

WINNEBAGO AREA SANITARY DISTRICT
Winnebago County, Wisconsin
Ordinance No. 2021-2

WASTEWATER SERVICE REGULATIONS

The Sanitary Commission of the Winnebago Area Sanitary District do ordain as follows:

Section 1: § 24-4 STORM WATER CONNECTION WITH SANITARY
SEWERS PROHIBITED

No person shall connect any eaves trough, rain water leader, downspouts, cisterns, overflows, surface drains, unpolluted water from air conditioning systems, industrial cooling operations, swimming pools, or the like, in any manner so as to discharge into any public Sanitary Sewer which empties into the Wastewater System.

Section 2: § 24-5 REMOVAL REQUIRED OF EXISTING STORM WATER
CONNECTION WITH SANITARY SEWERS

Any Person, or any other owner having ownership or title to any building or structure or area in the territory of WASD, including residences, where on any eaves trough, water leader, downspout, cisterns, overflows, surface drains, unpolluted water from air conditioning systems, industrial cooling operations, swimming pools, or any other similar connection is presently attached, which directly or indirectly discharges into a public sanitary sewer shall remove such connection.

Section 3: § 24-6 DEFINITIONS

Unless the context of this Ordinance specifically indicates otherwise, the meaning of terms used herein shall be as follows:

- (A) **ACT** - Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended.
- (B) **AMMONIA NITROGEN (NH₃-N)** - One of the oxidation states of Nitrogen in which nitrogen is combined with Hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of Ammonia Nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

(C) **APPROVING AUTHORITY** - Wisconsin Department of Natural Resources, Industrial Pretreatment Control.

(D) **AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER**

(1) If the User is a corporation:

- (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including, but not limited to, having the explicit or implicit duty to make major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and/ or Commission to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the facility, and the written authorization is submitted to the Commission.

- (E) **B.O.D. or BIOCHEMICAL OXYGEN DEMAND** - The quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation or organic matter under standard laboratory procedure for five (5) days at 20 degrees Centigrade.
- (F) **BMPs or BEST MANAGEMENT PRACTICES** - The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 24-6.1(c), and 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (G) **BUILDING DRAIN** - The lowest horizontal piping of a drainage system which receives the discharges inside any building and conveys same to the building sewer by gravity flow.
- (H) **BUILDING SEWER** - That part of the plumbing system beginning at the immediate outside foundation or proposed foundation wall to its connection with the main of a public sewer, private sewer, private sewage disposal system or other point of disposal.
- (I) **CATEGORICAL INDUSTRIAL USER (CIU)** - An industrial User subject to a Categorical Pretreatment Standard or categorical standard.
- (J) **CATEGORICAL PRETREATMENT STANDARD** - National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial Users in specific industrial subcategories as established under the appropriate subpart of 40 CFR chapter I, subchapter N.
- (K) **CATEGORY A** - Those wastewater system Users who discharge wastewater with concentration of BOD₅, suspended solids, phosphorus and ammonia nitrogen equal to or less than 250, 250, 10 and 25 milligrams per liter (mg/l), respectively.
- (L) **CATEGORY B** - Those wastewater system Users who discharge wastewater with concentrations of BOD₅, suspended solids, phosphorus and ammonia nitrogen greater than 250, 250, 10 and 25 milligrams per liter (mg/l), respectively.
- (M) **CHLORINE REQUIREMENTS** - The amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods".

- (N) **CITY** - The City of Oshkosh, Winnebago County, Wisconsin.
- (O) **COMBINED SEWER** - A sewer intended to receive both wastewater and storm or surface water.
- (P) **COMMISSION** - The sanitary commission of WASD; or a duly authorized designee.
- (Q) **DISCHARGER** - Any Person or Industrial User discharging water or wastes to the WASD Wastewater System.
- (R) **EASEMENT** - An acquired legal right of the specific use of land owned by others.
- (S) **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.
- (T) **FLOATABLE OIL** - Oil, fat, or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- (U) **FOOD SERVICE ESTABLISHMENT (FSE)** - Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for retail or wholesale consumption foodstuffs, and that use one of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, blanching, roasting, or poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. The facilities include but are not limited to restaurants, bakeries, cafeterias, hotels, motels, hospitals, nursing homes, grocery stores, churches, caterers, convenience stores, movie theaters, and/ or other Users as determined by the Commission.
- (V) **GARBAGE** - Any solid wastes or residue from the preparation, cooking, or dispensing of food, or from the handling, storage or sale of food products or produce.
- (W) **GREASE AND OIL** - A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by a

solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with "Standard Methods".

- (X) **GREASE AND OIL OF ANIMAL AND VEGETABLE ORIGIN** - Material composed of primarily fats, oils, and grease (FOG) from animal or vegetable sources. These substances are less readily biodegradable in nature such as those which are discharged by meatpacking, vegetable oil, and fat industries, food processors, canneries, and Food Service Establishments (FSE).
- (Y) **GREASE AND OIL MINERAL ORIGIN** - Substances that are less readily biodegradable than grease and oil of animal or vegetable origin; and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes, storage depot wastes.
- (Z) **INDIRECT DISCHARGE** - Introduction of pollutants into the wastewater system from any non-domestic source regulated under Section 307(b) or (c) of the Act.
- (AA) **INDUSTRIAL USER** - A potential source of indirect discharge. Any industrial or commercial establishment, manufacturing facility, or processing facility that discharges non-domestic wastes to the wastewater system.
- (BB) **INDUSTRIAL WASTEWATER** - Shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage.
- (CC) **INTERFERENCE** - An inhibition or disruption of the wastewater system, its treatment process or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of WASD of Oshkosh's WPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by WASD.
- (DD) **INSTANTANEOUS LIMIT** - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (EE) **NATIONAL/FEDERAL PRETREATMENT STANDARD or PRETREATMENT STANDARD** - Any EPA regulation containing pollutant discharge limits, promulgated in accordance with the Act. This includes categories and prohibitions.

