

“Why Can't We See What Is There to be Seen?”

Peter J. Sury
Cedar City Corporation
Pretreatment Coordinator

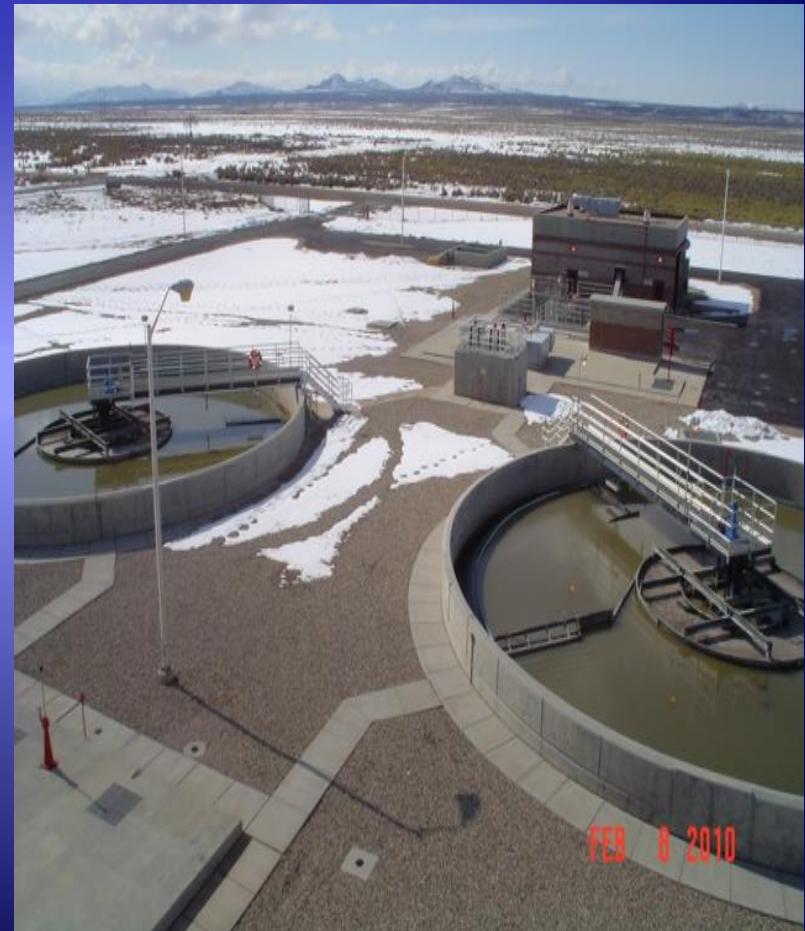
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10 North Main St.
Cedar City Utah
May 7, 2017

Cedar City Regional Wastewater Treatment Facility, CCRWTF

- ◆ CCRWTF is currently receiving 2.59 MGD influent flow with a current design capacity of 3.7 MGD.
- ◆ Recently CCRWTF conducted a facility modification, (enabling CCRWTF to meet or exceed Total Inorganic Nitrogen (TIN) removal rates within NPDES Permit limit at 10 mg/l) removing both 100' diameter Bio-Towers and incorporating an Oxidation Ditch, RAS/WAS Building and Screw Press/Biosolids Drying Building.



Pretreatment Program CIU, SIU, and IU Control Permits

Permitted Industry

- ◆ Western Quality Foods
- ◆ Charlotte Pipe & Foundry Bldg. #1
- ◆ Charlotte Pipe & Foundry Bldg. #2
- ◆ Kapstone-Longview Fibre....
- ◆ Mueller Industries Inc.
- ◆ Metalcraft Bldg. #1
- ◆ Metalcraft Bldg. #2
- ◆ Western Powder Coatings..
- ◆ Cedar City Winery.....
- ◆ Genpak, LLC.....
- ◆ Culligan Water.....
- ◆ Integrated Process Solutions, Inc.
- ◆ Salt City Metal Coatings
- ◆ MCM Engineering II

IU Designation/Category

- SIU ((Dairy))
- SIU ((Plastic Pipe Mfg.))
- CIU ((Plastic Molding and Forming, 463.16))
- IU ((Corrugated Box Mfg.))
- CIU ((Copper Forming, 468))
- SIU ((Heat Treatment/Water Jetting))
- CIU ((Metal Finisher, 433))
- CIU ((Powder Coating, 433))
- SIU ((Boutique/Winery))
- SIU ((Polystyrene MFG))
- SIU ((Ion Exchange/Regeneration))
- IU ((Water Jetting))
- CIU ((Metal Finisher, ZERO-DISCHARGER, 433))
- CIU ((Metal Finisher, ZERO-DISCHARGER, 433))

**“Everything we hear is an opinion
not a fact. Everything we see is a
perspective, not the truth.”**

Marcus Aurelius

Memory:

Thought Retrievability =

Frequency of Thought + Strength
of Thought

- The more frequent a memory path is followed the stronger that pathway becomes and the more readily available its information.

We Are In-Fact, Creatures of Habit:

- Enhanced pathways can become mental ruts
- Having a of this is wonderful if it induces you to
- identify information from different perspectives and to derive a conclusion
and not merely what may actually be
based on both information and perspective.
present job?

When you looked at Figure 1, what did you see? Had you identified the extra words within the triangles in Figure 1?

If seen correctly, you have exceptional powers of perception, were lucky or have seen the figure before.



This simple experiment demonstrates one of the most fundamental principles concerning perception:

Takeaway From Experiment:

It takes more information and more unambiguous information to recognize an unexpected phenomenon than an expected one.

Mind-sets tend to be quick to form but resistant to change:

Figure-2:

Illustrates this principle by showing part of a longer series of a progressively modified drawings that will change almost imperceptibly:

Group-3:

Group-2:

Group-1:

CLOSE YOUR EYES

Group-1:

END/BEGINING



Group-3:

**CLOSE
YOUR
EYES**

Group-2:

Group-1:

**CLOSE
YOUR
EYES**

Group-2:

END/BEGINNING



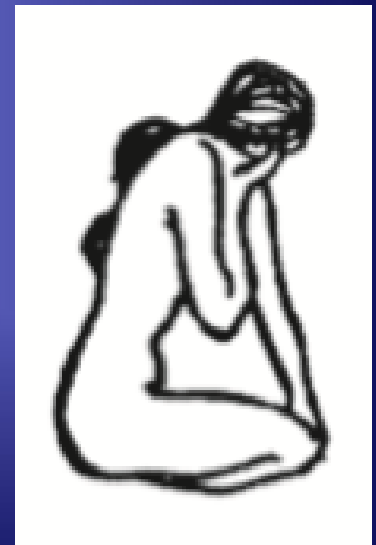
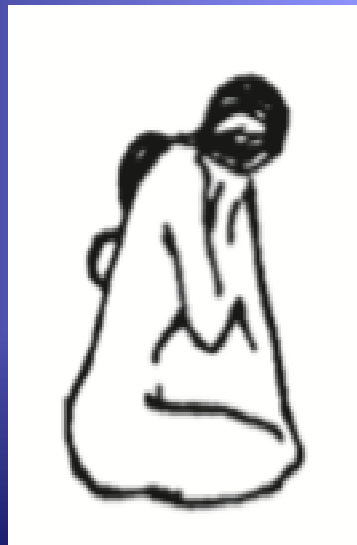
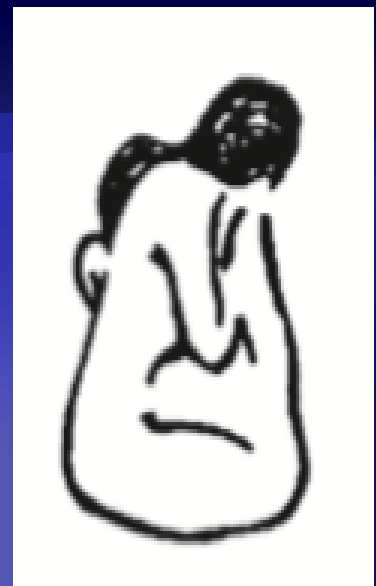
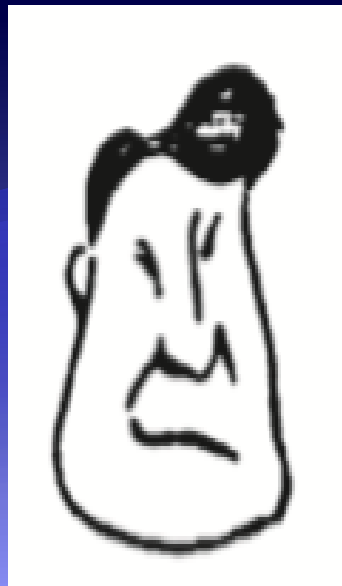
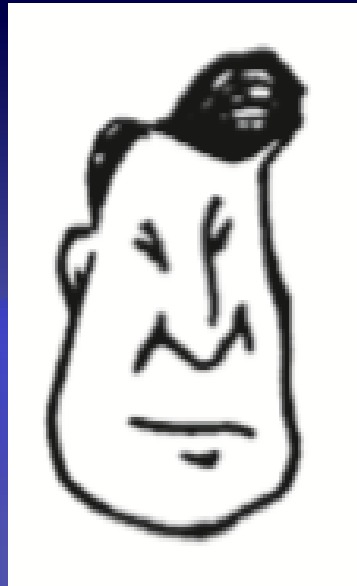
Group-3:

