DRAFT PERMIT

Environmental Management System Permit

Issued to: Ball Aerospace & Technologies Corp.
1600 Commerce St., Boulder
Boulder County, Colorado

Permit Number: 05 EMS 0001
Permit Type: Environmental Management System Permit
Effective Date: August 1, 2005
Expiration Date: July 1, 2008

A facility that manufactures aerospace hardware, components, and instruments, including metal finishing operations (SIC Code Nos. 3669 and 3812). This permit covers all equipment, activities, and operations at this facility.

This permit is granted subject to all rules and regulations of the Colorado Environmental Management System Permit Program Act C.R.S. (25-6.6-101 et seq.), Colorado Air Quality Control Commission and the Colorado Air Pollution Prevention and Control Act C.R.S. (25-7-101 et seq.), 40 CFR 433, and City of Boulder Revised Code 1981 Title 11, to those general terms and conditions included in this document and the following specific terms and conditions.

In accordance with the provisions of the City of Boulder Revised Code (BRC), 1981, Title 11, Chapter 3, Industrial and Prohibited Wastewater Discharges and in consideration of all conditions, requirements, and limitations set forth in this discharge permit BATC is hereby authorized to discharge industrial wastewater from its facility located at 1600 Commerce Street, Boulder, CO 80301 to the City of Boulder sanitary sewer system. BATC is required to comply with all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws that are currently applicable or may become effective during the term of this permit. Failure to comply with the provisions of this permit, pretreatment requirements, or national pretreatment standards may constitute grounds for administrative, civil and/or criminal enforcement actions against the permittee. The penalty for violation of any provision of this permit or Chapter 11-3 BRC is a fine of not more than one thousand dollars ($1,000) per violation per day, or incarceration for not more than ninety days in jail, or both such fine and incarceration.

This permit is not transferable and the permittee shall apply for permit re-issuance at least ninety days prior to the expiration of this permit. BATC need not submit the entire permit application for re-issuance of this permit, but is only required to provide information where BATC is requesting modifications to the permit.

I. Environmental Policy

See Ball Corporation Environmental Policy (CP-03.004.001).

II. Identifying Environmental Aspects and Impacts

A. The facility shall establish and maintain procedures to identify the environmental aspects of the processes, products or activities over which an entity has control and that can, or have the potential to, interact with the environment in a positive or negative way. The facility shall ensure that aspects related to the significant impacts are considered in setting its environmental objectives. See BATC's WI EHS.23.13.004 for aspects and impacts procedure.

B. BATC shall conduct annual reviews of the facility's aspects and impacts assessment for feasible continual improvement projects and maintain information about these reviews on site for department review.

C. EMS Permit Modifications

Any revisions made using the provisions of sections 5.2 and 5.3 shall become new applicable requirements for purposes of this EMS permit and shall survive re-issuance. This permit incorporates the applicable requirements from construction permit 95BO405, as modified and combined into a facility wide emission limit, and Industrial Wastewater Discharge Permit 002005-5, and incorporated directly into this EMS permit, through the EMS permit process.

1. Minor modifications as defined by Regulation No. 3 (CCR) can occur to the facility without public comment or notice so long as the modifications are prepared on forms supplied by the department, do not violate any applicable requirements, are approved by the department, and would not otherwise be considered a major modification. [do we need clarification as to minor mod for Ball's operations?]

2. Major Modifications as defined by Regulation No. 3 (CCR) require the public comment period in section 6 of the EMS Permit Program Regulations (5 CCR 1004-1) to occur prior to the department issuing the modification. Major modifications must be prepared on forms supplied by the department. A revised permit must be issued prior to a modification occurring at the facility.

D. Facility Modifications

1. Modifications can occur to the facility that impact air quality without a permit modification so long as the total emissions for the facility do not exceed the above limits. If a modification occurs without a permit modification, the facility shall notify CDPHE or the City of Boulder at least ten days before commencing the modification.

2. The facility shall conduct a review to determine whether any modification to the facility or change in regulation requires the facility to comply with any additional regulatory requirements. If an additional requirement is required, the facility shall demonstrate to CDPHE compliance with this requirement within thirty days of completion of the modification. If control equipment is required to maintain emissions below the emission limits, the facility shall provide CDPHE or City of Boulder with detailed information about the necessary control equipment within thirty days of commencing the construction.

3. The Facility can conduct the facility modifications without a permit modification as per Regulation No. 3, Part B, Section C and Part C, X.1.10.i & XI for minor modifications.

E. Wastestream Identification: BATC performs research, development and manufactures aerospace hardware. BATC is subject to Federal Categorical Pretreatment Standards 40 CFR section 433 for metal finishing operations. The majority of BATC's metal finishing processes are located within the FM building and include acid and alkali etching, chromate conversion, anodizing, plating as well as other operations. In addition, metal finishing performed in the MAMA lab includes metal etching, thin film etching, electro-polishing and a de-burring process. Industrial discharge permit 2004-6 addresses monitoring and reporting requirements for different discharge locations at the BATC facility. Discharge locations are broken down into wastewater outfalls and are described below.