- (FF) **NATURAL OUTLET** - Any outlet, including Storm Sewers and combined overflows, into a Watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- (GG) **NEW SOURCE** - Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants regulated under this chapter, constructed after the publication of proposed Pretreatment Standards under Section 307(c) of the Act provided that (i) the building, structure, facility, or installation is on a site at which no other source is located; or (ii) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (iii) construction of a building, structure, facility or installation where the production, or wastewater generating processes are substantially independent of an existing source at the same site.
- (HH) **PARTS PER MILLION (ppm)** - A weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons (MG) of water.
- (II) **PASS THROUGH** - A discharge, which alone or in conjunction with a discharge or discharges from other sources, exits the POTW and is a cause of a violation of any requirement of the POTW's WPDES permit (including an increase in the magnitude or duration of a violation.)
- (JJ) **PERSON** - Any and all persons, including any individual, firm, company, municipal or private corporation, partnership association, society, institution, enterprise, governmental agency or other legal entity or their authorized representatives, agents or assigns.
- (KK) **pH** - The negative of the logarithm (to the base 10) of the Hydrogen ion concentration of a solution expressed in gram atoms per liter of solution. Neutral water for example, has a pH value of 7 and Hydrogen ion concentration of 10^{-7} .
- (LL) **POTW - PUBLICLY OWNED TREATMENT WORKS** - A treatment works, as defined in the Act, which is owned by the City. This definition includes any sewers that convey wastewaters to the City's Wastewater System from Persons outside the city who are, by contract or agreement with the City, Users of the City's Wastewater System.
- (MM) **PRETREATMENT** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant

properties in wastewater prior to or in lieu of discharge in or otherwise introducing such pollutants into a Wastewater System.

- (NN) **PUBLIC SEWER** - Any Sewer provided by or subject to the jurisdiction of either the City of Oshkosh or WASD. It shall also include Sewers within or outside the City or WASD boundaries that serve one or more Persons and ultimately discharge into the City Sanitary or Combined Sewer System, even though those Sewers may not have been constructed with City or WASD funds.
- (OO) **SANITARY SEWAGE - DOMESTIC WASTE** - The type of waste normally discharged from plumbing facilities in private dwellings including, but not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastes.
- (PP) **SANITARY SEWER** - A Sewer that carries liquid and water-carried wastes from resident and commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally into the Sanitary Sewer system.
- (QQ) **SANITARY WASTE HAULER or HAULER** - a Person, whether representing himself or another individual, a company, business or corporation engaged in the transportation of Septage from a point of origin to a point of disposal.
- (RR) **SEPTAGE** - scum, liquid, sludge, or other waste from a septic tank, absorption field holding tank, vault toilet, or privy. It does not include the waste from a grease trap unless mixed with other Septage.
- (SS) **SEWAGE** - The spent water of a community. The preferred term is "Wastewater".
- (TT) **SEWER** - A pipe or conduit that carries Wastewater or drainage water.
- (UU) **"SHALL"** is mandatory; **"MAY"** is permissible.
- (VV) **SIGNIFICANT INDUSTRIAL USER OR SIGNIFICANT USER (SIU)** - Any Industrial User of the City's Wastewater disposal system who:
 - (1) Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);

- (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- (3) Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8[f][6]);
- (4) Has a significant impact, either singly or in combination with other contributing industries, in the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system;
- (5) Is an Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N, or which discharges toxic pollutants in amounts potentially, or actually exceeding limits set forth in this Chapter;
- (6) Any other Industrial User designated as a Significant Industrial User by the Commission.

The Commission may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to the Commission's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
- (b) The Industrial User annually submits the certification statement required in Section 24-6.3(L)(2), together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater. Upon a finding that a User meeting the criteria in parts (1), (2), and (3) of this definition of a Significant Industrial User has no reasonable potential for adversely affecting the POTW's operation or for violating any

Pretreatment Standard or Requirement, the Commission may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such Industrial User should not be considered a Significant Industrial User.

- (WW) **SLUDGE** - Any solid, semi-solid or liquid waste generated from a municipal, commercial, or Industrial Wastewater Treatment Plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402, 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal act PL 94-580.
- (XX) **SLUG LOADING** - A discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non- customary batch discharge.
- (YY) **STANDARD METHODS** - The examination and analytical procedures set forth in 40 C.F.R. part 136.
- (ZZ) **STORM DRAIN** or **STORM SEWER** - A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
- (aa) **STORM WATER RUNOFF** - That portion of the rainfall that is drained into the sewers.
- (bb) **SUSPENDED SOLIDS** - Solids that either float on the surface of, or are in suspension in, water, Wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in 40 C.F.R. Part 136, and are referred to as non-filterable residue.
- (cc) **TOXIC POLLUTANT** - Those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.
- (dd) **UNPOLLUTED WATER** - Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and Wastewater treatment facilities provided.
- (ee) **USER** - Any Person that discharges, causes, or permits the discharge of wastewater into the wastewater system.

- (ff) **WASTEWATER** - A combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be incidentally present.
- (gg) **WASTEWATER CONSTITUENTS AND CHARACTERISTICS** - The individual chemical physical, bacteriological, and radiological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality, and strength of Wastewater.
- (hh) **WASTEWATER SYSTEM** - Shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (ii) **WATERCOURSE** - A natural or artificial channel for the passage of water either continuously or intermittently.
- (jj) **WPDES** - Wisconsin Pollutant Discharge Elimination System.
- (kk) **WASD** - the Winnebago Area Sanitary District.
- (ll) **PRESIDENT** - the President of the WASD sanitary commission.

Section 4: § 24-6.1 REGULATION OF THE WASTEWATER SYSTEM

(A) **Sanitary Sewers**

No Person(s) shall discharge or cause to be discharged, any Unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer. Storm Water Runoff from limited areas, which may be polluted at times, may be discharged to the Sanitary Sewer by permission of the Commission.

(B) **Storm Sewers**

Storm Water other than that exempted under Section 24-6.1(A), and all other Unpolluted drainage shall be discharged to such Sewers as are specifically designated as Storm Sewers or to a natural outlet approved by the Approving Commission and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the State of Wisconsin Department of Natural Resources and the Commission to a Storm Sewer, or natural outlet. No Sanitary Sewer shall be connected to the Storm Sewers.

(C) General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant as defined in this Section, or Wastewater which will interfere with the operation or performance of the Wastewater System or which causes or significantly contributes to Pass Through or Interference. These general prohibitions apply to all Users of the Wastewater System whether or not the User is subject to National Categorical Pretreatment Standards or requirements. Pollutants shall include:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the Wastewater System or any treatment process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the Wastewater Treatment Plant, or to exceed the limitations set forth in any local, State or National discharge standards.
- (3) Any waters or wastes having a pH lower than 5.0 s.u. or higher than 12.0 s.u. or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Wastewater System.
- (4) Solid or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, wax, grease, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders which will or may cause obstruction to the flow in Sewers, or other Interference with the proper operation of the Wastewater System.
- (5) Specific Pollutant Limitations (Local Limits) No Person shall discharge at any outfall entering the WASD Sewer System, Wastewater containing the following pollutants in excess of the following maximum 24-hour average concentrations or the maximum average concentration during the period of discharge if less than 24 hours.