Group-2:

Group-1:

**CLOSE
YOUR
EYES**

**CLOSE
YOUR
EYES**

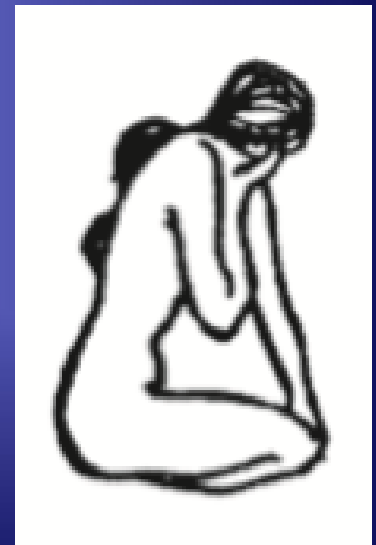
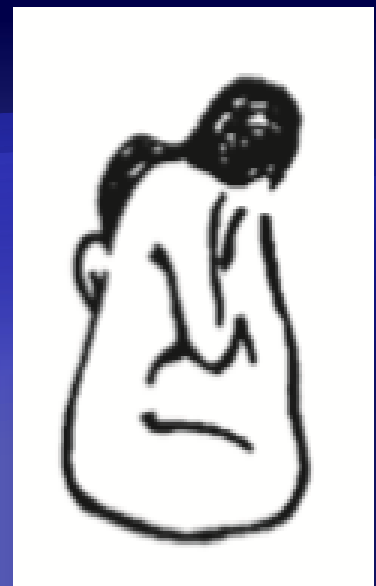
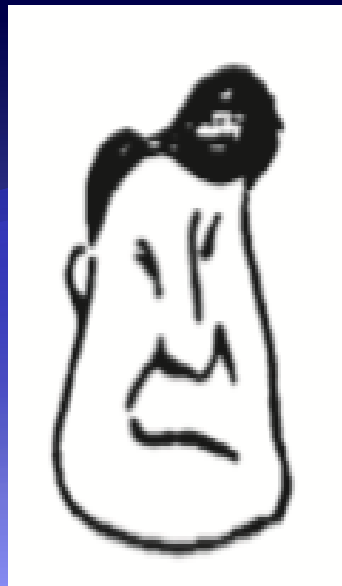
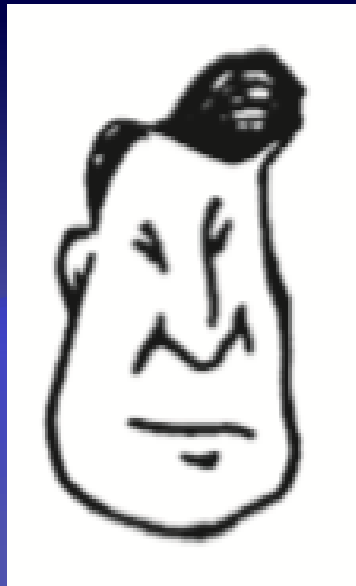


Group-3:

Group-2:

Group-1:

OPEN YOUR EYES



Takeaway From Experiment:

Group-1:

Upon viewing picture that is clearly a man, you have a higher probability to STAY biased in favor of continuing to see a man even long after recognizing that the man is now a woman.

Group-2:

This conflicting bias continues the other direction with observers starting with clearly a woman.

Group-3:

When shown the entire series of drawings one by one, the perception is biased according to which end of the series you begin.

Takeaway From Experiment:

Once the observer has developed a mind-set or expectation concerning the subject being observed; future perceptions of that phenomenon become conditioned or biased.

It also explains the phenomenon that an employee assigned to work on a topic for the first time may generate accurate insights of which had been overlooked by separate employee who had worked on the same problem for a very long time.

Inspection:

Do you carry-over PCI inspection reports from previous year?

Do you have PCI reviewed by peers?

Do you conduct PCI with another inspector?

Is there repetition in your PCI process, date/time etc.?

The value of any training you attend only equals the value you apply subject training within real world applications.



Stevan Hogg

Case-1

IU Case Study:



IU

Timeline of Major Events

- ◆ 9/13/2007 – Received call asking me to meet at IU. Expressed interest in understanding regulatory responsibilities pertaining to forthcoming expansion of facilities to include Ion Exchange/Regeneration.
- ◆ 9/13/2007 – Relinquished IUWDAQ .
Informed IU on requirement to submit IUWFDAQ 90-days prior to commencement of discharge to sewer.
- ◆ 9/13/2007- Conducted a PCI of facility. Informed IU that all data, information etc. is to be included within one (1) submission to CCRWTF and not piece mailed...
- ◆ 9/13/2007- Reminded IU that prior to ordering materials/equipment it would be in his best interest to finalize IUWDAQ process etc. first.
- ◆ 9/13/2007 – Later that day...received fax from corporate IU source.

09-14-07

John, Per our phone conversation yesterday, I looked over the permit and do not see a problem with this. Here is a brief summary for you to take to them.

Our Process is the regeneration of Ion Exchange Resin's "Cation & Anion", We back wash the resins up into funnels, to get the turbidity out of the resins and also to visually inspect the resins. Waste volumes can vary due to many factors but it is usually around 1000 gallons per tank.

Backwash waste volumes are approx. 1200 gallons. This water is city water and normally remains neutral in pH

The Cation is regenerated using a Diluted HCL mixture of 2% HCL and De-ionized water; we dilute down to 6 to 8 percent and pump that through the portable exchange tank. In this case we will be doing 3 tanks of Cation at a time. The flow rate is 1 GPM for 30 minutes per tank which is 90 gallons of product and waste. We then slow rinse the tanks using De-ionized water for the same as above times and flows producing an additional 90 Gallons of waste. The final rinse or "Fast Rinse" is 10 minutes at 5 GPM per tank and 150 gallons of waste.

The Anion is basically the same process as the times are 10 minutes longer for the first two steps i.e.	Regeneration	40 mins @ 1 GPM per tank	120 gallons of waste
	Slow rinse	40 mins @ 1 GPM per tank	120 gallons of waste
	Fast rinse	10 mins @ 5 GPM per tank	150 gallons of waste

Total waste volumes is approx. 720 gallons for the regeneration of 3 Cation and 3 Anion tanks

The pH of the above regeneration waste water is normally high 10 to 12 pH All the above water is collected in a poly holding tank where it is mixed, tested and neutralized to the parameters of the waste water discharge permit, prior to being discharged to the city sewage system. The operator keeps a log with the date, Time, Number of gallons and pH of the water being discharged.

When water is ready for discharge it can be dumped to meet the cities needs i.e. throttling back on the discharge valve so that the water discharges at a slow rate to help with blending into the city stream or faster as desired by the waste water management personnel.

If you have additional questions please contact me at 847-910-1290

Gary L. Houe
Manager, Dealer Plant Operations

40 CFR -
403.6 C1, 2, 3,

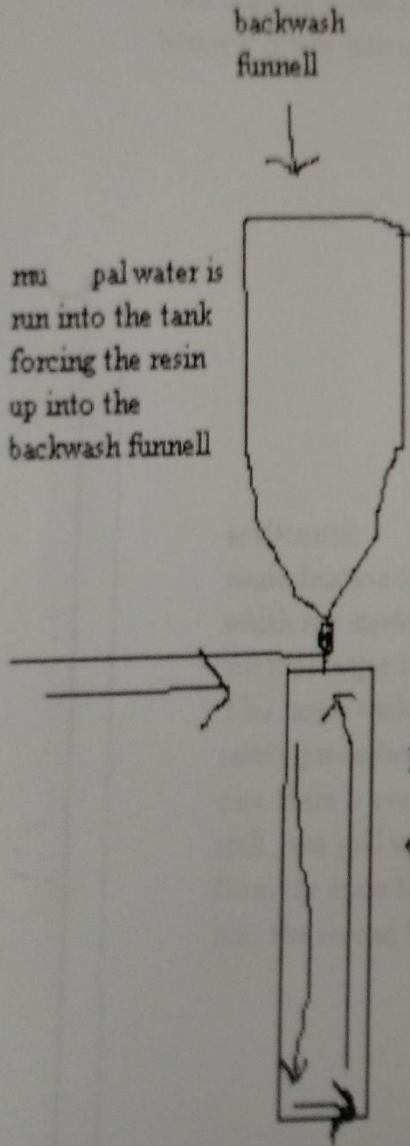
x Limits within the standard by Avg. Rate of P
* New source estimate using projected pro

IU

Timeline of Major Events

- ◆ 10/19/2007 – Contacted IU inquiring on status of IUWDAQ. No progress made.
- ◆ 11/08/2007 – Contacted (email) State Pretreatment Coordinator to relay and confirm that my regulatory assessment on IU is sound.
- ◆ 11/08/2007 – Received call from IU asking if I could meet with them to help explain IUWDAQ. AGAIN...
- ◆ 11/08/2007- Contacted Corporate IU. Waste of Time.
- ◆ 11/26/2007- Received (fax) SDS on planned chemicals and wonderful pipe flow diagram. No IUWDAQ..

