

May 14, 2015

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Contact Name
Industry Name.
Address
Menasha, WI 54952

RE: Issuance of Industrial User Permit to Industry name, Inc. by the Neenah-Menasha Sewerage Commission (NMSC) Permit No. NMSC-XXX-10

Dear Contact Name:

Your application for an industrial user pretreatment permit has been reviewed and granted in accordance with NMSC Industrial Pretreatment Rules and Regulations No. 2015-1, section 4.

The enclosed permit NMSC-XXX-10 authorizes the discharge of wastewater from your firm's facility located at [Address], Menasha, Wisconsin, into the City of Menasha sewer system and thence into the NMSC interceptor sewer system. All discharges from this facility and actions and reports by your firm relating thereto shall be made in accordance with the terms and conditions of this permit.

If your firm wishes to appeal or challenge any term or condition imposed by this permit, a petition shall be filed for modification or reissuance of this permit in accordance with the requirements of 5.3, within 30 days of your receipt of this correspondence. **PURSUANT TO 5.3 (1), FAILURE TO PETITION FOR RECONSIDERATION OF A PERMIT WITHIN THE ALLOTTED TIME SHALL BE DEEMED AN IRREVOCABLE, BINDING WAIVER BY THE PERMITTEE OF ITS RIGHT TO CHALLENGE ANY OF THE TERMS OF ITS PERMIT.**

THE NEENAH-MENASHA SEWERAGE COMMISSION

By: _____
General Manager

Issued and effective this 15th day of June, 2015.

NMSC Permit No. NMSC-012-10

NMSC INDUSTRIAL USER DISCHARGE PERMIT

In accordance with the provisions of NMSC Industrial Pretreatment Rules and Regulations No. 2015-1

Industry Name and Address
Menasha, WI 54952

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

Noncompliance with any term or condition of this permit shall constitute a violation of the NMSC and/ or City of Menasha sewer use ordinances.

This permit shall become effective on June 15, 2015 and shall expire at midnight on June 15, 2020.

This permit shall include all documents annexed hereto, which are made a part hereof.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of NMSC Industrial Pretreatment Rules and Regulations No. 2015-1, section 4.5, a minimum of 90 days prior to the expiration date.

THE NEENAH-MENASHA SEWERAGE COMMISSION

By: _____
General Manager

Issued by NMSC this 15TH day of June, 2015

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PART 1 - Permit Effluent Limitations

A. **Term of Permit and Place of Discharge.** During the inclusive period from June 15, 2015 to midnight of June 15, 2020 the permittee is authorized to discharge process wastewater into the City of Menasha sewer system and thence into the NMSC interceptor sewer system exclusively from the outfalls listed below.

Description of outfalls:

<u>Outfall</u>	<u>Descriptions</u>
001	[Description of discharge location]

B. **NMSC Effluent Limitations.** During the period from June 15, 2015 to midnight of June 15, 2020 the discharge from the above described outfalls shall not exceed the following effluent limitations:

1. **NMSC Local Effluent Limits:**

<u>Parameter</u>	<u>Daily Maximum Effluent Limitation (mg/l)</u>
Cadmium (total)	0.558
Chromium (total)	15.4
Copper (total)	3.56
Mercury (total)	0.0006
pH (standard units)	5.0 (minimum) to 11.0 (maximum)

C. **U.S. Environmental Protection Agency Categorical Pretreatment Standards.**

1. Applicable Categorical Standards.

The permittee is subject to the General Pretreatment Regulations in 40 CFR 403 and/or State of Wisconsin Administrative Code NR 211. The permittee is currently not subject to any specific EPA Categorical Pretreatment Standards.

2. Compliance Deadline.

a. Existing Wastewater Sources. As to existing wastewater sources, permittee shall comply with all applicable EPA Categorical Standards within the deadlines established in 40 CFR 403.6 (b) [NR 211.(2)], which presently provide for compliance by existing sources within three (3) years of the effective date of the Standard, unless a shorter compliance schedule is specified.

b. New Wastewater Sources. As to any new wastewater sources produced by permittee, it shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge the new source. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

3. Alternative Limit Calculation. NMSC may, at its sole discretion, compute alternative categorical limits pursuant to 40 CFR 403.6 (c) and/or (e) [NR 211.11(3) and/or NR 211.12].

