five (5) working days. This report shall specify:
    - (1) A description of the bypass, and its cause, including its duration;
    - (2) Whether the bypass has been corrected; and
    - (3) The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

D. REMOVED SUBSTANCES

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

## PART 8 – ENFORCEMENT

A. ANNUAL PUBLICATION

A list of the names of all Industrial Users which were in significant noncompliance of applicable pretreatment standards and requirements during the twelve (12) previous months shall be annually published by the City of Tyler in the daily newspaper with the largest circulation within its service area. For the purposes

of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the Daily Maximum Limit or the average limit (as appropriate) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (Daily Maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

**B. CIVIL AND CRIMINAL LIABILITY**

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under City Codes or State or Federal laws or regulations.

**C. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

Section 19-82 of the City of Tyler Code of Ordinances provides that any person who violates a permit condition is subject to a civil penalty of up to \$2,000.00 per day of such violation. Any person who willfully or negligently violates permit

conditions is subject to criminal penalties consisting of a fine of up to \$2,000.00 per day of violation, or by imprisonment, or both. The permittee may also be subject to sanctions under State and/or Federal law.

D. RECOVERY OF COSTS INCURRED

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit, or Chapter 19, Article IV, Division 2 of the City Code, or causing damage to, or otherwise inhibiting the City of Tyler wastewater disposal system, shall be liable to the City of Tyler for any expense, loss, or damage caused by such violation or discharge. The City of Tyler shall bill the permittee for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of the City's Industrial Waste Ordinance.

E. AFFIRMATIVE DEFENSE

An event that would otherwise be a violation that is caused solely by an Act of God, war, strike, riot, or other catastrophe is not a violation according to the Texas Water Code, Section 7.251.

## PART 9 – SPECIAL CONDITIONS

A. INDUSTRIAL CLASSIFICATION

Permittees shall be classified as Significant Industrial Users (SIU's), or Non-Significant Industrial Users (NSIU's).

1. A Significant Industrial User is defined as:
  - a. Any industrial user subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; or
  - b. Any other industrial user that:
    - (1) Discharges an average of 25,000 gallons per day or more of wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    - (2) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (3) Is so designated by the City of Tyler on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement.
2. Any other industrial user not classified as a Significant Industrial User shall be classified as a Non-Significant Industrial User.

INDUSTRY is classified as a Significant Industrial User in accordance with the definitions contained above. INDUSTRY is subject to the categorical pretreatment standards for new sources (PSNS) found in 40 CFR 433.17, for metal finishing.

B. COMPLIANCE SCHEDULE

1. The permittee shall accomplish the following tasks prior to the date listed:

<u>ACTIVITY</u>	<u>COMPLIANCE DATE</u>
Not Applicable	

2. Compliance Schedule Reporting

No later than 14 days following each date in the above schedule, the permittee shall submit to the office of the Manager, Water Production and Water Quality, a formal report including, at a minimum, whether or not the permittee complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reasons for delay, and the steps being taken to return the project to the schedule established, as applicable.

3. Failure to Comply

Failure to comply with any portion of the above compliance schedule will constitute a violation of this permit and will subject the permittee to the actions and penalties described in Section 19-81 through 19-84 of the City of Tyler Industrial Waste Ordinance.

C. SURCHARGES

1. In accordance with Section 19-86 E. of the Ordinance, a surcharge may be imposed for excessive discharges of the conventional pollutants BOD5, COD, TSS, or TDS.
2. Excessive concentrations of the referenced conventional pollutants are defined as those in excess of the Surcharge Limit, but below the Daily Maximum Limit. The Daily Maximum Limits are defined as the numerical concentrations of the referenced conventional pollutants at which it has been determined that interference with treatment plant operations or processes might occur. Any discharges in excess of the Daily Maximum Limit are in violation of this permit. In addition, such violations are subject to the penalty provisions contained herein.
3. A surcharge **is or is not** applicable to the discharge of this facility.

4. The surcharge is based on excessive concentrations of the following conventional pollutants in the permittee's industrial waste stream:

\_\_\_\_\_ 5-Day Biochemical Oxygen Demand (BOD5)  
\_\_\_\_\_ Chemical Oxygen Demand (COD)  
\_\_\_\_\_ Total Suspended Solids (TSS)  
\_\_\_\_\_ Total Dissolved Solids (TDS)

5. Effluent limits for these conventional pollutants are listed below:

<u>Parameters</u>	<u>Surcharge Limit (mg/l)</u>	<u>Daily Max (mg/l)</u>
COD	300	1,200
TSS	250	1,500
TDS	1,100	4,400

6. Attachment I of this permit, the Surcharge Data Summary, describes the derivation of the surcharge rate and the average monthly surcharge for the permitted facility based on historical water usage or metered discharge.
7. Attachment II of this permit is an example calculation of the permittees' Industrial Sewer Bill based on an annual average discharge to the sanitary sewer.

## PART 10 – SAMPLE LOCATION(S)

Sample point 001 is located at the northeast corner of facility.

## PART 11 – TOXIC ORGANICS CERTIFICATION

- A. In lieu of continuous monitoring for total toxic organics (TTO), the permittee may submit a toxic organic management plan to the City following receipt of TTO analyses results indicating full compliance with the federal categorical standard.
1. At a minimum, the solvent/toxic organic management plan shall consist of:
    - a. Identification of the toxic organic compounds used (source(s) of pollutant(s));
    - b. Method of disposal (control options exercised); and
    - c. Procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the City (effectiveness of control options).
  2. Upon approval of the plan by the City, the permittee may submit a certification statement in June and December of each calendar year in lieu of performing the laboratory analysis for total toxic organics (40 CFR 122), Appendix D, Table II).
  3. The certification statement shall be as follows:

“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 the last discharge monitoring report. I further certify that this facility is implementing the Toxic Organic Management Plan submitted to the City of Tyler.”
  4. The certification statement shall be signed by an individual as defined in Part 4, Section H. of this permit and submitted to the office of the Manager, Water Production and Water Quality.
  5. Any change in toxic organic management at the permitted facility, including any change in the toxic organic compounds used, shall nullify the plan approval, and shall require an additional TTO analyses results (compliant with standards) be submitted to the City. In addition, a revised toxic organic management plan (see 1. above) shall be submitted for approval in lieu of continued TTO monitoring.