

PRETREATMENT ORDINANCE
NO. 96-001

WALWORTH COUNTY METROPOLITAN
SEWERAGE DISTRICT

Effective January 1, 2016

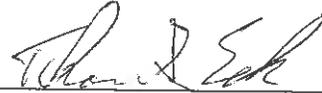
Adopted Resolution 2015-04
November 10, 2015

RESOLUTION NO. 2015-04
RESOLUTION TO ADOPT PRETREATMENT ORDINANCE 96-001 AS
REVISED ON NOVEMBER 10, 2015

WHEREAS, the Walworth County Metropolitan Sewerage District ("WalCoMet) will adopt Ordinance 96-001 as revised on November 10, 2015 (the Ordinance) in the form and substance presented to the Commission of WalCoMet on November 10, 2015 and be hereby approved and adopted in accordance with its terms

BE IF FURTHER RESOLVED, that the Ordinance shall become effective in accordance with the terms as provided for therein.

Adopted this 10th day of November 2015.



Thomas Eck, District Secretary

Walworth County Metropolitan Sewerage District
Re: Pretreatment of Wastewater

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SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Walworth County Metropolitan Sewerage District (“WalCoMet”) and enables WalCoMet to comply with NR 211 and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable WalCoMet to comply with its Wisconsin Pollutant Discharge Elimination System (WPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits or general permit; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, WalCoMet Administrator shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Administrator may be delegated, in writing by the Administrator to a duly authorized WalCoMet employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
CU - Customer Unit
EPA – U.S. Environmental Protection Agency
FOG - Fats, Oils and Greases
gpd – gallons per day
IU – Industrial User
MGD – Million Gallons per Day
mg/l – milligrams per liter
NH₃ –N - Ammonia Nitrogen
WDNR – Wisconsin Department of Natural Resources
WPDES – Wisconsin Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
TTO - Total Toxic Organics
U.S.C. – United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Approval Authority. State of Wisconsin – Department of Natural Resources.
- C. Authorized or Duly Authorized Representative of the User.
 - (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other

person who performs similar policy or decision-making functions for the corporation; or

- (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to [the City].
- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA or WDNR in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a

- specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
 - H. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
 - I. Control Authority. The Walworth County Metropolitan Sewerage District.
 - J. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
 - K. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 - L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
 - M. Existing Source. Any source of discharge that is not a “New Source.”
 - N. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
 - O. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
 - P. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
 - Q. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the WalCoMet WPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any

State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- R. Local Limit. Specific discharge limits developed and enforced by WalCoMet upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- S. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- T. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- U. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- V. New Source.
 - (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
 - (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section

- (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- W. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- X. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of WalCoMet WPDES permit, including an increase in the magnitude or duration of a violation.
- Y. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- Z. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- AA. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of

- wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- BB. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- CC. Pretreatment Ordinance. This ordinance and any ordinance or directions issued pursuant hereto.
- DD. Pretreatment Programs. Those programs subject to the provisions of NR 211 Wisconsin Administrative Code governing “Pretreatment Programs”.
- EE. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- FF. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.
- HH. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by WalCoMet and serving its participating member entities, i.e. City of Delavan, Delavan Lake Sanitary District, Lake Como Sanitary District#1, Town of Geneva, Mallard Ridge Landfill, City of Elkhorn, Village of Darien, Town of Darien U.D. #1, Town of Walworth U.D.#1, Walworth County, Village of Williams Bay, and any other Person WalCoMet may grant permission for connection to its sewerage system. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- II. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- JJ. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- KK. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of ten thousand (10,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by WalCoMet on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) WalCoMet may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to WalCoMet's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, [the City] may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

- LL. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 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. The Slug Discharge would occur if any given constituent or quantity of flow exceeds 350% of the average twenty four (24) hour concentration of conventional pollutants or flow rate during normal operation or 350% greater than the average listed in 2.4B which may adversely impact the collection system and / or performance of the POTW.
- MM. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- NN. Administrator: The person designated by WalCoMet to implement the Pretreatment Program, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Administrator.
- OO. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- PP. User or Industrial User. A source of indirect discharge.
- QQ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- RR. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

1.5 Superseding Effect.

This Pretreatment Ordinance amends and restates in its entirety Pretreatment Ordinance No. 96-001 previously enacted by WalCoMet. Any conflict between the terms and provisions of this Pretreatment Ordinance and WalCoMet Pretreatment Ordinance No. 82-001, 84-001 and 88-001 shall be resolved in favor of this Pretreatment Ordinance. Without intending to limit the generality of the foregoing, Articles VII and VIII of Ordinance No. 82-001 are repealed; and all other provisions of any ordinance in conflict with this Pretreatment Ordinance shall be given no effect.

1.6 Legal Authority. This Pretreatment Ordinance is adopted pursuant to the provisions of Sec. 200.11(1)(d), and Sec. 200.45 of the Wis. Stats. as amended from time to time for purposes of

implementing the requirements of NR 211 and Federal Law, including 33 USC 1251, et seq. and 40 CFR Part 403.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

- B. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one half inch (1/2”) in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature greater than 140 degrees F (60 degrees C)], or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Administrator in accordance with Section 3.4 of this ordinance;

- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby potentially violating WalCoMet's WPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations, no water or wastewater containing more than 2 PCi of Radium 226 shall be discharged to the POTW;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Administrator;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Administrator in an individual wastewater discharge permit or a general permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l];

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Administrator may

impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.

- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Administrator may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Administrator shall impose an alternate limit in accordance with 40 CFR 403.6(e) and NR 211.
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to WalCoMet. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - (2) Criteria.
 - (a) Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - (b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (c) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

- (d) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. WalCoMet may waive this requirement if it finds that no environmental degradation will result.
- E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that WalCoMet convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Administrator. WalCoMet may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.
 - (1) To be eligible for equivalent mass limits, the Industrial User must:
 - (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 - (2) An Industrial User subject to equivalent mass limits must:
 - (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

- (c) Continue to record the facility's production rates and notify the Administrator whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Administrator will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.
 - (3) When developing equivalent mass limits, the Administrator:
 - (a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.
- F. To the extent allowed by NR 211, the Administrator may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Administrator.
- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly

Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Administrator within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Administrator of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

2.3 State Pretreatment Standards

Users must comply with Wisconsin Pretreatment Standards as codified in NR 211.

2.4 Local Limits

- A. The Administrator is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following based upon the monthly average unless otherwise noted.

[TBD]	mg/l ammonia
0.180	mg/l arsenic
TBD	mg/l BOD ₅
0.15	mg/l cadmium
5.0	mg/l chromium
1.5	mg/l copper
0.65	mg/l cyanide
0.50	mg/l lead
.002	mg/l mercury
0.26	mg/l molybdenum
TBD	mg/l nitrogen (total)
1.5	mg/l nickel
100	mg/l oil and/or grease
TBD	mg/l selenium
0.5	mg/l silver
2.13	mg/l total Toxic Organics (Max Daily Limit)
TBD	mg/l total suspended solids
1.48	mg/l zinc
100	mg/l phosphorus (Maximum Mass of 20#/day)
3929	mg/l chloride (monthly average)
5.0 – 9.0	pH (Max. Daily Limit)

The above limits apply at the point where the wastewater is discharged to the collection system. All concentrations for metallic substances are for total metal unless indicated otherwise. The Administrator may impose mass limitations in addition to the concentration-based limitations above.

- C. The Administrator may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

2.5 WalCoMet's Right of Revision

WalCoMet reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

No User shall ever 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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Administrator may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State of Wisconsin, or the Administrator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Administrator for review, and shall be acceptable to the Administrator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Administrator under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Administrator may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

- B. The Administrator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be required by the Entity when, in the opinion of the Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity that is in compliance with the Entities's Oil and Grease Management ordinance, if applicable, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the Entities's Oil and Grease Management ordinance, if applicable.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Administrator shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Administrator may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Administrator may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Administrator of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Acceptance of Septage, Holding Tank Waste, or Other Hauled Wastes
 - (1) Septage, holding tank waste, or any other hauled wastes, herein generally referred to as "Hauled Wastes" shall only be discharged to the POTW when

an application for hauled waste disposal has been filed and a permit for hauled waste disposal has been issued. WalCoMet shall have the right to refuse discharge of hauled wastes to the POTW and to deny any and all applications for such discharge.

- (2) Hauled wastes shall only be discharged to the POTW into the specific facilities designated for said wastes. It shall be unlawful to discharge hauled wastes into any local wastewater collection system, into any interceptor sewer, or at any location other than the POTW, unless written permission to the contrary is obtained from the Administrator in advance.
- (3) Only licensed disposers as defined in Section 281.49(1)(b), Wis. Stats., once having obtained the permit required under this Sec. 3.4, are authorized to dispose of hauled wastes.

B. Application of Disposal Permits

- (1) Any licensed disposer wishing to discharge to the POTW shall file an application with the Administrator. Application forms will be provided for that purpose. The application shall state the anticipated type, frequency, quantity, quality, and origin of generated waste to be disposed of in the POTW.
- (2) A non-refundable application fee in the sum of \$500 shall be submitted with the Application. Applications filed without the required fee will not be reviewed. The application fee shall be periodically adjusted by WalCoMet pursuant to resolution duly adopted by its Commission.

C. Hauler Requirements, Prohibitions, and Limitations

- (1) Wastewater Hauler Discharge Permits shall be non-transferable except in case of replacement of the disposal unit for which a permit shall have been originally issued. No vested right or privilege is granted by any said permit. The term of the permit shall not exceed one year. In order to renew the permit, an application and fee must be submitted as provided for in Section 3.4 below.
- (2) All such haulers permitted by the Administrator shall agree to carry public liability insurance in an amount not less than \$1,000,000 to protect any and all Persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of its employees. Endorsements evidencing such insurance to be in full force and effect shall be furnished to the Administrator. Said endorsement shall name WalCoMet as an additional insured and shall contain the following language: "Should any of the above-described policies be canceled, materially changed or renewal refused before the expiration date thereof, the issuing company will mail 30-days written

notice to the Walworth County Metropolitan Sewerage District. All haulers permitted by the Administrator agree to indemnify and save harmless WalCoMet from any and all liability and claims for damage arising out of or resulting from work and labor performed.

- (3) The permit shall be conditioned upon the holder's faithful compliance with the provisions of the District's Sewer Use Ordinance, No. 82-001, as amended from time to time.
- (4) Evidence that the holder thereof has in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance.
- (5) Any permit issued under this Section 3.4 shall be recoverable by WalCoMet summarily for violation of the terms or conditions thereof. Any person using the WalCoMet sewerage system for a use for which a permit may be issued under this Section, without first obtaining a permit or continuing a use after notice of revocation of a permit, shall forfeit to WalCoMet the sum of \$500, for each violation. Such forfeiture shall be recoverable by WalCoMet in a civil action brought by its Commission in the name of WalCoMet and paid into the general funds of the Commission for the benefit of WalCoMet.
- (6) The permit shall be conditional upon the holder's timely payment of sewer service charges, established from time to time by resolution of the Commission of WalCoMet.
- (7) Each permitted truck shall prominently display a vehicle tag issued by the Administrator on both doors of the vehicle. Such tags shall be removable only by destruction. Vehicle tags will be provided for each truck, upon approval of the permit application. A copy of the original permit shall be in the possession of the driver at all times. The treatment charges for discharging holding tank wastes will be determined by the District's Sewer Use Ordinance No. 82-001, as amended.
- (8) Wastewater disposal shall be limited to wastes from a septic tank, holding tank or any other water-tight enclosure used for storage and/or decomposition of domestic wastes. Wastewater disposal from wastewater haulers shall be allowed at the POTW, Monday - Friday between 8 am and 3 pm. Hauled industrial wastewater may also be disposed of at the POTW; provided the generator of such waste has obtained a permit for that specific waste and the hauler thereof has obtained a waste hauler's permit hereunder.
- (9) The driver, upon entering the POTW, shall first contact the POTW Representative on duty. For each load disposed of at the District, the District Representative on duty shall be allowed to inspect the truck for proper identification and contents of all compartments of the tank; and then may