Cadmium	1.2 mg/L
Chromium	7.0 mg/L
Copper	2.4 m/L
Lead	2.0 mg/L
Nickel	2.9 mg/L
Zinc	4.2 mg/L
Cyanide	1.9 mg/L
Silver	3.5 mg/L
Mercury	3.4 ug/L

OTHER CONSTITUENTS: Shall not contain other substances which are, or may become injurious or detrimental to the Wastewater System.

- (6) Radioactive wastes which exceed 1,000 micro curies, in the known absence of Strontium 90 and alpha emitters.
- (7) The following described substances, materials, waters, or waste shall be limited to discharge to the Wastewater System to concentrations or quantities which will not harm either the Sewers, Wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Commission may set limitations lower than the limitations established in the regulations below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Commission will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the Sewers, materials of construction of the Sewers, the Wastewater treatment process employed, capacity of the Wastewater Treatment Plant, degree of treatability of the waste in the Wastewater Treatment Plant, and other pertinent factors. The following materials or characteristics of water or Wastewaters shall not be permitted to be discharged to the Sanitary Sewer without approval of the Commission:
 - (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
 - (b) Wastewater containing more than 100 milligrams per liter of petroleum oil, non- biodegradable cutting oils, grease or other products of mineral oil origin.

- (c) Water or wastewater containing floatable oils, fat or grease of animal or vegetable origin in excess of 100 milligrams per liter.
- (d) Any garbage that has not been properly shredded, with no particle greater than 1/2 inch in any direction. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the Wastewater Treatment Plant exceeds the limits established by the Commission for such materials.
- (f) Any waters or wastes containing color producing or odor-producing substances exceeding limits which may be established by the Commission.
- (g) Any radioactive wastes of isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable State or Federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute Slug Loading as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the Wastewater treatment processes employed, or are amenable to treatment only to such degree that the Wastewater Treatment Plant effluent cannot meet the requirements of the agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes 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, form suspended solids which interfere with the Wastewater System, or create a condition deleterious to structures and treatment processes.
- (k) Materials which exert or cause:

- (1) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute an excessive load on the Wastewater Treatment Plant, in the opinion of the Commission.
- (2) Unusual volume of flow or concentration of wastes constituting "Slug Loading" as defined herein.
- (3) Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries, and lime residues or of dissolved solids (such as, but not limited to, sodium sulfate).
- (l) Water or waste containing chlorine above 5 mg/l.
- (m) Any trucked or hauled pollutants, except at discharge points designated by the Commission.

(D) Federal Categorical Pretreatment Standards

Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, Subchapter N. Existing sources which become Significant Industrial Users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing Significant Industrial Users except where such sources meet the definition of New Source as defined in Section 24-6 of this Code. New Sources shall install and have in operating condition, and shall "startup" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety [90] days), New Sources must meet all applicable Categorical Pretreatment Standards.

- (1) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Commission may convert the limits to equivalent limitations expressed as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. (Interpretations of this subparagraph shall conform to 40 CFR 403.6(c) General Pretreatment Regulations.)

(E) State Requirements

State of Wisconsin requirements and limitations on discharges to the Wastewater System shall be met by all industries which are subject to such standards in any instance in which these requirements and limitations are more stringent than Federal requirements and those in this or any other applicable ordinance.

(F) **Enforcement**

If any waters or wastes are discharged, or proposed to be discharged to the Wastewater System, that contain substances or possess the characteristics enumerated in Section 24-6.2, or that do not meet the requirements and limitations of applicable Federal Categorical Pretreatment Standards, or that do not meet State requirements and limitations on discharge to the Wastewater System, or that in the judgment of the Commission, may have deleterious effects upon the wastewater system, processes, equipment, or receiving waters, or that otherwise create a hazard to life or health, or constitute a public nuisance, the Commission may:

- (1) Reject the wastes.
- (2) Require either self-monitoring, or compliance monitoring in accordance with a schedule and by methods determined by the Commission.
- (3) Require pretreatment to an acceptable condition for discharge to the Public Sewers.
- (4) Require control over the quantities and rates of discharge.
- (5) Require payment to cover the added cost of monitoring, handling and treating the wastes not covered by existing Sewer charges, under the provisions of Section 24-6.5.
- (6) Revoke the Wastewater Discharge Permit.
- (7) Publish instances of significant noncompliance by Users.
- (8) Issue administrative orders and fines.
- (9) Seek civil action, including injunctive relief.
- (10) Refer a criminal investigation.

(11) Terminate service.

(G) Grease and/ or Sand Interceptors

Grease, oil, and sand interceptors, or other treatment equipment and/ or means, shall be provided in accordance with Wisconsin Administrative Code SPS 382.34 or when, in the opinion of the Commission, they are necessary for the proper handling of liquid wastes containing Floatable Grease in excessive amounts, as specified in Section 24-6.1(C), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured materials and shall create and maintain records including the date of inspection, condition of interceptor after pumping including repairs needed, name of hauler, how much was pumped, where waste was disposed of and a copy of the original manifest from the waste hauler which are subject to review by the Commission. Documentation must be retained for a period of no less than three years. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. This Section shall pertain to, but is not limited to, all businesses identified as Food Service Establishments (FSEs) by the Commission.

(H) Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard or requirement, no Discharger shall use potable water, Unpolluted Water, cooling water or process water in any way, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. The WASD may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or requirements or in other cases where the imposition of mass limitations is appropriate.

(I) Accidental Discharges

All Persons, commercial establishments and industries shall provide protection from accidental discharge or the introduction of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge or the introduction of

prohibited materials shall be provided and maintained at the potential Discharger's cost and expense. When requested by the Commission, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Commission for review, and shall be approved by the Commission before construction of the facility. Each existing Discharger, when required by the Commission, shall complete a plan pursuant to this Section and submit same to the Commission within 90 days of receipt of notice from the Commission. No industry which discharges to the Wastewater System shall be permitted to introduce Wastewater into the system until Accidental Discharge Protection Procedures have been approved by the Commission. Review and approval of such plans and operating procedures by the Commission shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance. Industries shall notify the President immediately upon the occurrence of a Slug Load, or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any industry that discharges a Slug Load of prohibited materials shall be liable for any expense, loss or damage to the WASD, in addition to the amount of any fines imposed on the WASD on account thereof under this ordinance, State or Federal law. Signs shall be permanently posted in conspicuous places on the Industry's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

(J) Best Management Practice

The Commission may develop Best Management Practices (BMPs), by ordinance or in individual Wastewater discharge permits, to implement Local Limits and the requirements of Section 24-6.1(C). Whenever BMPs are implemented, a report shall be submitted every 6 months (January-June and July-December) with information requested by the Commission. Each report is due within 15 days after the end of the reporting period. BMP reports will be due July 15th and January 15th of each year if required by the Commission.

