



Antea USA, Inc.
5910 Rice Creek Parkway, Suite 100
Shoreview, Minnesota 55126 USA
www.anteagroup.com

November 8, 2013

RECEIVED

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DNR - SUPERIOR

Steve Roberts
Environmental Services Division
City of Superior
51 E 1st Street
Superior WI, 54880

Subject: **Wastewater Discharge Permit Withdrawal**
Former Amoco Terminal
2904 Winter Street
Superior, Wisconsin
Permit No. 2011ANT5

Dear Mr. Roberts:

Antea Group operated a vapor extraction / total fluids recovery groundwater pump and treat (VE-TFRT) system at the former Amoco Terminal from January 11, 2005 to July 5, 2012. The VE-TFRT system removed hydrocarbon vapors and petroleum impacted groundwater at the former terminal. The recovered liquid-phase hydrocarbons were stored in an above-ground storage tank pending proper disposal, and extracted groundwater was treated and discharged into the City of Superior POTW sewer system under City of Superior permit number 2011ANT5 (Appendix A). Contaminant recovery decreased over time and system operation was terminated in July 2012. No groundwater was discharged in 2013.

On October 9, 2013 All Service Plumbing, at the request of Antea Group and with Wisconsin Department of Natural Resources approval, abandoned the groundwater remediation pump and treat system and sealed the connection to the City of Superior POTW sewer system. The abandoned connection between the VE-TFRT system and city sewer was inspected and photographed by City of Superior inspector Andrew Rausch on October 9, 2013 prior to surface grade being restored in the area of the former system. Appendix B contains photos of the subject treatment system prior to abandonment, the sealed connection to the City of Superior POTW sewer system, and surface restoration following abandonment.

Antea Group requests withdrawal of Industrial User Permit No. 2011ANT5. Please do not hesitate to contact me at (651) 697-5219 or Jonathan.Zimdars@AnteaGroup.com if you have any question or require additional information regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Zimdars".

Jonathan Zimdars
Senior Project Manager
651-697-5219
Jonathan.Zimdars@anteagroup.com
Antea Group

cc: Erin Endsley, WDNR
Tammy Wilman, City of Superior
Jay Thompson, Lake City Towing

Appendix A

Public Works Department
Environmental Services Division
51 East 1st Street
Superior, WI 54880



Safety / Pretreatment Coordinator
Phone:(715)394-0392, Ext. 131
Fax:(715)394-0406
E-mail: nelsond@ci.superior.wi.us

Antea Group
Attn: Jared Otto
5910 Rice Creek Parkway
Suite 100
Shoreview, MN 55126

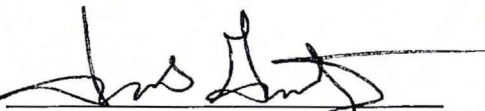
RE: Issuance of Industrial User Permit to Antea Group by the City of Superior
ESDPW.
Permit No. 2011ANT5

Dear Mr. Kalet:

Your application for an industrial user pretreatment permit has been reviewed and processed in accordance with Ch. 30 City of Superior Code of Ordinances (CSCO) and the Industrial Pretreatment Program (IPP).

The enclosed permit, 2011ANT5, covers the wastewater discharged from the facility located at 2904 Winter into the City of Superior POTW 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. Please note there has been a modification to the sampling requirements from the previous 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 IPP 4.A.2.3 within 30 days of your receipt of this correspondence. Pursuant to IPP 4.A.2.3, 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.

By: 
Jeff Goetzman, Public Works Director

1/07/2011
Date

Public Works Department
Environmental Services Division
51 East 1st Street
Superior, WI 54880



Safety and Pretreatment Coordinator
Phone:(715)394-0392, Ext. 131
Fax:(715)394-0406
E-mail: nelsond@ci.superior.wi.us

INDUSTRIAL USER PERMIT NO. 2011ANT5

In accordance with the provisions of CSCO Ch. 30 and IPP

Local Address:
Lake City Towing
2904 Winter Street
Superior, WI 54880

Mailing Address:
Antea Group Attn: Jared Otto
5910 Rice Creek Parkway, Suite 100
Shoreview, MN 55126

is hereby authorized to discharge treated petroleum contaminated groundwater from the above identified petroleum contaminated groundwater treatment facility located on the east side of the Lake City Towing property, inside the fence, just west of Maryland Avenue and through the outfall identified herein into the City of Superior POTW 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 term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the City of Superior POTW sewer use ordinance.

This permit shall become effective on January 1, 2011 and shall expire at midnight on December 31, 2015.

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 IPP 4.A.2.7, a minimum of 90 days prior to the expiration date.

