

WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT
 PRETREATMENT ORDINANCE, No. 96-001

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An Ordinance (No. 96-001) Enacting a Pretreatment Program
Regulating Use of Wastewater Facilities
and
Providing Penalties for Violations

WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT

PREAMBLE

WHEREAS, Title III of the Clean Water Act of 1977, as amended (the "Act") (33 US, Sec 1251, et seq), and corresponding provisions of Wisconsin law relating to the development by publicly owned treatment works of general pretreatment programs, require the Walworth County Metropolitan Sewerage District (the "District") to develop and implement a general pretreatment program, and

WHEREAS, the District has determined that the general pretreatment program as set forth in this Ordinance regulating the use of the District's wastewater conveyance and treatment facilities complies with the Act and other applicable law, and

WHEREAS, the District has determined that this Ordinance (No. 96-001) is necessary for the protection and promotion of the public health, safety and welfare.

NOW, THEREFORE be it ordained by the Commission of the Walworth County Metropolitan Sewerage District that the following Pretreatment Ordinance (No. 96-001) be and hereby is enacted and that such Ordinance shall be enforced as required by applicable law:

PART 100

GENERAL PROVISIONS

SECTION 100.100 ENACTMENT

This Ordinance is adopted pursuant to the provisions of Sections 66.24(1)(d) and 66.902, Stats., for purposes of implementing the requirements of: (i) Title III of the Clean Water Act Amendments (33 US 1311 et seq), as amended from time to time, and regulations promulgated thereunder, (ii) the Wisconsin Administrative Code, NR 211, as amended from time to time, and the Wisconsin Department of Natural Resources ("DNR") policies and procedures relating thereto, and (iii) the District's WPDES (as hereinafter defined). For purposes of this Ordinance, the District is also hereafter sometimes referred to as the "Publicly Owned Treatment Works" or as the "POTW".

SECTION 100.105 PURPOSE AND POLICY

This Ordinance regulates the use of the District's wastewater treatment facilities, the sanitary sewerage system, private wastewater disposal, and the discharge of wastewater into the District's sewerage system; and sets forth uniform requirements for wastewater discharges. It is the intent hereby that all applicable State and Federal pretreatment regulations relating to the POTW be and hereby are incorporated by reference into this Ordinance.

Without limitation due to enumeration, the purposes of this Ordinance are:

- (A) To establish uniform requirements for Users of the wastewater collection system and wastewater treatment facilities owned and operated by the District, and to enable the District, to comply with applicable State and Federal Laws, including but not limited to the General Pretreatment Regulations as contained under 40 CFR Part 403, as amended from time to time.
- (B) To prevent the introduction of pollutants into the District's sewerage system which will;
 - interfere with the operations of the system;
 - cause the treatment plant to violate its applicable WPDES;
 - contaminate the sludge produced at the POTW;
 - pass through the system, inadequately treated, into the atmosphere or the receiving surface waters;
 - pose a health threat to sewer workers or to the general public; or
 - otherwise be incompatible with the sewerage system and treatment process.
- (C) To improve the opportunity to recycle and reclaim wastewaters and sludge from the sewerage system;
- (D) To provide for a fair and equitable distribution of the cost of owning and operating the District's sewerage system; and.
- (E) To comply with the District's WPDES requirements.

SECTION 100.110 JURISDICTION

This Ordinance, together with all applicable State and Federal pretreatment regulations, shall apply to all Users of the POTW and to all the sanitary sewer systems connected thereto or otherwise discharging wastewaters thereto.

SECTION 100.115 EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect (i) upon the written approval of the DNR to the terms and provisions hereof as provided for by law and (ii) upon its subsequent publication as provided for by law.

SECTION 100.120 RIGHT OF REVISION

The Commission of the District reserves the right to amend, modify, revise, repeal or otherwise change the provisions of this Ordinance, either in whole or in part, whenever the Commission of the District determines to do so.

SECTION 100.125 SEVERABILITY

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or articles shall not be affected and shall continue in full force and effect.

SECTION 100.130 CONFLICT

All other ordinances and parts of ordinances of the District, which are inconsistent or conflict with any provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict. Without intending to limit the generality of the foregoing, Article VII and Article VIII of the District's Sewer Use Ordinance No. 82-001 are hereby repealed. In the event any provision of this Ordinance shall conflict with the provisions of any ordinance of any municipality whose wastewater is discharged into the District's sewerage system, the provisions of this Ordinance shall control in all respects.

SECTION 100.135 ADMINISTRATION

Except as otherwise provided herein, the Administrator (the "Administrator") of the District or his/her authorized designee shall administer, implement, and enforce the provisions of this Ordinance on behalf of the District, as provided for herein.

PART 200

ABBREVIATIONS AND DEFINITIONS

SECTION 200.100 ABBREVIATIONS

The following abbreviations shall have the following meanings:

BOD	Biochemical Oxygen Demand
BMR	Baseline Monitoring Report
COD	Chemical Oxygen Demand
CFR	Code of Federal Regulations
CU	Customer Unit
DNR	Wisconsin Department of Natural Resources
FOG	Fats, Oils and Grease
GPD	Gallons per Day
Mg/l	Milligrams per Liter
MGD	Millions of Gallons per Day
NCPS	National Categorical Pretreatment Standards

NH ₃ -N	Ammonia Nitrogen
POTW	Publicly Owned Treatment Works
PS	Pretreatment Section
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 US 6901 et sec.)
TSS	Total Suspended Solids
TTO	Total Toxic Organics
US	United States Code
UCS	User Charge System
USEPA	United States Environmental Protection Agency
WPDES	Wisconsin Pollutant Discharge Elimination System

SECTION 200.105 DEFINITIONS

The following terms shall have the following meanings:

- (1.) "A" as in "Cyanide-A" means amenable to alkaline chlorination
- (2.) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, together with all regulations promulgated thereunder by any governmental authority having appropriate jurisdiction thereof. (33 US 1251 et sec.)
- (3.) "Authorized Representative of Industrial User" shall mean:
 - (a) a corporate officer, if the Industrial User is a corporation. For the purpose of this paragraph, a corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation or any other person who performs a similar policy or decision making function for the corporation, or (ii) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures; or
 - (b) any general partner or proprietor or joint venture, if the Industrial User subject to this Ordinance is a partnership or sole proprietorship or joint venture; or
 - (c) Any member or manager of a limited liability company or limited liability partnership; or
 - (d) a duly authorized representative of any of the individuals referenced in paragraphs (a),(b) or (c)above if:

- (i) The authorization is made in a writing by the individual described in paragraphs (a), (b) or (c);
- (ii) The written authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge from the Industrial User originates, such as the position of plant manager, operator of a well, or well field supervisor, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the Industrial User; and
- (iii) the written authorization is submitted to the District.
- (4.) "Baseline Monitoring Report" means that report required by 40 CFR 403.12 (b) (1-7), as amended.
- (5.) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in Standard Methods.
- (6.) "Bypass" means the intentional diversion of wastewaters from any portion of an Industrial Users treatment or collection facility.
- (7.) "Chemical Oxygen Demand" (COD) means the quantity of oxygen, expressed in mg/l, consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures as described in Standard Methods.
- (8.) "Combined Waste Stream Formula" means the formula found in 40 CFR Sec. 403.6 (e), as amended.
- (9.) "Composite Sample" means a sample based on a flow proportional or time proportional method.
- (10.) "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.
- (11.) "Conventional Pollutant" means biochemical oxygen demand, chemical oxygen demand, FOG, suspended solids, pH, ammonia nitrogen and fecal coliform bacteria.
- (12.) "Consistent POTW Removal, Pollutant Removal or Removal". "Removal" means a reduction in the amount of a pollutant in the POTW's effluent or alteration of a pollutant during treatment at the POTW. The reduction or alteration may be physical, chemical or biological and may be the result of designed POTW capabilities or incidental to the operation of the treatment system. Removal does not mean dilution of a pollutant in the POTW. [Consistent POTW removal efficiency (Re) shall be the difference between the average concentration of the pollutant in the influent (I) of the POTW and

the average concentration of the pollutant in the effluent (E) of the POTW divided by the average concentration of the pollutant in the influent (I).]
[Re = (I-E/I)]

- (13.) "Custodian of Records" means the Administrator of the District or other representative so designated by the Commission of the District.
- (14.) "Director" means Director of the "EPA" or the Secretary of the DNR ".
- (15.) "Domestic Wastewater" means wastewater from single or multiple family dwellings, which contains no incompatible pollutants or substances exceeding the limitations or prohibitions contained in this Ordinance.
- (16.) "Existing Source" means any building, structure, facility or installation from which there is or may be a wastewater discharge, which is not a New Source.
- (17.) "EPA" means the United States Environment and Protection Agency, or any successor thereto.
- (18.) "Fecal Coliform" means any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
- (19.) "Fats, Oil or Grease" ("FOG") means total fats, oils and greases as defined by the analytical method set forth in 40 CFR Part 136.
- (20.) "Flow" means volume of wastewater per unit of time.
- (21.) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from commercial handling, storage, and sale of produce.
- (22.) "Grab Sample" means a sample which is taken from a wastestream on a one-time basis without regard to the flow of the wastestream and over a time period not to exceed 15 minutes.
- (23.) "Incompatible Pollutant" means all pollutants other than conventional pollutants as described in this section, which causes Interference or a Pass-Through or is otherwise limited or prohibited by this Ordinance.
- (24.) "Indirect Discharge or Discharge" means the introduction of pollutants into the POTW, other than Domestic Wastewater, from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
- (25.) "Industrial User" means any person who introduces pollutants into a POTW, other than Domestic Wastewater, from any non-domestic source regulated under the Act, or any State law or local ordinance.