(K) Contaminated Groundwater

Groundwater from known or suspected sites where contamination is likely to be present cannot be discharged to the Storm Water system without a WPDES permit issued by the Wisconsin Department of Natural Resources (DNR), and will not be allowed to be discharged to the Sanitary Collection System without prior notification to the Commission. All discharge requests

will be subject to requirements laid out in the Contaminated Groundwater Discharge Policy. A current copy of the policy is available by contacting the Industrial Pretreatment Coordinator

Section 5: § 24-6.2 SLUG DISCHARGE PLAN

WASD shall evaluate whether each Significant Industrial User needs a plan or other action to control Slug Loading. For industrial Users identified as significant prior to March 3, 2014, this evaluation shall have been conducted by February 1, 2015. Additional Significant Industrial Users shall be evaluated within 1 year of being designated as Significant Industrial Users. The results of such evaluation shall be available to the Commission upon request. If WASD decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying WASD 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 (5) days; and
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations; control of plant site run-off, 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. If a slug control plan is required, all slug control plan elements and requirements determined to be necessary by WASD for said industry shall be included in that industry's Industrial Discharge Permit. Industrial Users shall immediately notify WASD of any changes at the facility affecting the potential for a slug discharge and the need for a slug control plan as required by 40 C.F.R. 403.8 (f)(2)(vi) and s. NR 211.235(4)(a).

Section 6: § 24-6.3 CONTROL OF INDUSTRIAL WASTEWATER DISCHARGES

(A) Submission of General Discharge Data

Within 90 days after passage of this Ordinance, each User discharging Industrial Wastewater to the Wastewater System, if notified by the Commission, shall be required to obtain a discharge permit and file with the Commission an Industrial Wastewater Discharge Application and Baseline Report and survey, on forms to be furnished by the Commission. All new sources shall file an Industrial Wastewater Discharge Application prior to any discharge. If the Commission determines that the User should be designated as a Significant Industrial User, an additional Baseline Report will be required. The questionnaire must be signed by an Authorized Representative of the Industrial User, and certified by a qualified professional.

In support of the Baseline Report, the Industrial User shall submit, in units and terms specified in the application, the following information:

- (1) Name and address of the facility including the name of the operator and owners.
- (2) List of any environmental control permits held by or for the facility.
- (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such User. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.
- (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated process streams, and
 - (b) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR Section 403.6(e)
- (5) The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
 - (a) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and

average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations.

- (b) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportioned sampling techniques where feasible. The Commission may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportion sampling is infeasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.
 - (c) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (d) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 403.61(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration of mass limit has been calculated in accordance with Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW.
- (6) The Industrial User shall provide a statement, reviewed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the Industrial User to meet the National categorical Pretreatment Standards.
- (7) Similarly, each Industrial User desiring to make a new connection to the system, or modifying an existing process or connection to the system, shall be required to file with the Commission, a revised Industrial Wastewater Discharge Application, and baseline report, and

obtain a new wastewater discharge permit, if applicable, or modify the existing discharge permit before connecting to the Wastewater System.

(B) Submission of Federal Categorical Pretreatment Standards Data

Within 180 days after the promulgation of a Federal Categorical Pretreatment Standard, existing Industrial Users which become subject to these standards and who are currently discharging or scheduled to discharge into the Wastewater System will be required to submit to the Commission, a new Industrial Wastewater Discharge Permit Application, which includes a baseline report, to be furnished by the Commission.

(C) Submission of Information

Plans, specifications and any other pertinent information relating to proposed flow equalization and/or pretreatment of industrial wastewater shall be submitted for review to the Commission prior to the start of construction if the effluent from said equalization and/or pretreatment devices is to be discharged into the Wastewater System.

(D) Confidential Information

Information and data furnished to the Commission with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction, unless the industry specifically requests and is able to demonstrate to the satisfaction of the Commission that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the Industry. When requested by an industry furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, WPDES permit and/ or the Industrial Wastewater Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review of enforcement proceedings involving the Industry furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(E) Pretreatment

Where required, in the opinion of the Commission, to modify or eliminate wastes that interfere with the operation of the Wastewater System, or with the use or disposal of sludge, or are harmful to the structures, Sewers, equipment, processes or operation of the Wastewater treatment works or are otherwise incompatible with such works, or that pass through the treatment works and adversely affect the receiving stream or the environment, or that will endanger life, limb, public property, or constitute a nuisance, the Industrial User shall provide, at the User's expense, such preliminary treatment or processing facilities as may be determined to be required to render the industrial wastes acceptable for admission to the Public Sewers.

(1) Compliance Report

Within 90 days following the date for final compliance by an industry with applicable Pretreatment Standards or other Ordinance limitations, or in the case of a New Source, within 90 days following commencement of the introduction of Wastewater into the POTW, the Industrial User shall submit to the Commission a report containing the information described in Sec. 24-6.3(A)(3)(4)(5) and (6). For Industrial Users subject to equivalent mass or concentration limits established by the Commission with the procedures in 40 C.F.R. 403.(c), this report shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period.

(2) Compliance Schedule

- (a) Compliance schedules shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industry to comply with the requirements of this Ordinance, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract(s) for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance.
- (b) Under no circumstance shall any time increment for any single major event directed toward compliance exceed nine (9) months.

- (c) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the Industry shall submit a progress report to WASD, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industry to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to WASD.