By: Dan Romans
Dan Romans, Environmental Services Administrator

1-5-11
Date

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PART 1 - EFFLUENT LIMITATIONS

A. Description of Outfalls or Sample Points

During the period of January 1, 2011 to December 31, 2015 the permittee is authorized to discharge process wastewater to the City of Superior POTW sewer system from the outfalls listed below.

Description of outfall:

<u>Outfall or Sample Point</u>	<u>Description</u>
001	The effluent water sampling port is located near the north wall, inside the treatment building. The treatment building is located on the east side of the Lake City Towing property, inside the fence, just west of Maryland Avenue. The sampling port is fitted with a 3/8-in hose barb and operated by a brass ball valve, labeled "Effluent Sample Port". Alternatively, a sample may be obtained from upstream of the sample port inside the discharge tank, in the outfall reservoir.

B. Effluent Limits

During the period of January 1, 2011 to December 31, 2015 the discharge from outfall 001 shall not exceed the following effluent limitations. Effluent from this outfall consists of process waste and undiluted equipment/facility washdown waste.

<u>Parameter</u>	<u>Daily maximum (mg/l)</u>
BETX	1.0
Diesel Range Organics	50
Oil and grease	100
BOD	200
TSS	500
pH	5.5 – 9.5

C. General Prohibitions

The permittee shall not introduce or cause to be introduced into the City of Superior WWTP 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 chs. 144 and 147, Stats.

D. Specific Prohibitions

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

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60⁰ C) using the test methods specified in 40 C.F.R. '261.21;
2. Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 3 inches in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge or 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 one hundred and fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade), 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 104⁰F (40⁰C);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the Pretreatment Coordinator in accordance with IPP 3.E.4
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City of Superior POTW's WPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, untreated 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 Pretreatment Coordinator;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Pretreatment Coordinator in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test, or its sludge to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other regulations or criteria for sludge management and disposal as required by the State;
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 100 mg/l;
18. Wastewater containing any garbage that has not been ground by household type or other suitable garbage grinders;

19. Wastewater containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system;
20. Wastewater containing solids of such character and quantity that special and unusual attention is required for their handling; or
21. Wastewater containing any substance, which may affect the treatment plant's effluent and cause violation of the WPDES, permit requirements;

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 discharged to the POTW.

E. Compliance with Other Laws

All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in CSCO Ch. 30 and IPP, and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

PART 2 - MONITORING REQUIREMENTS

A. Parameters

From the period beginning on the effective date of the permit until December 31, 2015, the permittee shall monitor outfall #001 for the following parameters, at the indicated frequency:

<u>Sample Parameter (units)</u>	<u>Measurement Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (gpd)	Outfall 001 ¹	Continuous	Meter
BOD	Outfall 001	Semiannually ²	Grab ³
BETX	Outfall 001	Semiannually	Grab
DRO	Outfall 001	Semiannually	Grab
Oil/Grease (mg/l)	Outfall 001	Semiannually	Grab
TSS (mg/l)	Outfall 001	Semiannually	Grab
pH (su)	Outfall 001	Semiannually	Grab

¹ Outfall 001 is located near the north wall, inside the treatment building. The treatment building is located on the east side of the Lake City Towing property, inside the fence, just west of Maryland Avenue. The sampling port is fitted with a 3/8-in hose barb and operated by a brass ball valve, labeled "Effluent Sample Port". This valve may be used to obtain a representative sample. As an alternative, grab samples from the effluent discharge chamber immediately upstream of the hose barb valve may be used to obtain a representative sample.

² The six month sampling periods will run from January 1 through June 30 and from July 1 through December 31.

³ Grab samples for non-volatile samples will be a composite of well-mixed grab samples. At least 4 grab samples must be composited over the course of a normal workday to be analyzed as a single composite sample. Samples must be representative of the daily discharge to the POTW to the greatest extent possible. Grab samples for DRO will be a single grab.

B. Sampling and Analytical Techniques

All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with NR 219 Wis. Admin. Code and amendments thereto, unless other sampling and analytical techniques are approved by the DNR and specified in the monitoring conditions of this permit.

C. Laboratory Certification

All laboratory analyses of all required monitoring shall be performed by laboratories certified by the Department of Natural Resources.

PART 3 - REPORTING REQUIREMENTS

A. Periodic Compliance Reports

No later than July 15 and January 15 each year, the permittee shall submit a report indicating the nature and concentration of pollutants in the effluent subject to pretreatment standards or requirements for the previous six months. In addition, this report shall include a spreadsheet record of flows and pH for the reporting period for the regulated wastestreams, and any other information requested by the City of Superior POTW.

