

SECTION 7 INDUSTRIAL SEWAGE PRETREATMENT

7.01 Purpose And Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the District and enables the District and the City of Sheboygan to comply with (applicable State and Federal laws required by the Clean Water Act of 1977 (Public Law 95-217) and the General Pretreatment Regulations (40 CFR, Page 403).

7.02 Definitions

Act Or "The Act"-The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code (USC) 1251, et. seq.

Authorized Representative Of Industrial User-An authorized representative of an industrial user may be:

- (a) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Chemical Oxygen Demand-The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in mg/l as determined in accordance with standard laboratory procedure as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

City-City of Sheboygan or City's delegated representative, if applicable.

CFR-Abbreviation for Code of Federal Regulations. (40 CFR, Part 403 is Title 40 of the Code of Federal Regulations, Part 403)

Consistent Removal-Consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of a pollutant in the influent to a POTW to a less toxic or harmless state in the effluent, which is achieved by that POTW.

Cooling Water-The water discharged from any use as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct Discharge-The discharge of treated or untreated wastewater directly to the waters of the State of Wisconsin.

Director-The chief administrative officer of a state or interstate water pollution control agency with an NPDES permit program approved pursuant to Section 402(b) of the Act and an approved state pretreatment program.

District Approving Authority-District Approving Authority or Approving Authority shall mean for the purpose of Section 9 "Enforcement of Wastewater Pretreatment Requirements" of Sanitary District 1 of the Town of Wilson", the superintendent of the Sheboygan Wastewater Treatment plant.

Environmental Protection Agency, Or EPA-The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Grab Sample-A sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding Tank Waste-Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge-The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW

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(including holding tank waste discharged into the system).

Industrial User-A source of indirect discharge.

Interference-The inhibition or disruption of the POTW treatment processes or operations, which contributes to a violation of any requirement of the City of Sheboygan's WPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal of use employed by the POTW.

National Categorical Pretreatment Standards, Categorical Standards, Or Pretreatment Standards-Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

National Prohibitive Discharge Standard Or Prohibitive Discharge Standard-Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Part 403.5.

New Source-Any source, the construction of which is commenced after the publication of any applicable proposed regulations that are prescribed by Section 307© of the Act (i.e., categorical pretreatment standards, which will be applicable to the source; 33 U.S.C. 1317).

Pollutant-Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pollution-The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment Or Treatment-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 or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR, Part 403.6(d).

Pretreatment Requirements-Any substantive or procedural requirement related to pretreatment, other than a categorical pretreatment standard imposed on an industrial user.

Publicly Owned Treatment Works (POTW)-A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1291) which is owned by a municipality. This definition includes any devices and systems used in the storage treatment, recycling and reclamation of municipal sewerage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. For the purposes of this Ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the Sheboygan POTW.

POTW Treatment Plant-That portion of the POTW designed to provide treatment of wastewater.

Standard Industrial Classification (SIC)-A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

SWDA-Abbreviation for Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

Toxic Pollutant-Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other Acts.

Upset-An exceptional incident in which a discharger is unintentionally and temporarily in a

state of noncompliance with the standards set forth in this Ordinance due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

USC-Abbreviation for United States Code.

USER-Any person, who contributes, causes or permits the contribution of wastewater into the District POTW or City of Sheboygan's POTW.

Wastewater Discharge Permit-Document issued jointly by the District to certain industrial users of the POTW to set forth the requirements and limitations for the industrial user.

Waters Of The State-All streams, lakes, ponds, marshes, watercourses, 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 upon the State or any portion thereof.

7.03 Regulations

General Discharge Prohibitions-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. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute any of the substances listed in Section 3.04 or the following substances to any POTW:

- (a) Any sludge, floats, skimmings, etc., generated by an industrial or commercial pretreatment system. Such sludges shall be contained, transported, and disposed of by haulers in accordance with all federal, state, and local regulations.
- (b) Any wastewater in coordination with other wastewater, which will cause the temperature of the raw wastewater entering the wastewater treatment plant to exceed 104° F (40°C).

National Categorical Pretreatment Standards-Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The District shall notify all affected users of the applicable reporting requirements under 40 CFR, Part 403.12.

Modification Of National Categorical Pretreatment Standards -Where the City's wastewater treatment system achieves consistent removal of pollutants limited by categorical pretreatment standards, the District may apply to the **director** for modification of specific limits in the categorical pretreatment standards. The District may then modify pollutant discharge limits in the categorical pretreatment standards if the requirements contained in 40 CFR, part 403, are fulfilled and prior approval from the director is obtained.

Specific Pollutant Limitations-No person shall discharge wastewater containing the following pollutants in excess of the following 24-hour average concentrations:

- 1.2 mg/l cadmium
- mg/l chromium (total)
- 4.5 mg/l copper
- 0.69 mg/l lead
- 4.1 mg/l nickel
- 4.2 mg/l zinc
- 5.0 mg/l cyanide

The categorical standards and/or pollutant limitations shall apply at the user's point of

discharge to the POTW unless otherwise specified by the federal rules and regulations, categorical standards, or the Superintendent.

Excessive Discharge (Dilution)-No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other pollutant-specific limitation developed by the District, City of Sheboygan or State. Dilution may, however, be an acceptable means of complying with pH and temperature prohibitions set forth in Chapter 1, Section 4.03 of the Ordinances of the District.

Accidental Discharges-Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or industrial user's own expense.

A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause such a dangerous discharge to occur, or who may suffer from such a discharge, are advised of the emergency notification procedure.