- (26.) "Interference" means any discharge which alone or in conjunction with discharges from other sources:
- A) Inhibits or disrupts the POTW and any of its process or operations, or its sludge use and disposal, or reduces the removal rates of any unit process from the norm; or
 - B) is a cause, directly or indirectly, of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations.): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), the Resource Conservation and Recovery Act (RCRA), including any State regulation contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (27.) "WPDES" or "State Discharge Permit" means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) by the DNR to the District for its POTW.
- (28.) "May" is permissive. "Shall" is mandatory.
- (29.) "National Categorical Pretreatment Standard" means any pretreatment standard specifying quantities or concentrations of pollutants which may be discharged to a POTW by Industrial Users in specific Industrial subcategories as established in regulations promulgated from time to time by the EPA in 40 CFR Chapter I, Subchapter N, as amended from time to time.
- (30.) "New Source" means any building, structure, facility or installation (collectively the "facility"), the construction of which facility was commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act (33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:
- A) the construction is a site at which no other source is located; or
 - B) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
 - C) the production or wastewater generating processes are substantially independent of an existing source at the same site.
- (31.) "Pass-Through" means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any

requirement of the District's WPDES permit including an increase in the magnitude or duration of the violation or toxicity of the POTW effluent.

- (32.) "Permitted Wastewater Hauler Vehicle" means a vehicle used for hauling wastewater, which has been granted a permit to haul wastewater to the POTW under the requirements of this Ordinance.
- (33.) "Person" means any individual, partnership, firm, limited liability company, corporation, association, joint venture, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agent or assignees. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- (34.) "pH" means the intensity of the acid or base condition of a solution calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.
- (35.) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, agricultural or pharmaceutical waste discharged into water.
- (36.) "POTW" (Publicly Owned Treatment Works) means the District's wastewater treatment facility and sewerage collection system or the District, whatever the context requires.
- (37.) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging such pollutants into a POTW.
- (38.) "Pretreatment Program" means a program administered by the District that meets the criteria established by the DNR and the EPA and which has been approved by the DNR and the EPA.
- (39.) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an Industrial User.
- (40.) "Pretreatment standard" means any regulation which applies to Industrial Users and which contains pollutant discharge limitations as promulgated by the District, DNR or EPA. This term includes both prohibited discharge standards, categorical pretreatment standards and local limits.
- (41.) "Prohibited discharge standard" means any standard specifying quantities or concentrations of pollutants or pollutant properties which may not be discharged to the POTW by Industrial Users regardless of industrial category.

- (42.) "Sanitary Sewer" means a sewer which carries liquid and water carried wastes from residences, commercial buildings, industrial facilities or institutional facilities to which storm, surface and ground water are not intentionally admitted.
- (43.) "Shall" is mandatory. "May" is permissive.
- (44.) "Significant Industrial User" shall mean (i) all Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N as amended or (ii) any other Industrial User that discharges an average of 10,000 gallons per day or more of process water to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater), or (iii) any other Industrial User which contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iv) any other Industrial User that is designated as such by a Administrator pursuant to 40 CFR 403.12(a) on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6), as amended.
- (45.) "Significant Noncompliance" (SNC) is a condition applicable to an Industrial User. An Industrial User shall be considered in significant noncompliance for any one of the following reasons:
- (A) Chronic violations of wastewater discharge limits or any Categorical Standards defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or average limit for a particular pollutant parameter as described in Section 300.110 and/or 300.115 of this Ordinance or any applicable Categorical Standard; or
 - (B) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily maximum or average limit and the applicable TRC (TRC = 1.4 for BOD, TSS, and FOG; TRC = 1.2 for all other pollutants except pH) (eg. Limit for Cu=1.0mg/l TRC limit for Cu = 1.2 X 1.0 = 1.2mg/l); or
 - (C) Any other violation of a pretreatment effluent limit or Categorical Standard that the Administrator determines has caused, alone or in combination with other discharges, interference, pass through, or endangered the health of District personnel or the general public; or
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or caused the District to exercise its emergency authority under Section 500.105, of this Ordinance; or

- (E) Failure to accurately report noncompliance; or
 - (F) Failure to meet, within 90 days after the schedule date, a compliance milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; or
 - (G) Failure to provide, within 30 days after the due date, required reports such as Baseline Monitoring Reports (BMR's), 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules; or
 - (H) Any other violation or group of violations which the Administrator determines will adversely affect the operation or implementation of the POTW or the District's local pretreatment program.
- (46.) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any such other waste having similar characteristics and effects.
- (47.) "Slug discharge" (SLUG) shall mean any nonroutine, episodic discharge, such as a discharge resulting from a spill or a noncustomary batch discharge of wastewater or a discharge which, for any given constituent or quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than three and one half (3.5) times the average twenty-four (24) hour concentration of conventional pollutants or flow rate during normal operation, or three and one half (3.5) times the average concentration limits listed in Section 300.110 (A) of this Ordinance which may adversely affect the sewerage system and/or performance of the POTW.
- (48.) "T" as in Cyanide-T means total.
- (49.) "Total Solids" means the sum of suspended and dissolved solids.
- (50.) "Total Suspended Solids" (TSS) means total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, wastewater and other liquids. It is removed by laboratory filtration as prescribed in Standard Methods.
- (51.) "Total Toxic Organics" means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in Section 300.110H of this Ordinance.
- (52.) "Unpolluted Water" means the water of quality equal to or better than the effluent criteria set forth in the District's WPDES or water that would not cause violation of receiving water quality standards set forth in the water quality standards for Turtle Creek and would not be benefited by discharge to the sanitary sewers and treatment at the POTW.

- (53.) "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 Industrial 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.
- (54.) "User" means any person who discharges, contributes, causes, or allows the contribution of wastewater into the District's sewerage system.
- (55.) "Wastewater" means the combination of liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The term includes sanitary wastewater and industrial wastewater, defined as:
- (A) Sanitary wastewater means the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities and is considered domestic wastewater.
 - (B) Industrial wastewater means any waste water, except domestic wastewater.
- (56.) "Wastewater Discharge Permit" means the document or documents allowing a wastewater discharge into the District's sewerage system, which is issued to a User by the District in accordance with the terms of this Ordinance.
- (57.) "Wastewater Hauler" means any person, partnership, or corporation engaged in transporting wastewater as a commercial venture.
- (58.) "Waters of the State of Wisconsin" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border the State of Wisconsin or any portion thereof.
- (59.) "WPDES" or "State Discharge Permit" means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) by the DNR under delegation of the NPDES program.

PART 300

WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS

SECTION 300.100 USE OF WASTEWATER FACILITIES

It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to the sanitary sewerage system or to the POTW, any

solid, liquid or gaseous waste unless through a connection approved by the POTW or at a point designated by the District.