(3) Periodic Compliance Reports

Any Industrial User subject to a Categorical Pretreatment Standard or other requirement set forth in this Ordinance, after the compliance date of such standard or requirement, or, in the case of a new industry, after commencement of the discharge to the Wastewater System, shall allow the Commission quarterly, unless required more frequently by the Commission, to monitor the nature and concentration of substances in the industrial effluent which are limited by the Pretreatment Standards and/or other requirements hereof, and which may be deemed to have significant impact on the POTW, its operation, maintenance or personnel. The cost of any or such monitoring performed at the industry as directed by the Commission shall be billed to the industry. The Commission may choose to directly perform such monitoring or contract services of an engineering firm to conduct the monitoring. Personnel from a contracted engineering firm shall be deemed Duly Authorized Representatives of the Commission, and shall have the right of entry to inspect, observe, and sample as provided for in Section 24-6.3(F) of this Ordinance. In addition, if required by the Commission, the industry shall submit a report to the Commission by June 31st and December 31st of each year, or other dates as established that must contain, but is not limited to, the following items:

- (a) A record of all measured or estimated average and maximum daily flows from designated points that occurred on the basis of actual measurement, provided, however, where cost or feasibility considerations justify, the Commission may accept reports of average and maximum flows estimated by verifiable techniques.

- (b) Volumes and dates of discharge of all batch tank contents discharged to the Sanitary Sewer during the reporting period and scheduled discharges during the next reporting period.
- (c) Certification statements, on forms provided by the Commission, as to the status of hazardous wastes and/or toxic organics stored on the Industrial premises or used in any of the industry's manufacturing processes and potentially discharged to the Sewer system.
- (d) The report shall be signed by an Authorized Representative of the Industrial User as outlined under 40 CFR 403.12(l).
- (e) If an Industrial User subject to the reporting requirement of this Section monitors any pollutant more frequently than required by the Commission, the results of this monitoring shall be included in the report.
- (f) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Industrial User must submit documentation as required by the Commission or Pretreatment Standard necessary to determine the compliance status of the Industrial User.

(F) Waste Sampling

All wastes discharged into the Public Sewers may be subject to periodic sampling, measurement and analysis to determine the true nature, characteristics, constituents and concentration of said wastes. The sampling, flow measuring and analysis may be done by the Commission at its option, with all cost being billed to industry. All results, findings and reports shall be submitted to the Commission within 30 days of sampling, unless required otherwise by the Commission.

- (1) Except as indicated in Section (2) and (3) below, the Industrial User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Commission. Where time-proportional composite sampling or grab sampling is authorized by the Commission, the samples must be representative of the discharge and the decision to allow alternative methods shall be documented in the Industrial User's file. Using protocols (including

appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Commission, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for Oil and Grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 24-6.3(A)(5)(b) and 24-6.3(E)(1), as well as 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Commission may authorize a lower minimum. For the reports required by Section 24-6.3(E)(3) and 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

If the sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the Commission within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

- (a) The Commission performs sampling at the Industrial User at a frequency of at least one per month, or
- (b) The Commission performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling, or

- (c) The Commission has performed the sampling and analysis in lieu of the Industrial User, in which case the Commission shall perform the repeat sampling and analysis unless it notifies the Industrial User of the violation and requires the Industrial User to perform repeat analysis.

All Industrial Users shall promptly notify the POTW in advance of any substantial change in volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under Sec. 24-6.3(A).

The Commission shall have the right to establish on the Discharger's property such devices as are necessary to conduct sampling, inspection, or flow monitoring operations. Industrial Wastewater monitoring shall be conducted in accordance with the methods and procedures contained in the publication entitled "City of Oshkosh Industrial Discharge Program Handbook." The Commission is hereby authorized to maintain and modify that program handbook as may be necessary to comply with State and Federal agencies and/or directives. A current copy of that handbook shall be maintained for public reading and copying in accordance with other applicable ordinances, in the office of WASD Secretary.

Samples shall be collected, handled, and preserved in such a manner as to be most representative of the waste or process stream. The sampling procedures shall follow U.S. Environmental Protection Agency (EPA) approved techniques. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis by the Commission.

The Commission may inspect the monitoring facilities of any Industrial Wastewater Discharger to determine compliance with the requirements of this Ordinance. The Discharger shall allow the Commission or its representatives, upon presentation of credentials of identification, to enter upon the premises of the Discharger for the purposes of inspection, sampling, or records examination.

Should the Discharger at any time, for any reason, refuse to allow inspection of the records relating to industrial discharges, then the Commission is hereby expressly authorized to seek a Special Inspection Warrant under Section 66.0119 of the Wisconsin Statutes.

- (a) Monitoring Facilities

Each Person discharging Industrial Wastewater shall provide and maintain at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each wastewater discharge to the Wastewater System. Each monitoring facility shall be situated on the Discharger's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the Commission may concur with the monitoring facility being constructed in the public street or sidewalk area provided that the facility is located so that access will not be obstructed. There shall be ample room in and near each facility to allow accurate sampling and preparation of samples for analysis. Plans for the monitoring facility and sampling and measuring equipment shall be approved by the Commission prior to commencement of construction. The facilities, including all equipment and appurtenances, shall be accessible at all times and shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger. All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction shall be completed within 120 days of receipt of plan approval from the Commission.

(b) Choice of Monitoring Location

Where a treated regulated process waste stream is combined prior to treatment with Wastewaters other than those generated by the regulated process, the Industrial User may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable pretreatment standards. If the Industrial User chooses to monitor the segregated process waste stream, it shall apply the applicable Categorical Pretreatment Standard. If the Industrial User chooses to monitor the combined waste stream, it shall apply an alternative discharge limit calculated using the combined waste stream formula as provided under 40 C.F.R. sc. 403.6(e). The Industrial User may change monitoring points only after receiving approval from the Commission. The Commission shall ensure that any change in an Industrial User's monitoring point(s) will not allow the Industrial User to substitute dilution for adequate treatment to achieve compliance with applicable standards.

(c) Analysis

All measurements, tests, and analyses of the characteristics of waters and waste to which reference is made in the Ordinance shall be determined in accordance with the analytical procedures described in Chapter NR 219 "Analytical Test Methods and Procedures," Wisconsin Administrative Code, the provisions of 40 C.F.R. Part 136, and the most recent edition of EPA's "Manual of Methods for Chemical Analysis of Water and Wastes."

Determination of the character and concentration of the industrial wastes shall be the responsibility of the Person discharging them, or their designated agent or representative. All costs will be billed to the Industry in accordance with the methods and procedures contained in this Ordinance. The Industrial User or Commission may request split samples.

(G) Wastewater Discharge Permit

No significant industrial User discharging Industrial Wastewaters into WASD's Wastewater System shall discharge or cause to be discharged into the Wastewater System any Wastewater except upon application to the Commission and upon receipt of a Wastewater Discharge Permit. Application for a Wastewater Discharge Permit shall be on a form furnished by the Commission. A Wastewater Discharge Permit shall be in addition to any other permit required for connection to the Public Sewer system. The fee required for a Wastewater Discharge Permit shall be \$20.00.