WASTE STREAM IDENTIFICATION	DESCRIPTION
Outfall 001	Wastewater effluent from the pretreatment tank in the metal finishing shop located in building FM. This wastestream combines with rinse waster and is sampled as Outfall 001.
Outfall 002	Wastewater effluent from the MAMA lab located in building FM.
Outfall 003	Combined wastewater effluent from buildings FM,

	FA, FT, and FC.
Outfall 004 (silver point source discharges)	Non-Destructive testing in Fisher Complex (treatment is two silver removal canisters in series)

III. Legal and Other Requirements

A. BATC's policy for legal requirements is WI EHS.23.13.003.

B. The facility shall comply with all applicable federal, state and local environmental regulatory requirements, unless modified by this permit, and shall comply with this permit. The objectives and targets included in Section IV of this permit are enforceable as permit terms and conditions.

C. This EMS Permit incorporates the applicable requirements contained in the underlying conventional environmental permits and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in sections 5.2 and 5.3 of the EMS Permit Program Regulation. The procedures in section 5.2 meet the applicable substantive requirements of Colorado AQCC Regulation No. 3. Part B.

D. All discharges to outfalls authorized herein shall be consistent with the terms and conditions of this permit. Any anticipated change in discharge location and/or facility expansion, production change, or process modification which will result in any new discharges of pollutants, different discharges of pollutants, or increased significant discharges of pollutants must be reported to the city pretreatment staff.

A Wastewater Classification Survey shall be submitted in cases where the new discharge is thought to be significant, a letter of intent shall be adequate where pollutants are thought to be non-significant. Pollutants listed in 40 CFR Part 122 Appendix D Tables II, III, IV, V that may have a reasonable potential to be discharged via wastewater contact with industrial operations shall be reported to city pretreatment staff. Following such notice, the permit may be modified to specify or limit any new pollutants.

E. If this source becomes a major source as defined in Regulation No. 3, Part A, section I.B.23, an application for an Operating Permit shall be filed no later than twelve months after the source becomes subject to the operating permit requirements.

F. 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.

G. Duty to Comply: The facility must comply with the permit terms and conditions of this permit. Any permit noncompliance of water requirements constitutes a violation of the City of Boulder's code or the EMS Permit Program Regulation and is grounds for possible enforcement action.

H. Permit Revision, and Revocation: The permit shall be in effect until June 30, 2008. Terms and conditions of this permit may be modified by the City of Boulder or department to meet local, state or federal requirements or if there is other good cause.

1. In accordance with Section 11-3-17, B.R.C., 1981 this permit may be suspended or revoked in order to stop any discharge, which may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, or causes the city to violate its NPDES Permit.

3. Additionally, this permit may be suspended or revoked if the permittee:

a. Violates any condition of this permit;

b. Violates any of the provisions of applicable federal, state, or local regulations;

c. Fails to report factually the wastewater constituents and characteristics of a discharge;

d. Fails to report significant changes in operations or wastewater constituents and characteristics;

e. Knowingly makes a false statement in the wastewater classification survey;

f. Obtains the permit fraudulently or by making misrepresentation;

g. Tampers with, disrupts, or damages city monitoring and sampling equipment or facilities;

h. Refuses reasonable access to the permittee's premises for the purpose of inspection or monitoring; or

i. Fails to pay fees or charges timely.

I. Non-Transferability: This permit may not be sold, traded, assigned, sublet, or otherwise transferred. Any new significant industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises and comply with EMS Permit Program Regulation section 2.6 to transfer ownership.

IV. Objectives and Targets

The facility shall establish and maintain documented environmental objectives and targets and consider legal and other requirements, significant environmental aspects, technological options, and financial, operational, and business requirements, and views of interested parties when establishing and reviewing objectives. BATC's objectives and targets procedure is WI EHS.23.13.005. The following objectives and targets in sections IV.A through IV.D are enforceable conditions.

A. Air Quality Requirements

1. This source is subject to the odor requirements of Regulation No. 2. (State only enforceable)

2. Fugitive Volatile Organic Compound Emissions

a. A fugitive emissions control plan shall be maintained on-site and made available to the department upon request, which includes control techniques and work practices that shall be implemented at all times to reduce volatile organic compound (VOC) emissions from fugitive sources (reference: Reg.7, Section IX.A.7.) and to ensure compliance with 40 CFR 262.34. Control techniques and work practices include, but are not limited to:

(i) Tight-fitting covers for open tanks;
(ii) Covered containers for solvent wiping cloths; and
(iii) Proper disposal of dirty clean-up solvent.

See WI EHS.23.2.002 for additional information on compliance with hazardous waste requirements.

b. Emissions of organic material released during clean-up operations, disposal, and other fugitive emissions shall be included when determining total emissions, unless the source owner or operator documents that the VOC emissions are collected and disposed of in a manner that prevents evaporation to the atmosphere.

