

Borski, Jennifer - DNR

From: Brian Kreski <Brian.Kreski@Appleton.org>
Sent: Tuesday, July 9, 2019 7:08 AM
To: Hodgson, Scott A.
Cc: Borski, Jennifer - DNR
Subject: RE: Mauthe Compliance Sampling
Attachments: 2018_2021_Final_Permit_NWMauthe_Footnote.pdf

Hi Scott,

I have attached a copy of the permit with red markup to delineate a minor error in the permit. This will be resolved upon the next renewal schedule in 2021 as it shows in the attached mark up. We eliminated the Aluminum requirement and also the footnote which references the compliance sampling schedule.

(7) The permittee shall monitor at least once during the period January 1 through June 30 for the pollutants listed in Part 1, Section C of this permit. This monitoring report is due July 15.

Please submit the Second Quarter Report per the schedule, but submit the full compliance results when they come in.

Thank you,

Brian J. Kreski

Brian Kreski
City of Appleton Department of Utilities
Environmental Programs Coordinator
2006 East Newberry Street
Appleton, WI 54915

Office: 920.832.2316
Mobile: 920.419.6735
Fax: 920.832.5949



<http://www.appleton.org/government/utilities/wastewater-treatment/compost-program>

From: Hodgson, Scott A. [mailto:Scott.Hodgson@terracon.com]
Sent: Monday, July 08, 2019 1:41 PM
To: Brian Kreski <Brian.Kreski@Appleton.org>
Cc: Borski, Jennifer - DNR <Jennifer.Borski@wisconsin.gov>
Subject: Mauthe Compliance Sampling

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Brian,

I just wanted to let you know that I was not able to collect the full annual compliance samples in June like usual. I will be collecting them with the regular monthly sampling this Wednesday. As such those annual results don't fall within the typical second quarter report, which is due by next Monday. Historically we have never come close to an exceedance of any analyte. Please let me know how you would like this reported:

1. Hold off on the Second Quarter Report to include those results;
2. Submit Second Quarter Report per the schedule, but submit the full compliance results when they come in; or
3. Just include within the Third Quarter Report.

Thanks.

Scott A. Hodgson, P.G.
Senior Project Manager | Environmental Services
Terracon

9856 S. 57th Street | Franklin, WI 53132
D (414) 209 7640 | F (414) 423 0566 | M (920) 791 9206*
sahodgson@terracon.com | www.terracon.com

***Note new mobile number**

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"... meeting community needs...enhancing quality of life."

Appleton Wastewater Treatment Facility
2006 East Newberry St., Appleton WI 54952
Telephone: (920) 832-5945
FAX: (920) 832-5949

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LETTER OF TRANSMITTAL

Jennifer Borski
Wisconsin Department of Natural Resources
625 E County Rd Y
Suite 700
Oshkosh, WI 54901

Date: May 31, 2018
Subject: Industrial User Discharge Permit
RENEWAL

We Are Sending You
The Following

Attached, Via: _____ Under Separate Cover Via:

- Shop Drawings Prints Plans Specifications
- Copy of Letter Contract / Agreement Calculations Report
- Other: Permit Renewal

Quantity	Date/No.	Description
1	5-31-2018	2018-2021 Industrial Wastewater Renewal

These Items Are Transmitted As Checked Below:

- For Distribution Reviewed Resubmit Copies / Review
- For Your Use Reviewed & Revised Submit Copies / Distribute
- As Requested Returned for Corrections Return Corrected Prints
- For Review & Comment Construction Examination & Approval Other: _____

Remarks:

Your application for an industrial user pretreatment permit has been reviewed and processed in accordance with section 20.4.

The enclosed permit, 18-21, covers the wastewater discharged from the facility located at 725 South Outagamie Street into the City of Appleton sewer system. All discharges from this facility and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit.

If you wish to appeal or challenge any conditions imposed in this permit, a petition shall be filed for modification or reissuance of this permit in accordance with the requirements of section 20-108, within 20 days of your receipt of this correspondence. Pursuant to section 20-108, failure to petition for reconsideration of the permit within the allotted time is deemed a waiver by the permittee of his right to challenge the terms of this permit.

Copy to:
Central File: 18-211-3g
Pretreatment File

Signed: 
Brian J. Kreski
Environmental Programs Coordinator

If Enclosures Are Not As Noted, Kindly Notify Us At Once



...meeting community needs...enhancing quality of life."

