

Appendix F

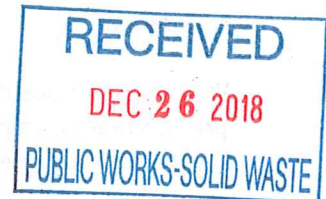
Leachate Treatment Agreement

Dane Metropolitan Sewerage District

1610 Moorland Road • Madison, WI 53713-3398 • Telephone (608) 222-1201 • Fax (608) 222-2703 • madsewer.org

December 20, 2018

Mr. John Welch
Solid Waste - Dane County Public Works
1919 Alliant Energy Center Way
Madison, WI 53713



Dear Mr. Welch,

Enclosed is the industrial wastewater discharge permit covering the discharges from the Dane County #2 Rodefild Landfill in Madison, WI. The permit is being issued because the landfill gas treatment system currently under construction will contain an industrial pretreatment system that will ensure that wastewater pH limitations will be met. Please review the permit, especially the reporting requirements, closely.

We did not use the industrial permit application in this permitting process. We did meet and discuss the project and the permitting process at several times. The permit, in section 4.03, does provide requirements of a report required by the federal and state pretreatment program; the District feels that this report will adequately replace any permit application. Please prepare the **Baseline Monitoring Report** as soon as possible and before any new process wastewater discharges are sent to the sanitary sewer system.

Section 4.03 also has requirements for a report that is termed the **90-Day Compliance Report**. As the name suggests, the report must be submitted within the first 90-days following the commencement of wastewater discharges from the new gas treatment system.

Section 4.01 contains a requirement to prepare plans and specifications for wastewater pretreatment equipment (the pH neutralization system). This is done in accordance with Wisconsin Admin Code NR108 – “**Review of Proposed Treatment Facilities**”. Please send the plans and specs to WDNR as instructed on their web page and also submit the information to the District. This report should be submitted before January 20th, 2019.

In this startup period, I expect that we will routinely communicate the status of the pretreatment equipment including review of effluent analytical data. Modifications of permit requirements are allowable over time as solid wastes-DCPW and the District become familiar with the process and the effluent quality. As noted often during our pre-permitting discussions, the sanitary sewer system will need to be observed over time for any impacts due to sulfur loadings. We will share significant findings related to the sanitary sewer system or the operation of the wastewater treatment plant with solid wastes-DCPW.

Our annual inspections of permitted sites present a good time for us to review the current situation and to look to the future. Expect at least annual inspections of the site by the District pretreatment coordinator.

We bill each industrial permittee, annually, in late December or January – the first industrial pretreatment invoice would be prepared and issued to solid waste-DCPW about one year from now. The bill recovers our administrative, sampling, and analytical costs.

Please do not hesitate to contact me at 222-1201 ext: 362 (or mobile: 218-0867) on these permitting or other matters.

Sincerely,



Ralph Erickson
Pretreatment and Waste Acceptance Coordinator

Encl. permit

INDUSTRIAL WASTEWATER DISCHARGE PERMIT IP-44.01

In accordance with the provisions of Wis. Stat. §§ 200.11 and 200.13 and Chapters 5 and 6 of the Madison Metropolitan Sewerage District Sewer Use Ordinance (SUO),

**Dane County Landfill No. 2 (aka Rodefild Landfill)
7102 US Hwy. 12/18, Madison, WI
owned and operated by Dane County, Department of Public Works**

is hereby authorized to discharge landfill operations wastewater from the above identified facility into the District sewerage system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

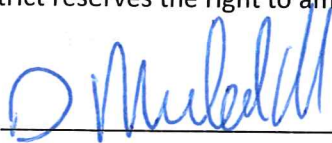
All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

This permit shall be effective for five years. It shall become effective on December 20, 2018 and shall expire at midnight, December 19, 2023. Any appeals to the conditions of this permit must be made to the Chief Engineer and Director within thirty days of the signature date. This permit supersedes the existing permit NTO-80.04 for landfill operations; permit NTO-80.04 shall be considered rescinded with issue of permit IP-44.01

The Permittee shall not discharge after the date of expiration of this permit. If the Permittee wishes to continue to discharge after this expiration date an application shall be filed for reissuance of this permit in accordance with the requirements of Chapters 5 and 6 of the Madison Metropolitan Sewerage District Sewer Use Ordinance, at least 180-days prior to the expiration date.

In accordance with Chapter 6 of the Madison Metropolitan Sewerage District Sewer Use Ordinance, the District reserves the right to amend this permit from time to time.

By



D. Michael Mucha P.E.
Chief Engineer and Director

Dated this 19 day of Dec 2018.

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Part 1 – LIMITS

1.01 INTRODUCTION

Industrial users subject to State or Federal categorical industrial standards or otherwise designated under SUO § 6.1 are significant industrial users (SIUs). All significant industrial users are permitted by the District.

- (1) Discharges from the Rodefild Landfill are being classified as significant for the following reasons:
 - (a) Total daily discharge volume from the landfill operations can exceed 25,000 gallons per day;
 - (b) Renewable Natural Gas (RNG) treatment system wastewater discharges will contribute to the landfill total discharge volume. The RNG wastewater, if left untreated, will have pH levels lower than 5.5 pH units. Continual pH measurement and adjustment of the RNG system wastewater with chemical addition will be required per conditions of this permit;
 - (c) RNG treatment system wastewater discharges will contain sulfur compounds, predominantly as elemental sulfur and as the sulfate ion. The requirements and conditions of this permit are intended to prevent or mitigate the conditions in the local sanitary sewer system that can convert sulfur and sulfate into hydrogen sulfide (See, Permit s. 4.04).
- (2) Additional site information will be contained in the Fact Sheet electronic file associated with this permit.
- (3) The Permittee is subject to the general prohibitions of SUO § 5.2.1 (See, Permit s. 5.04).
- (4) The Permittee is subject to the specific prohibitions of SUO § 5.2.2 (See, Permit s. 5.05).
- (5) Local Limits: The Permittee is subject to the local limitations established by the District in SUO § 5.2.3 which is summarized below.
 - (a) Wastewater shall not contain in excess of any of the following constituents in a 24-hour time proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the Industrial User:

Table 1. List of SUO Local Limitations	
Parameter (T indicates total recoverable)	Limitation (all units are mg/L)
Cadmium, T	0.25
Chromium, T	10.0
Chromium, hexavalent	0.5
Copper, T	1.5
Lead, T	5.0
Mercury, T	0.02
Nickel, T	2.0
Selenium, T	0.3
Silver, T	3.0
Zinc, T	8.0
Cyanide, T	0.1

- (b) Samples shall be collected over the period of discharge if the discharge is less than twenty four (24) hours in duration and in accordance with the requirements of SUO § 6.4.2.