3. Emissions Limits

a. Visible emissions shall not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions shall not exceed thirty percent (30%) opacity for more than six minutes in any sixty consecutive minutes. Opacity shall be measured using EPA Method 9. If required, opacity readings are to be submitted to the department before issuance of the final EMS permit. After issuance of the final EMS permit no additional opacity readings are required. (Reference: Regulation 1, Sections II.A.1. and 4.)

b. Emissions of air pollutants shall not exceed the following limitations (as calculated in the Division's preliminary analysis). Compliance with the annual limits shall be determined on a rolling (12) month total. By the 15th day of each month a new 12-month total is calculated based on the previous 12 months of data. The permit holder shall calculate monthly emissions and keep a record of the calculations on site for Division review. (Reference: Regulation 3, Part B, III.A.4)

Particulate Matter:	5.0 tons per year
PM_{10} (Particulate Matter<10 µm):	5.0 tons per year
Volatile Organic Compound:	70.0 tons per year
Any Single Hazardous Air Pollutant:	8.0 tons per year
Total Hazardous Air Pollutants:	20.0 tons per year

The department has determined that the cooling towers used to support heating ventilation and air conditioning systems (HVAC) systems are exempt from particulate emission calculations, based upon the exemption found in Regulation 3, Part A, Section II.D.1.c. (CCR ##).

c. Volatile Organic Compound (VOC) and Hazardous Air Pollutant (HAP) Emissions:

(i) The Facility shall not dispose of VOC emissions by evaporation or spillage. (If such disposal becomes necessary, Reasonably Available Control Technology (RACT) shall be utilized. (Regulation No. 7, Part V.)

High Volume Low Pressure (HVLP) paint spray guns or other Division-approved surface coating method shall be used for any application of base coats and clear coats in general, and for any top coat applied to a large area. (A large area is any area greater than nine (9) square feet.) The applicant must obtain written permission from the Division prior to using any method other than HVLP application for applying base coats, clear coats or large area top coats. Conventional application methods may be used only in small area applications as defined above. (Reference: Reg.3, Part B, IV.D.2.d.)

(ii) The Facility shall operate the degreasing and cleaning operations using organic solvents in compliance with Regulation No. 7, Part X.

(iii) Emissions of lead (Pb) shall not be such that emissions result in an ambient lead concentration exceeding 1.5 micrograms per standard cubic meter averaged over a one-month period (Regulation No. 8, Part C, Section I.B.). In the absence of credible evidence to the contrary, compliance with the ambient lead standard shall be presumed as long as the solder pots are maintained at a temperature of 500ºF +/- 25ºF and the soldering irons at 700ºF +/- 10ºF. Temperatures of all solder pots and soldering irons shall be monitored in accordance with NASA-STD-8739.3, BATC BTS02.67, WI PLAB.9.1.001, and GL PLAB.9.5.001.

B. Water Quality Requirements

1. Specific Pollutant Limitations

The permittee shall not discharge wastewater-containing pollutants in excess of the specific pollutant limitations as set forth below, based on a sampling methodology that is most representative of the actual discharge. Compliance with these limitations is determined at the designated monitoring location.

a. Outfall 001 (40 CFR 433.15)

Maximum Allowable Discharge Concentrations		
Effluent Parameter	Daily Maximum mg/L	Maximum Monthly Average mg/L
Cadmium	0.69	0.26
Chromium-Total	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Cyanide-Total	1.20	0.65
Toxic Organics-Total (TTO)	2.13 see attachment 3b	

b. Outfall 002 (40 CFR 433.17)

Maximum Allowable Discharge Concentrations		
Effluent Parameter	Daily Maximum mg/L	Maximum Monthly Average mg/L
Cadmium	0.11	0.07
Chromium-Total	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Cyanide-Total	1.20	0.65
Toxic Organics-Total (TTO)	2.13 see attachment 3b	

c. Outfall 003 (local limits)

Parameter	Daily Maximum lbs/day	
Arsenic (As)	0.0284	
Cadmium (Cd)	0.0167	
Chromium (Cr)	0.9007	
Copper (Cu)	0.1284	
Lead (Pb)	0.725	
Mercury (Hg)	0.0013	
Molybdenum (Mo)	0.0300	
Nickel (Ni)	0.1030	
Selenium (Se)	0.0467	
Silver (Ag)	0.0147	
Zinc (Zn)	0.7673	
pH**	Minimum – 5.5 s.t.u.	Maximum – 10.5 s.t.u.

** For continuously monitored pH, excursions greater than 5 minutes above 10.5 s.t.u. or below 5.5 s.t.u. shall be considered violations. Excursions below the federal limit of 5.0 s.t.u. are violations regardless of duration.

d. Outfall 004

Metal Pollutants	Daily Maximum mg/L
Silver	100

2. Toxic Pollutants and Hazardous Substances (see Attachment 3a)

The permittee shall restrict all toxic pollutants and hazardous substances from entering the City sewer system through an on site hazardous material/waste management program. If toxic pollutants and hazardous substances are determined to be present, the permittee will take steps to eliminate these materials from the wastestream, unless the levels present can be demonstrated to the City's satisfaction as non-significant. In this case, non-significant levels would be those which will not interfere with City wastewater treatment, will not pass through untreated to the receiving stream, will not inhibit recycling capabilities of City treated sludge, or will not in any way be incompatible with the City wastewater treatment system.