Enclosure-4

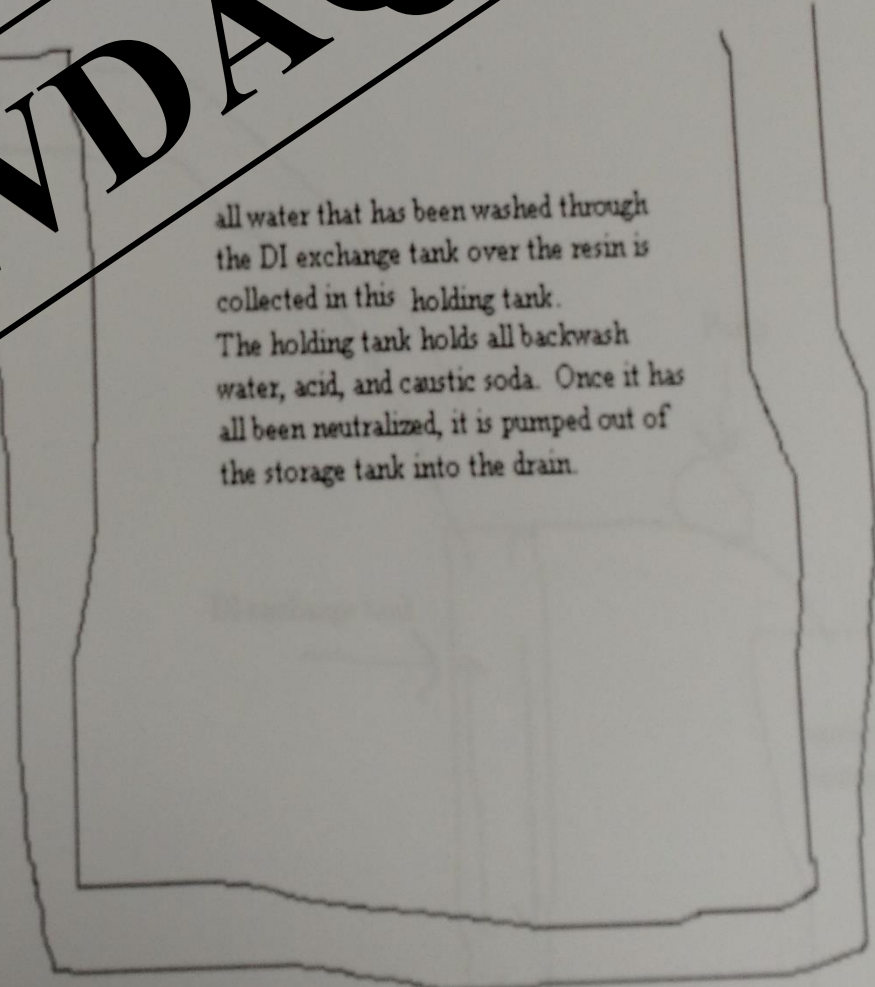


municipal water is run into the tank forcing the resin up into the backwash funnel

DI exchange tank

IUWDAQ

all water that has been washed through the DI exchange tank over the resin is collected in this holding tank. The holding tank holds all backwash water, acid, and caustic soda. Once it has all been neutralized, it is pumped out of the storage tank into the drain.



IU

Timeline of Major Events

- ◆ 1/29/2008 – Received (email) narrative explanation of process. IU asked to meet with me.
- ◆ 6/05/2008 – IU contacted Public Works Director (PWD) and requested a meeting.
- ◆ 6/05/2008 – Email generated from IU to PWD attempting to justify lack of impact to city sewer/CCRWTF.
- ◆ 6/06/2008- Through previous post (Pret. Yahoo) I was contacted by Coordinator in Montana who is currently going through Criminal Investigation with a similar IU facility in his area. Began dialogue.
- ◆ 6/12/2008- Conducted meeting with IU, CCRWTF General Manager,(GM) Corporate IU representative and PWD.

IU

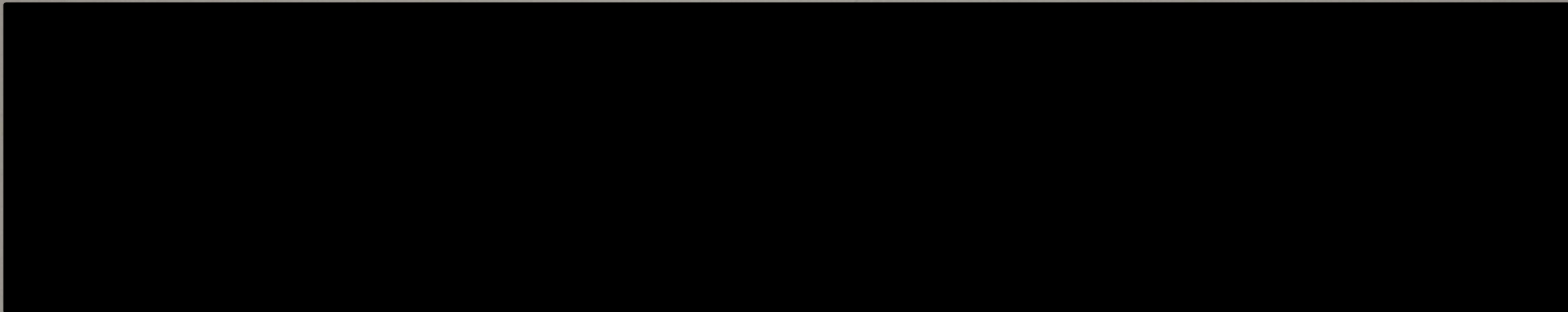
Timeline of Major Events

- ◆ 6/12/2008 – IUWDAQ is needed. We could institute a CSPR of which may be helpful.. IU stated that CSPR would not be needed.
- ◆ 9/02/2009 – Contacted IU and scheduled meeting to overview IUWDAQ.
- ◆ 9/03/2009 – Relinquished letter SSCP to IU.
- ◆ 10/05/2009- SSCP submitted to CCRWTF yet, found incomplete - resubmit.
- ◆ 10/07/2009- Sent letter to IU. Regulatory justification for permit, pollution control requirements, discharge req. and req. to complete letter line items and notify CCRWTF of completion prior to commencing discharge to sewer/CCRWTF. Copies all City personnel and scheduled City meeting to overview...

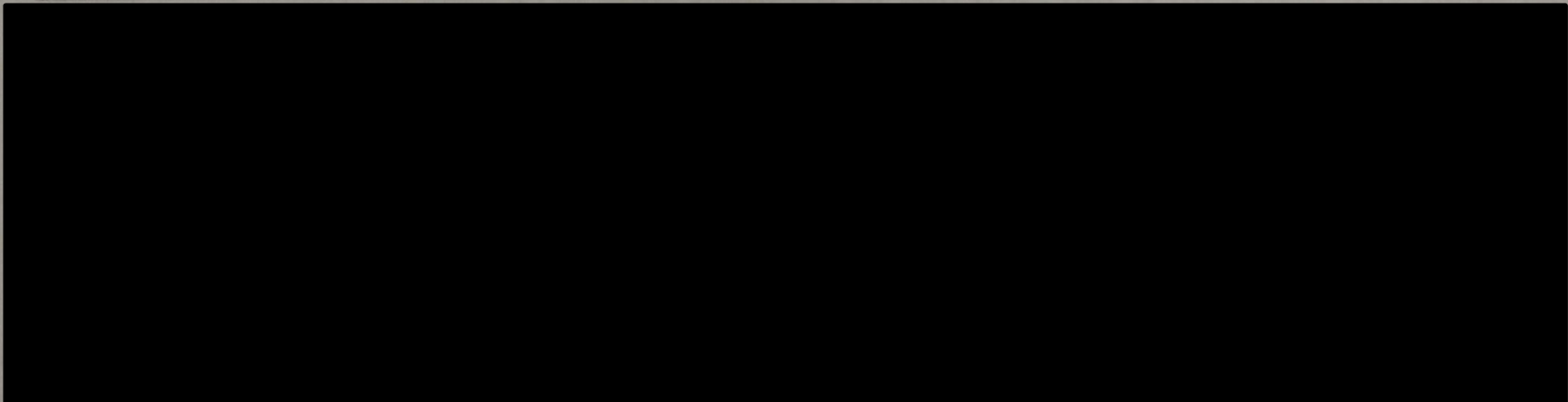
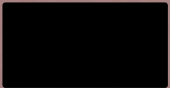
IU

Timeline of Major Events

- ◆ 10/20/2009 – Called IU to identify status on SSCP.
- ◆ 10/28/2009 – SSCP submitted and corrections made.
- ◆ 11/03/2009 – Letter sent stating permit to be issued to IU (SIU). Pursuant to Ord. 30a 6.2 a CSPR shall be required. CSPR submitted to CCRWTF min. 90-days prior to commencement of regulatory discharge to sewer. Copies letter to all City personnel.
- ◆ 3/22/2010- Emailed IU asking status on CSPR etc?
- ◆ 3/22/2010- IU replied stating nothing has been installed yet. Took a detour and delayed several months. Reminded IU of their obligation to complete CSPR.