instruct the driver where to unload the truck. The driver shall not unload the truck without prior approval from the POTW Representative on duty. The truck driver shall fill out an invoice with the permit number, arrival time, liquid capacity of the truck, origin of the load and telephone number of the originating source. The invoice shall then be signed by the driver and the POTW Representative on duty. All trucks will be considered to be full to capacity, even if not, for sewer service charge purposes.

- (10) Representative samples of wastewater taken from the wastewater hauling vehicle from both Industrial and Non-Industrial haulers shall comply with the provisions of this Ordinance. Sampling shall be performed on a random and periodic basis for trucks allegedly hauling domestic wastewaters. Sampling of hauled industrial wastewater shall be performed on every load discharged unless otherwise specified in the Wastewater Discharge Permit.
 - (11) All procedures for discharging, for cleanliness, and for general sanitary operation on the POTW, and any provisions stated in the Wastewater Hauler Discharge Permit, as prescribed by the District shall be strictly adhered to by all wastewater haulers delivering wastewater to the District. Any violation of these procedures, or failure to comply with provisions set forth in such permit or this Ordinance shall be grounds for revocation of the Wastewater Hauler Discharge Permit.
 - (12) Wastewater from an Industrial User shall not be mixed with wastewater from a Non-Industrial User. Vehicles hauling wastewater from an Industrial User shall not be used to haul wastewater from a Non-Industrial User for disposal at the District and vice versa unless the interior compartment of the tank has been thoroughly cleaned between uses.
 - (13) The District reserves the right to reject any wastes delivered to the POTW which the District believes may have an adverse effect on the treatment works and/or processes.
 - (14) The District reserves the right to suspend the discharge of any wastes as circumstances arise to protect the treatment process employed at the POTW.
 - (15) The Administrator shall have the right, exercisable in his sole discretion, to require any applicant for a Wastewater Hauler Discharge Permit to post with the District, a surety bond in an amount not more than \$10,000.00, to insure the applicant's compliance with the terms of any permit so issued.
- D. Charges. Charges for hauled waste disposal shall be as determined by WalCoMet. Such charges are subject to periodic revision by WalCoMet; and shall be determined as provided for in Sec. 281.49(10), Stats. Disposal privileges shall be suspended or revoked by WalCoMet if bills are not paid within 30 days from the time the bill is issued by WalCoMet; or if the holder of any permit issued under this section violates

any term or provision of such permit or this Ordinance. In the event WalCoMet determines to increase any charges for hauled waste disposal, WalCoMet shall notify each licensed disposer holding a permit under this Section ____ at least 60 days prior to imposing the increased disposal charge. The notice shall also include a description of how the increased charges are determined. In the event hauled wastes contain wastewaters other than Domestic Wastewater, the charges for hauled wastes shall also include surcharges for excess BOD, TSS, TKNK and Total Phosphorous in an amount equal to 2.0 times the sewer rates applicable thereto. If WalCoMet has not set a rate for any of the said parameters, the Administrator shall for the foregoing purpose.

- E. Review of Charges. Any licensed disposer as defined in Section 281.49(1)(b), Stats., may seek review of a charge imposed on such licensed disposer pursuant to Section 3.4 (D) above, by making an appeal to the Commission of WalCoMet as follows:
- (1) Any written appeal must be submitted to the Commission within 30 days after date of the invoice for such charges.
 - (2) All charges must be paid in full pending the appeal, and cannot be withheld. If not so paid, the appeal shall be dismissed.
 - (3) The appellant shall have the burden of proof that such charge is not reasonable.

Once the Commission makes its determination on such appeal, the appellant may seek review pursuant to the provisions of Section 66.0821(5), Wis. Stats., by appealing the same to the Wisconsin Public Sewer Commission within 30 days after date of such determination by the Commission.

3.5 Fats, Oil and Grease Control

No person shall discharge into any Municipal Wastewater Collection Facilities any liquid wastes containing fat, oil, grease, flammable wastes, sand or other harmful wastes, except in accordance with the provisions of this Section 3.5. All Municipalities served by the District shall require the installation of grease, oil fat and sand interceptors by persons making wastewater discharges into its Municipal Wastewater Collection Facilities, in accordance with the provisions of this Section 3.5.

- A. Definitions. All capitalized words and phrases as set forth in this Section 3.5 shall have the definitions and meanings set forth in the District's Sewer Use Ordinance No. 87-001, as amended, unless a different definition or meaning is set forth in the Pretreatment Ordinance. In addition, the following terms shall have the following definitions:
- (1) FOG – shall mean liquid wastewater containing fat, oil, grease, flammable wastes, sand or other harmful wastes.