SECTION 300.105 PROHIBITIVE DISCHARGE STANDARDS

- (A) No person shall discharge or cause to be discharged any stormwater, foundation drain water, groundwater, roof runoff, surface drainage, cooling waters, or any other unpolluted water (regardless of temperature) to any sanitary sewer.
- (B) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or will pass through the POTW or cause toxicity of the POTW effluent.
- (C) The following Specific Prohibitions shall apply to all Users of the POTW whether or not a User is subject to National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standard or requirement. A User shall not contribute the following substances to the POTW:
 - (1) Any liquids, solids, or gases that result in toxic gases, vapors or fumes within the sanitary sewer system or the POTW in quantities that may cause worker or public health and safety problems, or be hazardous in any other way to the operation of the POTW or its employees or the environment.
 - (2) Any liquids, solids or gases which by reason of their nature and/or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be hazardous in any other way to the POTW or to the operation of the POTW. At no time shall the waste stream have a closed cup flash point of less than 140^o Fahrenheit (60^o Centigrade) using the Pensky-Martens Close Cup Test method. (Examples include, but are not limited to: cyanide, gasoline, kerosene, benzene, toluene, alcohols, polychlorinated biphenyls, and stoddard solvents.)
 - (3) Solid or viscous pollutants in amounts which will cause or contribute to obstruction to the flow in the sewer system or the POTW resulting in Interference with the operation of the collection system or the wastewater treatment facilities, including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, any animal waste, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass,

straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, glass grindings, polishing wastes, or tumbling and deburring stones, any pretreatment sludges or residues or other inert solids or other materials not amenable to treatment by the POTW.

- (4) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that cause Pass-Through or Interference; and in any event, but no greater than 100 mg/l.
- (5) Any wastewater which will cause corrosive structural damage to the sewerage system or the POTW, but in no case wastewater having a pH less than five (5.0) or greater than nine (9.0).
- (6) Any wastewater containing incompatible pollutants in sufficient quantity, either singly or by interaction with other pollutants, that would constitute: a hazard to humans or animals, or cause a violation of the water quality standards of the receiving water of the POTW, or create a public nuisance or cause damage to the environment.
- (7) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastewaters are sufficient to create a public nuisance or are sufficient to prevent entry into sewers for their maintenance and repair.
- (8) In no case shall a substance discharged to the POTW that cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act. Substances discharged to the POTW shall not affect sludge use or disposal criteria developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or Wisconsin Administrative Code or other requirements applicable to the sludge management plan being used by the District.
- (9) Any substance which will cause the District to violate its WPDES or the receiving water quality standards or cause toxicity of the POTW effluent.
- (10) Any wastewater having a temperature at the point of discharge which will inhibit or contribute to the inhibition of biological activity in the POTW, resulting in Interference. In no instance shall wastewater be introduced to the sewer system which exceeds 40 C^o (104^o F) at the POTW or 60^o C (140^o F) at the point of discharge into the sewerage system.

- (11) Any wastewater containing any pollutants released at a flow or concentration which will cause or contribute to interference to the POTW or will Pass-Through the POTW or constitutes a Slug.
- (12) Any wastewater containing any radioactive waste or isotopes of such half life or concentration as may exceed limits established by State or Federal regulations, or interfere with the chosen sludge disposal option. No water or wastewater containing more than 2 PCi of radium 226 shall be discharged into the District's sewerage system.
- (13) Any wastewater which may contain more than 100 mg/l of FOG.
- (14) Any wastewater containing BOD, total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW.
- (15) Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the POTW.
- (16) Any discharge exceeding the standards established in Federal Regulations, or the Wisconsin Administrative Code or this Ordinance or any Wastewater Discharge Permit issued pursuant hereto.
- (17) Any trucked or hauled pollutants, unless at points designated and approved by the POTW pursuant to a Wastewater Discharge Permit.
- (18) Any Slug discharge.
- (19) Any pesticides, herbicides or carcinogens.
- (20) Any listed or characteristic hazardous waste.
- (21) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test.
- (22) Detergents, surface-active agents, or other substances which cause excessive foaming in the POTW or its effluent.
- (23) Medical and pharmaceutical wastes, except as specifically authorized by the Administrator in a Wastewater Discharge Permit.

- (24) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes, printers' ink and vegetable tanning solutions, which consequently imparts color to the treatment plant's influent or effluent.
- (25) Used motor vehicle anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, oil-based paint, latex paint which contains any mercury, paint thinner, paint or varnish remover or any other solvents.
- (26) To the extent applicable, the affirmative defenses set forth in 40 CRF §403.5(a)(2) shall be available to any Industrial User in the context of any enforcement proceedings commenced by the District.

SECTION 300.110 SPECIFIC LIMITATIONS ON WASTEWATER DISCHARGES

(A) Wastewater discharges from each point of discharge into the public sewers from the premises of each User, as measured under the provisions of this Ordinance, shall not exceed the following monthly average concentrations. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow weighted manner to determine compliance, upon written approval by the Administrator which shall not be unreasonably withheld. Enforcement of the following concentration limitations, are based upon representative samples taken during the period of discharge or as more specifically provided. The District may monitor all Industrial Users in any way it deems representative. In addition, the District may consider a grab sample that exceeds three and one half (3.5) times the monthly average concentration limit as a violation of this Ordinance and will consider such violation to constitute a Slug Discharge as prohibited in Section 300.105 (C) (11) of this Ordinance. No User shall discharge wastewaters into the public sewerage system which exceed the following monthly average concentrations.

Pollutant	Monthly Average Concentrations* (mg/l)
Arsenic	0.180
Cadmium	0.15
Chromium (total)	5.0
Chloride	3929
Copper	1.5
Cyanide	0.65
Lead	0.50
Mercury	<0.002
Molybdenum	0.26 mg/l
Nickel	1.5
Silver	0.5
Zinc	1.48

Phosphorous
Total Toxic Organics

100 ppm and Max Mass of 20#/day
2.13 mg/l (THIS IS A DAILY
MAXIMUM, NOTWITHSTANDING
ANYTHING TO THE CONTRARY
CONTAINED HEREIN).

* Monthly Average Concentrations shall be determined as the average of all applicable test results obtained during the calendar month by the User or the District, as the case may be. All sampling shall be done on a day when there are representative wastewaters being discharged into the public sewers. In the event that both the District and the User conduct applicable tests based on sampling, the test results of the District shall control, except where there is clear and convincing evidence that there is third party chain-of-custody and the sampling or testing by the User was performed in accordance with appropriate standards and procedures. Where such third party chain-of-custody exists, the Users sample result shall be averaged with the District's results.

- (B) No User shall discharge wastewaters into the public sewerage system which exceed 100 mg/l of FOG.
- (C) No User shall discharge wastewaters into the public sewerage system which have a pH of less than 5 s.u. or more than 9 s.u.
- (D) Users which are monitoring or being monitored so as to provide a permanent, continuous pH record, shall not exceed the specified range of 5.0 - 9.0 s.u. at any time, for pH limitations.
- (E) The District reserves the right to require mass limitations rather than concentration limitations for any User, except that no such mass limitations shall exceed the monthly average concentration limits as established herein set forth. Mass limits and conversion of production-based limits shall be calculated according to the procedures in 40 CFR 403.6(c-e), as amended.
- (F) 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.
- (G) If a pollutant is regulated by both a National Categorical Pretreatment Standard and this Ordinance, then the more stringent standard contained therein or herein shall apply.
- (H) The District reserves the right to establish, by ordinance or in Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

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

Toxic Organic Compounds Regulated

The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than 0.01 mg/l for the following toxic organics:

Acenaphthene	Carbon tetrachloride	Hexachlorocyclopentadiene
Acenaphthylene	Chlordane	Hexachloroethane
Acrolein	Chlorobenzene	Indeno(1,2,3,c,d)pyrene
Acrylonitrile	Chlorodibromomethane	Isophorone
Aldrin	Chloroethane	Methylene chloride
Anthracene	2-Chloroethylvinylether	Naphthalene
Benzene	Chloroform	Nitrobenzene
Benzidine	Chloromethane	2-Nitrophenol
1,2-Benzanthracene	2-Chloronaphthalene	4-Nitrophenol
Benzo(a)pyrene	2-Chlorophenol	N-Nitrosodi-n-propylamine
Benzo(b)fluoranthene	4-Chlorophenylphenylether	N-Nitrosodiphenylamine
1,12-Benzoperylene	Chrysene	Parachlorometacresol
Benzo(ki)fluoranthene	4,4'-DDD	PCB-1016
	4,4'-DDE	PCB-1221
2,4-Dimethylphenol	4,4'-DDT	PCB-1232
Dimethylphthalate	1,2,5,6-Dibenzanthracene	PCB-1242
	1,2-Dichlorobenzene	PCB-1248
Di-n-butylphthalate	1,3-Dichlorobenzene	PCB-1254
	1,4-Dichlorobenzene	PCB-1260
Di-n-octylphthalate	Pentachlorophenol	
	3,3'-Dichlorobenzidine	Phenanthrene
4,5-Dinitro-ocresol		
2,4-Dinitrophenol	Dichlorobromomethane	Phenol
2,4-Dinitrotoluene	1,1-Dichloroethane	Pyrene