- (6) Categorical Limits: There are no categorical pretreatment standards for discharges to municipal sanitary sewer systems within the EPA regulation *Landfills Point Source Category*, 40CFR sec. 445.
- (7) Combined wastewater sources from landfill operations subject to the conditions of this Permit include:
- (a) Liquid leachate collected in landfill drain systems;
 - (b) Condensate collected in venting systems;
 - (c) Effluent from a Renewable Natural Gas (RNG) treatment system to be constructed in 2018 (see Permit s. 1.02(3) for additional remarks and conditions related to the new gas treatment system)

1.02 OUTFALL IP 44A

- (1) Description: Outfall IP-44A is located at the lift station #1 located near the southwest corner of the landfill on the north side of the entrance road, just inside the west gate. All regulated wastewater is comingled and combined at this pumping facility. Time-proportional sampling shall be used at this outfall to collect 24-hour composite samples as described in Permit s. 2.01.
- (2) The following limitations apply to discharges from Outfall IP-44A.

Table 2. Outfall IP-44A
Categorical Standards and Local Limitations

Parameter	Categorical: Maximum For Any One Day (mg/L)	Categorical: Monthly Average Shall Not Exceed (mg/L)	Local Limits: (daily maximum) (mg/L)
No categorical standards ¹			
Cadmium, total	—	—	0.25
Chromium, total	—	—	10.0
Copper, total	—	—	1.50
Cyanide, total	—	—	0.10
Lead, total	—	—	5.0
Nickel, total	—	—	2.0
Silver, total	—	—	3.0
Zinc, total	—	—	8.0
Chromium, hexavalent	—	—	0.50
Mercury, total	—	—	0.02
Selenium, total	—	—	0.30
Molybdenum, total ²	—	—	—
Chloride ²	—	—	—
Sulfate ²	—	—	—
Sulfide, total ²	—	—	—
VOCs ²	—	—	—
SVOCs ²	—	—	—
Methane in water ²	—	—	—

Table 2. Outfall IP-44A
Categorical Standards and Local Limitations

Parameter	Categorical: Maximum For Any One Day (mg/L)	Categorical: Monthly Average Shall Not Exceed (mg/L)	Local Limits: (daily maximum) (mg/L)
Volatile fatty acids ²	-	-	-

Remarks for Table 2:

¹ *There are no categorical discharge standards applicable to landfill discharges to municipal sewerage systems.*

² *These are pollutants of concern to the District requiring analysis; however, no limits for these pollutants are currently promulgated in the Sewer Use Ordinance*

- (3) pH Levels in RNG Process Effluent and Wastewater Outfall Discharges
- (a) Wastewater pH adjustment equipment must be installed as part of the RNG treatment process as it is expected that the untreated effluent from the RNG treatment process will be acidic with pH levels near 1.5 S.U.
 - (b) The RNG treatment process removes hydrogen sulfide from landfill gas and transfers the sulfur to a liquid waste effluent as elemental sulfur and sulfate.
 - (c) When municipal sewerage can be maintained with pH levels above neutral (at about pH 8.0) the formation of hydrogen sulfide is nearly totally suppressed. The Permittee shall operate its pH control system dedicated to the RNG treatment system such that the average daily discharge from the RNG system will be maintained at pH 8.0 S.U. or greater.
 - (d) It is the intention of this permit that discharges from Outfall IP-44A shall be maintained in the pH range indicated by previous sampling and monitoring reports for Permit(s) NTO-80.04. Best efforts shall be made by the Permittee to maintain a uniform pH of 7.0 S.U., or greater, at the outfall, and not to exceed 11.0 S.U.
 - (e) The pH of the Permittee's discharges at Outfall IP-44A must be greater than 5.5 S.U. and lower than 11.0 S.U. at all times, in accordance with the SUO. The District may take enforcement action for excursions outside of these limits in accordance with the enforcement provisions contained herein and in the SUO.

1.03 OTHER OUTFALLS

- (1) The Permittee may not discharge regulated landfill wastewater as identified in Permit s. 1.01(1) to any location other than as described for the outfall listed in Permit s. 1.02.
- (2) Other outfalls exist on the property including one sanitary lateral originating from the Clean Sweep building and one sanitary lateral originating from the scale office. These wastewater outfalls are not subject to the conditions of this permit.

Part 2 – SAMPLING

2.01 SAMPLING FACILITIES

- (1) The Permittee shall provide sampling facilities that will be accessible and that will provide representative samples of the process wastewater.
 - (a) Outfall IP-44A has the capability to provide time-proportional (TP) composite samples.
 - (b) Outfall volume data will be generated via a flow meter.
- (2) The Permittee's sampling facility shall have sufficient room to allow the installation of sampling and flow monitoring devices.
- (3) The Permittee shall locate, construct, and maintain sampling facilities according to any requirements of the District.
- (4) When required, the Permittee shall submit to the District plans and specifications for construction or modification of sampling facilities at least thirty (30) days before the proposed commencement of construction or modification. If the Permittee constructs or modifies a sampling facility before District approval or without inspection during construction and if the District determines that the sampling facility is unacceptable, then the Permittee shall reconstruct or modify the sampling facility according to the requirements of the District.
- (5) The Permittee shall maintain sampling facilities in a safe operating condition at all times.
- (6) The Permittee shall allow the District access to all sampling facilities according to the right of entry requirements of Permit s. 5.19.

2.02 CHANGES IN SAMPLING LOCATION

The Permittee may change sampling locations only after receiving approval from the District. The District shall ensure that any change in the Permittee's sampling location will not allow the Permittee to employ dilution to meet limitations.

2.03 SELF-MONITORING SAMPLING FREQUENCY

In accordance with 40CFR sec. 403.12(e), Wis. Admin Code § NR 211.15(4)(a), and SUO § 6.4.2, the Permittee shall sample (self-monitor) at least once between January 1 and June 30 and at least once between July 1 and December 31 for flow and the SUO pollutants shown in the following table for Outfall IP-44A; other pollutants of concern have differing sampling schedules as noted in Table 3. One or more samples may be taken to show compliance with the monthly average limits for Outfall IP-44A.