Determination of non-significant status for a pollutant does not relieve the permittee of reporting requirements found in Section III.D.

3. Excess User Charges

Wastes discharged in excess of average strength sewage (230 mg/l for BOD, 220 mg/l for TSS, or 25 mg/l for NH_3N) shall pay excess user charges in addition to wastewater utility fees prescribed by Section 4-20-28, “Monthly Wastewater User Charges” B.R.C. 1981.

4. General Prohibitions

The permittee shall comply with all other discharge limitations contained in Title 11, Chapter 3, B.R.C. 1981.

The Facility shall not increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any applicable limitation.

C. Hazardous Waste Requirements

1. Removed Substances

Solids, sludge and other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the sewer. The Facility must comply with all requirements regarding the generation, treatment, storage and/or disposal of Hazardous Waste as defined under the Resource Conservation and Recovery Act.

2. Hazardous Wastes

As required by 40 CFR 403.12(p), the Facility shall notify the Pretreatment Specialist in writing of any discharge into the POTW of a substance, which, if otherwise discharged would be a hazardous waste under 40 CFR 261.

For the BATC Rough/Critical Cleaning Labs, satellite accumulation at or near the point of generation allows for a waste collection system that includes interlocks and alarms that prevent overfilling of containers.

D. Cross Media Requirements

1. In complying with any of the above objectives and targets, the facility can present to the Division and/or Boulder POTW an analysis to:

a. Demonstrate cross media impacts of certain control options or measures; or

b. Demonstrate and request an increase in air emission limits to achieve greater reductions in environmental benefits elsewhere; or

c. Demonstrate and request alternative monitoring requirements based upon and aspects and impacts analysis; or

d. Demonstrate that greater environmental benefits will be garnered if the required capital expenditure is made elsewhere.

E. Continual Improvement Projects

See current version of BATC Targets and Objectives Matrix.

V. Monitoring

The following BATC procedures meet the permit requirements for monitoring:

WI EHS.23.1.001 wastewater sampling and monitoring.

WI EHS.23.1.003 MAMA Lab and metal finishing for batches.

WI EHS.23.2.002 satellite accumulation for hazardous waste for Boulder campus.

WI EHS.23.3.001 air emissions permit compliance and record keeping for Boulder campus.

A. Water Quality Monitoring

1. Self-Monitoring Requirements

The permittee shall monitor and report for the following parameters at frequencies equal to or greater than those listed below. All samples or measurements shall be representative of daily wastewater discharge. All data collected as detailed below shall be reported as required by the Reporting Section of this permit.

a. Sampling and analysis Outfall 001 (Metal Finishing)

Parameter	Frequency	Sample Type
Flow	See below Sampling Information	
Chromium (total)	Once/month	Composite
Copper	Once/month	Composite
Lead	Once/month	Composite
Nickel	Once/month	Composite
Zinc	Once/month	Composite
Cadmium	Once/6 months	Composite
Silver	Once/6 months	Composite
Cyanide	Once/6 months	Grab*
TTO	Once/6 months	Grab (see below C.5.)

b. Sampling and Analysis Outfall 002 (Metal Finishing)

Parameter	Frequency	Sample Type
Flow	See below Sampling Information	
Chromium (total)	Once/month	Grab
Copper	Once/month	Grab
Lead	Once/month	Grab

Nickel	Once/month	Grab
Zinc	Once/month	Grab
Cadmium	Once/6 months	Grab
Silver	Once/6 months	Grab
Cyanide	Once/6 months	Grab*
TTO	Once/6 months	Grab (see below C5)

c. Sampling and Analysis Outfall 003

Parameter	Frequency	Sample Type
PH	Once/month	Grab
Flow	See below Sampling Information	
Arsenic	Once/month	Composite
Cadmium	Once/month	Composite
Chromium (total)	Once/month	Composite
Copper	Once/month	Composite
Lead	Once/month	Composite
Mercury	Once/month	Composite
Molybdenum	Once/month	Composite
Nickel	Once/month	Composite
Selenium	Once/month	Composite
Silver	Once/month	Composite
Zinc	Once/month	Composite
Chemical oxygen	Once/month	Composite
Demand Organic Toxic Pollutants (for pollutants reasonably expected to be present)	Once/Year	Grab (see below C5)

d. Sampling and Analysis Outfall 004 (silver point source)

Parameter	Frequency	Sample Type

Silver	Once/3 months	Grab

2. Sample Location

Sample locations are described below.

Outfall 001: Samples shall be collected from the utility access hole located east of the FC building material storage room. This location isolates metal finishing process wastewater from other discharges.

Outfall 002: Samples shall be collected from the MAMA laboratory wastewater collection tanks prior to discharge to the sanitary sewer.

Outfall 003: Samples shall be collected from the utility access hole located on the west side of buildings FA and FC.

Outfall 004: Samples shall be collected from effluent of silver removal canister in the nondestructive testing area in the FC building.

*Cyanide: samples for cyanide must be collected after cyanide treatment, if any, and before dilution with other non-cyanide bearing wastewater streams.