Hi Pete,
I know this is pathetic...but we haven't begun installing anything yet. I have all, or the majority of the pumps, parts, etc, but haven't installed anything yet. We took a detour and remodeled our shop which has set us back several months.



IU

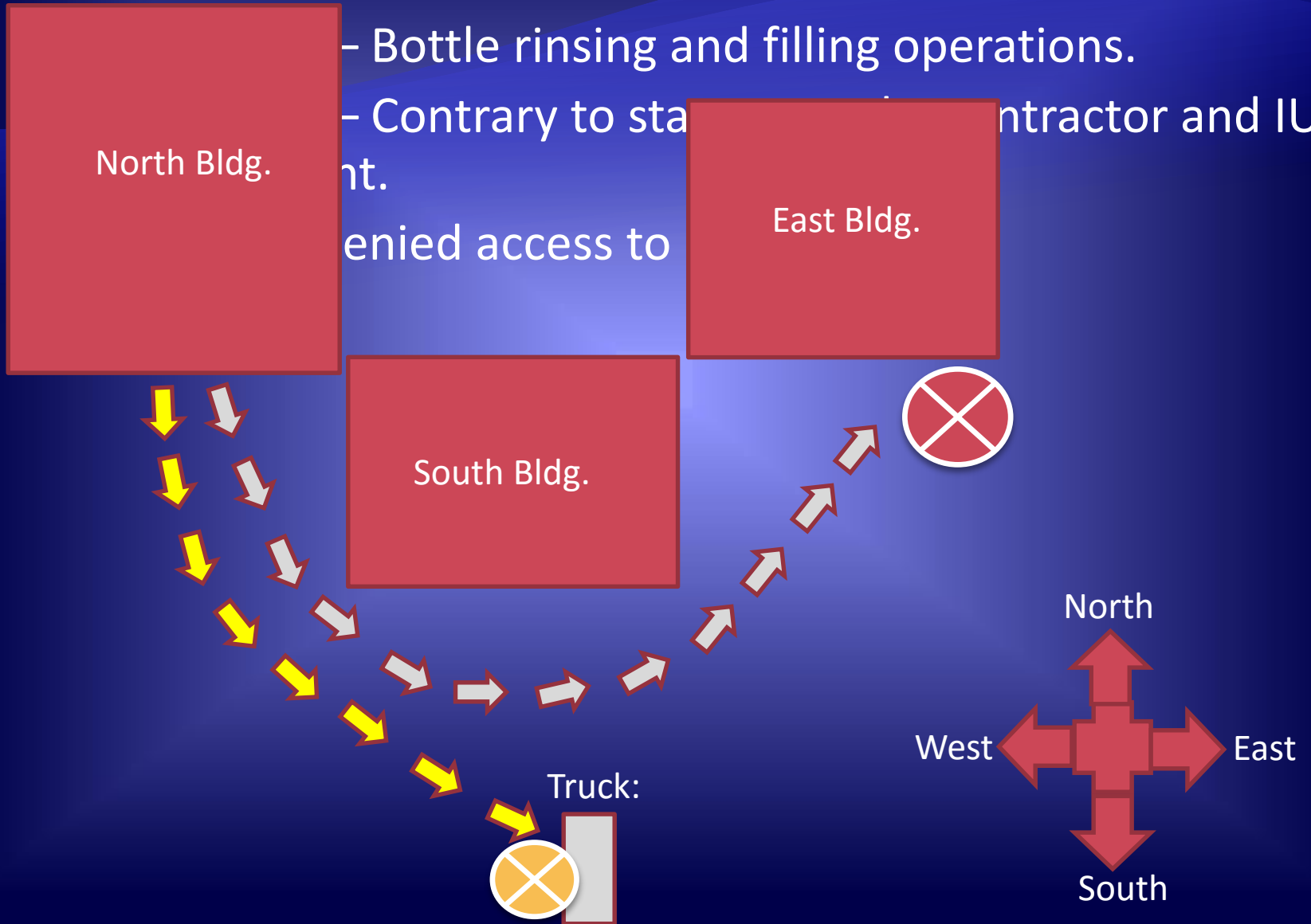
Timeline of Major Events

- ◆ 2011, 2012 - Drive-by =nothing unusual, emails and voice mails not responded to.
- ◆ 08/08/2013 – IU had Contractor present at City Project Sketch review. Stated “no drains present storage mostly.”
- ◆ 08/08/2013 – Called IU. IU confirmed that no drains present etc. Asked IU about past dialogue (IUWDAQ, SSCP, CSPR etc.) IU stated the system was determined not to be practical and was never implemented. Referenced letter sent to IU and the CSPR and 90-days clause. IU stated that no change ever occurred and they never installed equipment.
- ◆ 2/19/2014- Conducted IU Inspection.

IU

Inspection:

- Bottle rinsing and filling operations.
- Contrary to standard practice, contractor and IU denied access to



I asked to please gain access to East Building.

I was first told that they do not own building.

I asked if they know if a business was in operation at East Building?

They said they did not know....

I asked if they new who owned the building?

They stated, NO.

I then confirmed by asking, "IU has no affiliation with the East Bldg.?"

They stated responded, YES.

I then asked if they could please inform me who owns the building so I may contact.

They stated, their father.

I asked if they knew what was stored inside bldg.?

They stated, NO.

I asked if they new if any chemicals were stored inside east bldg.?

They said, No.

I asked if there were aware of any drains within building?

They stated, NO.

Closed inspection without gaining access to building.

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CARTOONSTOCK.com

Search ID: jcen955

LAWYER PRAYERS.

IU

Timeline of Major Events

- ◆ 02/21/2014 – Contacted Iron County Recorder to try to attain contact numbers via parcel designation numbers...
- ◆ 02/21/2014 – Contacted City Billing to attain contact information/number...
- ◆ 2/21/2014- Contacted City Engineering to verify plot designation/ownership of 2-parcels at location. Confirmed ownership.
- ◆ 2/22/2014- Contacted (and left voice mail) at IU contact number.
- ◆ 2/24/2014- Received call from 'Father' stating that he needed to talk with me and that he felt he needed to be up-front on situation. Conversation.....
 - ◆ Admitted that his sons had installed ion exchange equipment/tools and discharged into the city sewer/CCRWTF. Asked if this was a problem and if there was to be any expected fines.....



IU

Timeline of Major Events

2/24/2014- Notified my General Manager...

2/24/2014- Contacted City Building Dept. requesting any information Regarding IU request for building permit.

02/24/2014 – Contacted City Collections and requested camera trunk line at IU lateral. Informed Collections personnel to **verify structural integrity** of all piping and if needed clean piping prior to better visualize presence of corrosion.

02/24/2014 – Contacted City Attorney....

IU

Timeline of Major Events

- ◆ 2/26/2014- Received information that **anonymous** individual called a **Council member** and stated that the city is over-breaching authority with a business and **without cause going straight to EPA**. Council member contacted another council member who contacted CCRWTF GM.
- ◆ All agreed that approach with IU was appropriate.
- ◆ 2/28/2014- Had City Collections submit written report on their findings.
- ◆ 3/03/2014- Conducted **random inspection at IU**.
- ◆ Q & A: IU stated that they had just wanted to express their rights and were unsure if I had **authority to enter bldg. legally**.
- ◆ IU stated that he talked to City Attorney, and three other permitted IU's. All stated same as Attorney.

IU

Timeline of Major Events

- ◆ 3/03/2014- During inspection collected pictures of facility and began to ask IU additional questions;
- ◆ What day/date had you began the installation of process and treatment equipment?
- ◆ What day/date was it installed?
 - ◆ IU expressed concern in answering stating,
 - ◆ “If we say a month or if we say three months...I just don’t want to incriminate ourselves.”
- ◆ I explained that the decision is theirs to make. Explained regulatory process moving forward. ((NOT GOING INTO ALL DETAILS HERE)).
- ◆ 3/04/2014- Conducted PCI at IU. Relinquished to IU IUWDAQ, BMR, SSCP, CSPR...
- ◆ 3/10/2014- Contacted and met with City Public Works Director.