Parameter	Units	Minimum Sample Frequency	Sample Type	Notes
Cadmium	mg/L	One day in each 6-mos period	24-hr TP Comp	
Chromium	mg/L	do. ¹	24-hr TP Comp	
Copper	mg/L	do.	24-hr TP Comp	
Cyanide	mg/L	do.	Grab	
Lead	mg/L	do.	24-hr TP Comp	
Mercury	mg/L	do.	24-hr TP Comp	
Hexavalent	mg/L	do.	Grab	

Chromium				
Nickel	mg/L	do.	24-hr TP Comp	
Selenium	mg/L	do.	24-hr TP Comp	
Silver	mg/L	do.	24-hr TP Comp	
Zinc	mg/L	do.	24-hr TP Comp	
Molybdenum	mg/L	do.	24-hr TP Comp	
Chloride	mg/L	do.	24-hr TP Comp	
Sulfate	mg/L	monthly ²	24-hr TP Comp	
Sulfide, total	mg/L	monthly ²	24-hr TP Comp	
VOCs	µg/L	annual	Grab	First sampling prior to RNG start up and second sample during fourth month of RNG operation, using EPA method 8260B
SVOCs	µg/L	do.	do.	First sampling prior to RNG start up and second sample during fourth month of RNG operation, using EPA method 8270D
Methane in water via headspace analysis	µg/L	do.	do.	do.
Volatile fatty acids via isolation and quantification method	µg/L	do.	do.	do.
pH	S.U.	One reading during each sampling event	Grab	Instantaneous reading by a freshly calibrated probe
Flow, daily	Gal/day	Daily roll-up		Provide landfill daily average flows via monthly roll-up

Remarks for Table 3:

¹ do. means ditto or repeat of the previous remark in the table column

² sulfate and sulfide samples shall be collected at least monthly **during the first six months** following permit issue; thereafter the sampling frequency shall be at least one day in each six month period as shown for the metals.

2.04 REPRESENTATIVE SAMPLES

The Permittee's self-monitoring shall represent production activities and discharges normally occurring during the reporting period. In accordance with SUO § 2.1(36), a representative sample shall mean a

sample of the appropriate wastewater stream collected using 24-hour time proportional composite sampling techniques where feasible unless another sampling technique is specified by this permit.

2.05 SAMPLE COLLECTION AND ANALYSIS

- (1) The Permittee shall measure daily wastewater volume from each monitoring point during each monitoring event.
- (2) Individual grab samples must be taken for the following parameters: hexane extractable material (oil and grease), cyanide, hexavalent chromium, and volatile organic compounds. Analytical methods do not allow the application of composite sampling techniques for these parameters.
- (3) For all other parameters, this Permit allows that the Permittee may collect twenty-four (24) hour **time-proportioned outfall samples**
- (4) The Permittee shall collect, preserve, and analyze samples using techniques that provide sufficient precision and accuracy to measure the regulated pollutants at or below the applicable limit to a reasonable degree of scientific certainty, using analytical methods included in 40CFR sec. 135 or Wis. Admin. Code ch. NR 219, or other methods approved by the Department of Natural Resources. For analysis, the Permittee, whenever possible, shall use a laboratory certified or registered by the Department of Natural Resources, according with Wis. Admin Code ch. NR 149, for the parameter being analyzed. With prior District approval, the Permittee may be allowed to use a laboratory not certified or registered in Wisconsin in accordance with Wis. Admin. Code § NR 211.15(8).
- (5) Measurement of pH:
 - (a) Grab samples must be employed for measurement of pH with a portable meter calibrated on the day of analysis according to the manufacturer instructions;
 - (b) Portable meter calibration data and pH measurements of samples shall be maintained with any records generated in a same-day sample collection event made in accordance with Permit ss. 3.01 (2), (3);
 - (c) Outfall pH measurements taken with a portable meter at least five minutes apart shall be considered unique samples with each result being reportable to the District in accordance with Permit s. 3.01 (2).
 - (d) When allowed by this permit, the Permittee may employ continuously logged pH measuring probe(s) at Outfall IP-44A.
- (6) The Permittee shall perform sampling that is independent of District sampling:
 - (a) Samples collected by the Permittee, in accordance with Permit s. 2.01, shall be independent of samples collected by the District and shall be collected on dates differing from District sampling;
 - (b) The District will not provide the Permittee sample splits from District sampling events; Parallel sampling devices may be employed by the Permittee at the time of District sampling to achieve the equivalent of split samples;
 - (c) Any violation of discharge standards determined in District sampling events will be followed by repeat sampling and analysis. Repeat sampling can involve either:
 - i. The District shall perform the repeat sampling and analysis; or
 - ii. The Permittee will be notified of the violation and will be required to perform repeat sampling and analysis in lieu of the District collecting additional samples.

Part 3 – REPORTING

The reporting requirements of this Part are applicable to all significant industrial user permittees.

3.01 DISCHARGE MONITORING REPORTS (DMR)

- (1) Submittal of Discharge Monitoring Report (DMR):
 - (a) The Permittee shall perform self-monitoring in accordance with the frequency and other requirements provided in Permit s. 2.01 to 2.03.
 - (b) All self-monitoring results must be submitted to the District in a DMR within thirty (30) days of the Permittee's receipt of the results.
- (2) If the Permittee monitors a pollutant more frequently than required by this permit using the sample type and the sample collection, preservation, and the analytical techniques set forth in Permit ss. 2.03, 2.04, and 2.05 then all monitoring data shall be reported in a DMR.
- (3) DMR Format:
 - (a) The DMR shall include:
 - i. The place, date, type, and time of the sample or sub-samples;
 - ii. The names of the persons collecting the samples, the persons performing pH and other field analyses, and the laboratory performing the analyses;
 - iii. The dates the analyses were performed;
 - iv. The analytical techniques used;
 - v. The analytical results; and
 - vi. The certification set forth in Permit s. 3.09 and signed by the responsible official according to Permit s. 3.08 and SUO § 2.1 (37).
 - (b) The DMR shall be sent to the District in the US Mail, using the address listed in Permit s. 3.10.

3.02 REPORT OF VIOLATION AND RESAMPLING

- (1) If sampling performed by the Permittee identifies a violation of any applicable pretreatment standard or requirement, the Permittee shall:
 - (a) Verbally notify the District within twenty-four (24) hours of becoming aware of the violation;
 - (b) Provide a written report with sample results to the District within five (5) days after becoming aware of the violation; and
 - (c) For those parameters that were in violation of standards or requirements, repeat the sampling and analysis and submit the results of the repeat analysis to the District as a DMR within thirty (30) days after becoming aware of the violation.
- (2) The report required by Permit s. 3.02 (1)(b) shall contain the certification set forth in Permit s. 3.09 and be signed by the responsible official according to Permit s. 3.08 and SUO § 2.1 (37).