4. Waiver from Monitoring. The NMSC may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard when a pollutant is not expected to be present [See 40 CFR 403.12(e)(2), (NR 211.15 Wis. Adm. Code)].

During the period of [date] to [date] the Neenah Menasha Sewerage Commission is granting [industry name] a monitoring waiver for [list the waived parameter]. If the pollutants listed are found to be present or expected to be present because of changes that occur in the permittee's operations, the permittee must immediately begin monitoring for the pollutants outlined below:

<u>Parameter</u>	<u>Location</u>	<u>Frequency</u>	<u>Sample type</u>
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No waivers have been granted during this permit period

- D. **Other Applicable Standards.** All discharges hereunder by permittee shall comply with all applicable laws, regulations, standards, and requirements of local, State and Federal pretreatment laws, regulations, standards, and requirements including any new or amended laws, regulations, standards or requirements that may become effective during the term of this permit.

PART 2 - PERMITTEE MONITORING REQUIREMENTS

- A. **Outfall Monitoring.** From the period beginning on June 15, 2015 until midnight June 15, 2020, permittee shall monitor outfall(s) 001 for the following parameters, at the indicated frequency below:

<u>Sample Parameter mg/l</u>	<u>Measurement Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Biochemical Oxygen Demand (BOD)	001	2/year	24-hour Flow Proportional Composite

Total Suspended Solids (TSS)	001	2/year	24-hour F.P.C.
Cadmium	001	2/year	24-hour F.P.C.
Chromium	001	2/year	24-hour F.P.C.
Copper	001	2/year	24-hour F.P.C.
Mercury	001	2/year	24-hour F.P.C.
pH	001	2/year	Grab

1. 001 – [brief description]
2. Daily flows are to be recorded from permittee's flow meter or its contract laboratory's portable flow meter.
3. Definitions of sample types. A grab sample must be taken for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples shall be 24-hour flow-proportional composites, where feasible. The NMSC may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is not feasible. 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. All sampling shall be done during days when industrial discharges are occurring at normal to maximum levels.

4. Self-monitoring report due dates
First Six Month Period Due on or before June 30
Second Six Month Period Due on or before December 31
5. As to compliance with EPA Categorical Standards, permittee shall have a choice of monitoring location as provided in 40 CFR 403.6 (e)(4) and/or NR 211.12(5); however, the choice of monitoring location may not be changed prior to receiving approval from NMSC.

B. **Sample Testing Procedures.** All handling and preservation of collected samples and laboratory analysis of samples shall be performed in accordance with EPA guidance and ch. NR 219 Wis. Adm. Code and amendments thereto unless specified otherwise in the monitoring conditions of this permit.

PART 3 - REPORTING REQUIREMENTS

A. **Permittee's Self-Monitoring Reports.** Monitoring results obtained by permittee shall be summarized and reported to NMSC as specified in Part 2 A. Each report shall include: (i) the specific test procedure used for each analysis, (ii) the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the reporting period preceding the submission of such report, including measured daily flows, (iii) compliance with BMP-based categorical or local limits (when applicable), and (iv) a chain of custody record for each sample collected to fulfill the requirements of permittee's self-monitoring report. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in ch. NR 219 or amendments thereto, or otherwise approved by EPA or as specified in this permit, the results of such monitoring shall be reported to NMSC in permittee's self-monitoring report. If a self-monitoring report is not timely submitted, or is inaccurate or is incomplete, permittee, at NMSC's option, may be required to resample, retest and resubmit a compliance monitoring report.

B. **Notification of Violation and Automatic Resampling.** If at any time the results of permittee's wastewater analysis indicate that a violation of this permit has occurred, permittee must:

1. Verbally inform NMSC's general manager of such violation within 24 hours of its discovery; and in writing within 72 hours.
2. Repeat the sampling and pollutant analysis in question and submit, in writing, the results of such second analysis within 30 days of the first violation.