C. Sampling Information

1. Flow Measurements

Where available, flow monitoring equipment shall record data such that data may be reviewed by both the permittee staff and City Pretreatment staff. The permittee shall maintain flow records as well instrument calibration records for a period of three years.

Flow measurements shall be taken at each sample point at least once each day that sampling occurs, additional measurements shall be taken if flow is variable or if a single measurement fails to be representative. Flow recorders or electronic flow meters are the preferred tool for flow measurement. However, the method of measuring wastewater depths in the center of the sewer invert, at the upstream side, and employing the Manning formula for calculation is an acceptable method.

Batch tank releases may be reported by multiplying the total number of releases for the sample period by the volume of each batch. Flow measurements shall be reported in gallons per day.

2. pH Monitoring

Where available continuous pH monitoring equipment shall record data such that data may be reviewed by both the permittee staff and City Pretreatment staff. Alternately, grab samples may be collected to verify pH compliance. The permittee shall maintain pH records as well instrument calibration records for a period of three years. All pH violations recorded by monitoring equipment or detected by grab sampling shall be reported according to Section V.C.10 of this permit.

Grab samples for pH shall be collected during each periodic monitoring event and shall be reported on the Monitoring Report Form submitted to City Pretreatment staff.

3. Representative Sample Collection

Samples and measurements collected as required herein shall be representative of the volume and nature of the monitored discharge and shall be collected at the specified location. All samples shall be collected and preserved in accordance with EPA regulations detailed in 40 CFR 136 and summarized in

Sampling Guidelines.

4. Sample Analysis

All samples must be analyzed in accordance with EPA regulations detailed in 40 CFR 136. Quality Assurance and Quality Control practices followed by the analytical laboratory must comply with those practices specified in the analytical method.

5. Total Toxic Organic Certification

In consideration of the Toxic Organic Management Plan on file with the Pretreatment Program the permittee may, in lieu of monitoring for Total Toxic Organics (TTO) and Organic Toxic Pollutants submit a signed statement of certification for the control of all organic toxic pollutants. The statement shall be submitted at the frequency required for self-monitoring and shall include the following language.

"Based on my inquiry of the person directly responsible for managing compliance with the standard for total toxic organics and organic toxic pollutants, I certify that to the best of my knowledge and belief, no dumping of concentrated toxic organics has occurred since filing of the last compliance report. I further certify that this facility is implementing the solvent management plan submitted to the Control Authority."

If future analysis indicates a presence of any organic toxic pollutant constituents then BATC shall commence sampling and analysis for the suspected wastestream as required by Section V. Monitoring. The above certification option shall no longer apply until such time that BATC has demonstrated adequate control of all organic toxic pollutants.

6. Cyanide Certification

If BATC is not using or generating cyanide, then BATC may, in lieu of monitoring for cyanide, submit a signed statement of certification for the control of cyanide. The statement shall be submitted at the frequency required for self-monitoring and shall include the following language.

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the standard for cyanide, I certify that to the best of my knowledge and belief, no dumping of cyanide bearing wastestreams has occurred since filing of the last compliance report."

7. Safety Precautions: When taking samples or flow measurements at any access hole or water meter pit, which is accessible to the public, the permittee shall take all reasonable and necessary precautions to prevent persons from injuring themselves or their property due to sampling or measuring activities.

8. Testing: Analytical testing shall be approved by the City and shall be in accordance with EPA approved methods contained in 40 CFR Part 136.

9. Quality Assurance/Quality Control: All sampling and laboratory analyses shall have quality assurance/quality control procedures so that all data generated is representative and can be assessed for precision, accuracy, completeness, and comparability.

10. Water Quality Noncompliance

a. If the Facility exceeds effluent limitations specified herein, the Facility shall take the following steps:

i. Notify City of Boulder pretreatment personnel of the violation within 24 hours after becoming aware (verbal or written notification from laboratory) of the noncompliance.

ii. Repeat the sampling and analysis and submit the results of the repeat analysis to the City of Boulder Pretreatment Specialist within 30 days after becoming aware (verbal or written notification) of the violation. Violations that exceed the Federal Technical Review Criteria (TRC = 1.2 x limit) shall require two repeat samples.

iii. Within five working days of a violation, the Facility shall submit a written report to the City of Boulder describing the noncompliance. Include dates and times of the noncompliant discharge, anticipated duration, and the steps being taken to determine the origin of the noncompliant discharge. Also include a description of any steps that will be taken to eliminate and prevent recurrence of said discharge.

11. Compliance Schedule Development

a. The Facility shall achieve compliance with all effluent limits. If additional pretreatment and/or operation and maintenance are needed to comply with the discharge limitations, a schedule by which the Facility shall provide such treatment in the shortest possible time, shall be developed and submitted to the Boulder Industrial Pretreatment Office. The schedule shall contain a description of the necessary steps for completion. None of the steps shall exceed nine months.

A compliance schedule can be made a part of this permit at any time during the effective period of the permit. In addition, discharge and emission limits and other work practices may be developed during the interim of the compliance schedule period.