B. Data to be Representative

The Periodic Compliance Report shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report. This data shall be representative of conditions occurring during the reporting period. Frequency and timing of monitoring that is necessary to assess and assure compliance by permittees with applicable pretreatment standards and requirements shall be required.

C. All Monitoring Data to be Reported

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in Part 2. B. of this permit, the results of such monitoring shall be included in the permittee's self-monitoring reports.

D. Notification of Violation and Automatic Resampling

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

1. Inform the City of Superior POTW of the violation within 24 hours.
2. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation.

E. Irregular Discharge Report

1. The permittee shall notify the City of Superior POTW immediately upon the occurrence of an accidental discharge of substances prohibited by IPP 3.E.3 or any slug loads or spills that may enter the public sewer. During normal business hours the City of Superior POTW should be notified by telephone at (715) 394-0392 ext. 135. At all other times, the City of Superior POTW should be notified by telephone at (715) 394-0392 ext. 130 after 5 p.m. Monday - Friday or weekends and holidays. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws.
2. Within five days following an accidental discharge, the permittee shall submit to the City of Superior POTW a detailed written report. The report shall specify:
 - a. Description of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
 - b. Duration of noncompliance, including exact dates and times of non-compliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
 - c. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

F. Signatory Requirement

All applications, reports, or information submitted to the City of Superior POTW must contain the following certification statement and be signed as required in IPP 4.A.1.6 and NR 211.15(10):

"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."

G. Reporting Address

All reports required by this permit shall be submitted to the City of Superior POTW at the following address:

Superior WWTP
Attn.: Pretreatment Coordinator
51 East First Street
Superior, WI 54880

PART 4 - SPECIAL CONDITIONS

A. *Additional/Special Monitoring Requirements*

1. Possible biomonitoring or other toxicity to determine the toxicity of the discharge.
2. Possible Development of sludge disposal plan, slug loading control plan, or industrial user management practices.
3. Special notification and monitoring requirements that may be necessary to assess compliance with pretreatment standards and requirements when the permittee is a batch discharger.

B. *Reopener Clause*

1. This permit may be reopened and modified to incorporate any new or revised requirements contained in a National Categorical Pretreatment Standard promulgated for the metals fabrication industrial category (40 CFR Part 433).
2. This permit may be reopened and modified to incorporate any new or revised requirements developed by City of Superior POTW as are necessary to ensure POTW compliance with applicable sludge management requirements promulgated by EPA (40 CFR 503).

PART 5 - STANDARD CONDITIONS

A. General Conditions

1. **Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

2. **Duty to Comply**

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. **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.

4. **Permit Modification**

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements
- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit
- c. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge
- d. Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel or the receiving waters
- e. Violation of any terms or conditions of the permit

- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting
- g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13; or
- h. To correct typographical or other errors in the permit
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. **Permit Termination**

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports
- b. Tampering with monitoring equipment
- c. Refusing to allow timely access to the facility premises and records
- d. Failure to meet effluent limitations
- e. Failure to pay fines
- f. Failure to pay sewer charges
- g. Failure to meet compliance schedules.

6. **Permit Appeals**

The permittee may petition to appeal the terms of this permit within thirty (30) days of the notice.

This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The Wastewater Administrator shall not stay the effectiveness of this permit pending reconsideration. If, after considering the petition and any arguments put forth by the Pretreatment Coordinator, the Wastewater Administrator determines that reconsideration is proper, it shall remand the permit back to the Pretreatment Coordinator for reissuance. Those permit provisions being reconsidered by the Pretreatment Coordinator shall be stayed pending reissuance.

A Wastewater Administrator's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The permittee seeking judicial review of the Administrator's final action must do so by filing a complaint with the Circuit Court for Douglas County within 30 days.

7. **Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

8. **Limitation on Permit Transfer**

Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Pretreatment Coordinator:

- a. The permittee must give at least thirty (30) days advance notice to the Pretreatment Coordinator
- b. The notice must include a written certification by the new owner which:
 - (i) States that the new owner has no immediate intent to change the facility's operations and processes
 - (ii) Identifies the specific date on which the transfer is to occur
 - (iii) Acknowledges full responsibility for complying with the existing permit.

9. **Duty to Reapply**

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 90 days before the expiration date of this permit.

10. **Continuation of Expired Permits**

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

- a. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.
- b. 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.

11. **Compliance with Applicable Pretreatment Standards and 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. Operation And Maintenance Of Pollution Controls

1. **Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) 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.