- (2) Permitted Facility(ies) – shall mean a facility for which a permit has been issued pursuant to subsection (d) below, for the installation of a Trap(s).
 - (3) Trap(s) – shall mean traps/interceptor facilities installed and operated for the proper handling of FOG.
- B. Trap Installation. All food service, industrial and/or commercial facilities discharging FOG into any Municipal Wastewater Collection Facilities shall install and maintain a Trap(s). Trap(s) shall be constructed in accordance with the Wisconsin Administration Code and shall be located so as to be readily and easily accessible for easy cleaning and inspection. Exterior Trap(s) must be constructed in such a manner as to protect the Trap(s) from storm water runoff. A description of the Trap(s) system, the manufacturer, dimensions (including gallons, gallons per minute or lb. rating) and location thereof shall be submitted to the Municipality at the time of permit application set forth in Subsection (d) below.
- C. Exemptions. The following are exempt from this Section 3.5, to-wit:
- (1) Discharges from private living quarters and dwelling units as exempt from the provisions of this Section 3.5.
 - (2) The Administrator may grant an individual exemption for all or any portion of this Section 3.5 to any person submitting an application for a permit under subsection (D) below, whenever the Administrator determines in his or her sole discretion that the FOG from the particular facility is not in sufficient quantity, concentration or other characteristics which will not injure or cause damage to the public sewerage system.
- D. Permit. Any owner or operator of a food service, industrial and/or commercial facility which discharges FOG into a Municipal Wastewater Collection Facility shall first make a written application to the Municipality for authorization to do so. The application shall be on such form(s) as the Municipality may require; and shall contain the following information: Facility name and facility address; owner/operator name, address and contact information; type of wastewater discharge from facility; Trap size (gallons, gallons per minute or lb rating); Trap(s) manufacture; Trap(s) location; proposed maintenance scheduling; and any other information that the Administrator deems relevant. Upon the receipt of a completed application, the Municipality may authorize the issuance of a Permit if it determines that the Trap(s) and FOG are in compliance with this Section 3.5.
- E. Permit Conditions. Any permit issued by a Municipality is subject to the following conditions.
- (1) All Permitted Facilities must comply with Best Management Practices (BPMs) for preventing introduction of FOG and Sand into the Municipal Wastewater Collection Facilities.

- (2) All FOG and Sand Trap(s) shall be maintained by the owner at his or her expense in continuing, efficient operation at all times. Disposal of Trap contents shall be done in accordance with Department of Natural Resources standards.
- (3) Maintenance reports detailing all maintenance performed during the previous year shall be submitted to the Municipality annually, by January 31st. Forms shall be provided by the Municipality upon request. Any end user delinquent in filing a maintenance report shall be notified of the delinquency and the penalty for failure to report. Any user who has not submitted the required annual maintenance report by March 1 shall be assessed a fee of \$50.00 per day, with each day constituting a separate fee. The fee shall be assessed from March 1 until the maintenance report has been received by the Municipality. The fee shall be placed on the billing account of the service address relating to the permit.
- (4) All permitted FOG and Sand Trap(s) are to be inspected biennially by the Municipality. If an inspection occurs indicating that there has not been compliance with this Section 3.5, a Notice of Violation will be issued. The permit holder has thirty (30) days to correct the violation. If the Notice of Violation is not corrected in thirty (30) days, then a Failure of Compliance will be issued, and a fee of \$250.00 per day will be assessed, with each day constituting a separate fee. The fee shall be assessed until the violations described in the Failure of Compliance have been corrected to the satisfaction of the Municipality. The fee shall be placed on the billing account of the service address relating to the permit.
- (5) No Permitted Facility shall push FOG materials down laterals at time of cleaning, to the public sewer main without prior approval from the Municipality.

F. Trap(s) Maintenance. The holder of any permit issued pursuant to Sec. 3.5 above, shall develop and implement a written maintenance plan or schedule providing for the frequency of cleaning the Trap(s). The Municipality shall periodically provide to permit holders grease, sand and oil Trap(s) cleaning guidance; and may include such provisions in any permit issued under this Section 3.5.

3.6 Acceptance of Wastewater From Public Water System Treating Water To Comply With Specification In Ch. NR 809 Of The Wisconsin Administrative Code.

A. Request for Permit. Notwithstanding any other provision to the contrary contained herein, the owner and/or operator of any public water system which treats the water in order to comply with the specifications and limitations contained in ch. NR 809 of the Wis. Admin. Code, must first apply for and receive a Wastewater Discharge Permit under Sections 4 and 5 of this Ordinance, as a condition precedent to any

wastewater discharge from said water treatment process into the public sewerage system within the District.

- B. Issuance of Permit. In connection with the issuance of any Wastewater Discharge Permit under Section 5 of this Ordinance to the owner and/or operator of the water system described in Section 3.6A above, the Administrator of the District may grant to the holder thereof a variance from the limitations otherwise provided for in Sections 2 and 3 of this Ordinance relating to chlorides. This variance shall be upon such terms and conditions as the Administrator may reasonably determine, consistent with the provisions of NR 106.83, Wis. Admin. Code.

- C. Terms of Permit. In so issuing a Wastewater Discharge Permit pursuant to Section 5, the Administrator may impose terms, conditions, provisions and requirements, in addition to or in lieu of those required under Section 2, 3 and 4 hereof, as the Administrator determines reasonable and necessary in order to promote and protect the public health, welfare and safety; to protect the facilities of the District from damage due to such discharge; and to assure that the District shall be able to comply at all times with the District from damage due to such discharge; and to assure that the District shall be able to comply at all times with the District's WPDES in effect from time to time. The holder of the permit shall reimburse the District for all reasonable attorney's fees, engineering fees and other out-of-pocket cost incurred by the District in connection with the submittal of any application under Section 4 or the issuance of a permit under Section 5.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS

4.1 Wastewater Analysis

When requested by the Administrator, a User must submit information on the nature and characteristics of its wastewater within ten business days (10) business days of the request. The Administrator is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit and General Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Administrator, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

- B. The Administrator may require any other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

- C. Any person who seeks to dispose of wastewaters, which wastewaters would, if discharged to a public sewerage system, require the issuance of a wastewater discharge permit under this Pretreatment Ordinance, may nevertheless be required to obtain from the Administrator, a “general permit.” Such permit shall prohibit the discharge of such wastewaters into the public sewerage system; and require their disposal in another manner reasonably acceptable to the Administrator. Such general discharge permit shall be considered as a wastewater discharge permit under this Pretreatment Ordinance.