2,6-Dinitrotoluene	1,2-Dichloroethane	2,3,7,8-Tetrachloro-
1,2-Diphenylhydrazine	1,1-Dichloroethene trans-1,2-Dichloroethene	di-benzo-p-dioxin 1,1,2,2-Tetrachloro-
alpha-Endosulfan	2,4-Dichlorophenol	ethane
eta-Endosulfan	1,2-Dichloropropane	Tetrachloroethylene
Endosulfan sulfate	cis-1,3-Dichloropropene	Toluene
Endrin	trans-1,3-Dichloropropene	Toxaphene
delta-BHC	Dieldrin	1,2,4-Trichlorobenzen ³
gamma-BHC	Diethylphthalate	1,1,1-Trichloroethane
Bis(2-chloroethyl)ether	Fluoranthene	1,1,2-Trichloroethane
Bis(2-chloroxy)methane	Fluorene	Trichloroethylene
Bis(2-chloroisopropyl)ether	Heptachlor	2,4,6-Trichlorophenol
Bis(2-ethylhexyl)phthalate	Heptachlor epoxide	Vinyl chloride
Bromoform	Hexachlorobenzene	
Bromomethane	Hexachlorobutadiene	
4-Bromophenylphenylether		
Butylbenzylphthalate		

All TTO samples shall be 24-hour flow-proportioned composites except VOC which will be grab samples. Compliance with the provisions of this Section 300.110 shall be required no later than 60 days after the effective date of this Ordinance or as required in a compliance schedule contained in a Wastewater Discharge Permit.

SECTION 300.115 ACHIEVEMENT OF HIGH QUALITY SLUDGE

In establishing the prohibitions and limitations contained in Sections 300.105 and 300.110 hereof, it is the intent of the District to have the sludge generated at the District's wastewater treatment plant, satisfy all applicable criteria established by the DNR and/or EPA for classification as the highest quality sludge. Accordingly, the Commission of the District shall have the right to amend, repeal, modify or otherwise change any of the provisions of the aforesaid sections (or other sections provided for in this Ordinance), whenever it determines, in its sole discretion, that such action is necessary to achieve such sludge classification.

SECTION 300.120 INCORPORATION OF NATIONAL CATEGORICAL
PRETREATMENT STANDARDS

Upon the promulgation of a National Categorical Pretreatment Standard for a particular Industrial User, the said standard, when effective, shall be enforceable under this Ordinance and said standard shall be complied with by all Industrial Users subject to each such National Categorical Pretreatment Standard. The District will notify all affected Users of the applicable pretreatment standard and reporting requirements under 40 CFR 403.12. Failure of the District to notify the User shall not relieve the User of his duty to comply.

SECTION 300.125 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	469	07/01/84 (TTO)
Components (Phase I)		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

SECTION 300.130 PRETREATMENT REQUIREMENTS

All Industrial Users shall provide necessary wastewater pretreatment as required in order to comply with the most stringent requirements of this Ordinance, Federal pretreatment standards as established by 40 CFR Chapter N, Subpart I, Wisconsin Administrative Code standards, and any Wastewater Discharge Permit issued pursuant hereto. Industrial Users shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations specified by applicable Federal pretreatment regulations, and with any other pretreatment standard by applicable deadlines.

SECTION 300.135 PRETREATMENT FACILITIES

- (A) All facilities required to pretreat wastewater shall be provided, operated, and maintained at the Industrial Users sole expense. Detailed plans showing the pretreatment facilities and operating procedures therefore shall be submitted to the District and to the DNR (to the extent submission to the DNR is required by applicable law) for review; and shall be approved by the District and DNR (if DNR approval is required by applicable law) prior to construction of the facility. The review and approval of plans and operating procedures does not relieve the Industrial User from complying with the provisions of this Ordinance and other Wastewater Discharge Permit conditions. Any subsequent material change in the pretreatment facilities or method of operation shall be

reported immediately to the District and approved by the District prior to the Industrial's Users initiation of the changes.

- (B) All pretreatment facilities of each Industrial User shall be operated by personnel who are State of Wisconsin DNR certified industrial wastewater treatment plant operator(s) under Wis. Admin. Code NR 114 at the grade and classification appropriate to the facility in question. In addition to the signatory requirement specified in 40 CFR 403.12(l)(1-3) said operator shall also sign all reports and be responsible for the operation of the facilities.

SECTION 300.140 PROHIBITION OF IMPROPER DILUTION

No Industrial User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with any pretreatment standard or specific limitation. The District reserves the right to develop mass limitations to prevent dilution as provided for in 40 CFR 403.6(c-e)28, as amended from time to time.

SECTION 300.145 SPILL CONTAINMENT

- (A) Whenever required by applicable state or federal law, or whenever the Administrator determines that the best interests of the District 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 District 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 District. 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 District 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

District decides that a Slug Control Plan is needed, the plan shall be in a form as prescribed by the District 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 District 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 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.

SECTION 300.150 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 District within 24 hours following notice or knowledge of a violation. The Industrial User shall repeat the sampling and analysis and submit the results to the District 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., 414-728-4140). 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 District 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.

SECTION 300.155 NOTIFICATION OF CHANGED OR BATCH DISCHARGES

- (A) All Industrial Users shall promptly notify the District in advance of any substantial change (greater than 20%) in wastewater discharge volume or the release of any previously unreported pollutants, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12, as amended.
- (B) All Industrial Users shall promptly notify the District three working days in advance of any batch discharges, including the volume or character of pollutants in the discharge, and the time the discharge is expected to be introduced into the sewerage system.

SECTION 300.160 BYPASS

- (A) For the purposes of this Section 300.160,
 - (1) "Bypass" means the intentional diversion of wastewaters or wastestreams from any portion of a user's treatment facility; and
 - (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 or manufacturing processes of the User.
- (B) A User may allow any bypass to occur which does not violate applicable 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 300.160.

- (C) (1) If a User knows in advance of the need for a bypass, it shall notify the Administrator in writing at least ten (10) days before the date of the bypass.
- (2) A User shall give oral notice to the Administrator of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours after it had knowledge or notice of the bypass. A written notice shall also be given within five (5) days after the User had notice or knowledge of the bypass. The written notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence 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) (1) Any User causing or permitting a Bypass is which is prohibited under this Order is subject to the penalties and enforcement action provided for herein, unless
- (a) the Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (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 300.160.
- (2) The Administrator may approve an anticipated bypass which would otherwise violate this Ordinance, after considering its adverse effects, if the Administrator determines that the three conditions listed in paragraph (D)(1) of this Section are satisfied.

SECTION 300.165 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 1-414-728-4140 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.

SECTION 300.170 REGULATIONS FOR THE DISPOSAL OF HAULED WASTES

- (A) All Certified Wastewater Haulers desiring to discharge sanitary wastes to the POTW from sites within the District shall first be required to obtain a Wastewater Hauler Discharge Permit. An application form may be obtained from the Administrator and must be completed and approved before any discharge can take place. An annual permit fee of \$500 (five hundred dollars) must accompany the completed application. Permits shall be valid for a period of one year, and each permit shall expire on August 31 of each year.
- (B) No discharge of hauled wastes shall be made under this Ordinance, unless the person making the discharge has been issued a permit. No permit once issued shall be assignable or transferrable by the person receiving the same. No holder of any permit shall acquire any vested right or privilege by reason thereof. Upon completion of the application and submission of the same to the District, the Administrator shall determine to either issue or deny a permit. If the Administrator determines to issue a permit under this Section 300.170, such permit may be issued upon such terms and conditions as the Administrator may provide; and any such permit shall provide at a minimum the following:
 - (1) 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.
 - (2) The agreement by the holder thereof to indemnify the District, from and against any and all liability for injury or damage arising out of or related to the activities of holder in exercising the rights granted.
 - (3) Evidence that the holder thereof has in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance.
 - (4) Any permit issued under this Section 300.170 shall be recoverable by the Commission of the District summarily for violation of the terms or conditions thereof. Any person using the District's sewerage system for a use for which a permit may be issued under this Section 300.170, without first obtaining a permit or continuing a use after notice of revocation of a permit, shall

forfeit to the District the sum of \$500, for each violation. Such forfeiture shall be recoverable by the District in a civil action brought by the Commission in the name of the District and paid into the general funds of the Commission for the benefit of the District.