No later than 14 calendar days following each date in the compliance schedule and the final date for compliance, the Facility shall submit a progress report indicating whether or not compliance was achieved for the specific steps. If compliance was not met explain the reason for the delay, when it expects to comply with the step, and any remedial actions taken or planned.

b. The auditor's activities and findings will provide CDPHE with an indication of the performance and compliance status of the facility and assist the CDPHE in determining if it is necessary to take some further action to accurately determine the compliance status of the facility. The facility shall allow public review of the auditor's executive summary of audit findings, and any subsequent responses by the facility.

VI. Environmental Record Keeping and Reporting

The following BATC procedures meet the permit requirements for recordkeeping and reporting:

EHS.23.1.002 wastewater discharge report.

WI EHS.23.3.001 air emissions.

A. Air Pollution

1. Copies of Air Pollutant Emission Notices (APENs) shall be maintained on-site and updated APENs filed as appropriate pursuant to Regulation No. 3. The facility shall maintain a list of estimated emissions of non-criteria reportable air pollutants on-site and available for Division review.

2. The facility shall calculate monthly emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from chemical, solvent, and paint usage (including the surface coating operations), in order to demonstrate compliance with these emission limits. Emission calculations shall be performed using a mass balance method based on actual chemical, solvent, and paint usage. The permit holder shall assume that the total VOC and HAP contained in the chemical, solvent, and paint used is emitted to the atmosphere. VOC and HAP content shall be determined

from the specific Material Safety Data Sheets (MSDSs). Records of emission calculations and the MSDSs shall be maintained by the facility and made available to the Division for inspection upon request. Emissions shall be calculated on a rolling 12-month total. (Reference: Regulation 3, Part B, Section III.A.4)

3. The applicant shall follow the most current version of WI EHS23.3.001 in order to demonstrate compliance on an ongoing basis with the requirements of this permit. (Reference: Reg. 3, Part B, Section IV.B.2.)

4. This facility is subject to requirements to Control Emissions of Volatile Organic Compounds as contained in Regulation No. 7, Section IX.L. This requirement is not applicable to sources whose actual emissions, including fugitive emissions, before add-on controls, are less than 6.8 kilograms (15 lbs.) per day and less than 1.4 kilograms (3 lbs.) per hour. The facility can calculate the average daily emissions through dividing total monthly emissions by the number of operating days (PS Memo 97-3, May 1, 1997). Records shall be kept by the facility to document that this exemption applies. If the facility operates over 6.8 kilograms (15 lbs.) per day and greater than 1.4 kilograms (3 lbs.) per hour, the facility shall notify the Division within 10 days after the occurrence and either provide evidence that the facility permanently reduced equivalent VOC emissions elsewhere at the facility or demonstrate compliance with this requirement.

5. The facility shall notify the Division of any upset condition which causes a violation of any air emission limit or limits stated in this permit as soon as possible, but no later than two (2) hours after the start of the next working day, followed by written notice to the Division explaining the cause of the occurrence and that proper action has been or is being taken to correct the conditions causing said violation and to prevent such excess emission in the future. (Reference: Common Provisions, Section II.E.)

6. The facility shall maintain a list of equipment and activities covered by air emission regulations on-site for department review.

B. Water Quality

1. Reporting Requirements: All self-monitoring results shall be summarized and reported to the Industrial Pretreatment office by the 28th day of the following month. Example - samples collected during January are due February 28th. The signed report shall be submitted to the following address:

   City of Boulder - Water Quality and Environmental Services
   Attention: Pretreatment Specialist
   4049 75th Street
   Boulder, Colorado 80301

2. Sample and Reporting Certification: A signed statement shall be included with each report certifying that all information included in the report is true and accurate. The certification shall include the following language:

   "I certify that 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.

3. Additional Reporting Requirements

a. A **SEMI-ANNUAL REPORT** shall be submitted during the months of July and January to the Pretreatment Office. The semi-annual report shall consist of two parts: (1) an activity report covering the past six months and (2) a projected activity report for the upcoming six months.

b. For the previous six-month period the following information shall be reported:

i) Any unreported results from regulated effluent wastestreams including, but not limited to, priority pollutant analysis, conventional pollutant analysis (BOD,TSS, pH, Oil & Grease), and flows;

ii) A list of any violations including date(s), concentration, duration, volume, and location;

iii) Specific analytical methods used and a list of outside laboratories used for testing;

iv) Listing of process changes, which can reasonably be expected to introduce substantially new, increased, or different discharges of pollutants and/or major modifications to wastewater treatment facilities equipment;

v) Summary of pollution prevention and waste minimization achievements for the reporting period.

vi) Summary of hazardous waste shipments including information on the type of wastes and the quantity shipped during the reporting period.

c. For the upcoming six-month period, the following information shall be reported:

i) A list of process waste streams expected to be discharged during the period;

ii) The anticipated dates of discharge of each process waste stream;

iii) A list of the types of pollutants, which will be generated from process waste streams;

iv) Signature of authorized representative of the company in accordance with letter Sampling and Reporting Certification above.