- D. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit] shall be deemed a violation of this ordinance and subjects the permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge and General Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit or a general permit prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within forty five (45) days after said date, apply to the Administrator for an individual wastewater discharge permit or in the case of a holder of a zero discharge, a general permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after the expiration of the existing discharge permit.

4.4 Individual Wastewater Discharge and General Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit [or general permit], in accordance with Section 4.5 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge and General Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Section 4.6. the Administrator may require Users to submit all or some of the following information as part of a permit application:
 - (1) Identifying Information.
 - (a) The name and address of the facility, including the name of the operator and owner.

- (b) Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Type and amount of raw materials processed (average and maximum per day);
 - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
 - (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the

Administrator, of regulated pollutants in the discharge from each regulated process.

- (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the [Administrator] or the applicable Standards to determine compliance with the Standard.
 - (e) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].
 - (9) Any request to be covered by a general permit based on Section 4.6.
 - (10) Any other information as may be deemed necessary by the Administrator to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.6 Wastewater Discharge Permitting: General Permits

- A. At the discretion of the Administrator, the Administrator may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Require the same effluent limitations;
 - (4) Require the same or similar monitoring; and
 - (5) In the opinion of the Administrator, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
 - (6) The SIU is a zero discharge industry.

- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Administrator has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.
- C. The Administrator will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.6A(1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- D. The Administrator may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 2.2C) or Net/Gross calculations (Section 2.2 D).

4.7 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Administrator prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 1.4 GG(3) must annually submit the signed certification statement in Section 6.14 B.

4.8 Individual Wastewater Discharge and General Permit Decisions

The Administrator will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Administrator will determine whether to issue an individual wastewater discharge permit or a general permit. The Administrator may deny any application for an individual wastewater discharge permit or a general permit.

4.9 Special Use Permits. Any Individual Wastewater Discharge Permit, General Permit, Wastewater Hauler Discharge Permit or any other permit or authorization issued pursuant to this Pretreatment Order shall be considered a special use permit as authorized in Section 200.45(3), Wis. Stats, as amended from time to time; and any forfeiture authorized thereunder is in addition to the forfeiture imposed upon the Pretreatment Ordinance. A violation of any such permit is deemed to be a violation of the Ordinance.

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE

5.1 Individual Wastewater Discharge and General Permit Duration

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the Administrator. Each individual wastewater discharge permit [or a general permit] will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit and General Permit Contents

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Administrator to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual wastewater discharge permits and general permits must contain:
- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to WalCoMet in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.

- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (7) Requirements to control Slug Discharge, if determined by the Administrator to be necessary.
 - (8) Any grant of the monitoring waiver by the Administrator (Section 6.4 B) must be included as a condition in the User's permit.
- B. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (7) A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
 - (8) Other conditions as deemed appropriate by the Administrator to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process

- A. Public Notification. The Administrator will publish on the WalCoMet web page, a notice to issue a pretreatment permit, at least thirty (30) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed.

5.4 Permit Modification

- A. The Administrator may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to WalCoMet's POTW, WalCoMet personnel, or the receiving waters;
 - (5) Violation of any terms or conditions of the individual wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.
- B. The Administrator may modify a general permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

- (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or
- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit and General Permit Transfer

Individual wastewater discharge permits or general permits may be transferred to a new owner or operator only if the permittee gives at least forty five (45) days advance notice to the Administrator and the Administrator approves the individual wastewater discharge permit or the general permit transfer. The notice to the Administrator must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or the general permit void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit and General Permit Revocation

The Administrator may revoke an individual wastewater discharge permit or a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Administrator of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Administrator of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;

- F. Refusing to allow the Administrator timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this Pretreatment Ordinance.

Individual wastewater discharge permits or general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

5.7 Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit .

5.8 Regulation of Waste Received from Other Jurisdictions

- A. Any User not located within the territory comprising WalCoMet shall not contribute wastewater to the POTW until such time that the User has entered into an agreement with WalCoMet and the agreement has been approved by the Commission of WalCoMet, pursuant to Section 200.11(9), Wis. Stats.
- B. In the event that the User is another municipality and prior to entering into an agreement required by paragraph A, above, the Administrator shall request the following information from the User:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Administrator may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to WalCoMet's ordinances or Local Limits;
 - (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by WalCoMet; and which of these activities will be conducted jointly by the contributing municipality and the Administrator;
 - (4) A requirement for the contributing municipality to provide the Administrator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality's discharge;
 - (7) A provision ensuring the Administrator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Administrator and
 - (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Administrator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Administrator a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).
 - (2) Measurement of pollutants.
 - (a) The User shall provide the information required in Section 4.5 A (7) (a) through (d).
 - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (d) Sampling and analysis shall be performed in accordance with Section 6.10;

- (e) The Administrator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 - (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.
 - (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Administrator no later than fourteen (14) days following each date in the schedule and the final date of compliance

including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

- D. In no event shall more than nine (9) months elapse between such progress reports to the Administrator.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Administrator a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

- A. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a frequency determined by the Administrator submit no less than twice per year (June 1 and December 1) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Administrator or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. WalCoMet may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:
 - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A(8).
 - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).
 - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the Administrator must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Administrator for 3 years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the User's permit by the Administrator, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
 - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the Administrator, and notify the Administrator.
 - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- C. WalCoMet may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

- (1) Seven hundred (700) gallons per day (.01% of design flow) as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
- (2) 1.0 lbs per day (0.1% of organic treatment capacity).