IU

Timeline of Major Events

- ◆ 3/11/2014- Conducted PCI at IU. 4-hour process of understanding ion exchange...
- ◆ 3/12/2014- Informed City Manager (CM) of PCI
CM asked if he could attend next PCI at IU.
- ◆ 3/20/2014- PCI at IU (CM and myself).
- ◆ 3/25/2014- Relinquished permit letter and SIU permit.
- ◆ 3/25/2014- Sent electronic copy of permit letter to City Staff.
- ◆ 3/25/2014- Relinquished PCI Sampling results to IU.
- ◆ 4/17/2014- Scheduled PCI at IU.

IU

Timeline of Major Events

- ◆ 4/18/2014- Sent IU electronic version of Permit.
- ◆ 4/23/2014- Updated CM on status...
- ◆ 4/29/2014- Conducted meeting at City Offices. Attendees- GM, CM, PWD, City Attorney, Mayor, myself and at my request a City Council member. Summary with detailed correspondence enclosures copied and relinquished to each person. Interest into fines...
- ◆ 5/05/2014- IU emailed me that all paperwork had been delivered to CCRWTF offices.
- ◆ 5/14/2014- Informed IU that upon review of doc. some will need modification etc. and re-submit.
- ◆ 5/21/2014- Conducted meeting with IU at the CCRWTF.
- ◆ 5/27/2014- Conducted meeting with CM.
- ◆ 6/10/2014- Emailed CM letter to be mailed to IU.

IU

Timeline of Major Events

- ◆ 6/11/2014- CM stated, letter looks good but does not believe it necessary to share with Council member.
- ◆ 6/17/2014- Emailed copy of letter to all respective City personnel.
- ◆ 6/18/2014- After letter mailed to IU and emailed to City personnel, CM emails me stating, 'that I may want to send letter' (email) 'to Council Member for info only.'
- ◆ 6/18/2014- Emailed Council Member copy of letter.
- ◆ 6/26/2014- Requested AWAL analysis price quote to begin Economic Advantage portion of fine \$ process...
- ◆ 6/30/2014- Received the last of IU-BMR (8th, 9th, 10th, 11th and 12th) sample results.
- ◆ 7/14/2014- Contacted IU to discuss permit conditions and requirements per CCRWTF letter etc....
- ◆ 7/17/2014- IU contacted me and stated they will generate response letter ASAP.

IU

Timeline of Major Events

- ◆ 8/13/2014- Conducted meeting at City Offices and had requested Council Member to again be present. Attendees, CM, PWD, GM and myself. Asked why Council Member was not present?
- ◆ 8/15/2014- After meeting ... City Billing Dept. informed me that City had agreed to the IU paying city 1/24th sewer back charges of which covered a span of 2-years.
- ◆ 8/16/18/20 of 2014- Met independently with CM, PWD and City Attorney to overview Fine letter.
- ◆ 9/10/2014- Scheduled and conducted closed door meeting with CM/Council Member to review \$fine letter. Council Member agreed with \$fine stance and amount. Stated that, 'we were gracious in fine reduction amount.'
- ◆ 9/17/2014- Again sent final draft fine letter to all City parties to review and comment.

IU

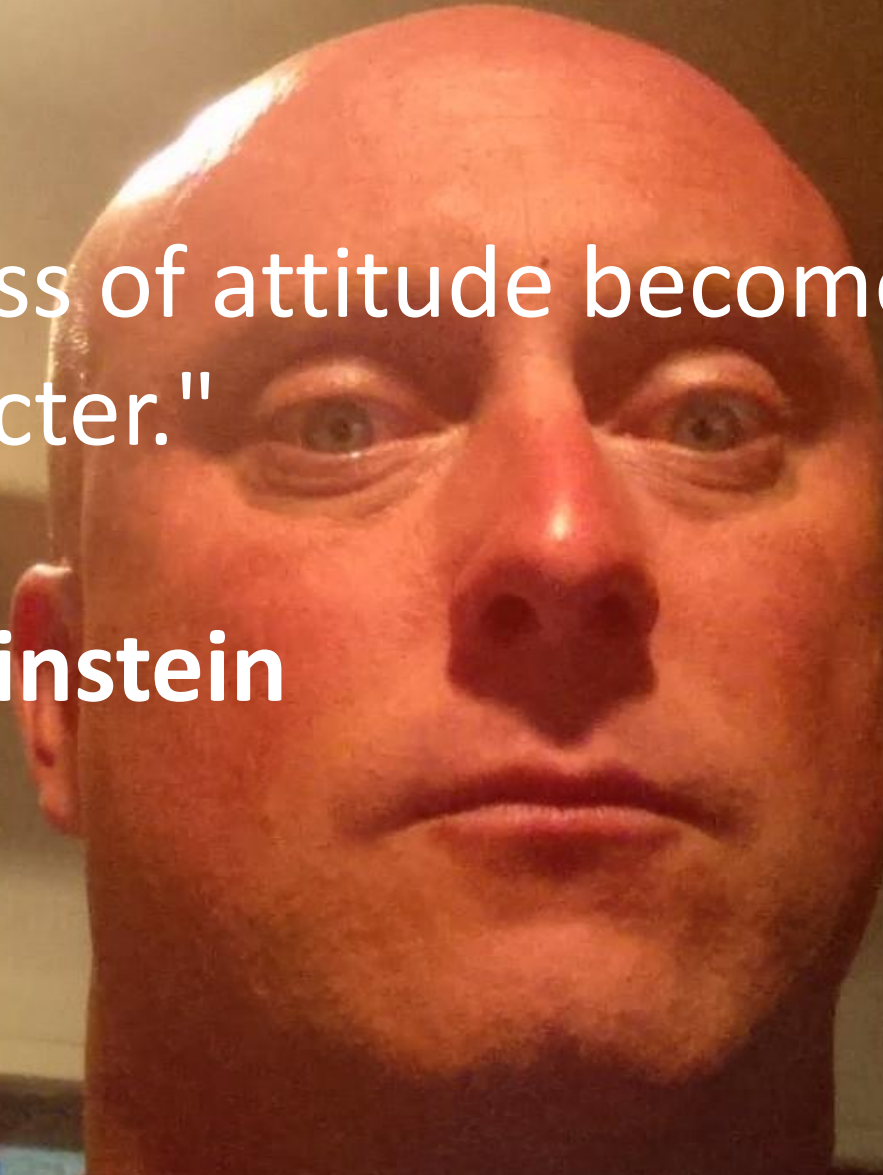
Timeline of Major Events

- ◆ 9/22/2014- Mailed fine letter to IU. Copied all parties.
- ◆ 9/24/2014- IU received letter and approached separate Council Member who owns business next to IU. Two meetings held at City Offices without invite to either GM or Pretreatment Coordinator (PC). **((Show Cause))??**
- ◆ 9/25/2014- Approached CM (unannounced at his office). CM refused to answer my questions regarding subject discussed in meetings...I stated that I am 100% transparent with all City personnel/Council and when I approach you I get the opposite, WHY?
- ◆ No answer. I expressed my concern into lack of City Management understanding of legal process (show cause meeting etc.) and that what has transpired was by definition a violation of the ordinance and wrong.
- ◆ 9/28/2014-GM contacted PC stating that he has heard that we may be called into a meeting of some kind....

This is When You Shave Your Beard:

Weakness of attitude becomes weakness of character."

Albert Einstein



IU

Timeline of Major Events

9/29/2014- GM and PC were called into meeting at City Offices. Attendees were CM, PBD, City Attorney, Human Resource Manager and Mayor.

I announced that we are recording meeting.

Meeting was disturbing and illogical in approach and construct. Politics have penetrated logic and truth. CM stated, investigation will be started on Programs effectiveness and my ability to effectively complete job duties. I invited an investigation. I asked if Council Member included in initial letter had talked to neighbor Council Member on his involvement. No answer to this question.

IU

Timeline of Major Events

- ◆ **10/13/2014**- Meeting at PWD Office. Attendees, CM, PWD, GM and PC. Wanted justification why publication of IU as SNC. Parties requested specific reductions to initial \$fine amount.
- ◆ **10/16/2014**- 2nd final \$fine letter sent to all parties for comment and when approved sent to IU. All parties copied.
- ◆ **10/16/2014**- Called CM and asked to what degree and how Program will be evaluated. CM stated that he along with PWD will be visiting selected IU's and conducting Q&A.