(5) 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 the District.

- (C) Each permitted truck shall prominently display a vehicle tag issued by the District 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 and septic tank wastes will be determined by the District's Sewer Use Ordinance No. 82-001.
- (D) 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.
- (E) 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.
- (F) Representative samples of wastewater taken from the wastewater hauling vehicle from both Industrial and Non-Industrial haulers shall comply with the provisions of Part 300 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.

- (G) 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.
- (H) 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.
- (I) 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.
- (J) The District reserves the right to suspend the discharge of any wastes as circumstances arise to protect the treatment process employed at the POTW.
- (K) 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.

PART 400

WASTEWATER DISCHARGE PERMITS

SECTION 400.100 PROHIBITION OF DISCHARGES WITHOUT PERMIT

It shall be unlawful for any Significant Industrial User within the District or for any Significant Industrial User making or causing wastewater discharges to the POTW, to discharge to the POTW or the District's sewerage system without a Wastewater Discharge Permit.

SECTION 400.105 WASTEWATER DISCHARGE PERMITS

- (A) General Permit Requirement. All Significant Industrial Users who are in fact discharging wastewaters or who are proposing to connect to, or contribute to, or haul waste to the POTW shall first obtain a "Wastewater Discharge Permit" from the Administrator before connecting to or

contributing to the POTW. The Administrator shall have the option of requiring other Industrial Users to have a Wastewater Discharge Permit, whenever the Administrator believes that the best interests of the District will be served thereby.

- (B) Wastewater Discharge Permit Application. All Industrial Users who are required to obtain a Wastewater Discharge Permit hereunder, shall complete and file with the Administrator of the District an initial application in the form prescribed by the Administrator, and shall submit with the permit application, a permit fee of \$500.00 (Five Hundred Dollars). Such application shall be made within 30 days following the effective date of this Ordinance.

In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address) of owners and operator;
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 as amended;
- (3) Time and duration of discharge;
- (4) Average daily and 30 minute peak wastewater flow rates, including daily, monthly, or seasonal variations, if any;
- (5) Plans showing the location of all sewers, sewer connections, and appurtenances by the size, location and elevation and an up-to-date water use schematic;
- (6) Description of activities, facilities, and processes on the premises including those materials and processes which are or could be discharged to the POTW;
- (7) The nature and concentration of any pollutants in the discharge, including parameters which are limited by any District, City, State, or Federal Pretreatment Standard, and a statement signed by an authorized representative of the User and certified by a qualified professional (defined for purposes of this Ordinance as any licensed engineer or other individual possessing the requisite knowledge and skill to perform the task required) regarding whether or not the 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 for the User to meet applicable Pretreatment Standards;

(8) Wastewater constituents and characteristics including but not limited to those mentioned in Part 300 of this Ordinance shall be determined by a DNR certified analytical laboratory; representative sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR Part 136, as amended;

(9) Number and type of employees, the hours of operation of the plant, and the hours of operation of the pretreatment system;

(10) List of any environmental control permits held by or for the facility;

(11) When additional pretreatment and/or O&M is required to meet the Pretreatment Standards, the User shall provide such additional pretreatment by the most reasonable schedule possible. Plans and specifications must be submitted to the District and DNR (to the extent required by applicable law) for approval prior to construction. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of any additional pretreatment equipment required for the User to meet any applicable Pretreatment Standards;

(b) These increments of progress for scheduling purposes shall not exceed 9 months;

(c) No later than 14 days following each incremental date on the schedule, including the final date for compliance; the User shall submit a progress report to the Administrator of the District. If any increment of progress is not met, the progress report shall contain detailed information as to the reason for the delay, and the steps being taken by the User to return to the construction schedule established in the Compliance Schedule.

(C) Annual Fee. During the term (initial or renewal) of any permit so issued hereunder, the holder thereof shall pay an annual administration fee of \$500, to the District, commencing upon expiration of one year after the date of the permit and each year thereof during the term thereof.

(D) Renewal Fees. Upon expiration of the initial Wastewater Discharge Permit, the Administrator may issue a renewal thereof, upon such terms

and conditions as the Administrator deems appropriate. In such event, the Administrator may require the Significant Industrial User to complete a new application for such permit. The said User shall pay a renewal fee of \$500 for such a permit. In addition to all permit fees (initial and renewal), the holders of all Wastewater Discharge Permits shall pay such additional charges and fees, which may include fees for monitoring, inspection, sampling and surveillance, as well as any other industry-specific fees the District may deem necessary to carry out the requirements of this Ordinance.

- (E) Review of Wastewater Discharge Permit Applications. The Administrator shall evaluate the data furnished by the User in the Wastewater Discharge Permit application and may require additional information. After evaluation of all data furnished by the User, the Administrator may issue a Wastewater Discharge Permit. No temporary permits will be issued.
- (F) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and other applicable regulations and ordinances, sewer service charges, and fees established by the District. Permits shall contain, as appropriate, the following:
- (1) Statement of duration including issuance and expiration dates.
 - (2) Effluent limitations based on the more stringent of National Categorical Pretreatment Standards, local limits as established by this Ordinance, State and local law.
 - (3) General and specific discharge prohibitions as established by Section 300.105 of this Ordinance.
 - (4) An agreement to pay the Administrative Fines (as hereinafter provided) when the wastewater discharged exceeds the limitations required by the permit and this Ordinance.
 - (5) Limits on average and maximum flow rate and the time of discharge.
 - (6) Requirements for installation and maintenance of inspection and sampling facilities.
 - (7) Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number and type of representative sample (grab or composite), reporting schedule, and standards for tests.
 - (8) Compliance Schedule when necessary.

- (9) Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Standard, 40 CFR 403.12, or this Ordinance.
- (10) Requirements for collecting/retaining and providing access to all business records relating to the discharges and for providing entry for sampling and inspection of facilities.
- (11) Requirements for notification of any new introduction of wastewater constituents or any substantial change (greater than 20%) in the volume or the release of any previously unreported pollutants.
- (12) Requirements for notification of spills, slug loadings (as defined in this Ordinance), upsets, or other violations that could have the potential to cause a problem at the POTW.
- (13) Requirements to develop and implement a spill and slug control plan, if so required under this Ordinance.
- (14) Requirements for installation, operation and maintenance of pollution control equipment or application of pollution prevention measures..
- (15) Requirements that the permittee provide other information to the District from time to time as may reasonably be required.
- (16) Statement of non-transferability, and conditions for modification or revocation of permit.
- (17) Statement of applicable Administrative, civil and criminal penalties for violations of any pretreatment standard or requirement or any compliance schedule.
- (18) Requirements for signs to be erected at the User's premises warning employees of the danger and consequences of an illegal discharge.
- (19) Requirements for proper training of Pretreatment Facility operators.
- (20) Prohibitions against slug discharges.
- (21) An agreement to pay to or otherwise reimburse the District for all costs and expenses incurred by the District in monitoring, sampling, and testing the wastewaters of the permittee, including

but not limited to District employee time (expressed as 1.5 times the subject employee's applicable hourly rate) the purchase and installation of sampling equipment, and all other costs or expenses associated therewith.

(22) In lieu of requiring monitoring for TTO's, the Administrator may allow permittees to make the certification set forth in 40 CFR §433.12(a), provided the conditions set forth in 40 CFR §433.12(b) and (c) are satisfied.

(23) Such other terms and conditions as the Commission of the District and/or the Administrator may reasonably require.

- (G) Change In Conditions. In the event the type, quantity or volume of wastewater from the property for which a Wastewater Discharge Permit was previously granted is expected to materially and substantially (greater than 20%) change, the holder thereof shall give thirty (30) days prior written notice to the District and shall submit a new permit application or other required information to the District prior to said change. No holder of any permits shall materially or substantially change (greater than 20%) the volume of its wastewater beyond that allowed by its permit or discharge previously unreported pollutants without prior approval by the District.
- (H) Duration. Wastewater Discharge Permits shall be issued for a specific time period not to exceed five (5) years, or such shorter time as the Administrator may determine. The holder thereof shall file an application for renewal of its permit at least ninety (90) days prior to the expiration of such permit. The Industrial User shall apply, on a form provided by the District, for reissuance of the permit.
- (I) Modification. The terms and conditions of the permit may be subject to modification by the Administrator at any time during its stated term as limitations or requirements identified in Part 300 of this Ordinance are modified by governmental bodies having appropriate jurisdiction thereof or whenever the Administrator determines it in the public interest to do so. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR 403.7) or the Combined Waste Stream Formula (40 CFR 403.6(e)), or Net/Gross Calculations (40 CFR 403.15) or Fundamentally Different Factor Variance for Non-Toxics (40 CFR 403.13), of the General Pretreatment Regulations, the limits as modified shall be made a part of the Wastewater Discharge Permit and shall be adjusted consistent with EPA guidelines and regulations. The permit holder shall be notified of any proposed changes to its permit at least thirty (30) days prior to the effective date of the change. When a change is made to a Significant Industrial Users permit, a reasonable time period shall be given the Significant Industrial User, to achieve compliance. Reasonable time

requires that a Significant Industrial User act in good faith to achieve compliance by the shortest and most reasonable possible schedule.