Department of Utilities
Wastewater Treatment Plant
2006 East Newberry Street
Appleton, Wisconsin 54915 – 2758
920 – 832 – 5945 tel.
920 – 832 – 5949 fax

COVER PAGE

Permit No. **18 – 21**

INDUSTRIAL USER (WASTEWATER DISCHARGE) PERMIT

In accordance with the provisions of Division 4 and 5, Article III, Chapter 20, Utilities, City of Appleton Ordinance,

**Wisconsin Department of Natural Resources
for the N. W. Mauthe Superfund Site
625 East County Road "Y", Suite 700
Oshkosh, Wisconsin 54901 – 9731**

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the City of Appleton sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the terms of this permit.

Noncompliance with any terms or condition of this permit shall constitute a violation of the Chapter 20, Utilities, City of Appleton Ordinance.

This permit shall become effective on the date of signature and shall expire at midnight on **May 31, 2021**.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Section 20-122, Chapter 20, Utilities, City of Appleton Ordinance, a minimum of 90 days prior to the expiration date.

By: _____

Chris Shaw
Director of Utilities

Issued this **31st** day of **May 2018**.

INTRODUCTION

Discharges from the outfall(s) regulated by this permit are subject to the local limits established by the City of Appleton in Section 20-83, Chapter 20, Utilities. These requirements are set forth in Part 1 of this permit.

PART 1 - EFFLUENT LIMITATIONS

A. Outfall(s) Description

Outfall 001 is located in the pretreatment building constructed solely to remediate groundwater collected from the property located at **725 South Outagamie Street**. This property, the former N. W. Mauthe Plating Company, is now a USEPA designated Superfund site. Discharged wastewater from this facility is not related to any current production activities and only represents contaminated groundwater remediation efforts at the site. As such, groundwater is collected from the boundaries (drawing water from adjacent residential drainage) of the former plating site with no active drainage serving the areas where extensive soil remediation has removed the highest pollutant concentrations.

Discharges to the sewer system can be accomplished in one of three ways:

1. Batch collection, pretreatment, process / analytical testing to confirm compliance, discharge, or
2. Batch collection, no pretreatment, process / analytical testing to confirm compliance, discharge, or
3. Continuous discharge with regular intervals of analytical testing to confirm compliance. This option is available after extensive site and process testing confirmed that groundwater continues to enter the site collection system at pollutant levels well below Local Limits for total chromium and hexavalent chromium.

All discharges, regardless of the option selected must be in compliance with permit limits at all times.

This outfall enters the City sewer system at manhole 30 - 14 on Melvin Street between the intersections of Douglas Street and Outagamie Street.

B. Effluent Limitations for pH

Outfall 001

(1) The pH of the permittee's discharge shall be greater than 5.0 s.u. and less than 12.4 s.u. at all times.

(a) Any wastewater which has continuous pH monitoring would constitute a violation or exceedance when one or more of the following conditions exist:

- Discharge pH is < 4.6 for 15 minutes or greater
- Discharge pH is >12.8 for 15 minutes or greater
- Discharge pH is > 4.6 but < 5.0 for 60 minutes or greater
- Discharge pH is > 12.4 but < 12.8 for 60 minutes or greater

C. Effluent Limitations

(1) Outfall 001

Applicable Categorical Pretreatment Standards

<u>Parameter</u>	<u>Daily maximum (mg/l)</u>	<u>Monthly average (mg/l)</u>
------------------	-----------------------------	-------------------------------

(THIS OUTFALL IS NOT REGULATED BY CATEGORICAL PRETREATMENT STANDARDS)

Discharge from this site is not associated with any current production activity.

Applicable Local Limits

Parameter : Daily Maximum : (mg/L or as noted) :

Arsenic, total	1.0	
Cadmium, total	0.3	
Chromium, total	7.0	
Copper, total	3.5	
Cyanide, total	1.0	
Lead, total	2.0	
Mercury, total	2.0	µg / L
Nickel, total	2.0	
Zinc, total	10.0	

This outfall must also comply with an additional limit for hexavalent Chromium of 4.5 mg / L. This parameter will be used to verify compliance as a process indicator for the pretreatment system and more specifically as a control limit for ground water discharges that are not pretreated for metals removal. In all cases discharge must be compliant with the Local Limit for total Chromium of 7.0 mg / L.

The discharge from **Outfall 001** shall comply with Sections 20-81 and 20-83, Chapter 20, Utilities; and PART 5 - PROHIBITIONS contained in this permit.