3.03 PERIODIC COMPLIANCE REPORTS (PCR)

- (1) The Permittee shall submit to the District periodic compliance reports (PCRs). These reports are due no later than July 31 for the January –June semi-annual period and no later than January 31 for the July – December semi-annual period.
- (2) The PCR shall include the following information.
 - (a) Average and estimated maximum flows:

- i. For the outfall(s) identified in Permit s. 1.02, the Permittee shall report the average monthly and estimated maximum daily flows, in gallons per day, for the period.
 - ii. If an outfall contains domestic wastewater or other non-process wastewater, then the Permittee shall include average and maximum flows for these types of wastewater. The Permittee may estimate these flows.
 - iii. The Permittee shall indicate whether the reported flows are measurements or estimates. If the Permittee is reporting estimated flows, then the Permittee shall provide all of the information and calculations used to obtain the estimates. If calculating an estimated flow by dividing a long-term discharge volume by a number of days, then the Permittee shall count only the days when a discharge occurred.
- (b) Signatory Requirement: A Responsible Official is a person who satisfies the requirements of Permit s. 3.08 and SUO § 2.1 (37). He/she shall sign all reports and certification statements required by this permit.
- (c) General certification: The Permittee shall include the certification set forth in Permit s. 3.09 in each submittal of the Periodic Compliance Report.
- (d) The report shall be sent to the District in the US Mail in accordance with the signatory requirements of Permit ss. 3.08 and 3.09.

3.04 CONTROL AND REPORTING OF SLUG DISCHARGES AND EMERGENCIES

The Permittee shall provide protection from the accidental discharge of prohibited or regulated materials or substances established by SUO §§ 6.5.5, 6.6 and 6.7. Where necessary, facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at the Permittee's expense.

- (1) Slug Discharge Defined: A slug discharge shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates conditions in the District's Sewer Use Ordinance, or WPDES Permit conditions.
- (2) Evaluation of Slug Discharge Potential: In accordance with 40CFR sec. 403.8 (f)(2) and Wis. Admin. Code § NR 211.235, the District will evaluate whether each permittee needs a plan to control slug discharges. For permittees new to the District pretreatment program, this evaluation shall occur within one (1) year of issuance of the industrial wastewater discharge permit. If the District determines that a slug control plan is needed, the industrial wastewater discharge permit will contain requirements to prepare and implement a slug control slug plan.
- (3) The District, at any time, based on inspection or responses to events, may determine that a slug control plan shall be prepared by a permittee. The industrial wastewater discharge permit will be revised in accordance with Permit s. 5.12 to contain requirements to control slug discharges.
- (4) Slug Control Plan: The slug control plan shall contain at a minimum the following elements:
 - (a) A description of discharge practices, including non-routine batch discharges;
 - (b) A description of stored chemicals;
 - (c) Procedures for immediately notifying the District of slug discharges, including any discharge that would violate a general prohibition or specific prohibited discharge standard, with procedures for follow-up written notification within five (5) days;

- (d) The necessary procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transferals, loading and unloading operations, control plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment of emergency response; and
 - (e) The slug control plan shall contain the certification set forth in Permit s. 3.09 and be signed by the responsible official according to SUO § 2.1 (37).
- (5) Failure to Comply: Any slug control plan submitted by the Permittee, including any subsequent updates approved by the District, will be included as a provision of this permit. Failure to comply with any portion of an approved plan and its updates shall be considered a violation of the permit.
- (6) Changes in Slug Load Potential: In accordance with 40CFR sec. 403.12 (f) and Wis. Admin. Code § NR 211.15, each permittee is required to notify the District immediately of any changed circumstances at its facility affecting the potential for a slug discharge. The Permittee shall provide notification to the District at least forty-five (45) days prior to any planned changes to chemical storage facilities. Based on these changes, the District may determine that a slug control plan is needed. If so, the plan shall at a minimum contain the elements listed in Permit s. 3.04 (4).
- (7) Notifications Required Following a Slug Discharge: The Permittee shall immediately notify the District of an upset, spill, or other slug that has a reasonable potential to cause a violation of any pretreatment standard or requirement.
- (a) The District shall be notified by telephone at 222-1201. During normal business hours the notification shall be made to the Pretreatment Coordinator (ext 362) or the Director of Operations and Maintenance (ext 252). During other times, the notification shall be made to the operator on duty (ext 551).
 - (b) The Permittee shall also provide such notification to the appropriate local municipal officials. In addition, the Permittee should immediately notify the State of Wisconsin of an accidental spill at (800) 943-0003 (24-hour number).
 - (c) The verbal report shall include:
 - i. The location, date, and time of the discharge;
 - ii. The character and volume of the discharged material; and
 - iii. Containment or other corrective action taken by the Permittee.
- (8) Within five (5) days after providing the verbal report, the Permittee shall submit to the District a written report describing the cause of the discharge, the duration of the discharge, and the measures taken by the Permittee to prevent similar occurrences in the future.

3.05 BYPASS REPORTS

- (1) Bypassing of any Permittee pretreatment facilities is only allowed in accordance with the provisions of 40CFR sec. 403.17 and Wis. Admin Code § NR211.19. As established by SUO §§ 6.5.5 and 6.7, when the Permittee knows in advance of the need for a bypass, then the Permittee shall notify the District at least ten (10) days before the bypass, if possible, or otherwise immediately.
- (2) If the Permittee has a bypass that causes a violation of a pretreatment standard or requirement and the Permittee did not anticipate the bypass, then the Permittee shall:

- (a) Orally notify the District of the bypass within twenty-four (24) hours of becoming aware of the bypass, and
- (b) Provide a written notification within five (5) days after becoming aware of the bypass that describes:
 - i. The bypass and its cause;
 - ii. The date and time of when the bypass began and the date and time of either the end of the bypass, if the bypass has ceased, or the expected end of the bypass, if the bypass has not ceased; and
 - iii. The steps taken or planned to reduce, eliminate, or prevent reoccurrence of the bypass.
- (3) The notification report required by Permit s. 3.05 (2)(b) shall contain the certification set forth in Permit s. 3.09 and be signed by the responsible official according to SUO § 2.1 (37).

3.06 NOTICE OF INTENT TO CHANGE DISCHARGE

Before any activity that would result in a 25 percent long-term increase or decrease in the volume of non-domestic wastewater discharged by the Permittee or that would significantly change the characteristics of the discharge, the Permittee shall submit a written Notice of Intent to the District in accordance with Permit s. 5.22.