- (J) Transfer. Wastewater Discharge Permits are issued to a specific Industrial User for the process activity specified in the permit. A Wastewater Discharge Permit shall not be assigned, transferred or sold, by operation of law or otherwise; or applicable to a different premises, without the approval of the Administrator. If the premises are sold or otherwise transferred by the permit holder to a new owner who will maintain the operation in the same premises, then the permit held by the seller/user may be reissued by the Administrator to the new owner as a short-term permit and shall expire within ninety (90) days from the date of reissuance. The new owner shall apply for a permit, on a form established by the Administrator. The District shall have the same remedies for violations of short-term permits as it has for violations of other discharge permits.
- (K) No Contract. - The issuance of a Wastewater Discharge Permit to any person does not create any vested contractual right or privilege in the holder thereof to continue to discharge wastewaters into the public sewerage system. Such a permit may be summarily revoked for a violation by the holder thereof, of the terms of the permit or this Ordinance.
- (L) Compliance Matters. The Wastewater Discharge Permit may also include provisions relative to compliance schedules and/or remedial actions, whenever the Administrator believes such provisions to be appropriate given the nature of the discharge.

SECTION 400.110 DENIAL OF PERMIT AND APPEAL PROCEDURE

- (A) No Wastewater Discharge Permit shall be issued by the Administrator to any person or Industrial User whose discharge of material to sewers, whether shown by permit application or determined by inspection and/or sampling as conducted by the District, is not in conformity with any Federal, or State regulation or this Ordinance, or whose application is incomplete, or does not comply with the requirements of Section 400.105(B) of this Ordinance. The Administrator shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within ten (10) days after denial of the application for the permit.
- (B) If the Administrator refuses to grant the permit or grants a Wastewater Discharge Permit under Part 400 with conditions that are objected to by the holder, the applicant/permittee may, within 15 days after such denial or grant, as the case may be, appeal the decision of the Administrator to the Commission of the District as provided for in Section 1304 of the District's

Sewer Use Ordinance (No. 82-001). With respect to such appeal, the decision of the Commission of the District shall be final.

- (C) The decision of the Administrator to require an Industrial User, other than a Significant Industrial User, to obtain a permit under Section 400.105(A) hereof, may be appealed pursuant to the provisions of Section 1304(b) and (c) of the District's Sewer Use Ordinance (No. 82-001).

SECTION 400.115 REPORTING REQUIREMENTS FOR PERMITTEES

- (A) Baseline Monitoring Report for Categorical Users Only
 - (1) Industrial Users subject to National Categorical Pretreatment Standards shall submit a Baseline Monitoring Report to the POTW in a form as prescribed and furnished by the POTW pursuant to 40 CFR 403.12.
 - (2) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), whichever is later, Industrial Users which are Existing Sources subject to such National Categorical Pretreatment Standards and currently discharging to the POTW shall submit a properly completed Baseline Monitoring Report.
 - (3) New Sources that are subject to National Categorical Pretreatment Standards, shall submit a Baseline Monitoring Report at least 90 days prior to commencement of discharge to the POTW, in a form as prescribed by the POTW pursuant to 40 CFR 403.12.
 - (4) In support of the Baseline Monitoring Report, if such report is required to be so filed, the Industrial User shall submit, in units and terms specified in the report form, the following information:
 - (a) Name and address of the facility including the name of the operator and owners.
 - (b) List of any environmental control permits held by or for the facility.
 - (c) Brief description of the nature, average rate of production, and Standard Industrial Classification (S.I.C.) code of the operation(s) carried out by such user. This description shall include a schematic diagram indicating

points of discharge to the POTW from the regulated processes.

- (d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (i) Regulated process streams, and
 - (ii) Other streams as necessary to allow use of the Combined Waste Stream Formula of 40 CFR Section 403.6 (e).
- (e) The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
 - (i) Submit the results of sampling and analysis identifying the nature, concentration or mass, when required, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations or mass when required shall be reported. The sample shall be representative of daily operations. Analytical methods used will be as prescribed in 40 CFR 136.
 - (ii) A minimum of four (4) grab samples must be used for pH, cyanide, oil and grease, sulfide, and volatile organics. For all other pollutants, 24 hr. composite samples must be obtained through flow-proportional composite sampling techniques. The Administrator may waive in writing flow-proportional sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through a minimum of four (4) grab samples or time-composite samples, where the User demonstrates that this will provide a representative sample of the effluent being discharged.
 - (iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

- (iv) Samples shall 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 must measure the flows and concentrations necessary to allow use of the Combined Wastestream Formula of 40 CFR Section 403.6 (e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6 (e) this adjusted limit along with supporting data shall be submitted to the District.
 - (v) Submit, only with authorization, a Baseline Monitoring Report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (vi) Provide for each report the name of sampler, time, date, and place, type of sampling and methods of analysis and a certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (f) The Industrial User shall provide a statement, reviewed and signed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional (O & M) or additional pretreatment is required for the Industrial User to meet the National Categorical Pretreatment Standards.
- (g) If additional pretreatment or O & M will be required to meet National Categorical Pretreatment Standards, the Industrial User will provide the most reasonable schedule which will provide such additional pretreatment or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
- (i) Where the Industrial Users National Categorical Pretreatment Standard has been modified by a Removal Allowance (40 CFR 403.7) or the Combined Wastestream Formula (40 CFR 403.6 (e)), or Net/Gross Calculations (40 CFR 403.15), at the time

the Industrial User submits a Baseline Monitoring Report the information required by this Ordinance shall pertain to the modified limits.

- (ii) If the National Categorical Pretreatment Standard for the Industrial User is modified after the Baseline Monitoring Report is submitted, the Industrial User shall make any necessary amendments to information provided as a response to Sections 400.115 (A) and (B) of this Ordinance, and submit them to the District within 60 days after the modified limit is approved.
- (h) The following conditions shall apply to any schedule submitted in response to Section 400.115 (A)(4)(g) of this Ordinance:
- (i) The schedule shall contain increments of progress 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 applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (ii) No schedule increment referred to in the above paragraph shall exceed nine months.
 - (iii) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such reports to the District.

- (i) Such other information as may be necessary, may be reasonably requested by the Administrator.

(B) Final Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the District a report indicating the nature and concentration or mass, when required, of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and requirements contained by the requirements in Section 400.115 (A)(4)(e) and the average and maximum daily flow for these process units in the Users facility which are limited by such Pretreatment Standards. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional User O & M or pretreatment techniques or installations are necessary to bring the User into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an authorized representative of the Industrial User, as required by 40 CFR 403.12(l) and certified by a qualified professional engineer.

(C) Periodic Compliance Reports

- (1) Any User subject to National Categorical Pretreatment Standards after the compliance date of such Pretreatment Standards, or in the case of a New Source after commencement of the discharge into the POTW shall submit to the District during the months of March, June, September and December, unless required more frequently in the Pretreatment Standard or by the Administrator or by permit, a Periodic Compliance Report indicating the nature and concentration, or mass, when required, of pollutants in the effluent which are limited by such standards or by permit. All wastewater samples must be representative of conditions occurring during the reporting period as required by 40 CFR 403.12(g)(3). In addition, this Periodic Compliance Report shall include a record of average and maximum flow; and also a record of daily flows during the reporting period that exceeded the average daily flow reported in the Baseline Monitoring Report. All categorical wastes shipped off site for treatment shall also be reported on the periodic compliance report. At the discretion of the Administrator or the Pretreatment Coordinator, if any, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the months in which the Periodic Compliance Reports are due may be changed.
- (2) In such cases where the District has imposed mass limitations, the Periodic Compliance Report shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

- (3) For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with 40 CFR 403.6(c), the Periodic Compliance Report shall contain a reasonable measure of the Users long term production rate.
For all other Industrial Users subject to National Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit production (or other measure of operation), the Periodic Compliance Report shall include the Industrial Users actual average production rate for the reporting period.
- (4) The Administrator shall require appropriate reporting from those Industrial Users with discharges that are not subject to National Categorical Pretreatment Standards. These Significant Noncategorical Industrial Users shall submit to the District every six months, on dates specified by the Administrator a Periodic Compliance Report. The report shall contain a description of the nature, concentration, and flow of pollutants of concern as specified by the Administrator. These reports shall be based on sampling and analysis performed during the period covering the report, and performed in accordance with the techniques specified in 40 CFR Part 136.
- (5) If any monitoring data required in Section 400.115 (C), (1), (2) and (3) herein shows a violation of any pretreatment standard or permit condition, the User shall immediately notify the District of the violation and sample and test for the pollutant(s) again.