PART 2 - MONITORING REQUIREMENTS

A. Outfall 001

Samples shall be collected at **Outfall 001**.

<u>Sample Parameter (units)</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Analytical Method</u>
<i>(PROCESS COMPLIANCE PARAMETERS)</i>			
Flow (gpd)	for all discharge	Meter ²	
pH ³ (s.u.)	for treated discharge	Meter	
Chromium, total (mg/L)	1/month	FPC ⁴	200.7, 218.1, 218.2 or 218.3
Chromium, hexavalent (mg/L)	1/month ⁵	Grab ⁶	218.4
<i>(LOCAL LIMIT COMPLIANCE PARAMETERS)</i>			
Arsenic, total (mg/L)	1/year	FPC	206.2, 206.3, 206.4, or 206.5
Cadmium, total (mg/L)	1/year	FPC	200.7, 213.1 or 213.2
Chromium, total (mg/L)	1/year	FPC	200.7, 218.1, 218.2 or 218.3
Copper, total (mg/L)	1/year	FPC	200.7, 220.1 or 220.2
Cyanide, total (mg/L)	1/year	Grab	335.1 or 335.2
Lead, total (mg/L)	1/year	FPC	200.7, 239.1 or 239.2
Mercury, total (µg/L)	1/year	FPC	245.1 or 245.2
Nickel, total (mg/L)	1/year	FPC	200.7, 249.1 or 249.2
Zinc, total (mg/L)	1/year	FPC	200.7, 289.1 or 289.2

This will be added in the next permit reissuance. The footnote had been removed with the Aluminum deletion.

7

- (1) Current analytical methods are set forth in 40 CFR Part 136 or references cited in that regulation.
- (2) Daily flows are to be recorded from the permittee's flowmeter (Fisher Porter Mini Mag with "Smart DC Signal Converter: 50XM1000N"). This data will be compiled monthly and submitted quarterly for all discharges to the Pretreatment Coordinator for billing purposes. This model flowmeter does not require recalibration to ensure its accuracy unless there has been a hardware failure. *Signal converter performance must be verified annually to confirm hardware is not defective. Exemption from annual flowmeter calibration is for current model installation only.*
- (3) Daily high, low, and average pH values will be recorded for treated discharges, with any excursions beyond the limits set in the permit noted with an explanation of the cause of the excursion. This data will be compiled monthly and submitted no less than quarterly along with the flow data when pretreated batch discharges are implemented at the site. Continuous direct discharge of untreated groundwater will be tested for pH during sampling events.

(Part 2: Monitoring Requirements Cont.)

- (4) Flow Proportional Composite (FPC): the Director of Utilities may waive flow proportional composite sampling techniques for the permittee that demonstrates that flow proportional composite sampling is infeasible. In such cases time proportional sampling or grab sampling may be utilized.
- (5) During batch-wise discharge, hexavalent chromium testing (Hach method at a minimum) must be done as a process compliance verification on each groundwater batch. During continuous discharge of groundwater, laboratory hexavalent chromium testing must be done at least monthly. If any sample from a continuous discharge test is non-compliant with the hexavalent chromium limit of 4.5 mg/L, continuous discharge shall cease immediately and batch-wise pretreatment resume for the site until further determination for compliance can be made. Seasonal (weekly-April through October; monthly-November through March) laboratory hexavalent chromium testing can be reinstated at any time by the Control Authority if continuous discharge chromium concentrations trend near respective permit limits or chromium loading to POTW is considered a risk to treatment processes and/or environmental or human health.
- (6) Composite samples are not appropriate for these parameters; grab samples must be used for hexavalent chromium, pH, and cyanide.
- (7) The permittee shall monitor at least once during the period January 1 through June 30 for the pollutants listed in Part 1, Section C of this permit. This monitoring report is due July 15.

- B.** Monitoring shall represent production activities and discharges normally occurring during the reporting period.
- C.** All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of the Director of Utilities.
- D.** All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 or ch. NR 219, Wis. Admin. Code unless other sampling and analytical techniques are approved by the Department of Natural Resources and specified in the monitoring conditions of this permit.
- E.** All laboratory analyses of all required monitoring shall be performed in accordance with procedures and techniques set forth in 40 CFR part 136.
- F.** The permittee shall measure pH continuously when required by the Director of Utilities. When pH is measured otherwise, the permittee shall use either a portable pH meter or a grab sample free of acidic or alkaline preservatives.