Called the CM later that afternoon:

- ◆ I asked CM how the list of IUs had been generated?
- ◆ CM stated, 'Long pause...he was given list by a party of interest.'
- ◆ I asked CM was the party of interest the Council Member next to IU?
- ◆ CM stated, 'Longer pause.....YES.'
- ◆ I asked CM if Council Member was given list from subject IU?
- ◆ CM stated, 'Guess I will put it on the table here.....YES.'
- ◆ Informed CM that this process is less about identifying effectiveness of Program and more about ruling out effectiveness of program.

IU

Timeline of Major Events

- ◆ 10/17/2014- Meeting at CCRWTF with PWD. He was gathering information related to my side of situation...I expressed my concern that this is not an evaluation on program but more so an evaluation on me personally.
- ◆ 10/23/2014- Copied all parties on email to IU requesting meeting regarding permit etc.
- ◆ 10/23/2014- Emailed PWD list of all businesses he may want to visit. ((Everything on IWS))...
- ◆ 10/23/27/29/30 of 2014- Attempts to coordinate delivery of up-dated permit to IU.
- ◆ 10/31/2014- Permit cover letter, relinquishment of receipt and up-dated SIU permit delivered and duck taped to IU front door.
- ◆ 11/12/2014- Meeting with CM and PWD on SNC.
- ◆ 1/06/2015- Generated Newspaper Public Notice.

In evaluating violator regulatory compliance status and associated fine/penalty the Pretreatment Program has referenced the following legal authority; Code of Federal Regulations 40 CFR 401, 403 and 405 Pretreatment Standards and Regulations, Utah Administrative Code R317, Ordinance 30a and our Enforcement Response Plan (ERP).

Our mission is and allways has been to be fair to businesses while at the same time ensuring compliance with the mandates and guidelines delegated to us from the EPA and the State of Utah.

CCRWTF Penalty/Fine Itemized Justification:

1 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; the necessary regulatory response and/or investigative costs incurred by CCRWTF.

Ord. 30a 10.6 (A) states language to the effect of, " the CCRWTF may add the costs of preparing administrative enforcement actions as notices and orders to the fine.

It will be noted, CCRWTF has *not* included, (within the Investigative/Administrative Charge) actual hours worked.

Actual hours worked for Peter Sury equal approximately 480 hours This is a maximum fine amount of \$17,097 and a fine difference equaling \$9,800.

Ord. 30a 10.6 (E) states language to the effect of, issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

2 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; any economic advantage the violator may have gained through noncompliance.

CCRWTF ERP Section 11 states language to the effect of, the penalty for any pretreatment violation should be based on the economic benefit gained by the violator.

It will be noted, CCRWTF has *not* included, (within the Economic Benefit fine) annual CCRWTF sampling costs for calendar years 2013, and 2014 respectively. The CW submitted

CCRWTF COPY:

1 Investigative/Administrative Charge:	\$7,297
Penalty/Fine Reduction:	\$0
Maximum Possible Investigative/Administrative Charge:	\$17,097
Reduction Based on 480 Actual Hours Worked For Employee Peter Sury:	(\$9,800)
	\$7,297

2 Economic Benefit	\$1,543.44
Penalty/Fine Reduction:	\$0

date span from April 19, 2011 thru April 1, 2014 equals 1078 days or two (2) years eleven (11) months. At a minimum the required permitted IU sampling frequency of once per year (annually) is mandated through the EPA/DWQ.

Additionally, during early stages of regulatory compliance process with CW, the CCRWTF verbally informed CW that the 2014 CCRWTF sampling cost would be absorbed by city.

Due to the incomplete 2013 calendar year (11-months) CCRWTF shall only assess the CCRWTF compliance sampling EB fine based on two (2) years.

4 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; the nature and extent of the violation; and/or recidivism of the violator.

CCRWTF has included, (within the Failure to Report/Missed Compliance Schedule fine) the UT Administrative Code R317 Category C maximum fine of \$2,000 per violation.

4 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; the nature and extent of the violation; and/or recidivism of the violator.

It will be noted, CCRWTF has included, (within the Unpermitted Discharge fine) the UT Administrative Code R317 Category C fine amount of \$1,500 per day. This is equal to a fine amount of \$6,000 and a reduction of \$2,000 from possible maximum fine amount of \$8,000.

5 It will be noted, CCRWTF has *not* included, (within the 40 CFR 403.8 (E) fine)) the UT Administrative Code R317 Category C maximum fine of \$2,000 per violation. This is

4 Failure to Report/Missed Compliance Schedule	\$2,000
Substantial Non-Compliance w/ Req. of Compliance Schedule; No Good Cause For Delay - Utah Admin. Code R317 Cat. C:	\$0
Maximum Possible Failure to Report/Missed Compliance Schedule per day fine:	\$2,000
5 Unpermitted Discharge:	\$6,000
Utah Admin. Code R317 Cat. C: (\$1,500 x 4 days)	
Maximum Possible Unpermitted Discharge per day fine:	\$8,000
Reduction Based on R317 Maximum Penalty/Fine:	(\$2,000)
	\$6,000
6 Code of Federal Regulations - 40 CFR 403.8 (E) SNC:	\$1,000
SNC 403.8 (E) Reduction:	
Penalty/Fine Reduction:	\$0

equal to a maximum fine amount of \$2,000 and an adjusted fine amount equal to \$1,000.

6 It will be noted, CCRWTF has *not* included, (within the 30a-7.3 fine) the Ord. 30a-10.6 maximum fine of \$1,000 per violation. This is equal to a maximum fine amount of \$1,000 and an adjusted fine amount equal to \$500.

Penalty Reduction:

Total Penalty Due:

Maximum Possible 40 CFR 403.8 (E) Per Violation Fine:	\$2,000
Reduction Based on R317 Maximum Penalty/Fine:	(\$1,000)
	\$1,000
7 30a-7.3 (B) Obstructions and Delays:	\$500
Penalty/Fine Reduction:	\$0
Maximum Possible 40 CFR 403.8 (E) Per Violation Fine:	\$1,000
Reduction Based on Both Ord. 30a 10.6 and R317 Maximum Penalty/Fine:	(\$500)
	\$500
Penalty Reduction:	(\$13,300)
Total Penalty Due:	\$18,340.44

* Pursuant to Ordinance 30a-3.2 CCRWTF could have allocated a Slug Discharge Penalty for each of the four (4) unpermitted discharge events equaling **(\$4,000)**.

Slug Discharge Definition:

Any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 2 of this Ordinance. 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 permit conditions.

* City Engineering has calculated back charges for un-paid sewer at CW over the past two (2) years equaling **(\$2,914.80)** The City Attourny had sent a finalized agreement for CW back sewer back charge. The letter/agreement was sent to CW in March, 2014. To date CW has not responded or paid back sewer charges.

* Pursuant to Ordinance 30a-5 CCRWTF could have allocated a Discharge without a wastewater permit violation equaling **(\$1,000)**.

It shall be unlawful for any significant industrial user to discharge wastewater into the CCRWTF's POTW without first obtaining a wastewater discharge permit from the General Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 30a-10 thru 30a-12. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements nor with any other requirements of Federal, State or local law.

**Economic Advantage/Unpermitted Discharge Penalty -Fine-
Economic Advantage Annual Pretreatment Sampling, and Fee, (During Working Hours)**

CCRWTF	Years	CPY	2 Year Total	Shipping	Average Rate	Shipping Total	Compliance Fee +10% & \$25	Compliance Fee Total
	2	\$ 215.20	\$430.40	2	\$ 50.00	\$ 100.00	\$50.52	\$101.04
								\$631.44

Economic Advantage Culligan Water Sampling, and Fee

	CPSS	4 Sample Sets						Individual Total
	\$ 228.00	\$ 684.00						\$912.00

Total Economic Advantage Charge: **\$1,543.44**

Investigative/Administrative Charge:

Hours Worked	Base Rate	O.T. Rate				Individual Total
207	\$ 35.00	52.00				\$7,297.00
QTY	Item	Cost	QTY	Item	Cost	
		\$ -			\$ -	

Itemized Sample Costs

CCRWTF Annual Sampling:

QTY	Item	Cost
		\$ -
1	Metals	\$ 138.00
		\$ -
1	Cyanide	\$ -
		\$ -
1	BOD/TSS	\$ 45.00
		#VALUE!
1	O&G	\$ 45.00
		\$ -
	TTO	\$ 138.00

Culligan Water Annual Sampling:

QTY	Item	Cost
		\$ -
1	Metals	\$ 138.00
		\$ -
0	Cyanide	\$ -
		\$ -
1	BOD/TSS	\$ 45.00
		#VALUE!
1	O&G	\$ 45.00
		\$ -
	TTO	\$ -

% POTW Discount:

Sub-Total
#VALUE!
#VALUE!

Sub-Total
#VALUE!