SECTION 400.120 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 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 30 days after notice or knowledge of the violation.

SECTION 400.125 INSPECTION, SAMPLING AND RECORDS KEEPING

- (A) The District, DNR and EPA shall have the authority to inspect the facilities of all Industrial Users to determine whether the purposes of this Ordinance are being complied with. The District, DNR and EPA shall also have the authority to sample Industrial Users to determine whether the Pretreatment Standards are being met on a consistent basis. Persons or occupants of the premises in which a discharge source or pretreatment system is located or in which records are kept, shall allow the District, DNR, EPA or their representatives ready access upon presentation of credentials, at all reasonable times, to all parts of said premises for the purposes of inspection, sampling, examination of and photocopying of records required to be kept by this Ordinance. The District, DNR and EPA shall have the right to set up on the Industrial Users property, devices as are necessary to conduct sampling, monitoring and metering operations. When an Industrial User has security measures in force which would require clearance, training, or the wearing of special protective gear, the Industrial User shall make necessary arrangements at its own expense, to enable authorized representatives of the District, DNR, or EPA to enter and inspect the premises. When suitable identification is necessary to enter the premises of an Industrial User, such arrangements shall be made by those Industrial Users with their security force within 30 days following the publication of this Ordinance.
- (B) Significant Industrial User facilities will be inspected annually to determine compliance with all applicable local, State and Federal pretreatment requirements. In addition, Significant Industrial Users' effluent will be sampled at least annually on a random basis to confirm compliance with all limitations on the User's discharge and to confirm compliance with the terms and conditions of the Industrial User's Discharge Permit.
- (C) Industrial Users and the District shall each maintain records of all information resulting from any monitoring activities required by each of them under this Ordinance or Permit and shall include:
 - (1) The date, exact place, method and time of sampling and the names of persons taking the samples. The chain of custody record must be maintained for each separate sampling.
 - (2) The dates analyses were performed.
 - (3) The name of the laboratory that performed the analyses and the laboratory certification number.
 - (4) The analytical method/techniques used.
 - (5) The results of such analyses.

- (D) Users shall maintain and make available upon request of authorized representatives of the District, DNR or EPA, all records required to be collected by such User pursuant to this Ordinance or the Wastewater Discharge Permit or any other permit so issued. These records shall remain available for a period of at least (3) three years after their collection. When an Industrial User monitors any pollutant more frequently than required, using the appropriate procedures, all the results shall be included in its periodic compliance report, and be made available upon request.
- (E) All analyses, including sampling results, submitted in response to any provision of this Ordinance or required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, or if 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with techniques approved by the EPA. All analyses shall be performed at a DNR certified laboratory.

SECTION 400.130 CONFIDENTIAL INFORMATION

Information and data other than effluent data about an Industrial User obtained from reports, questionnaires, permit applications, permits monitoring programs or from inspections shall be made available to the public unless the User specifically requests and is able to demonstrate to the District that the release of such information would divulge information, processes or methods of production entitled to protection as industrial trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a claim is asserted, the information shall be treated as such until a determination is made by the District. Effluent data shall be made available to the public without restriction. When the person furnishing the information satisfies the District that such information furnished should remain confidential because of the disclosure of trade secrets or secret processes, the information provided shall not be made available except for the purposes of inspection by the State or EPA for uses related to this Ordinance, the District's WPDES permit or the Pretreatment Program. Confidential portions of a report shall be made available for use by the State, or the EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data shall never be considered as confidential data. Notwithstanding any provision to the contrary contained herein, any information that is required to be disclosed by virtue of the Wisconsin Open Records law, in effect from time to time, shall be made available for public inspection and copying.

SECTION 400.135 ALTERNATIVE SAMPLING FOR FOG

As an alternative to the one time grab sample for FOG, an Industrial User may elect, upon review and approval by the Administrator, to submit an alternative sampling and/or analytical plan for FOG samples. The alternative sampling and/or analytical plan review is subject to the following conditions:

- (A) The User shall submit an application in writing to the Administrator for the alternative sampling program and/or the alternative analytical procedure; and
- (B) The User shall provide information regarding the User's products, processes, and operations which demonstrates to the Administrator's satisfaction that the oil and

grease discharged by the User is of such nature or of such variability to warrant the use of an alternative sampling plan and/or use of an alternative analytical method to more accurately quantify the FOG(s).

PART 500

ENFORCEMENT PROCEDURES AND PENALTIES

SECTION 500.100 - ADMINISTRATIVE ENFORCEMENT REMEDIES

The Administrator may invoke the following administrative enforcement remedies in the circumstances described in this Part 500. By virtue of any Industrial User holding a Wastewater Discharge Permit or any Certified Wastewater Hauler holding a Wastewater Hauler Discharge Permit issued pursuant to this Ordinance, the holder thereof shall be deemed to have irrevocably agreed to the following administrative remedies, procedures and fines for violations of this Ordinance or the permit so issued.

- (A) NOV Whenever the Administrator finds that any Industrial User or Wastewater Hauler has violated or is violating any State or Federal requirement or this Ordinance, its a Wastewater Discharge Permit, or is otherwise in noncompliance thereunder, the Administrator or his agent may send, deliver or serve upon said User a written Notice of Violation ("NOV"). Within 15 days of the receipt of the notice, the User shall provide a written explanation of the violation or non-compliance and offer a plan for the satisfactory correction and prevention thereof which plan shall include specific required actions. The explanation and plan shall be submitted to the Administrator or his agent. Submission of this explanation and plan in no way relieves the User of liability for any violations or non-compliance occurring before or after receipt of the (NOV).
- (B) Consent Agreement - The Administrator is hereby empowered to enter into Consent Agreements on behalf of the District with Users, to assure voluntary compliance, with the terms of this Ordinance and the Wastewater Discharge Permit issued to such User. Such Agreement may include compliance schedules, administrative fines, stipulated fines and/or remedial actions.
- (C) Emergency Situations
 - (1) The Administrator may temporarily suspend the Wastewater Discharge Permit and/or deny sewerage service to an Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge, presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.
 - (2) Any User notified of a temporary suspension of its Wastewater Discharge Permit or service shall immediately stop or eliminate its contribution to the POTW. In the event a User fails to immediately comply with the foregoing action, the Administrator shall 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 shall allow the User to recommence its discharge when the endangerment has passed.

- (3) An Industrial User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences to the Administrator.

(D) Administrative Fines - Notwithstanding any other section of this Ordinance, any User who is found to have violated any provision of this Ordinance, or its Wastewater Discharge Permit or administrative action taken or issued hereunder, may be fined by the Administrator, in the exercise of his reasonable discretion, in the following amounts, but not to exceed a maximum of \$1000 per day for all violations, in the aggregate. Each day on which a violation occurs or continues to occur, shall be deemed a separate and distinct violation. Unpaid charges, fines, and penalties shall constitute a lien against the User's property. Such fines are in addition to all other fines or forfeitures that may be imposed pursuant to other Sections of this Ordinance. The Administrator may impose the following administrative fines not to exceed the amounts indicated:

- (1) Failure to give notification to the District as required by a Wastewater Discharge Permit or this Ordinance - \$100/day
- (2) Lack of necessary details on plans and specifications for new discharges - \$100/day
- (3) Accidental discharges, or slug discharges, if reported within 2 hours - \$500/discharge
- (4) Accidental discharges, or slug discharges, if not reported within 2 hours - \$1000/discharge.
- (5) Reporting violations, failure to respond to a Notice of Violation, and failure to file a report or response required by the District, including incomplete or unsigned reports.