PART 3 - (RESERVED)

PART 4 - REPORTING REQUIREMENTS

A. Report on Compliance with Categorical Pretreatment Standard

If the permittee is subject to a categorical pretreatment standard, the permittee shall submit a ninety (90) day report to the Director of Utilities including information described below. If the permittee is subject to equivalent mass or concentration limits, then the permittee shall include a reasonable measure of the permittee's long term production rate. If the permittee's categorical pretreatment standards are expressed in production based standards, the permittee shall report the user's actual production during the sampling period.

- (1) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).
- (2) The categorical pretreatment standard applicable to each regulated process.
 - (a) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Utilities, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass where required, shall be reported.
- (3) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

The report shall be submitted ninety (90) days after final compliance with the applicable categorical pretreatment standard.

B. Periodic Compliance Reports

During the months of June and December, unless required more frequently in the pretreatment standard or by the Director of Utilities, the permittee shall report the results of all sampling required in Part 2 A. of this permit. If the permittee is subject to equivalent mass or concentration limits, the report shall include a reasonable measure of the industrial user's long term production rate. If the permittee's categorical pretreatment standards are expressed in production based standards, the permittee shall report the actual production during the sampling period. If the permittee monitors a pollutant more frequently than required by this permit, then the permittee shall also report the results of this monitoring to the Director of Utilities. The report shall be submitted no later than July 15 for the June report and no later than January 15 for the December report.

(Part 4: Reporting Requirements Cont.)

C. Report of Violation and Resampling

If the results of the permittee's wastewater analysis indicates that a violation of this permit has occurred, the permittee must:

- (1) Inform the Director of Utilities of the violation within twenty-four (24) hours; and
- (2) Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within thirty (30) days of the first violation.

D. Report of Upsets, Spills, Slugs and other Emergencies

The permittee shall notify the Director of Utilities immediately of an upset, spill or other slug that has a reasonable potential to cause a violation of a pretreatment standard or has the potential to upset the POTW. The report shall contain the following information:

- (1) Location, date and time of discharge;
- (2) Character and volume of discharge;
- (3) Containment or corrective action taken by permittee.

Within five days of the report required above, the user shall submit a written report to the Director of Utilities describing the cause of the discharge, the duration of the discharge, and the measures to be taken to prevent similar discharges in the future.

E. Report of Changed Discharge

The permittee shall promptly notify the Director of Utilities in advance of any substantial change in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous wastes for which the permittee has submitted initial notification.

(Part 4: Report Requirements Cont.)

F. Report of Hazardous Waste Discharge

The permittee shall notify the Director of Utilities, in writing, of any discharge in to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste. A hazardous waste is:

- (1) Any amount of a substance that would be considered an acute hazardous waste according to 40 CFR 261.30(d) and 261.33(e) or s. NR 661.30(4) or 661.33(5), Wis. Admin. Code; or
- (2) Substances that:
 - (a) If otherwise disposed of would be considered hazardous waste under 40 CFR part 261 or ch. NR 661 and
 - (b) are discharged in quantities of fifteen (15) kilograms or more per month.

The report shall contain the following information:

- (1) Name of the hazardous waste;
- (2) The hazardous waste number;
- (3) Whether the discharge is continuous, batch or other;
- (4) A certification that the industrial 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. If the permittee discharges more than one hundred (100) kilograms of wastes described in (2) (a) above, the report shall contain the following additional information:
 - (a) Identification of the hazardous constituents in the waste;
 - (b) Estimation of the mass and concentration of such constituents in the wastestream discharged during each month;
 - (c) Estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) months.

The report shall be submitted no later than one hundred eighty (180) days after the commencement of the discharge or no later than ninety (90) days after new federal or state regulations define as a hazardous waste, substances that the user discharges in quantities that make the user subject to this section. This report need only be submitted once. Any reports of changed conditions should be submitted according to the requirements outlined in PART 4, Section E of this permit. If other reports required by the Director of Utilities contain the information required in the Hazardous Waste Report, then the Hazardous Waste Report is not required.

(Part 4: Reporting Requirements Cont.)

G. Sampling and Analyses Reporting

Records of sampling and analyses required for reports in this permit shall include:

- (1) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- (2) Who performed the sampling or measurements;
- (3) The date(s) analyses were performed;
- (4) Who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses

H. Report of Flow Meter Calibration

A statement from a qualified professional verifying that the flow meter has been calibrated shall be submitted with the Periodic Compliance Report for period ending in June or December, annually.