3.07 HAZARDOUS WASTE REPORTS

The Permittee shall report discharges of hazardous waste according to SUO § 6.5.5(a) and Permit s. 5.25.

3.08 SIGNATORY REQUIREMENTS FOR INDUSTRIAL REPORTS

- (1) All reports shall be signed and sworn by a responsible official of the Permittee.
 - (a) When a permittee is a corporation, the responsible official is defined as either:
 - i. A president, secretary, treasurer, or 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
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making 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 control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) When a permittee is partnership or sole proprietorship, then the responsible official shall be a general partner or a proprietor.
- (2) A duly authorized representative of the individual designated by Permit s. 3.08 (1)(a) or (1)(b) may sign reports, provided that:
 - (a) the authorization is made in writing by the individual described in Permit s. 3.08 (1)(a) or (1)(b);

- (b) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) the written authorization is submitted to the District.
- (3) If an authorization under Permit s. 3.08 (2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Permit s. 3.08 (2) must be submitted to the District prior to or together with any reports to be signed by a responsible official.

3.09 GENERAL CERTIFICATION

The Permittee shall include the following certification in all reports required by this permit:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those 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.

3.10 REPORTING ADDRESS

The Permittee shall submit all reports required by this permit to the District at the following address:

Madison Metropolitan Sewerage District
C/o Industrial Pretreatment Program
1610 Moorland Road
Madison, Wisconsin 53713-3398

Part 4 – SPECIAL CONDITIONS

4.01 SUBMITTAL OF PLANS, SPECIFICATIONS, AND OPERATING INSTRUCTIONS FOR PRETREATMENT EQUIPMENT

The Permittee shall submit plans, specifications, and operating instructions for pH monitoring and adjusting equipment to be installed as part of the RNG treatment process. Submit the plans, specifications, and operating instructions to the District and to the Wisconsin Department of Natural Resources before 20 January, 2019 prepared in accordance with Permit s. 5.23 "Review of Proposed Treatment Facilities."

4.02 OUTFALL IP-44A MONITORING POINT SAMPLING AND FLOW MEASUREMENT

The Permittee shall submit operating instructions for performing sampling of the combined landfill wastewater. In addition, a description of the calculations used to generate combined wastewater flow data must be included. Submit the operating instructions and sample flow calculations to the District before 31 March, 2019.

4.03 REPORTING ON COMPLIANCE WITH PERMIT CONDITIONS

Two reports are required by 40CFR sec. 403 to be prepared by permittees within the first 120-days of issuance of the first industrial wastewater discharge permit. The reports are briefly described below. The District can present additional report preparation guidance materials.

Baseline Monitoring Report: At least 90 days prior to commencement of discharge from the combined wastewater outfall (including RNG treatment wastewater), the Permittee shall submit to the District a report which contains the following information. **This report will be prepared in lieu of submittal of an industrial wastewater permit application.**

- (1) *Identifying information*
- (2) *Permits currently held*
- (3) *Description of landfill operations and generation of wastewater sources*
- (4) *Flow measurement/estimation of the three sources of landfill wastewater and the combined wastewater*
- (5) *Measurement of pollutants, known data or estimations can be provided*

Report of Final Compliance: Within 90-days following the commencement of wastewater into the sanitary sewer system from the combined wastewater outfall (including gas treatment wastewater), the Permittee shall submit to the District a report which contains the following information.

- (1) *Flow measurement/estimation of the three sources of landfill wastewater and the combined wastewater*
- (2) *Measurement of pollutants, including monitoring data and pH records*
- (3) *Signed statement from the landfill manager indicating whether permit standards of Part 1 are being met on a consistent basis, and if not, whether additional measures are necessary to meet permit standards*

4.04 CONDITIONS RELATED TO SANITARY SEWER DISCHARGES ARISING FROM RENEWABLE NATURAL GAS PROCESSING

- (1) **Existing Conditions:** The following conditions are known regarding landfill operations at the time of permit writing and prior to construction and operation of the RNG processes:
 - (a) The Permittee currently discharges condensate and liquid leachate to the municipal sewerage system at City of Madison manhole number 7462-001;
 - (b) current discharges including landfill leachate and condensate contain about 90 pounds of sulfate daily;
 - (c) Landfill gas is currently consumed in engine generators and/or flares, and combustion processes result in the emission of all or most of the sulfur contained in landfill gas to the atmosphere in combustion gases.
- (2) **Expected Impacts:** The addition of RNG wastewater to the landfill combined wastewater is expected to increase sulfate and hydrogen sulfide loadings to wastewater and to require pretreatment for acidity.
 - (a) The proposed RNG treatment system is expected to elevate the discharge of sulfate to the sanitary sewerage system to about 1800 pounds daily; an additional increase of 1150 pounds of sulfate, daily, can be anticipated with full build out of the landfill possibly by the end of the five-year permit term;
 - (b) The RNG treatment system liquid effluent, without any pretreatment, is expected to contain acidity of about 1.6 S.U. (pH units), a level of acidity about 10,000-fold greater than the District sewer use ordinance lower limit of 5.5 S.U.
 - (c) pH adjustment of RNG wastewater is required, via Permit s. 1.02 (3)
- (3) **Hydrogen Sulfide generation:** The generation of hydrogen sulfide in sewerage systems can be a serious problem. The following facts need to be considered with the additional loadings of sulfate to wastewater that is expected with the RNG process:
 - (a) Sulfur forms in municipal sanitary sewerage systems are varied, including the ions sulfate, sulfide, and bisulfide, and the gas hydrogen sulfide; additionally, complex biological and chemical processes may lead to conversion of sulfate forms into sulfide ions and to hydrogen sulfide gas;
 - (b) Hydrogen sulfide in sewerage atmospheres is considered a toxic and flammable substance at elevated concentrations and causes noxious odors at low concentrations;
 - (c) Atmospheric hydrogen sulfide may be assimilated by microorganisms living in biological formations on sewerage pipes and structures and converted to sulfuric acid;
 - (d) Degradation of sewerage pipes and structures by biologically generated sulfuric acid compromises the structural integrity of these facilities, which leads to increased repair/replacement costs and the risk of sanitary sewer overflows;
 - (e) Measures taken to mitigate the detrimental effects of hydrogen sulfide in municipal sewerage systems may include operation of chemical dosing systems located "upstream" of impacted sewerage pipes and structures.
- (4) **Sewerage System Assessments:** The District will assess the sewerage system prior to the RNG system startup. The District will:
 - (a) identify study segments in the sewerage system downstream of the landfill for testing purposes;