Report or Response received after Due Date

1 - 14 DAYS LATE

\$100.0
0

15 - 30 DAYS LATE

\$300.0

31 - 60 DAYS LATE

0

\$500.0

0

More than 60 days LATE

\$500.0
0 +
\$100/d
ay

- (6) Failure to report batch discharges - \$100/day.
- (7) Any prohibitive discharge
 - (i) that does not cause violation of the District's WPDES Permit - \$500/dischARGE/day.
 - (ii) that causes a violation of the District's WPDES Permit - \$1000/day/dischARGE.
- (8) Discharge limit violations of nonconventional pollutants in Section 300.110. - \$100/pollutant/day. In addition, permittees with average daily mass limits will be assessed a surcharge on the pounds of individual pollutants over and above the average daily mass limits/day.

1/Conc. Limit x \$500 per pound per day.

- (9) pH violations - \$500 x pH s.u. above/below limit x duration in hundredths of an hour. For example, a discharge of pH 3.5 pH wastewater for 30 minutes would result in the following fine:

$$\$500 \times 1.5 \times .50 = \$375$$

For pH spikes as defined in 300.100 (C) the max/minimum pH will be used plus the total time of all exceedences.

- (10) Denial of access or interference with pretreatment inspector in the performance of his duties - \$500. If a search warrant is required - \$500 plus costs.

- (E) Nature of Remedies. Nothing contained in Section 500.100 (A) through (D) hereof, or elsewhere in this Part 500, shall be deemed to provide exclusive remedies for violations of this Ordinance or any Wastewater Discharge Permit issued hereunder; and all remedies contained in this Ordinance or as provided for by law are distinct, separate and cumulative. Further, all such remedies may be pursued individually, collectively and concurrently.

SECTION 500.105 REVIEW OF ADMINISTRATOR'S DETERMINATIONS.

Any person aggrieved by any administrative determination of the Administrator pursuant to Section 500.100 may have such determination reviewed by the Administrator as

provided for in Section 1304 of the District's Sewer Use Ordinance (No. 82-001). Any appeal therefrom shall be subject to the provisions of Section 1304(b) and (c) thereof; and except as expressly provided for therein, the provisions of Chapter 68 of the Wisconsin Statutes, as amended, shall not be applicable thereto.

SECTION 500.110 - REVOCATION OF PERMIT

In lieu of any administrative enforcement under Section 500.100 hereof or in addition thereto, any User who violates the conditions of its Wastewater Discharge Permit issued hereunder, may have its Permit summarily revoked by the Commission of the District as provided for in Section 66.902(3), Stats.

A holder of any such Permit does not acquire any vested right or privilege by being issued such a Permit. Industrial Users shall be notified of the termination of their Wastewater Discharge Permit.

SECTION 500.115 SPECIAL ORDERS.

As an alternative to or in addition to any enforcement provisions contained in this Ordinance, the Commission of the District may issue Special Orders in the name of the District, directing compliance with this Ordinance and/or any Wastewater Discharge Permit or Wastewater Hauler Discharge Permit issued hereunder, within a specified time. Such Special Orders shall be so issued pursuant to Sections 66.24(1)(d) and 66.902(2), 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, the Commission of the District does hereby designate the Administrator or his designee, to issue Special Orders in the name of the District in an emergency to prevent damage to the District'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, the Commission of the District may initiate an action for the remedies provided for in Section 147.21(2) through (5), 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 Section 500.100 hereof.

SECTION 500.120 JUDICIAL REMEDIES

If any person discharges sewage, industrial wastes, hazardous wastes, or other wastes into the District's sewerage system contrary to the provisions of this Ordinance or any Wastewater Discharge Permit or any other permit or order issued hereunder, the Commission, on behalf of the District, may commence an action for appropriate legal and/or other equitable relief in the Circuit Court of Walworth County, Wisconsin or in any other court of competent jurisdiction, which action may include the following requested relief:

- (A) Injunctive Relief - Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance, its Wastewater Discharge Permit, or order issued hereunder, such violation creates a public nuisance under

Section 823.02, Stats., and the District may obtain an injunction restraining or compelling activities of the Industrial User.

(B) Civil Penalties

- (1) Any person using the District's sewerage system without a Wastewater Discharge Permit for a use for which such a permit may be issued hereunder, or continuing to use the District's sewerage system after notice of termination or revocation of such permit, shall forfeit to the District the sum of \$500.00 for each violation, in addition to all other penalties provided for herein.. Each day or any part thereof during which such violation continues, shall be considered as a separate violation for purposes hereof.
- (2) Any Industrial User who has violated or continues to violate this Ordinance or its Wastewater Discharge Permit issued hereunder, shall forfeit not less than \$1000 nor more than \$10,000 for each day of violation, which sum shall include all administrative fines that may be levied pursuant to Section 500.100 hereof.. In addition, there shall be assessed as an additional penalty all of the total costs incurred by the District relative to the investigation, including monitoring, which led to the establishment of the violation.
- (3) Any Industrial User who violates or continues to violate this Pretreatment Ordinance or its Wastewater Discharge Permit issued hereunder, shall reimburse the District for all damages sustained by the District as a result of such violation, including but not limited to damages to District facilities, in addition to all other penalties imposed hereunder. Further, the District shall be entitled to receive for any Industrial User who violates this Ordinance or its Wastewater Discharge Permit issued hereunder, the District's reasonable attorney's fees, court costs, and any other applicable expenses associated with its enforcement activities.

SECTION 500.125 CRIMINAL PROSECUTION

(A) Violations - General

Any Industrial User who willfully or negligently violates any provision of this Pretreatment Ordinance, of a Wastewater Discharge Permit, or any order issued hereunder shall, upon conviction, be guilty of a crime, punishable by a fine of not less than \$1000 or imprisonment or both.

(B) Falsifying Information

Any Industrial User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this pretreatment ordinance, a wastewater discharge permit or order issued hereunder, or knowingly renders inaccurate any monitoring device or method

required under this Pretreatment Ordinance, upon conviction, shall be punished by a fine of not less than \$1000 or imprisonment or both.

(C) Miscellaneous

For purposes of the foregoing Sections 500.115 (A) and (B), the provisions of Sec. 147.21, Stats., shall control.

SECTION 500.130 PROTECTING INFORMANTS

(A). If the District receives a request under Ch. 19, Wis. Stats., for records that indicate, either explicitly or implicitly, the identity of an informant, then the Custodian of Records may deny access to the records upon finding that:

- (1) The District made a pledge of confidentiality to the informant;
- (2) The pledge of confidentiality was made to obtain information from the informant for the District's law enforcement activities;
- (3) The pledge of confidentiality was necessary to obtain the information from the informant; and
- (4) Disclosure of the informant's identity would harm the District's present or future law enforcement activities more than disclosure would benefit the public.

(B). If the Custodian of Records denies access to the records, then the Custodian of Records shall provide to the requestor specific reasons for denial.

SECTION 500.135 HAZARDOUS WASTE NOTIFICATION

The discharge of listed or characteristic hazardous waste is specifically prohibited by Section 300.105(C)(20) hereof. If a User violates this Ordinance and discharges such hazardous waste in violation thereof, this section applies, in addition to all other remedies provided for herein.

(A) Any User, except as specified in Subpart (D) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261, shall notify the District, the EPA Regional Waste Management Director, and the DNR, in writing, of such discharge.

(B) All hazardous waste notifications shall include:

- (1) The name of the hazardous waste as set forth in 40 CFR 261.
- (2) The EPA hazardous waste number.
- (3) The type of discharge (batch, continuous, or other).
- (4) A certification that the User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(C) Hazardous waste notifications shall be submitted no later than the effective date of this ordinance, except that User's commencing the discharge of

hazardous wastes after the effective date of this Ordinance, shall report any discharge of hazardous waste immediately.

- (D) Users are exempt from the hazardous waste notification requirement for pollutants already reported under 40 CFR 403.12(b),(d) and (e), (Reporting Requirements for Categorical Users).

SECTION 500.140 ANNUAL PUBLICATION OF INDUSTRIAL USER'S IN SIGNIFICANT NONCOMPLIANCE

The Administrator shall publish, at least annually in the official newspaper of the District, a description of those Industrial Users which are found to be in significant noncompliance, as defined in Section 200.110 (44) of this Pretreatment Ordinance, of any provision of this Ordinance or any permit, or order issued hereunder, during the period since the previous publication.

Adopted: _____, 1996

DNR Approval: _____, 1996

Published: _____, 1996