4. All records and information resulting from the monitoring activities required by this permit shall kept for a minimum of three years and shall be conducted consistently with WI EHS.23.1.002. Information shall include:

a. The person(s) who took the sample(s);
b. The person(s) who performed the analyses;
c. Dates the sample(s) was collected and analyses were performed;
d. Recordings from continuous monitoring instruments such as flow, pH; and
e. Related quality control and quality assurance information.

C. Other Record Keeping and Reporting Requirements

1. CDPHE and the City of Boulder shall have access to all records relevant to this permit.

2. Availability of Reports: Except for information determined to be confidential as defined by Section 11-3-30, B.R.C. 1981, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the City of Boulder. Effluent or discharge data is not considered confidential unless it is determined by the City to be of a proprietary nature.

VII. Wastewater Spill Plan

A. Spill Control Plan / Spill Notification Procedures and Toxic Organic Management Plan

1. Currently the Pretreatment office has on file a Wastewater Discharge Spill Plan and Toxic Organic Management Plan (the current version is on file at BATC and City of Boulder). The permittee is required to review, revise and resubmit these plans to the Industrial Pretreatment Office every five years or more frequently as deemed appropriate by BATC.

2. The plan shall contain the following information:

a. Description of current discharge practices, including any non-routine batch discharges;

b. Up to date chemical inventory;

c. Any necessary procedures to prevent accidental spills, including maintenance of storage areas, handling and transfer of materials, loading and unloading operations, and control of site run-off;

d. Any necessary measures for building any containment structures or for purchasing equipment;

e. Any necessary measures for controlling the use of toxic organic chemicals;

f. Any necessary procedures and equipment for emergency response;

g. Any necessary procedures to address emergencies related to malfunctions in pretreatment equipment;

h. Any necessary follow up practices to limit damage to the City treatment plant and the environment such as training of staff, meetings to review accidental discharges, etc.; and

i. Procedures for promptly notifying the POTW of slug discharges as defined in 40 CFR part 403.5 (b), with procedures for follow-up written notification within five days. City emergency phone numbers for water quality are: weekdays 8am - 5pm call 303-413-7350, and / or after hours call 303-413-7340.

B. Wastewater Spill Notification Procedures/Sign Posting

Spill notification procedures or signs shall be posted near all sinks, floor drains, and possible discharge locations at the permitted facility and shall contain the following information:

1. Instructions detailing what personnel are to do if a spill occurs.
2. Telephone numbers of City wastewater treatment plant: (303-413-7340 day or night) or alternate facility contacts such as site security and/or environmental personnel.
3. Directions specifying immediate notification of City wastewater treatment plant personnel or appropriate alternate emergency contacts.

C. Accidental or Slug Discharges (to wastewater)

1. In case of an accidental or slug discharge the permittee shall immediately notify by telephone the Pretreatment Specialist (303-413-7361) and/or the Plant Superintendent (303-413-7340) at the wastewater treatment plant of the location of discharge, type of waste, concentration, volume and corrective actions taken. Follow up written notification may be required.

2. Accidental discharges of concern include, but are not limited to, the following:

a. Discharges that cause any permit limitation to be violated;

b. Discharge of materials or substances as listed under 40 CFR part 122 Appendix D tables 2, 3, 4 and 5 which are discharged to the sanitary sewer;

c. Any discharge of any substance that could interfere with the City wastewater treatment system.

3. Within five working days following an accidental discharge, the permittee shall submit a written report describing the causes of discharge and measures to be taken to prevent similar future occurrences.

VIII. Environmental Management Program(s)

BATC has environmental management program processes established, which is captured in part by Quality System Manual Section 23 for Ball Aerospace, Environmental Health and Safety Compliance. Included in the management program is an emergency response plan (see BATC QSP 23.7).

CDPHE has determined that the processes demonstrate BATC has adequately established and is maintaining a program for achieving objectives and targets that includes designation of responsibility for achieving objectives and targets at each relevant function and level; means and time frame; a mechanism to amend the program where relevant for a new development, new or modified activities, products, or services.

IX. Structure and Responsibility

The facility must appropriately define roles, responsibilities and authorities, and document and communicate that information in order to facilitate effective environmental management. BATC's procedures for structure and responsibility are found in Quality System Manual Section 23 for Ball Aerospace, Environmental Health and Safety Compliance.

X. Training, Awareness and Competence

The Facility shall ensure all personnel, receive appropriate training. BATC's training, awareness and competence procedure is: QSP 23.9 EHS Training Compliance.

A. Air Quality Training

The Facility shall ensure that the person(s) conducting any Method 9 opacity observations, if required, are properly certified.

B. Water Quality Training

In order to insure against unnecessary discharges of toxic or hazardous pollutants to the sewer system the following training activities shall occur:

1. The permittee shall train employees on proper storage and disposal techniques for chemicals used or stored on site.

2. All employees working in the process or laboratory areas shall be trained in emergency response for cleanup and/or facility notification procedures for spills.

XI. Operational Controls

BATC's operational controls are found within each relevant work instruction.