7.04 Industrial Monitoring Charge

It is the purpose of this division to provide for the recovery of costs for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Schedule of Charges and Fees to be prepared from time to time by the District.

The District will charge the industries that are required to obtain a wastewater discharge permit a permit fee, a sampling charge, and a laboratory analysis charge for permitting industries and sampling and analyzing industrial discharges. The fee schedule is as follows:

Initial Permit Fee	= \$780/industrial user/permit issuance
Permit Re-issuance Fee	= \$400/industrial user/permit re-issuance
Sampling Charge (24-hr Composite)	= \$120/sample location/sampling day
Sampling Charge (Grab)	= \$ 31/sample location/sample
Laboratory Analysis Charge	= As determined by commercial laboratories retained by the Sanitary District

Additional costs will be charged to industrial users on a case-by-case basis, as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees charged by the District.

7.05 Administration of Sewerage System-Wastewater Discharge Permits

(a) General Permits

All existing industrial users and all new industrial users proposing to connect or to contribute wastewater to the POTW shall obtain a wastewater discharge permit as required by this section, if:

- (1) The industry is subject to a promulgated national categorical pretreatment standard.
- (2) The industry has significant impact or has the potential to significantly impact, either singly or in combination with other contributing industries, the POTW or wastewater system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. The superintendent and the District Commission shall determine the significance of the impact of an industry's wastewater discharge.

Prior to making a determination under this section, all industrial users shall be afforded the opportunity to present statistical information, data and any other information necessary

supporting exemption from the provisions of this section.

(b) Permit Application.

Industrial users required to obtain a wastewater discharge permit shall complete and file with the District, an application in the form prescribed by the District, and accompanied by a permit fee as specified in Section 4.02 of this ordinance. Existing industrial users shall submit a permit application for a wastewater discharge permit within 90 days after the effective date of this ordinance and proposed new industrial users shall submit a permit application at least 90 days prior to connecting to or contributing to the POTW. Existing industrial users who will be required to be permitted according to Section 5.01 after changing their wastewater volume and/or characteristics shall be notified by the District of applicable reporting requirements and shall submit a permit application at least 90 days before the proposed process wastewater is discharged to the sewerage system. A 180-day baseline report can be submitted with the permit application to provide some of the data required for the permit application. The permit application shall be signed by an authorized representative of the industrial users, and certified to by a qualified professional.

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

- (1) Name of owners or operators, name, address, and location of company (if different from the address);
- (2) SIC number according to the Standard Industrial Classification (SIC) Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 3 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136, as amended. New source industrial users should estimate their wastewater constituents and characteristics;
- (4) Time and duration of wastewater contribution;
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans showing all sewers, sewer connections, sampling manholes, and appurtenances by size and location;
- (7) The nature and concentration of any pollutants in the discharge which are limited by any District, the City of Sheboygan, State or national categorical pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet applicable categorical pretreatment standards;
- (8) If additional pretreatment and/or operation and maintenance will be required to meet the categorical pretreatment standards, the industrial user shall submit the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard;

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 additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards or local pretreatment requirements (e.g., hiring an engineer,

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completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment shall exceed nine months.

b. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the District including, at a minimum, whether or not the industrial user complied with the increment of progress to be met on such date and, if not, the date on which the industrial user expects to comply with this increment of progress, the reason for 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 months elapse between such progress reports to the Superintendent.

(9) Any general information about production of products, industrial processes, raw materials processed, hours of operation of plant, or hours of operation of pretreatment system including all materials, which are or could be discharged.

(10) List of any environmental control permits held by the industrial user.

(11) Any other information as may be deemed by the District or Superintendent to be necessary to evaluate the permit application.

(c) Permit Modifications

The industrial user with an existing wastewater discharge permit shall submit to the District the information required by paragraphs (7) and (8) of Section 5.01 within 180 days after the promulgation of an applicable national categorical pretreatment standard.

The wastewater discharge permits shall be reissued to the industrial users within 270 days after the promulgation of the national categorical pretreatment standards to require compliance with such standard within the time frame prescribed by such standards.

(d) Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the District. Permits will contain all conditions as deemed appropriate by the District to ensure compliance with this Ordinance.

(e) Permits Duration

Permits shall be issued for a four-year period. The industrial user shall apply for a permit re-issuance a minimum of 90 days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements identified in Section 3 are modified or as other just causes exist. The industrial user shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit Transfer

Wastewater discharge permits are issued to a specific industrial user for a specific operation but are transferable subject to approval by the District. The industrial user must request the permit transfer at least 30 days before moving or changing ownership. Any succeeding owner or industrial user shall also comply with the terms and conditions of the existing permit.

7.06 Reporting Requirements For Permittee

(a) Compliance Date Report

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the

introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards and pretreatment requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical pretreatment standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical pretreatment standards and pretreatment requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(b) Periodic Compliance Reports

(1) Any industrial user subject to a pretreatment standard or requirement, after the compliance date of such categorical pretreatment standards or local pretreatment requirements, 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 June and December, unless required more frequently in the categorical pretreatment standard or by the District, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such categorical pretreatment standards or local pretreatment requirements. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District may agree to alter the months during which the above reports are to be submitted.

(2) The District may impose mass limitations based on amounts of raw materials used or products produced but will allow an increase in the mass limitations in proportion to increases in production or use of raw materials.

(3) The frequency of monitoring shall be prescribed in Chapter NR 212 of the Administrative Code. All analyses shall be performed in accordance with procedures established in Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1981, and/or established by the Administrator pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977," and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

7.07 Confidential Information

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. Wastewater constituents and characteristics will not be recognized as confidential information.