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Administrator decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.
- E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by [the Administrator], using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Administrator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Administrator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Administrator may issue an individual wastewater discharge permit or a general permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit or a general permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Administrator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Administrator immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Administrator as the Administrator may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Administrator within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Administrator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if WalCoMet performs sampling at the User's facility at least once a month, or if WalCoMet performs sampling at the User between the time when the initial sampling was conducted and the time when the User or WalCoMet receives the results of this sampling, or if WalCoMet has performed the sampling and analysis in lieu of the Industrial User.

6.9 Notification of the Discharge of Hazardous Waste

- A. WalCoMet prohibits the discharge of hazardous waste into the POTW.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Administrator or other parties approved by WDNR and / or EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Administrator. Where time-proportional composite sampling or grab sampling is authorized by WalCoMet, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by [the City], as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Administrator] may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or WalCoMet, or where the User has been specifically notified of a longer retention period by the Administrator.

6.14 Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver— The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5) ; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 Users submitting periodic compliance reports required by Section 6.4 A–D , and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4) The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User pursuant to 1.4 GG(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C This certification must accompany an alternative report required by the Administrator:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Administrator or his/her designee shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the Administrator or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Administrator or his/her designee shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Administrator or his/her designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Administrator or his/her designee may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Administrator or his/her designee and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Administrator or his/her designee access to the User's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Administrator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of WalCoMet designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Administrator may seek issuance of a search or inspection warrant from a court of competent jurisdiction.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the Administrator's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Administrator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to

governmental agencies for uses related to the WPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Administrator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by WalCoMet, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Administrator determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Administrator's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Administrator determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrator may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Administrator. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Administrator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

Administrator may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Administrator may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Administrator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five working days (5) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrator may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Administrator may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

- A. When the Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrator may fine such User in an amount not to exceed \$1000 per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of 10 percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1 ½ %) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

- C. Users desiring to dispute such fines must file a written request for the Administrator to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Administrator may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Administrator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

The Administrator may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Administrator may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Administrator may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Administrator that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Administrator prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit or general permit conditions;

- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Administrator shall not be a bar to, or a prerequisite for, taking any other action against the User.

10.9 Special Orders

As an alternative to or addition to any enforcement provisions contained in this Pretreatment Ordinance, the Commission of WalCoMet may issue Special Orders in the name of WalCoMet, directing compliance with this Ordinance and/or any Wastewater Discharge Permit, or General Permit, or Wastewater Hauler Discharge Permit issued hereunder, within a specified time. Such Special Orders shall be so issued pursuant to Sections 200.11(1)(d) and 200.45, Wis. Stats. and all of the provisions of said statutes (including but not limited to enforcement thereof, review thereof and forfeitures) are hereby incorporated by reference. For purposes of the foregoing statute, WalCoMet does hereby designate the Administrator or his designee to issue Special Orders in the name of WalCoMet in an emergency to prevent damage to WalCoMet's sewerage system from misuse, injury to employees, interference with the process of sewerage treatment or disposal or substantial risk to the public health and welfare. In addition to all other remedies provided for therein, WalCoMet may initiate an action for the remedies provided for in Section 288.91(a) and (5), Wis. Stats., including a forfeiture of not more than \$10,000 for each day of violation of any Special Order so issued hereunder, which sum shall be in addition to all Administrative Fines that may be levied pursuant to this Pretreatment Ordinance.

10.10 Public Nuisance. Any violation by any person of any term or provision of this Pretreatment Ordinance, or any Wastewater Discharge Permit, General Permit, Wastewater Hauler Discharge Permit, a Special Order, a Consent Order, a Cease and Desist Order, a Compliance Order, is hereby declared to be a public nuisance; and all of the foregoing may be enforced under Sec. 823.02, Wis. Stats., and any public nuisance abated.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or a general permit or order issued hereunder,

or any other Pretreatment Standard or Requirement, the Administrator may petition a Court of competent jurisdiction through WalCoMet's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The Administrator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to WalCoMet for a civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Administrator may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by WalCoMet.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

Any Person who violates any provision of this Pretreatment Ordinance, an individual wastewater discharge permit, a general permit or order issued hereunder, may be referred to the Wisconsin Department of Justice for criminal prosecutions as authorized in Sec. 283.91, Wis. Stats., as amended from time to time, together with any forfeitures as authorized thereunder.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Administrator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with WalCoMet's enforcement response plan. However, the Administrator may take other action against any User when the circumstances warrant. Further,

the Administrator is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports

A penalty of \$25.00 shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due and \$50.00 per day for reports in excess of 30 days late. Actions taken by the Administrator to collect late reporting penalties shall not limit the Administrator's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance Bonds

The Administrator may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to WalCoMet, in a sum not to exceed a value determined by the Administrator to be necessary to achieve consistent compliance.

12.3 Liability Insurance

The Administrator may decline to issue or reissue an individual wastewater discharge or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties

The Administrator may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

12.5 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, WalCoMet may request the User's water provider that the water service to the User to be severed; and the User by virtue of the acceptance of any such permit, agrees to such severance.

12.6 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to WalCoMet. Existing contracts for the sale of goods or services to WalCoMet held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Administrator.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. If Wisconsin law expressly so allows, an upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the Administrator within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

If Wisconsin law expressly so allows, a User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 of this ordinance. If it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when WalCoMet was regularly in compliance with its WPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this Section and this Ordinance,
 - (1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. If Wisconsin law expressly so allows, a User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it

also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Administrator, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the Administrator of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

- (1) Bypass is prohibited, and the Administrator may take an enforcement action against a User for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 15—MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

WalCoMet may adopt reasonable fees for reimbursement of costs of setting up and operating WalCoMet's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the Administrator to address IU noncompliance; and
- F. Other fees as WalCoMet may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by WalCoMet.
- G. Fee Schedule

Yearly Individual Discharge Permit	\$1000 / yr
Yearly General Discharge Permit	\$750/ yr
Yearly Site Inspection Fee	\$300 / Site
Annual Compliance Sample and Analysis	WalCoMet Cost plus 10%
Administrative Cost per mailing event	\$50 / event
WalCoMet Sample collection	\$200 / event
Permit Application	\$750 / application

The Commission of WalCoMet may from time to time change the amount of any or all of the aforesaid fees by resolution duly adopted at a meeting of the Commission.