- (b) perform testing of sewer atmosphere for hydrogen sulfide to determine summer-time baseline levels;
 - (c) perform testing of wastewater for total sulfide to determine summer-time baseline levels;
 - (d) review existing video recording data of sewer inspection records for the study sewer segments;
 - (e) identify levels of hydrogen sulfide in sewer atmosphere or total sulfide in wastewater that may trigger mitigation measures to be taken by the Permittee;
 - (f) report on its findings to the Permittee.
- (5) **Permittee Commitments:** At the time of permit writing, the Permittee commits to the following:
- (a) Connection Fees. The Permittee shall pay interceptor and treatment plant connection fees owed to the City of Madison.
 - (b) Wastewater pH Levels. As provided in Permit s. 1.02 (3), as a preventive measure, the Permittee shall maintain pH of the RNG wastewater such that the combined wastewater at Outfall IP-44A pH is neutral or higher, thereby providing conditions in the downstream sewerage system that are less amenable to the formation of hydrogen sulfide gas. Continuously recording pH probes are not required to be employed at Outfall IP-44A; continuously recording pH probes will be integral to operation of the RNG wastewater pretreatment system and the pH data from such probes shall be made available upon request of the District.
- (6) **Mitigation, as necessary:** The Permittee shall mitigate any adverse conditions related to hydrogen sulfide if monitoring by the City of Madison, as the local sewer owner, or by the District, as the interceptor sewer owner, demonstrates problematic conditions related to discharges from the landfill, including an evaluation of potential sources within the affected system. The appropriate method of mitigation may be decided at the sole discretion of the District after consultation with the City of Madison and the Permittee. Mitigation measures may include but are not limited to:
- (a) review existing and collecting additional operational data to determine if conditions have changed in landfill operations or in the operation of pH adjusting pretreatment equipment;
 - (b) change chemical dosage at the RNG wastewater system to improve (possibly to further raise) the pH levels in combined wastewater to diminish the formation of hydrogen sulfide in the sewerage system;
 - (c) design, configure and operate mitigation system(s) to control the formation of hydrogen sulfide in the sanitary sewer system (note to Permittee and permit writers: San Marcos, TX, public works has created a very thorough sewer system assessment protocol that could be consulted, as necessary).
- (7) **Special Charges, as necessary:** The District may assess special charges, in accordance with Sewer Use Ordinance Sec. 9.7, when the District incurs physical damage to wastewater facilities or when additional operating costs are incurred; it is the intention of the District via this permitting process of the RNG system and by application of the Sewer Use Ordinance to foresee and prevent detrimental effects and potential costs arising from the discharges of all industrial users.

Part 5 – GENERAL CONDITIONS

5.01 COMPLIANCE WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS

The Permittee shall comply with all applicable pretreatment standards and requirements set forth in the District Sewer Use Ordinance, the Wisconsin Administrative Code, and the Code of Federal Regulations, regardless of their enumeration in this permit.

5.02 SEVERABILITY

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

5.03 DUTY TO COMPLY

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

5.04 GENERAL PROHIBITIONS

In accordance with SUO § 5.2.1, the Permittee shall not discharge wastes to a community or intercepting sewer which cause, or are capable of causing either alone or in combination with other substances:

- (1) Obstruction of flow or damage to the wastewater facilities;
- (2) Danger to life or safety or welfare of any persons;
- (3) Prevention of effective maintenance or operation of the wastewater facilities;
- (4) Any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
- (5) A detrimental effect, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
- (6) Any sanitary sewer or the District's wastewater facilities to be overloaded;

5.05 SPECIFIC PROHIBITIONS

In accordance with SUO § 5.2.2, prohibited discharges shall include, but not be limited to the following:

- (1) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas which create or contribute to a fire or explosion hazard at the Treatment Plant including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using the test methods in Wis. Admin Code § NR 661.21;
- (2) Pollutants which result in the presence of gases, vapors or fumes within the Sewerage System in a quantity which may cause acute worker health or safety problems.
- (3) Any waters or wastes having a pH lower than 5.5 or higher than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or treatment works personnel.
- (4) Solids or viscous substances which will cause or contribute to obstruction to the flow in sewers or have a Detrimental Effect on the operation of the Treatment Plant.

- (5) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause a Detrimental Effect.
- (6) Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (7) Heat in amounts which will inhibit or contribute to the inhibition of biological activity in the Treatment Plant resulting in interference or causing damage to the Treatment Plant but in no case heat in such quantities that the temperature exceeds 40°C (104°F) at the influent to the POTW treatment plant unless the DNR at the request of the District, has approved alternate temperature limits.
- (8) Radioactive wastes which, alone or with other wastes, result in releases which violate rules or regulations of any applicable state or federal regulatory agency.
- (9) Wastewater containing more than 50 milligrams per liter of non-polar petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin as measured by the silica gel treated hexane extractable material (SGT-HEM) analytical method.
- (10) Wastewater containing more than 300 mg/l of polar oil or grease of animal or vegetable origin as determined by subtraction of non-polar (SGT-HEM) analytical results from hexane extractable material (HEM) analytical results.
- (11) Wastewater containing polychlorinated biphenyls.
- (12) Wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (13) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.

5.06 BEST MANAGEMENT PRACTICES (BMPS)

- (1) **BMPs Defined:** Best Management Practices shall mean structural or non-structural measures, practices, operating procedures, schedules of activities, treatment requirements, techniques or devices employed to minimize or treat the discharge of pollutants into the sewerage system; to implement prohibitions listed in Wisconsin Admin Code § NR211.10(1) or (2); or to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas. Best management practices may be specified by EPA and DNR categorical regulations, or by the District.
- (2) **BMPs as Local Limits:** Permittees shall follow best management practices (BMPs) developed or cited by the District for the discharge of any constituents, substances, materials, waters, or waste where the District determines that following these BMPs is necessary to meet the objectives of the Sewer Use Ordinance or the conditions of the District's WPDES permit. Where a BMP is required to implement compliance with prohibited discharges, such BMP shall be considered a specific prohibited discharge standard and pretreatment standard for the purpose of Wis. Stat. § 283.21(2) in accordance with Wis. Admin Code § NR211.10(3)(e). BMPs, as equivalent to local limitations, shall be incorporated into any permits issued by the District.
- (3) **BMPs in Permits:** Permits issued by the District shall provide a summary of BMPs required to be implemented, if applicable.