R317-1 Cat. C Failure to Report/Missed Compliance Schedule:

R317-1 Cat. C	\$2,000
---------------	----------------

R317-1 Cat. C Unpermitted Discharge Penalty Cost:

Days	\$1500 Per/Day	
4	\$ 6,000.00	\$6,000

SNC Code of Federal Regulations 40 CFR 403.8 (E) - Ord. 30a. 10.6:

[REDACTED]	R317-1 Cat. C	\$1,000
Ord. 30a. 10.6 Obstruction and Delay:		
[REDACTED]	Ord. 30a. 10.6	\$500
Foot Note: (April 19 2011 through April 01 2014 - 1078 days or 2 years 11 months).		Total Penalty Due: \$18,340.44

Color Legend:

Revised Fine by Cedar City Council: **Fine Determination by CCRWTF**

In evaluating violator regulatory compliance status and associated fine/penalty the Pretreatment Program has referenced the following legal authority; Code of Federal Regulations 40 CFR 401, 403 and 405 Pretreatment Standards and Regulations, Utah Administrative Code R317, Ordinance 30a and our Enforcement Response Plan (ERP).

Our mission is and allways has been to be fair to businesses while at the same time ensuring compliance with the mandates and guidelines delegated to us from the EPA and the State of Utah.

CCRWTF Penalty/Fine Itemized Justification:	CCRWTF COPY:
<p>1 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; the necessary regulatory response and/or investigative costs incurred by CCRWTF.</p> <p>Ord. 30a 10.6 (A) states language to the effect of, " the CCRWTF may add the costs of preparing administrative enforcement actions as notices and orders to the fine.</p> <p>It will be noted, CCRWTF has not included, (within the Investigative/Administrative Charge) actual hours worked. Actual hours worked for Peter Sury equal approximately 480 hours. This is a maximum fine amount of \$17,097 and a fine difference equaling \$9,800.</p> <p>Ord. 30a 10.6 (E) states language to the effect of, issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.</p>	<p>1 Investigative/Administrative Charge: \$7,297</p> <p>Initial Reduction Based on 480 Actual Hours Worked For Employee Peter Sury: (\$9,800)</p> <p>\$7,297</p> <p>Maximum Possible Investigative/Administrative Charge: \$17,097</p> <p>Cedar City Council Reduction Investigative/ Administrative Charge: (\$7,297)</p> <p>Total Cedar City Council Reduced Investigative/ Administrative Charge: (\$17,097)</p> <p>Total Cedar City Council Revised Fine For Investigative/Administrative Charge: \$0</p>
<p>2 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; any economic advantage the violator may have gained through noncompliance.</p> <p>CCRWTF ERP Section 11 states language to the effect of, the penalty for any pretreatment violation should be based on the economic benefit gained by the violator.</p> <p>It will be noted, CCRWTF has not included, (within the</p>	<p>2 Economic Benefit \$1,543.44</p> <p>Cedar City Council Penalty/Fine Reduction: \$0</p>

Economic Benefit fine) annual CCRWTF sampling costs for calendar years 2013, and 2014 respectively. The CW submitted date span from April 19, 2011 thru April 1, 2014 equals 1078 days or two (2) years eleven (11) months. At a minimum the required permitted IU sampling frequency of once per year (annually) is mandated through the EPA/DWQ.

Additionally, during early stages of regulatory compliance process with CW, the CCRWTF verbally informed CW that the 2014 CCRWTF sampling cost would be absorbed by city.

Due to the incomplete 2013 calendar year (11-months) CCRWTF shall only assess the CCRWTF compliance sampling EB fine based on two (2) years.

3 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; the nature and extent of the violation; and/or recidivism of the violator.

CCRWTF has included, (within the Failure to Report/Missed Compliance Schedule fine) the UT Administrative Code R317 Category C maximum fine of \$2,000 per violation.

4 Pursuant to UT Admin. Code R317-1: In determining the magnitude of violation the CCRWTF will evaluate among other criteria; the nature and extent of the violation; and/or recidivism of the violator.

It will be noted, CCRWTF has included, (within the Unpermitted Discharge fine) the UT Administrative Code R317 Category C fine amount of \$1,500 per day. This is equal to a fine amount of \$6,000 and a reduction of \$2,000 from possible

3 Failure to Report/Missed Compliance Schedule	\$2,000
Substantial Non-Compliance W/ Req. of Compliance Schedule; No Good Cause For Delay - Utah Admin. Code R317 Cat. C:	
Maximum Possible Failure to Report/Missed Compliance Schedule per day fine:	\$2,000
Cedar City Council Reduction Based on R317 Maximum Penalty/Fine:	(\$1,500)
Total Cedar City Council Revised Fine For Failure to Report/Missed Compliance Schedule:	\$500
4 Unpermitted Discharge:	\$6,000
Utah Admin. Code R317 Cat. C: (\$1,500 x 4 days)	
Maximum Possible Unpermitted Discharge fine:	\$8,000
Reduction Based on R317 Maximum Penalty/Fine:	(\$2,000)
Cedar City Council Unpermitted Discharge Reduction Based on R317 Cat. C: (\$500 x 4 days)	(\$4,000)

maximum fine amount of \$8,000.

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6 It will be noted, CCRWTF has not included, (within the 30a-7.3 fine) the Ord. 30a-10.6 maximum fine of \$1,000 per violation. This is equal to a maximum fine amount of \$1,000 and an adjusted fine amount equal to \$500.

Total CCRWTF Penalty Reduction:

Total Cedar City Council Penalty Reduction:

Cedar City Council Reduction Based on Maximum: (\$6,000)
 Total Cedar City Council Revised fine For Unpermitted Discharge: \$2,000

5 Code of Federal Regulations - 40 CFR 403.8 (E) SNC: \$1,000
 SNC 403.8 (E) Reduction: \$0
 Penalty/Fine Reduction: \$0
 Maximum Possible 40 CFR 403.8 (E) Per Violation Fine: \$2,000
 Reduction Based on R317 Maximum Penalty/Fine: (\$1,000)
 \$1,000

Cedar City Council SNC Reduction Based on Ord. 30a Maximum of \$1,000 per day/per violation: (\$500)
 Cedar City Council Reduction Based on Maximum: (\$1,500)
 Total Cedar City Council Revised SNC: \$500

6 30a-7.3 (B) Obstructions and Delays: \$500
 Penalty/Fine Reduction: \$0
 Maximum Possible 40 CFR 403.8 (E) Per Violation Fine: \$1,000
 Reduction Based on Both Ord. 30a 10.6 and R317 Maximum Penalty/Fine: (\$500)

Cedar city Council Reduction Based on Both Ord. 30a 10.6 and R317 Maximum Penalty/Fine: (\$500)

Total Cedar City Council Fine For 30a 7.3 (B) \$500

(\$13,300)

(\$26,597)

Total Penalty Due:

\$5,043.44

* Pursuant to Ordinance 30a-3.2 CCRWTF could have allocated a Slug Discharge Penalty for each of the four (4) unpermitted discharge events equaling **(\$4,000)**.

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FEB 8 2010

INFLUENT, PARTIAL FLUME







40 CFR 403.8 (D)(vii)

- ◆ Sample taking and analysis and the collection of other information shall be performed **with sufficient care** to produce evidence admissible in enforcement proceedings or in judicial actions.
- ◆ Immediate POTW Sampling, all **Local Limits**, **UPDES** permitted parameters, multiple internal and delegation to POTW staff to **sample IU**.

Warning!



Do not dump or pour any
unauthorized material down
the drain.

(Specifically Color or Oils)

SEP 27 2010

Scroll Down to View More

COLOR-FLO™ LIQUID COLORS

SOLOMON COLORS

Material Safety Data Sheet



I. PRODUCT IDENTIFICATION

PRODUCT NAME	SGS Color-Flo Liquid Concrete Colors
CHEMICAL FAMILY	Inorganic Metal Oxide
CHEMICAL NAME	Iron (III) Oxide
SYNONYMS	ColorFlo™, Iron Oxide Slurry
CAS NUMBER	1309-37-1, 18624-44-7, 1317-61-9
DOT CLASS	Not regulated
OSHA HAZARD COMMUNICATION STATUS	Nuisance Dust
CHEMICAL FORMULA	Fe ₂ O ₃ , Fe ₂ O ₃ ·H ₂ O, Fe ₃ O ₄

II. INGREDIENTS

COMPONENTS	%	OSHA-PEL	ACGIH-TLV
Iron (III) Oxide	Proprietary	None Est.	None Est.