I. NR 101 Report

If the permittee is subject to NR 101 reporting requirements by the Department of Natural Resources, a copy of the annual NR 101 report shall be sent to the Director of Utilities.

J. Signatory Requirement

All applications, reports, or information submitted to the Director of Utilities must contain the following certification statement and be signed as required in Section 20-106, Chapter 20, Utilities and be signed by an authorized representative of the user, as required in Section 20-69, Chapter 20, Utilities.

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

(Part 4: Reporting Requirements Cont.)

K. Reporting Address

All reports required by this permit shall be submitted to the Environmental Programs Coordinator at the following address:

**City of Appleton
Environmental Programs Coordinator
2006 East Newberry Street
Appleton, WI 54915**

PART 5 - PROHIBITIONS

A. General Prohibitions

Pass Through and Interference

The permittee shall not introduce or cause to be introduced into the City of Appleton sewer system any pollutant or wastewater which causes pass through or interference. This general prohibition applies to all users of the sewer system whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

Pass through is the discharge of pollutants through the POTW to waters of the state in quantities or concentrations which, alone or in conjunction with the discharge or discharges from other sources, causes a violation or increases the magnitude or duration of a violation of any requirement of the POTW's WPDES permit.

Interference is the inhibition or disruption of a POTW's sewer system, treatment processes, or operations by a discharge which, alone or in conjunction with the discharge or discharges from other sources, causes a violation or increases the magnitude or duration of a violation of any requirement of the POTW's WPDES permit, including the impairment of the use or disposal of POTW sludge under ch. NR 204 Wis. Admin. Code.

B. Specific Prohibitions

The permittee shall not introduce or cause to be introduced into the City of Appleton sewer system any of the following substances, pollutants, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 °F (60°C) using the test method specified in 40 CFR 261.21;
- (2) Pollutants that will cause corrosive structural damage to the sewerage system, including but not limited to discharges with a pH lower than 5.0 s.u. or higher than 12.4 s.u.

(Part 5: Prohibitions Cont.)

- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the sewerage system or otherwise interfere with the operation of the POTW resulting in interference;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than 150 °F (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 °F (40 °C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in concentrations greater than twenty-five (25) mg/L;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Utilities in accordance with Section 20-94, Chapter 20, Utilities.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State and Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Utilities;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Director of Utilities in a wastewater discharge permit;

(Part 5: Prohibitions Cont.)

- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/L;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter; or
- (19) Wastewater containing any garbage that has not been ground by household type or other suitable garbage grinders.

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

C. Dilution Prohibition

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit. The Director of Utilities may impose mass limitations on permittees which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

D. Bypass Prohibition

A bypass is the intentional diversion of wastes from any portion of a permittee's treatment facility. For the purposes of this section, 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.

- (1) Bypass is prohibited, and the Director of Utilities may take enforcement action against a permittee for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(Part 5: Prohibitions Cont.)

- (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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance;
 - (c) The permittee submitted notices as required under paragraph (d) of this section.
- (2) The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
- (3) Notification of bypass:
- (a) Anticipated bypass. If the permittee knows in advance of the need for bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the Director of Utilities.
 - (b) Unanticipated bypass. The permittee shall orally notify the Director of Utilities within twenty-four (24) hours from the time the permittee becomes aware of the bypass. A written notice shall also be provided within five (5) days of the time the permittee becomes aware of the bypass.

This written report shall specify:

- (i) A description of the bypass, its cause, and its duration, including exact dates and times;
- (ii) Whether the bypass has been corrected; and
- (iii) The steps being taken or to be taken to reduce eliminate and prevent a reoccurrence of the bypass.

PART 6 - GENERAL CONDITIONS

A. Compliance With All Local, State and Federal Requirements

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

B. Compliance with Categorical Pretreatment Standards

All industrial users, except new sources, shall comply with the applicable categorical pretreatment standards within three (3) years from the effective date of the standard or within a shorter period if specified in the applicable standard. A direct discharger which becomes an industrial user after promulgation of an applicable categorical pretreatment standard may not be considered a new source unless it falls within the definition of a "new source" contained in Section 20-69, Chapter 20, Utilities.