All existing Significant Industrial Wastewater Dischargers shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this ordinance.

Similarly, each Significant Industrial Wastewater Discharger desiring to make a new connection or to modify an existing process or connection to the Wastewater System shall apply for a new Wastewater Discharge Permit, at least 90 days before desiring such modification or connection and shall receive a permit before the process modification or connection is made to the Wastewater System. WASD shall may deny a Wastewater Discharge Permit to any applicant whose waste is unacceptable as a discharge to the POTW per the Ordinance.

(1) Individual Wastewater Discharge Permits must contain:

- (a) A statement that indicates the Wastewater Discharge Permit issuance date, expiration date and effective date;

- (b) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Commission in accordance with Section 24-6.3(4) of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
- (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (f) Requirements to control Slug Discharge, if determined by the Commission to be necessary.

(2) Permit Modifications

The Commission is hereby authorized to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the Commission with applicable laws and regulations. Within nine (9) months of the promulgation of a Federal Categorical Pretreatment Standard, the Wastewater Discharge Permit of each Discharger subject to such standard shall be revised to require compliance with such standards within the time frame prescribed by such standards. All Federal Categorical Pretreatment Standards promulgated after the adoption of this Ordinance shall be included, by reference, as a part of this Ordinance effective on the date of promulgation of the Pretreatment Standard. Where an existing Industrial User becomes subject to new Federal Categorical Pretreatment Standards after issuance of its original Wastewater Discharge Permit, the industrial discharger shall, within 180 days of issuance of the new standard, apply for a new Wastewater Discharge Permit from the Commission. The industry shall then be informed of any proposed changes in the

existing 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.

(3) Permits Duration

All Wastewater Discharge Permits shall be issued for a period not to exceed five (5) years, subject to amendment or revocation as provided in this Ordinance.

(4) Limitations on Permit Transfer

Wastewater Discharge Permits are issued to a specific Discharger for a specific operation and are not assignable to another Discharger, or transferable to any other location, without the prior written approval of the Commission, and until a copy of the permit is provided to the new discharger.

(5) Application Signatories and Certifications

- (a) All Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the Industrial User and contain the certification statement specified in Section 24- 6.3(L).
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matter for the industry, a new written authorization satisfying the requirements of this section must be submitted to the Pretreatment Coordinator prior to, or together with any reports to be signed by an Authorized Representative.

(H) **Sampling and Analysis Techniques**

Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Commission determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical

methods or any other applicable sampling and analytical procedures, including procedures suggested by the Commission.

(1) Use of Historical Data

The Commission may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(J) Specifics of Sampling and Methods of Analysis

The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards

The Commission shall require appropriate reporting from those Industrial Users with discharges that are not subject to Categorical Pretreatment standards. Significant Non-Categorical Industrial Users shall submit to the Commission at least once every six months (on dates specified by the Commission) a description of the nature, concentration, and flow of the pollutants required to be reported by the Commission. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. Sampling shall be conducted at the appropriate sampling location and shall be representative of conditions during the reporting period. If a User monitors any regulated pollutant more frequently than required by the Commission using procedures prescribed in Section 24-6.3(F), the results of this monitoring shall be included in the report. In cases where a local limit requires compliance with best management practices or pollution prevention alternative, the User shall submit documentation required by the Commission to determine the compliance status of the User. This sampling and analysis may be performed by the Commission in lieu of the Significant

Non-Categorical Industrial User. Where the Commission itself collects all the information required for the report, the Significant Non-Categorical Industrial User will not be required to submit the report.

The decision to sample any Industrial User not deemed a Significant Industrial User by the Commission shall rest with the Commission, and the requirements set forth in this chapter regulating Significant Industrial Users shall not prohibit the Commission from making arrangements with individual industries with regard to sampling and reporting requirements.

(K) **Certification Statements**

(1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver

The following certification statement is required to be signed and submitted by Industrial Users submitting permit applications in accordance with Section 24-6.3(G)(5); Users submitting baseline monitoring reports under Section 24-6.3(A); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 24-6.3(E)(1); Users submitting periodic compliance reports required by Section 24-6.3(E)(2); and Users submitting periodic compliance reports required by Section 24-6.3(K). The following certification statement must be signed by an Authorized Representative as defined in Section 24-6:

I certify under penalty of law that this document and all attachments were prepared under my direct supervision 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.

(2) Annual Certification for Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User by the Commission must annually submit the following certification statement signed by an Authorized Representative. This

certification must accompany an alternative report required by the Commission:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR 403, I certify that, to the best of my knowledge and belief that during the period from _____, to _____, _____, [months, days, year]:

- (a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 24-6.
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information: (User shall provide information deemed necessary to support their claim. Required information may include, but is not limited to, BMP protocols, daily discharge logs, hauled waste manifests.)

Section 7: § 24-6.301 SEPTAGE DISPOSAL

(A) Prohibition

It shall be unlawful for anyone to dispose of, or to cause the introduction of, Septage into WASD's wastewater system except upon application to the Commission and upon receipt of a Septage disposal permit. All disposals shall comply with the provisions of this section.

(B) Permit and Fees

All commercial and private Sanitary Waste Haulers shall secure a permit from WASD authorizing the discharge of Septage to the Wastewater System. Applications for permits, obtained at the Wastewater Treatment Plant, shall contain such information as the Commission determines is necessary including the number of vehicles to be used to transport Septage, the capacity of each vehicle, and the estimated volume of Septage to be transported for treatment per day or per week. Permits shall be issued for a two-year period

from January 1 through December 31 of the subsequent year or portion thereof, and shall expire on December 31 of the subsequent year.

Applications for renewal permits shall be made by October 31 of the year of expiration. A fee of Ten Dollars (\$10.00) shall accompany each application for new or renewal permit. A late fee of Five Dollars (\$5.00) shall be assessed for renewal applications filed after October 31. All fees shall be paid prior to issuance of any permit.