15.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

15.3 Total Toxic Organics Definition

Under no circumstances shall any Industrial User discharge wastewaters containing total toxic organics in excess of the following daily maximums: 2.13 mg/l

The term "TTO" shall mean total toxic organics, as identified on Table II attached to this Ordinance; and such organics shall not exceed the recommended quantitation level set forth therein.

All TTO samples shall be 24-hour flow-proportioned composites except VOC which will be grab samples. Compliance with the provisions of this Ordinance shall be required no later than sixty (60) days after the effective date of this Ordinance or as required in a compliance schedule contained in a Wastewater Discharge Permit.

15.4 Final National Categorical Pretreatment Standards

Listed below are the compliance dates relating to the pretreatment standards for existing sources (PSES) that have been promulgated for the regulated industrial categories. For all new sources (PSNS) the compliance date for the applicable pretreatment standard shall be the day the new source commences discharge.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS
FINAL REGULATIONS
40 CFR PSES COMPLIANCE

<u>Industry Category</u>	<u>Part</u>	<u>Date</u>
Aluminum Forming	467	10/24/86
Battery Manufacturing	461	03/09/87
Coil Coating (Phase I)	465	12/01/85
Coil Coating (Can Making)	465	11/17/86
Copper Forming	468	08/15/86
Electrical and Electronic Components (Phase I)	469	07/01/84 (TTO)
Electrical and Electronic	469	11/08/85 (As)
Electrical and Electronic	469	07/14/86

NATIONAL CATEGORICAL PRETREATMENT STANDARDS
FINAL REGULATIONS (CONTINUED)
40 CFR PSES COMPLIANCE

<u>Industry Category</u>	<u>Part</u>	<u>Date</u>
Components (Phase II)		
Electroplating	413	04/27/84 (Non-integ) 06/30/84 (Integ.) 07/15/86 (TTO)
Inorganic Chemicals	415	07/20/80
(Interim, Phase I and Phase II)		06/29/85 08/22/87
Iron and Steel	420	07/10/85
Leather Tanning and Finishing	425	11/25/85 03/31/89 (Sub. C)
Metal Finishing	433	06/30/84 (Pt.433 TTO) 07/10/85 (Pt.420 TTO) 02/15/86 (Final)
Metal Molding and Casting (Foundries)	464	10/31/88
Nonferrous Metals Forming and Metal Powders	471	08/23/88
Nonferrous Metals Manufacturing (Phase I)	421	03/09/87 02/11/88 (Sub. J)
Nonferrous Metals Manufacturing (Phase II)	421	09/20/88
Organic Chemicals, Plastics and Synthetic Fibers	414	11/05/90
Pesticide Chemicals	455	---

NATIONAL CATEGORICAL PRETREATMENT STANDARDS
FINAL REGULATIONS (CONTINUED)
40 CFR PSES COMPLIANCE

<u>Industry Category</u>	<u>Part</u>	<u>Date</u>
Petroleum Refining	419	12/01/85
Pharmaceuticals Manufacturing	439	10/27/86
Porcelain Enameling	466	11/25/85
Pulp, Paper and Paperboard	430, 431	07/01/84
Steam, Electric Power Generation	423	07/01/84
Timber Products Processing	429	01/26/84

15.5 Spill Containment

- A. Whenever required by applicable state or federal law, or whenever the Administrator determines that the best interests of WalCoMet will be served, each Industrial User shall provide protection from accidental discharge of materials which may interfere with the POTW by developing and implementing a Spill Prevention Plan. Facilities necessary to implement these plans shall be provided and maintained at the Industrial Users expense. Spill Prevention Plans, including the facilities and operating procedures, shall be approved by the Administrator before construction of the containment facility.

- B. Industrial Users that store hazardous wastes as defined by RCRA shall not make wastewater discharges of any kind to the POTW after the effective date of this Ordinance unless a Spill Prevention Plan has been approved by the Administrator. Approval of such plans shall not relieve the Industrial User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances. Notwithstanding the foregoing, those Industrial Users who have in fact stored on their facilities such hazardous wastes as of the effective date of this Ordinance, shall have ninety (90) days following the effective date of this Ordinance within which to submit such plan and obtain the approval thereof.

- C. The Administrator shall evaluate each Significant Industrial User at least once every two years, and other Industrial Users as necessary, to determine whether such Users need a plan to control slug discharges or spills. If the Administrator decides that a Slug Control Plan is needed, the plan shall be in a form as prescribed by the Administrator and shall include, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;

- (3) Procedures for immediately notifying the Administrator of slug discharges, including any discharge that would violate any provision under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off so as not to be discharged into public sewers, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.
- D. The Industrial User shall control production of all wastewater discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss or failure of its pretreatment facility, until the facility is restored or an alternative method of treatment is provided.

15.6 Notification Of Spill Or Slug Discharge

- A. In the case of any discharge in violation of this Ordinance or Wastewater Discharge Permit the Industrial User shall notify the Administrator within twenty-four (24) hours following notice or knowledge of a violation. The Industrial User shall repeat the sampling and analysis and submit the results to the Administrator within 30 days after such notice or knowledge. In the case of any spill or other discharge that could cause problems to the POTW, including any slug loadings as described in Section 200.110 of this ordinance, all categorical and non-categorical, the Industrial Users shall IMMEDIATELY NOTIFY THE District of the discharge by telephone, (i.e., 262-728-4140). The telephonic notification shall include:
- (1) the date, time, location and duration of the discharge,
 - (2) the type of waste, including concentration and volume,
 - (3) all corrective actions taken by the User.
- B. Within 5 days following an accidental discharge in violation of the Ordinance, or deliberate discharge the Industrial User shall submit to the Administrator a written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences.
- C. Such notification shall not relieve the User from any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the User from any fines, civil penalties, or other liability which may be imposed under this Ordinance or other applicable State or Federal law.