2. **Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. **Bypass of Treatment Facilities**

- a. 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.
- b. Bypass is prohibited, and the City of Superior POTW may take enforcement action against a permittee for a bypass, unless
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) 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 preventative maintenance;

- (iii) The permittee submitted notices as required under paragraph d) of this section.
- c. 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.
- d. Notification of bypass:
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the City of Superior POTW.
 - (ii) Unanticipated bypass. The permittee shall orally notify the City of Superior POTW within 24 hours from the time the permittee becomes aware of the bypass. A written notice shall also be provided within 5 days of the time the permittee becomes aware of the bypass. This written report shall specify:
 - (A) A description of the bypass, its cause, and its duration, including exact dates and times;
 - (B) Whether the bypass has been corrected; and
 - (C) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
- e. The City of Superior POTW may approve an anticipated bypass, after considering its adverse effects, if the City of Superior POTW determines that it will meet the three conditions listed in paragraph a. of this section.

4. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act, and IPP 3.E.4.

5. **Dilution**

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 City of Superior POTW 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.

C. Monitoring And Records

1. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. 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 City of Superior POTW.

2. **Flow Measurements**

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. **Inspection and Entry**

The permittee shall allow the City of Superior POTW, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
- e. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

4. **Retention of Records**

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings 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 City of Superior POTW at any time.
- b. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Superior POTW shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. **Record Contents**

Records of sampling and analyses shall include:

- a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b. Who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. Who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

6. **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 imposition of criminal sanctions and/or civil penalties.

D. Additional Reporting Requirements

1. **Notification of Changed Discharge**

The permittee shall promptly notify the City of Superior POTW 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 under paragraph 4 of this section.

2. **Notification of Anticipated Noncompliance**

The permittee shall give advance notice to the City of Superior POTW of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. **Notification to POTW of Violation and Automatic Resampling**

If the results of the permittees's wastewater analysis indicates a violation has occurred, the permittee must notify the City of Superior POTW within 24 hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within 30 days after becoming aware of the initial violation.

4. **Operating Upsets**

An operating upset is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with IPP shall inform the City of Superior POTW within 24 hours of becoming aware of the upset at (715) 394-0392 ext. 135 or (715) 394-0392 ext. 130 after 5 p.m. Monday - Friday or weekends and holidays.

A written follow-up report of the upset shall be filed by the permittee with the City of Superior POTW within five days. The report shall specify:

- a. Description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status;
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

5. **Notification of Hazardous Wastes in Discharge**

The permittee shall notify the City of Superior POTW, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid and Hazardous Wastes in writing of discharges to the POTW of any amount of acute hazardous

waste or more than 15 kilograms per calendar month of hazardous waste, as defined under 40 C.F.R. part 261. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under paragraph 1. above.

In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the permittee must notify the City of Superior POTW, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid and Hazardous Wastes of such substance within 90 days of the effective date of such regulations. In the case of any notifications of hazardous waste discharges under this paragraph, the permittee shall certify that it 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.

6. **Slug Control Plans**

At least once every two years, the City of Superior POTW will evaluate whether permittees need a plan to control slug discharges. For purposes of this paragraph, 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 City of Superior POTW decides that a slug control plan is needed, the permittee shall submit, at a minimum, the following information:

- a. A description of discharge practices, including non-routine batch discharges;
- b. A description of stored chemicals;
- c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. 403.5(b), with procedures for follow-up written notification within five days;
- d. 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, 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.

7. **Duty to Provide Information**

The permittee shall furnish to the City of Superior POTW, within 5 business days any information which the City of Superior POTW may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also,

upon request, furnish to the City of Superior POTW within 5 business days copies of any records required to be kept by this permit.

8. **Signatory Requirements**

All applications, reports, or information submitted to the City of Superior POTW must contain the following certification statement in Part 3, section G.

E. Enforcement and Penalties

1. **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 City of Superior POTW 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:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the City of Superior POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in this permit or an enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;

- h. Any other violation or group of violations which the City of Superior determines will adversely affect the operation or implementation of the local pretreatment program.

2. **Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under IPP 4.G or State or Federal laws or regulations.

3. **Penalties for Violations of Permit Conditions**

The Industrial Pretreatment Program (IPP) provides that any person who violates a permit condition is subject to a civil penalty of up to \$1000 per day for each violation. Any person who willfully or negligently violates permit conditions is subject to criminal penalties of a fine of up to \$1000 per day for each violation, or by imprisonment for up to 2 years, or both. The permittee may also be subject to sanctions under State and/or Federal law.

4. **Recovery of Costs Incurred**

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or IPP or causing damage to or otherwise inhibiting the City of Superior POTW wastewater disposal system shall be liable to the City of Superior POTW for any expense, loss, or damage caused by such violation or discharge. The City of Superior POTW shall bill the permittee for the costs incurred by the City of Superior POTW for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of IPP.

Appendix B

Appendix B
Treatment system after construction



Sealed POTW sewer connection



Surface restoration following abandonment