(C) Procedures

- (1) All requirements of Section 24-6.1 (Regulation of the Wastewater System) of this Chapter shall be observed.
- (2) Sanitary Waste Haulers, holding an active permit from the City of Oshkosh Wastewater Treatment Plant may discharge Septage at the Oshkosh Wastewater Treatment Plant, 233 Campbell Road, during scheduled hours, Monday through Saturday, excepting holidays.
- (3) Prior approval shall be required for the discharge of Septage at time periods or locations other than those specifically designated.
- (4) Discharge to the Wastewater System shall be at a location designated by the Commission. Discharge at any other location without prior written approval from the Commission shall be deemed a violation of this section.
- (5) Septage discharges shall be subject to periodic inspection and testing, and a determination of character and concentration of said wastes by the Commission. The determinations may be made by the waste generator or the permitted discharger and shall be submitted to the Commission as often as may be deemed necessary by the Commission.
- (6) Upon request of Oshkosh Wastewater Treatment Plant personnel, the Hauler shall provide a representative sample of the Septage to be discharged.
- (7) The Hauler shall cease the discharge of any waste determined to be incompatible with the Wastewater System.
- (8) A manifest form, supplied by the City of Oshkosh, shall be completed and filed with the Wastewater Treatment Plant at the time of each discharge.

- (9) The Hauler shall clean up all spills or other deposits resulting from its activity at any point in the City of Oshkosh or the territory of WASD.

(D) Grease Trap Waste

Grease trap waste will not be accepted unless it is mixed with other Septage. A maximum limit of 2,000 gallons per month will be accepted from each permitted hauler. The amount of grease in each load shall be clearly noted on the manifest sheet, and it will be the responsibility of the hauler not to exceed the monthly discharge limit. Any request for discharge above the maximum monthly limit shall require prior notification and authorization of POTW personnel.

(E) Service Charges

All Septage discharged into the Wastewater System shall be charged the fees specified in Section 24-6.5(E)(4) of this Chapter. Additional charges may be levied for Wastewater discharge of unusual strength, damage to the Wastewater System, its structures or apparatus, or restoration of the discharge area required as a result of spills or other Hauler activities.

(F) Non-compliance and Penalties

- (1) Failure to comply with the provisions of this Section shall subject the violator to suspension of the permit for 30 days for the first violation and for 90 days for the second violation, all within two year permit time. Appeal may be had to the Commission.
- (2) In addition to the foregoing, any person who violates any provision of this Section, upon conviction thereof, shall forfeit not less than One Thousand Twenty-five Dollars (\$1,025.00) nor more than Five Thousand Dollars (\$5,000.00), together with the costs of prosecution. Each violation, even though such violations shall be consecutive, shall constitute a separate offense. Nothing in this Section shall be construed to limit additional enforcement actions.

Section 8: § 24-6.4 INDUSTRIAL WASTEWATER DISCHARGE PROGRAM CHARGES

(A) Industrial Wastewater Monitoring Program Financial Program

The Commission is hereby authorized to establish, maintain, and modify as necessary, a financial program for industrial monitoring which meets the

requirements of the State and Federal agencies having jurisdiction over this program. This financial program shall meet the following objectives:

- (1) It shall minimize the cost to all industries included in the Industrial Wastewater monitoring program.
- (2) It shall insure that all costs associated with the Industrial Wastewater monitoring program are borne by the industries included in this program in an equitable manner.

The Commission shall delineate, and shall keep current, the methods and procedures associated with this financial program. These methods and procedures shall be as delineated in the publication entitled " City of Oshkosh Industrial Wastewater Discharge Handbook." A copy of this Handbook shall be kept available for reading and copying in the City Clerk's Office located in City Hall.

(B) Billing Practices for the Industrial Wastewater Discharge Program

(1) Billing Period

Program charges shall be billed separately from the Sewer User charges, semi-annually.

(2) Payment

Program charges shall be payable on or before the 15th day of each collection month.

(3) Penalties

Program charges levied in accordance with this Ordinance shall be a debt due to WASD and shall be a lien upon the property. If this debt is not paid within 30 days after becoming due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of WASD against the industry, the property owner, or both.

In the event of failure to pay Program charges after they become delinquent, WASD shall have the right to remove or close Sewer connections and enter upon the property for accomplishing such purposes.

The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to WASD and a lien on the property and may be recovered

by civil action in the name of WASD against the industry, the property owner, or both.

Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(C) Audits and Adjustments

Following the annual audit in accordance with Section 24-6.9; all adjustments shall be made to each industry's account to reflect costs on the next semi-annual billing.

Section 9: § 24-6.6 **RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION**

(A) Right of Entry

The President, President, Plumbing Supervisor, or other Duly Authorized Representatives or employees of WASD, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this Ordinance and Section 196.171 of the Wisconsin Statutes. If the right to entry as herein specifically granted is refused, then the Commission is hereby expressly authorized to seek a Special Inspection Warrant under Section 66.0119 of the Wisconsin Statutes.

(B) Safety

While performing the necessary work on private premises referred to in Section 24-6.6(A), WASD employees or Duly Authorized Representatives shall observe all safety rules applicable to the premises established by the company.

Section 10: § 24-6.7 **VIOLATIONS AND PENALTIES**

(A) Administrative Enforcement Remedies

(1) Notification of Violation

When the Commission finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or Order issued hereunder, or any other pretreatment standard

or requirement, the Commission may serve upon that User a written Notice of Violation. Within thirty (30) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Commission. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if WASD performs sampling at the User's facility at least once a month, or if WASD performs sampling at the User between the time when the initial sampling was conducted and the time when the User or WASD receives the results of this sampling, or if WASD has performed the sampling and analysis in lieu of the Industrial User. Nothing in this Section shall limit the Commission of the Commission to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(2) Consent Orders

The Commission may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 24-6.7(A)(4) and (5) of this Ordinance and shall be judicially enforceable.

(3) Show Cause Hearing

The Commission may order a User which has violated, or continues to violate, any provisions of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Commission and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action

should not be taken. The notice of the meeting shall be served personally or by registered or certified mail return receipt requested) at least five (5) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(4) Compliance Orders

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

(5) Cease and Desist Orders

When the Commission finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to reoccur, the Commission may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar

against, or a prerequisite for, taking any other action against the User.

(6) Emergency Suspensions

The Commission may immediately suspend a User's discharge, with limited and or no prior notice, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Commission may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to individuals or the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Commission may take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals or the environment. The Commission may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Commission that the danger has passed, unless the termination proceedings in Section 24-6.7(A)(7) of this Ordinance are initiated against the User. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Commission prior to the date of any show cause or termination hearing under Sections 24-6.7(3) or (7) of this ordinance. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section. If the cause of the emergency suspension cannot be rectified the Commission may move to terminate the discharge under conditions of Section 24-6.7(A)(7).