15.7 Employee Training

A notice in English and the language of common use at the Industrial User's facility shall be permanently posted on the Industrial Users bulletin board advising employees to call 1-262-728-4140 in the event of an accidental or illegal wastewater discharge. The posting shall warn employees of the danger and consequences of illegal wastewater discharges. Industrial Users shall insure that all employees who are in a position to cause, discover, or observe such discharges are advised of the proper emergency procedures

15.8 Monitoring Facilities

- A. Industrial Users shall provide and operate at their own expense, monitoring facilities approved by the Administrator to allow inspection, sampling and flow measurement of the buildings sewer or internal drainage system. The monitoring facility will normally be situated on the Users premises, but the Administrator may, when such a location is impractical and could cause undue hardship to the user, allow the facility to be constructed in the public street or sidewalk area; located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the User.
- B. Where required by the Administrator, additional manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial Users facility suitable for the determination of compliance with the Pretreatment Standards.
- C. When required by the Administrator or by the terms of the Wastewater Discharge Permit, the holder of the permit shall install a large manhole or sampling chamber for each separate discharge regulated by the permit. The manhole or sampling chamber shall be in accordance with specifications approved by the Administrator. The manhole or sampling chamber shall be operated and maintained at the Industrial Users expense, and shall have ample room in each sampling chamber to permit the POTW to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the Administrator at all times.
 - (1) Each sampling chamber shall contain a Palmer-Bowlus flume unless a weir or similar device is approved by the Administrator. The flume or weir shall be equipped with a recording and totalizing register for measurement of liquid quantity discharged to the POTW. At the discretion of the Administrator, the metered water supply to the industrial plant may be used as the liquid quantity discharged to the POTW, where it can be substantiated to the Administrator that the metered water supply and the quantity discharged to the POTW are approximately the same.
 - (2) When required by the Administrator, the Industrial User shall install and maintain, at its own expense, a flow-recording device with a flow-indicating and totalizing feature designed for open channel recording as specified by the

- Administrator; or a similar device as may be approved in writing by the Administrator.
- (3) When required, representative samples shall be taken as determined by the Administrator and properly preserved and refrigerated in accordance with the analytical procedures stated in 40 CFR Part 136 or an equivalent method approved by the EPA. All sampling shall be performed in accordance with the Users Wastewater Discharge Permit.
 - (4) The sampling chamber, metering device, and documentation of the sampling frequency, sampling methods, and analysis of samples shall be subject, at any reasonable time to inspection and verification by a representative of the POTW.
- D. When periodic compliance or surveillance monitoring and sampling is conducted by the District as required by a Wastewater Discharge Permit, the permittee shall pay the costs of sampling and the costs of the analysis of its samples. The fees associated with sampling and analysis shall be as stated in the Users Wastewater Discharge Permit, and, may be periodically revised from time to time by resolution of the Commission of the District.
- E. All measurements, tests, analytical procedures, and sampling methods which are referenced in this Ordinance shall be determined and performed in accordance with the procedures established by the Director of the EPA pursuant to section 304(g) of the Act and contained in 40 CFR Part 136, and amendments thereto, or any other procedure approved by the Director of the EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA Director determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including those suggested by the District or other parties approved by the Director of the EPA.
- F. When reasonably required by the Administrator, the Industrial User shall install and maintain at its own expense, a stationary refrigerated sampler capable of flow proportional sampling.
- G. If sampling performed by an Industrial User indicates a violation, the user shall notify the Administrator within twenty-four (24) hours following notice or knowledge of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Administrator within thirty (30) days after notice or knowledge of the violation.

15.9 ACCEPTANCE OF WASTEWATER FROM PUBLIC WATER SYSTEM TREATING WATER TO COMPLY WITH SPECIFICATIONS IN CH. NR 809 OF THE WISCONSIN ADMINISTRATIVE CODE.

- A. Request for Permit. Notwithstanding any other provision to the contrary contained herein, the owner and/or operator of any public water system which treats the water in order to comply with the specifications and limitations contained in ch. NR 809 of the Wis. Admin. Code, must first apply for and receive a Wastewater Discharge Permit under this Ordinance, as a condition precedent to any wastewater discharge from said water treatment process into the public sewerage system within the District.

- B. Issuance of Permit. In connection with the issuance of any Wastewater Discharge Permit under this Ordinance to the owner and/or operator of the water system described in Section 15.9 A above, the Administrator may grant to the holder thereof a variance from the limitations otherwise provided for in this Ordinance. This variance shall be upon such terms and conditions as the Administrator may reasonably determine, consistent with the provisions of NR 106.83 and 106.91, Wis. Admin. Code.

- C. Terms of Permit. In so issuing a Wastewater Discharge Permit pursuant to this Ordinance, the Administrator may impose terms, conditions, provisions and requirements, in addition to or in lieu of those required under this Ordinance, as the Administrator determines reasonable and necessary in order to promote and protect the public health, welfare and safety; to protect the facilities of the WalCoMet from damage due to such discharge; and to assure that WalCoMet shall be able to comply at all times with WalCoMet's WPDES in effect from time to time. The holder of the permit shall reimburse the WalCoMet for all reasonable attorney's fees, engineering fees and other out-of-pocket costs incurred by it in connection with the submittal of any application under this Section 15.9 or the issuance of a permit hereunder.

SECTION 16—EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Adopted: _____, 2015

Published: _____, 2015