III. PHYSICAL DATA

APPEARANCE	Liquid
COLOR	Buff, Tan, Yellow, Brown, Black, Red
ODOR	None
MELT POINT/FREEZE POINT	28° F
BOILING POINT	160 – 200° F
VAPOR PRESSURE	Not known
SPECIFIC GRAVITY	1.7 – 1.9
BULK DENSITY	14 – 16 lb/gallon
SOLUBILITY IN WATER	Very slightly
% VOLATILE BY VOLUME	Not known

IV. FIRE AND EXPLOSION DATA

FLASH POINT °F (°C)	Not applicable
FLAMMABLE LIMITS	
Lel	Not applicable
Uel	Not applicable
EXTINGUISHING MEDIA	Not flammable
SPECIAL FIRE FIGHTING PROCEDURES	None
UNUSUAL FIRE & EXPLOSIVE HAZARDS	None

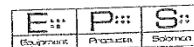
V. REACTIVITY DATA

STABILITY	Stable
INCOMPATIBILITY	None
HAZARDOUS DECOMPOSITION OR BY-PRODUCTS	None
HAZARDOUS POLYMERIZATION	Will not occur

VI. HUMAN HEALTH DATA

PRIMARY ROUTE(S) OF EXPOSURE	Eye and skin contact, inhalation, ingestion
HUMAN EFFECTS AND SYMPTOMS OF OVEREXPOSURE ACUTE	None known
CHRONIC	None known
MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE	None known
CARCINOGENICITY	None known
EXPOSURE LIMITS	
OSHA PEL	Not established
ACGIH TLV	Not established

(continued on back)



ColorFlo™ Liquid Colors Material Safety Data Sheet

4050 Color Plant Road, Springfield, IL 62702, PH: 800-624-0261 • 1251 West Durst Drive, Rialto, CA 92376, PH: 866-747-2656
 Email: sgs@solomoncolors.com • www.solomoncolors.com

Timeline of Major Events

(Does not encompass all Sampling/correspondence;
Letters Only)

Slug Discharge Event:

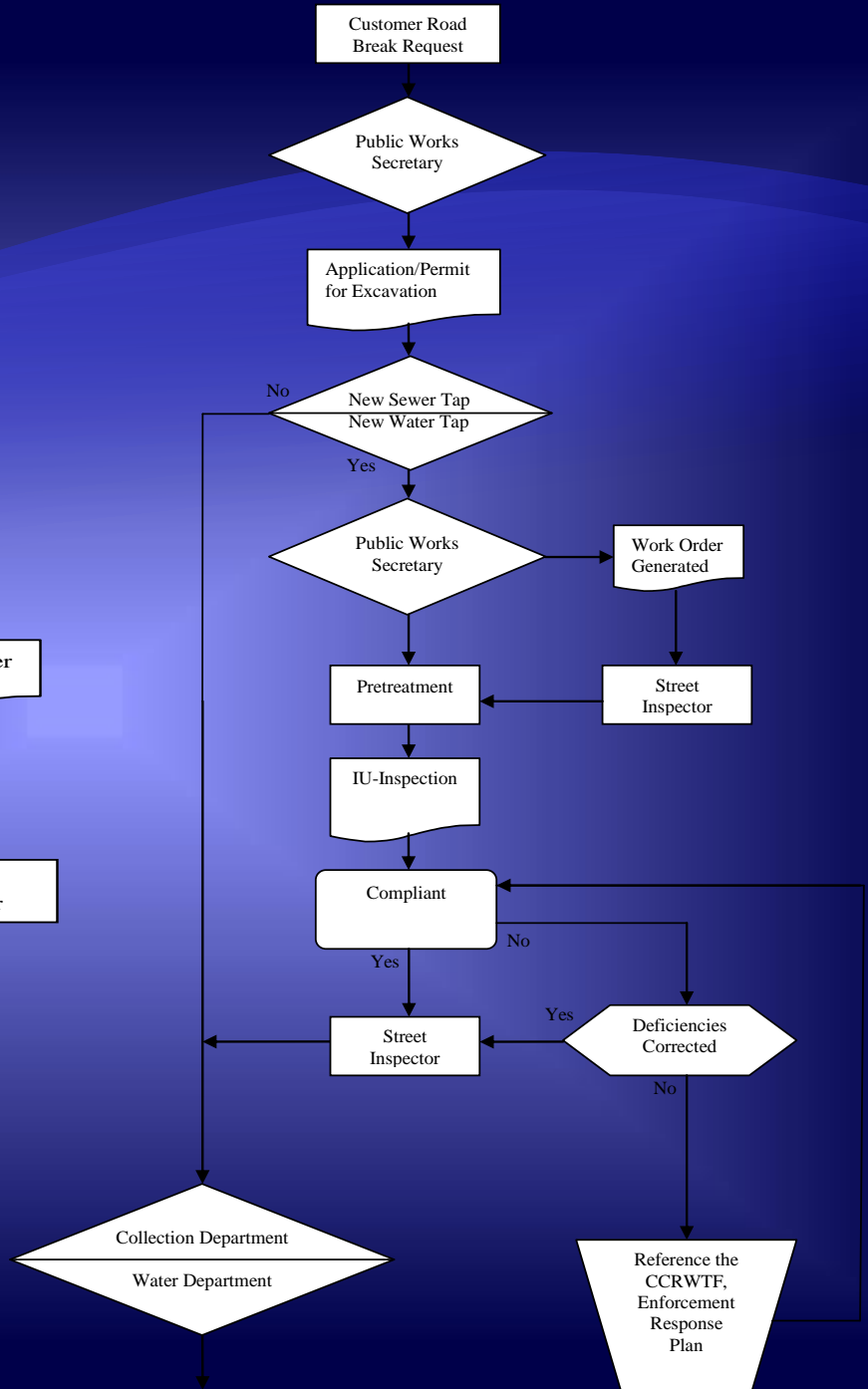
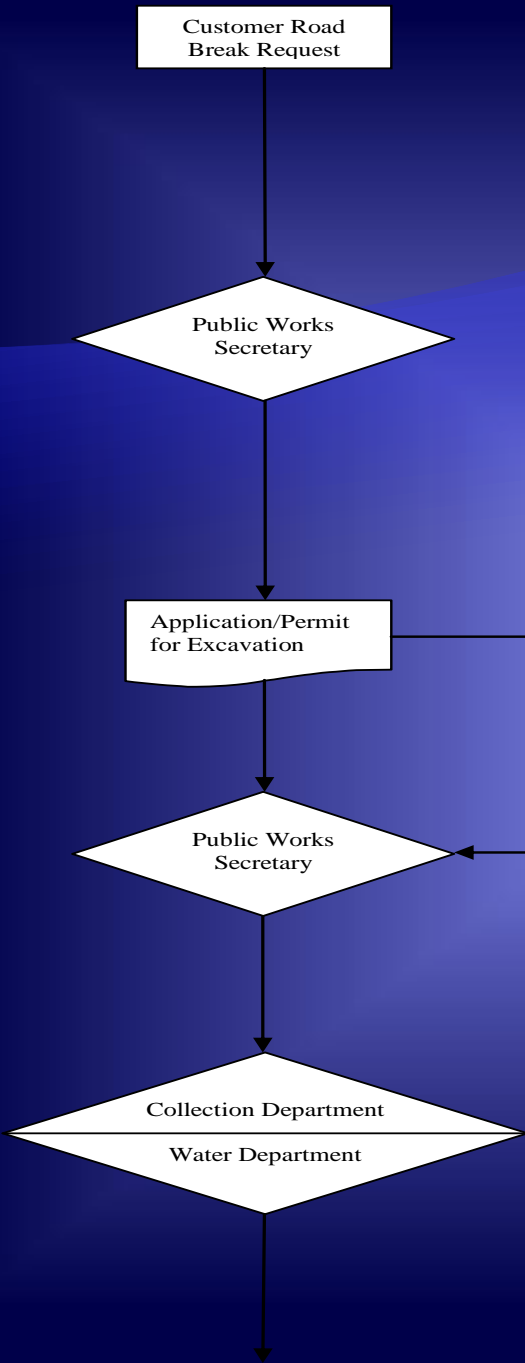
- ◆ 6/02/2010 – Author CCRWTF
- ◆ 6/08/2010 – Author Sunroc
- ◆ 6/16/2010 – Author CCRWTF (fine)
- ◆ 6/21/2010 – Author CCRWTF, (CDPR).
- ◆ 7/15/2010 – Author Sunroc 12/27/2010 – Author Sunroc
- ◆ 12/07/2010 – Author CCRWTF

6 + months

Investigative/Administrative Charge: Regulatory POTW Influent/Effluent, and ██████ Color Tank sample sets.				\$5,945
Possible 25% reduction:				\$ (1,486.25)
Reduced Investigative/Administrative Charge				\$ 4,458.75
Category "C" Penalty:				\$2,000
SNC Penalty , and Public Notice IU in SNC				\$1,000
Category "C" Reduction:				(\$1,000)
SNC Penalty Reduction:				(\$500)
Reduced Category, "C", and SNC				\$1,500
Total Penalty Cost:				\$8,945
Total possible reduction:				\$ 2,986.25
Total reduced penalty cost:				\$ 5,958.75









THANK YOU