(7) Termination of Discharge

In addition to any other provisions in this Ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of Wastewater Discharge Permit conditions;
- (b) Failure to accurately report the Wastewater Constituents and Characteristics of its discharge;
- (c) Failure to report significant changes in operations, volume, or Wastewater Constituents and Characteristics prior to discharge;
- (d) Refusal of reasonable access to the Users premises for the purposes of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in this Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 24-6.7(A)(3) of this Ordinance why the proposed action should not be taken. Exercise of this option by the Commission shall not be a bar to, or a prerequisite for, taking any other action against the User.

(B) Judicial Enforcement Remedies

(1) Injunctive Relief

When the Commission finds that User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, or Order issued hereunder, or any other pretreatment standard or requirement, the Commission may petition the circuit court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, Order, or other requirement imposed by this Ordinance on activities of the User. The Commission may also seek such other action as is appropriate for legal and/ or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(C) Civil Penalties

- (1) A User who has violated, or continues to violate, any provision of this Ordinance, Wastewater Discharge Permit, or Order issued hereunder, or any other pretreatment standard or requirement shall be liable to WASD for a civil penalty of not less than \$1025 nor more than \$5000

per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (2) The Commission may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by WASD.
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, corrective actions by the User, the compliance history of the User, and any other factor.
- (4) Issuance of a citation, or filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(D) Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Commission may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with WASD's Enforcement Response Plan. However, the Commission may take other action against any User when the circumstances warrant. Further, the Commission is empowered to take more than one enforcement action against any noncompliant User.

(E) Supplemental Enforcement Action - Termination of Water Service

The Commission may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, Wastewater Discharge Permit, or Order issued hereunder, or any other pretreatment standard or requirement. Water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(F) Accidental Discharge

Any person found to be responsible for allowing a deleterious discharge into the Sewer System which causes damage to the treatment facility and/or

receiving body of water shall, in addition to a fine, pay the amount to cover the damages, both values to be established by the Commission.

(G) Continued Violation

Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue, or permit to continue any violation upon receiving notice from the Commission shall, upon conviction thereof, forfeit not less than One Thousand Twenty-five Dollars (\$1,025.00) and not more than Five Thousand Dollars (\$5,000.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Winnebago County Jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(H) Liability to City for Losses

Any person violating any provision of this Ordinance shall be liable to WASD for any expense, loss, or damage occasioned by reason of such violation.

(I) Annual Publication of Violators

A list of all Industrial Users which, during the past 12 months, were significantly in noncompliance with the applicable pretreatment standards and Industrial Wastewater Discharge Program requirements of this Ordinance shall be published at least annually, by the Commission, in a newspaper of general circulation that provides meaningful public notice in the area served by the POTW. A Significant Industrial User has been in significant noncompliance if the User meets any criteria specified in Subsections (1)-(8) below. A Non-Significant Industrial User has been in significant noncompliance if the User meets criteria specified in Subsections (3), (4), or (8) below.

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements of the Industrial User's Wastewater for the same pollutant taken during a six-month period exceeded (by any magnitude) any numeric pretreatment standard or requirement including an instantaneous limit.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements of the Industrial User's Wastewater for the same pollutant parameter

taken during a six month period equaled or exceeded the product of the numeric pretreatment standard or requirement including an instantaneous 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, or exceeded a pH limit by 0.4 standard units).

- (3) Any other violation of a pretreatment standard or requirement that the Commission 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);
- (4) Any discharge of a pollutant that has caused harm, or a reasonable likelihood of harm, to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency Commission to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, a required report containing all required monitoring results and other information, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately or timely report non-compliance;
- (8) Any other violation, or group of violations, which may include a violation of required Best Management Practices which adversely affects the operation or implementation of the local pretreatment program.

(J) Right of Appeal

Any industry or other Discharger shall have the right to request, in writing, within 20 days of receiving a Wastewater Discharge Permit or enforcement action, an interpretation or ruling from the Commission on any matter covered by this Ordinance and shall be entitled to a prompt written reply. Receipt of a request under this paragraph shall not automatically stay enforcement proceedings, and the Industrial User shall continue to be bound by the terms of its permit.

(K) Records Retention

All Industrial Users subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of an Industry in connection with its discharge. Upon request of the Commission, all Users shall make available for inspection and copying, all records pertaining to any monitoring activities required by this ordinance, any additional records pertaining to monitoring activities undertaken by the User independent of such requirements, and documentation pertaining to Best Management Practices established under Section 24-6.1(J). Records shall include the date, location, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. All records which pertain to matters of enforcement or litigation activities brought by the Commission pursuant hereto, shall be retained and preserved by the industry until all enforcement activities have concluded, and all period of limitation with respect to any and all appeals have expired

(L) Hazardous Wastes

The Industrial User shall notify WASD, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid and Hazardous Waste Management in writing of any discharge into the POTW of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste under 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User:

- (1) An identification of the hazardous constituents contained in the wastes; and
- (2) An estimation of the mass and concentration of such constituents in the waste stream discharge during that calendar month; and

- (3) An estimation of the mass constituents in the waste stream expected to be discharged during the following twelve (12) months. In the case of any notification made under this Subsection, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the lowest degree possible using the best available technologies and procedures.

(M) Bypass

Bypass is the intentional diversion of waste streams from any portion of an Industrial User's pretreatment facility. Bypass is prohibited under this Chapter unless:

- (1) The bypass was unavoidable to prevent the loss of life, personal injury, or 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 (but severe property damage does not mean economic loss caused by delays in production); and
- (2) There were no reasonable alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or proper maintenance during periods of equipment downtime to prevent failure; and
- (3) The Industrial User submitted a notice of an anticipated bypass and received a written approval from the Commission, or the Industrial User submitted an oral notice of an unanticipated bypass within 24 hours, and a written submission within 5 days of the time the Industrial User becomes aware of the bypass. Such written submission shall include:
 - (a) A description of the bypass and its cause; and
 - (b) The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and
 - (c) The steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

The Commission may approve an anticipated bypass, after considering its adverse effects, if the Commission determines that it will meet the three conditions listed above under (1), (2) and (3).

Section 11: If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of this Ordinance that can be given effect without the invalid or unconstitutional provision or application.

Section 12: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 13: This Ordinance shall be in full force and effect from and after its date of adoption and notice to the public as required by law.

Section 14: Sanitary District personnel are hereby authorized and directed to make all further actions necessary to enact this Ordinance.

Adopted this 24 day of MAY, 2021.

WINNEBAGO AREA SANITARY DISTRICT

By: Jim Erdman - PR.
Jim Erdman, President

ATTEST:

By: 
Jeannette Merten, Secretary

Noticed to the public on: 6-1-2021