C. Combined Wastestreams Alternative Limit Calculations

When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Utilities shall impose an alternate limit using the combined wastestream formula found in 40 CFR 403.6 (e).

Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the permittee may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the permittee chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the permittee chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The permittee may change monitoring points only after receiving approval from the Director of Utilities.

D. Slug Control Plans

The Director of Utilities will evaluate the permittee's need for a plan to control slug discharges. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. If the Director of Utilities decides that a slug control plan is needed, the permittee shall submit, at a minimum, the following information:

- (1) A description of discharge practices, including non-routine batch discharges;

(Part 6: General Conditions Cont.)

- (2) A description of stored chemicals
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 20-81, Chapter 20, Utilities
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of plant site run-off, 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.

E. Proper Disposal of Pretreatment Sludges

The permittee shall dispose of sludges generated by wastewater treatment sludges according to all applicable local, state and federal requirements.

F. Duty to Comply

The permittee shall comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for enforcement action as outlined in Division 10 of Article III; Chapter 20, Utilities, City of Appleton Ordinance.

G. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

H. Duty to Provide Information

The permittee shall furnish to the Director of Utilities any information requested to determine whether cause exists for modifying, revoking and reissuing this permit or to determine compliance with this permit. This information shall be furnished within ten (10) days of the request.

I. Property Rights

This permit does not create nor convey any property rights of any sort.

(Part 6: General Conditions Cont.)

J. Permit Modifications

This wastewater discharge permit may be modified to incorporate new or revised Federal, State or local pretreatment standards or requirements or for any other good causes including, but not limited to, those listed in Section 20-119, Chapter 20, Utilities.

K. Permit Transfer

This wastewater discharge permit is issued to the permittee for specific processes and operations at a specific location. If a person is seeking a transfer of the permit, that person must make application to the Director of Utilities prior to becoming the owner or operator of the facility. The permit transfer must comply with Section 20-120, Chapter 20, Utilities. If an owner or operator changes without prior approval of the Director of Utilities, then this permit is void.

L. Permit Termination

This wastewater discharge permit may be terminated for good cause, including, but not limited to those listed in Section 20-121, Chapter 20, Utilities.

M. Permit Appeal Process

The permittee may petition the Director of Utilities to reconsider the terms of this permit within twenty (20) days of its issuance in accordance with Section 20-118, Chapter 20, Utilities.

N. Permit Reissuance

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit at least ninety (90) days before the expiration date of this permit.

O. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- (1) The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.
- (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

(Part 6: General Conditions Cont.)

P. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

Q. Monitoring Location

The permittee shall not change the monitoring location of the discharge without the prior approval of the Director of Utilities. The Director of Utilities shall ensure that any change in the permittee's monitoring location will not allow the user to substitute dilution for adequate treatment.

R. Inspection and Entry

The permittee shall allow the Director of Utilities, or an authorized representative to enter the permittee's premises for the purposes of inspection, sampling or record access.

S. Record-keeping Requirements

- (1) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart records for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application.

This period may be extended by request of the Director of Utilities.

- (2) All records that pertain to matters that are the subject of special orders or any other enforcement of litigation activities shall be retained by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

T. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the referral of the permittee by the Director of Utilities to the proper authorities for criminal sanctions and/or civil penalties.

PART 7 - ENFORCEMENT AND PENALTIES

A. Annual Publication

A list of all industrial users which were in significant noncompliance at any time during the twelve (12) previous months shall be published at least annually by the Director of Utilities in the largest daily newspaper within its service area. For the purposes of this provision, a permittee is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6-) month period exceed any numeric pretreatment standard or requirement by any amount;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4) for BOD, TSS, fats, oils and grease, and (1.2) for all other pollutants except pH;
- (3) Any other discharge violation that the Director of Utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has imminent endangerment to the public or to the environment, or has resulted in the Director of Utilities exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty five (45) (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) which the Director of Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

(Part 7: Enforcement and Penalties Cont.)

B. Civil Liability

Nothing in this permit shall be construed to relieve the permittee from civil penalties for noncompliance under Section 20-187, Chapter 20, Utilities or State or Federal laws or regulations.

C. Penalties for Violations of Permit Conditions

- (1) Section 20-187, Chapter 20, Utilities, provides that any person who violates a permit condition shall be liable to the City of Appleton for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day.
- (2) Any person who willfully or negligently violates permit conditions may be subject to prosecution under the criminal laws of the State of Wisconsin or the United States, in addition to actions for civil remedies.