- (4) BMP Reporting: Where the Permittee is subject to standards that require compliance with BMP or pollution prevention alternatives, the Permittee shall submit documentation, in accordance with the reporting requirements of the permit that demonstrates its compliance status.
- (5) Preservation of BMP Compliance Records: The Permittee shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, and all summaries relating to best management practices employed as a result of ordinance or permit requirements.

5.07 DUTY TO MITIGATE

The Permittee shall take all reasonable actions necessary to minimize and correct any adverse impacts to the sewerage system or the environment resulting from noncompliance with this permit. The Permittee shall notify the District within twenty four (24) hours of its first awareness of the commencement of the adverse impact (upset) in accordance with SUO § 6.5.5.

5.08 DILUTION PROHIBITION

The Permittee may not increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any applicable pretreatment standard or requirement. The District may impose mass limits on permittees who use dilution to meet the applicable pretreatment standards or requirements or in any other case where mass limits are appropriate.

5.09 PROPER DISPOSAL OF PRETREATMENT SLUDGES

The disposal of sludges generated within wastewater pretreatment systems shall be done in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

5.10 DUTY TO REAPPLY

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must submit an application for a new permit at least 180-days before the expiration date of this permit.

5.11 CONTINUATION OF EXPIRED PERMIT

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

- (1) The Permittee has submitted a complete permit application at least 180-days prior to the expiration date of the user's existing permit.
- (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Permittee.

5.12 PERMIT MODIFICATION

The District may modify this wastewater discharge permit at any time to reflect changes in federal, state, or local law, to incorporate the terms of an order, or to reflect changed circumstances. Any modifications which result in new conditions in the permit shall include a reasonable time schedule for compliance if necessary.

5.13 MONITORING WAIVER

- (1) Permittees subject to categorical standards may request a monitoring waiver for individual pollutants for certain discharges. In response to the reasons and documentation provided by the Permittee, submitted in accordance with 40CFR sec. 403.12 (e) and Wis. Admin. Code § NR 211.15(4)(b), the Director may authorize that the conditions of the industrial wastewater discharge permit reflect the granting of the monitoring waiver.
- (2) Any monitoring waiver shall be valid only for the duration of the effective permit, but in no case longer than five (5) years. The Permittee shall submit a new request for the waiver, submitted in accordance with Wis. Admin. Code § NR 211.15(4), before the waiver may be granted for each subsequent permit or 5-year period.

5.14 NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER

- (1) The District, in its discretion, may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user (NSCIU) rather than a significant industrial user if the conditions in 40CFR sec. 403.12 (q) and Wis. Admin Code § NR211.15(4)(a) and (d) are met. The District will document the changed industrial classification and permit status (the industrial user classified as NSCIU will not be considered a significant industrial user) in the fact sheet file associated with the industrial user.
- (2) Where the conditions of the NSCIU status remain unchanged, the industrial user shall annually submit a certification statement to the District in accordance with 40CFR sec. 403.12 (q) and Wis. Admin Code § NR211.15(4)(d) and the District shall review that status under Wis. Admin Code § NR 211.235(3)(b).

5.15 REDUCED REPORTING

- (1) The District, in its discretion, may determine that a Permittee subject to categorical pretreatment standards may be eligible for reduced reporting frequency (periodic report annually rather than semi-annually) if the Permittee meets the conditions in 40CFR sec. 403.12 (e) and Wis. Admin Code § NR211.15(4)(c). The District will document the permit status in the fact sheet file associated with the Permittee.
- (2) Where the District has determined that the Permittee is subject to reduced reporting, the District shall sample and inspect the Permittee at least once every two years in accordance with 40CFR sec. 403.8(f)(2) and Wis. Admin Code § NR211.235(3)(c).

5.16 CONVERSION OF CATEGORICAL INDUSTRIAL USER MASS AND CONCENTRATION LIMITS

- (1) Alternative Mass Limits: The District, in its discretion, may impose mass limitations on permittees or grant a request for mass limitations by permittees in accordance with 40CFR sec. 403.6 (c) and Wis. Admin. Code § NR 211.11(3) where the Director determines the imposition of mass limitations is appropriate.
- (2) Conversion of Concentration Limits to Mass Limits: When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, the District may convert concentration limits to permit mass limits in accordance with Wis. Admin. Code § NR 211.11(3).
- (3) Alternative Concentration Limits: The District in its discretion may impose concentration limitations on permittees or grant a request for concentration limitations by permittees in

accordance with Wis. Admin. Code § NR 211.11(3) where the Director determines the imposition of concentration limitations is appropriate. Dilution to meet a concentration limitation is prohibited.

- (4) Conversion of Mass Limits to Concentration Limits: The District may convert mass limitations of categorical pretreatment standards in 40CFR sec. parts 414, 419, or 455 (Wis. Admin. Code chs. NR 235, NR 279 or NR 233) into equivalent permit concentrations limits in accordance with 40CFR sec. 403.6 (c) and Wis. Admin. Code § NR 211.11(3) where the Director determines that imposition of concentration limitations is appropriate.

5.17 GENERAL PERMITS

The Director may issue and utilize general permits in accordance with the provisions in 40CFR sec. 403.8 (f) and Wis. Admin. Code § NR 211.235(1). General permits may include limitations on concentration and mass of pollutants, may specify best management practices and include other conditions necessary to ensure compliance with applicable limits.

5.18 PERMIT TRANSFER

Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without prior written approval of the District. Sale of a user shall obligate the purchaser to seek prior written approval of the District for continued discharge to the District sewerage system. If an owner or operator changes and the District is not notified of the change, then this permit shall become void.

5.19 RIGHT OF ENTRY

The Permittee consents to inspection and sampling by the District according to the requirements and limitations set forth in SUO § 1.4. The Permittee shall, after reasonable notification by the District, allow the District or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the Permittee at all reasonable hours, for the purposes of inspection, sampling, or records inspection. Reasonable hours in the context of inspection and sampling includes any time the Permittee is operating any process which results in a process wastewater discharge to the District sewerage system.

5.20 NO PROPERTY RIGHTS CREATED

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

5.21 RECORDS RETENTION

The Permittee 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 waste hauling, monitoring, sampling and chemical analyses made by or in behalf of the Permittee in connection with its discharge. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to

any and all appeals have expired. The Permittee shall make these records available to the District upon request for inspection and copying.