XII. External Self-Audits

A. External Self-Audits

1. BATC's self-audit procedures is CP-03.003.001 Environmental Assessment

2. The facility is required to maintain an Environmental Management System (EMS) and conduct external EMS conformance and compliance audits at least every two years at the Facility.

3. Audit Frequency. The Facility shall conduct an external EMS compliance and conformance audit as provided in this part, within 2 years of EMS Permit issuance and every 24 months thereafter.

4. BATC did not request a reduction in inspection frequency from CDPHE or the City of Boulder, therefore the audits are not enforceable as a term of this permit.

5. Content of External EMS Audit

a. Review of the EMS. The external EMS auditor must determine whether the Facility properly implemented its EMS. The external EMS auditor must identify instances where the Facility did not conform with the EMS.

b. The audit must provide identification of and response to the EMS deficiencies for any nonconformance.

XIII. Communications

BATC's Community Involvement and Communications Plan is attached to this permit.

A. Outreach to stakeholders is an important part of this permit. The facility has identified additional local stakeholders who have received notice of the availability of this permit and variance for public comment, and will receive any future formal notices. In addition, the project web site shall include information required by the Colorado Environmental Management System Permit Program Act C.R.S. (25-6.6-101 et seq.) and it will enhance stakeholder access by publicly reporting facility performance, notification of facility changes, and other pertinent facility information as agreed to by CDPHE, City of Boulder and BATC.

B. The Facility has developed and is implementing a community involvement and communications plan, which includes a process to ensure adequate public notice and promote public involvement with the issuance of this permit. The Facility conducted an inventory of existing community communications efforts and provided those to CDPHE prior to issuance of this permit.

C. As a means to improve public accessibility to compliance information and results of the external compliance audit, CDPHE will post the following information on CDPHE's Internet site within thirty days of CDPHE's receipt, unless a different amount of time is provided for below. The posted information shall include:

1. Results of air emission and water effluent calculations, as required by the permit. The facility shall report air emissions data in a method and format as agreed upon with CDPHE. BATC may post environmental data on CDPHE's website. Reports may be electronically formatted, submitted, and certified.

2. External compliance and conformance audit executive summaries, beginning with the summary from first compliance audit.

3. Any notable improvements to the Facility's EMS and resulting environmental performance.

4. Any notifications by the facility of deviations or noncompliance with a term or condition of this permit.

5. A summary of CDPHE's and/or City of Boulder's inspections and monitoring and the monitoring of the Facility's response to any identified deviations, noncompliance, deficiencies or potential

problems with the terms and conditions of this permit, CDPHE shall summarize each issue and its resolution on the Internet as soon as possible, but normally within ninety days of being informed of the situation, unless a longer investigation is required.

6. Notification of facility operation changes that required a modification to this permit.

XIV. EMS Documentation and Document Control

BATC's EMS documentation and document control procedure is QSP 2.1, Quality Business System Documentation.

1. Establish and maintain information, in paper or electronic form, to describe core elements of the management system and their interaction and to provide direction to related documentation. The Facility shall maintain the proper documentation to demonstrate to an auditor that an EMS exists and is implemented at the Facility, as required by the EMS Permit Regulation.

2. Required records, permits, notifications, etc., must be kept on site and available for CDPHE and the City of Boulder.

The above EMS Permit meets the requirements of Colorado Air Quality Control Commission and the Colorado Air Pollution Prevention and Control Act C.R.S. (25-7-101 et seq.).

_____
Matthew S. Burgett, Permit Engineer
Stationary Sources Program, Air Pollution Control Division

The above EMS Permit meets the requirements of 40 CFR 433 and City of Boulder Revised Code 1981 Title 11.

_____
Ridge Dorsey
Pretreatment Program, Boulder POTW

The above EMS Permit meets the requirements of Colorado Environmental Management System Permit Program Act C.R.S. (25-6.6-101 et seq.).

_____
Jill Cooper, Director
Sustainability Division, CDPHE

GENERAL TERMS AND CONDITIONS: (IMPORTANT! READ ITEM 5)

1. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity specifically identified on the permit.
2. Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the APCD to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
3. This permit may be revoked at any time prior to final approval by the Air Pollution Control Division (APCD) on grounds set forth in the Colorado Air Quality Control Act and regulations of the Air Quality Control Commission (AQCC), including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action.
4. This permit and any required attachments must be retained and made available for inspection upon request at the location set forth herein. With respect to a portable source, which is moved to a new location, a copy of the Relocation Notice (required by law to be submitted to the APCD whenever a portable source is relocated) should be attached to this permit. The permit may be reissued to a new owner by the APCD as provided in AQCC Regulation No. 3, Part B, Section III.B. upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
5. **YOU MUST notify the APCD at least thirty days (fifteen days for portable sources) prior to commencement of the permitted operation or activity**. Failure to do so is a violation of Section 25-7-114.5(12)(a), C.R.S. and AQCC Regulation No. 3, Part B, Section IV.H.1., and can result in the revocation of the permit. *You must demonstrate compliance with the permit conditions within 180 days after commencement of operation as stated in condition 5.*
6. Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollution Emission Notice (APEN) must **pay an annual fee** to cover the costs of inspections and administration. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
7. Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.