5.22 NOTICE OF INTENT

If the Permittee is planning to alter or change any activity at the Permittee's facility that would significantly increase or decrease the volume or alter the content of any existing source of industrial wastewater discharge into the District sewerage system must file a written Request to Discharge Form in accordance with SUO § 6.1.3. A significant increase or decrease shall be defined as a 25 percent increase or decrease in the volume of industrial wastewater currently being discharged by a permittee. An alteration shall be defined as any change in chemicals utilized with a process which will significantly alter the characteristics of the industrial waste discharge or the addition of any new process or production wastewater discharge.

5.23 REVIEW OF PROPOSED TREATMENT FACILITIES

- (1) If the Permittee is planning to install or modify treatment facilities or operations to comply with a categorical pretreatment standard, a pretreatment standard set forth in SUO ch. 5, a permit condition, or an order of the District, then the Permittee shall provide the District with plans, specifications, and operating procedures for the proposed facilities. The District may approve, conditionally approve, or disapprove the plans, specifications, and operating procedures. The Permittee may not begin discharging from the treatment facilities until the Permittee has satisfied the requirements of the District.
- (2) The Wisconsin Department of Natural Resources has separate requirements for the review of plans, specifications, and operating procedures of proposed pretreatment facilities, such as the requirements set forth in Wis. Stat. § 281.41 and Wis. Admin. Code ch. NR 108. The Permittee shall comply with these requirements before commencing discharges to the sewerage system.

5.24 ADDITIONAL REPORTS

In addition to the reports required by this permit and the reports specifically required by the District Sewer Use Ordinance, the District may require other reports, management plans, or other information whenever the District finds that such a requirement is necessary to fulfill the District's responsibilities under the Sewer Use Ordinance, or any other local, state, or federal law.

5.25 HAZARDOUS WASTE NOTIFICATION

The Permittee shall notify the District, the Department of Natural Resources, and the EPA Regional Waste Management Division Director in writing of any discharge to the sanitary sewer system of a substance which, if otherwise disposed of, would be a hazardous waste under 40CFR sec. 261. Such notification must include the name of the hazardous waste as set forth in 40CFR sec. 261, the EPA hazardous waste number, and the type of discharge. If the Permittee discharges to the sanitary sewer more than 100 kilograms of such waste per calendar month, the additional notification requirements of 40CFR sec. 403.12(p) and Wis. Admin Code ch. NR 211.17 apply. In the case of any notification made under this section, the Permittee shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5.26 PUBLIC INFORMATION

All written information submitted to the District shall be available upon request to any person for public inspection at the headquarters of the District, according to Wis. Stat. § 19.35, unless:

- (1) The Permittee provides, at the time the Permittee submits the information, a written notice to the District that the Permittee claims that all or part of the information is a trade secret exempt from disclosure according to Wis. Stat. § 19.36(5) and Wis. Stat. § 134.90 or
- (2) The District determines that part or all of the information is otherwise restricted from disclosure under Wis. Stat. § 19.36

5.27 SIGNIFICANT NONCOMPLIANCE

A significant industrial user has been in significant noncompliance if any of the criteria in paragraphs (1) through (8) of this section apply. A non-significant industrial user as designated by the District under Permit s. 5.14, has been in significant noncompliance if any criteria in paragraphs (3), (4), or (8) of this section apply:

- (1) Chronic violations of wastewater discharge limits: where 66% or more of all the measurements of a permittee's wastewater for the same pollutant parameter taken during a six month period exceeded (by any magnitude) any numeric pretreatment standard or requirement including an instantaneous limit.
- (2) Acute violations of wastewater discharge limits: in accordance with the Technical Review Criteria (TRC), where 33% or more of all the measurements of a permittee's wastewater for the same pollutant parameter taken during a six month period equaled or exceeded the numeric pretreatment standard or requirement, including an instantaneous limit, multiplied by the applicable TRC factor (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH), or in the case of pH exceeded a limit by 0.4 standard units.
- (3) Any other violation of a pretreatment standard or requirement that the District determines that an industrial user has caused alone, or in combination with other discharges, interference, pass through, or endangerment of the health of sewer maintenance or treatment plant personnel, or the general public.
- (4) An industrial user has discharged any pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the District's exercise of its emergency authority under Chapter 11 of the Sewer Use Ordinance to halt or prevent such a discharge.
- (5) A permittee has failed to meet within ninety (90) days or more of the scheduled date a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or obtaining final compliance.
- (6) A permittee has failed to provide within forty-five (45) days of a deadline a required report containing all monitoring results and other information such as a baseline monitoring report, 90-day compliance report, periodic self-monitoring report, or report on compliance with a compliance schedule.
- (7) A permittee has failed to accurately report noncompliance.

- (8) The District has determined that any other violation or group of violations, which may include a violation of required best management practices, by an industrial user has adversely affected the operation or implementation of the District's pretreatment program.

5.28 ENFORCEMENT

- (1) The District may obtain any remedy allowed by law for any violation of any pretreatment standard or requirement. In accordance with Chapter 11 of the District Sewer Use Ordinance and the District's Enforcement Response Plan, Enforcement options include: a notice of noncompliance, a notice of violation, an order, publication of a permittee's name in a public notice of users in significant noncompliance, permit revocation, penalties, and criminal prosecution.
- (2) If any person willfully or negligently violates any pretreatment standard or requirement, knowingly makes a false statement, representation or certification, or knowingly falsifies, tampers with, or renders inaccurate any monitoring device or analytical method, then that person may be subject to prosecution under the criminal laws of the State of Wisconsin or the United States, in addition to actions for civil remedies.
- (3) If a permittee's discharge results in a deposit, an obstruction, damage, or impairment in the sewerage system, then the permittee shall be liable to the District for the costs of cleaning, repairing, or replacing the affected components.
- (4) In any enforcement action against a permittee, the District may recover the District's costs for sampling, analysis, other surveillance measures, and time devoted to the action by the District's legal counsel, engineering staff, administrative staff, or other personnel.

5.29 APPEALS

The Permittee may seek review of an administrative action, special order, or penalty according to SUO § 11.3.3 and 11.5.

5.30 PUBLICATION OF VIOLATIONS AND ENFORCEMENT ACTIONS

In accordance with the requirements of 40CFR sec. 403.8(f)(2)(vii) and Wis. Admin Code § NR 211.23 the District shall publish annually in a newspaper having the largest circulation within the District a notice identifying those industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements.

5.31 FEES

The Permittee shall pay to the District fees necessary to cover the costs of the Pretreatment Program. These fees will include an annual administration fee, sampling charges, and laboratory analysis charges. These fees will be established annually by the District. The permittee will be notified of the current year fees.