C. **Accidental Discharge Report.**

1. Permittee shall immediately notify NMSC by telephone upon the occurrence of an accidental discharge of substances prohibited by NMSC Industrial Pretreatment Rules and Regulations 2015-1, Section 6 or any slug loads or spills that may enter the public sanitary sewer system from permittee's facility. Such notification shall include location of the discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken to date. Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State or Federal laws.
2. Within five days following an accidental discharge, the permittee shall submit to NMSC a detailed written report. The report shall specify:
 - a. A description of the precise nature and cause of the upset, slug load or accidental discharge and the impact on the permittee's compliance status. The description should also include location of the discharge, type, concentration and volume of discharge.
 - b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
 - c. All steps taken or to be taken by permittee to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance, 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 for emergency response.

D. **Reporting Requirements for a Permittee who is Subject to Categorical Pretreatment Standards.**

1. **Baseline Monitoring Reports and Compliance Schedule.**

- a. **Existing Sources.** Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), (NR 211.33), whichever is later, a permittee subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to NMSC shall be required to submit to NMSC a report which contains the information listed in 40 CFR 403.12(b)(c) and/or NR 211.15(1). Where reports containing this information already have been submitted to the Director or Regional Administrator in compliance with the requirement of 40 CFR 128.140(b) (1977), permittee will not be required to submit this information again.
- b. **New Wastewater Sources.** At least 90 days prior to commencement of any new wastewater source discharge, permittee shall be required to submit to the NMSC a report which contains the information listed in 40 CFR 403.12(b)(c), [NR 211.15(1)].

2. **Report on Compliance with Categorical Pretreatment Standard Deadline.**

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the NMSC, any permittee subject to Pretreatment Standards and Requirements shall submit to NMSC compliance reports as specified in 40 CFR 403.12(d), [NR 211.15(3)].

3. **Best Management Practices (BMPs) Report (when required)**

- E. **Submission of Reports by Permittee.** All reports required by this permit shall be submitted to the NMSC at the following address:

Neenah-Menasha Sewerage Commission
101 Garfield Avenue
Menasha, WI 54952

PART 4 - SPECIAL CONDITIONS

- A. **Additional/Special Monitoring Requirements.**

None

- B. **Special Causes Reopener Clause.**

NOT APPLICABLE

- C. **Compliance Schedule.**

NOT APPLICABLE

1. **Compliance Scheduling Reporting.** No later than 14 days following each date indicated in the above schedule, permittee shall submit to NMSC a report indicating, at a minimum, whether or not it has complied with the level or increment of progress to be met under the schedule on such date and, if not, the date on which it expects to comply with such increment of progress, the reasons for delay, if any, and the steps being taken to return the project to the compliance schedule established above.

PART 5 - STANDARD CONDITIONS

- A. **General Conditions and Definitions.**

1. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
2. **Duty to Comply.** The permittee shall comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact to the NMSC wastewater treatment plant, to the public health, or to the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharges.
4. Permit Modification or Amendment. At NMSC's discretion, pursuant to the terms and conditions of its industrial pretreatment ordinance, it may modify or amend this permit for any of the following reasons:
 - a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
 - b. To reflect material or substantial alterations or additions to the permittee's operation processes, or in its discharge volume or character, since the time of the individual wastewater discharge permit issuance.
 - c. To reflect a change in any condition as to either the permittee or the NMSC which requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - d. Receipt by NMSC of information indicating that the permitted discharge poses a threat to the NMSC's collection and treatment systems, personnel or the receiving waters.
 - e. Violation of any terms or conditions of the individual wastewater discharge permit.
 - f. Misrepresentation or failure to disclose fully all relevant facts in the discharge permit application or in any required report.
 - g. Revision of or a grant of variance from categorical standards pursuant to federal regulation 40 CFR 403.13, (NR 211.14).
 - h. To correct typographical or other errors in the discharge permit.
 - i. To reflect transfer of permittee's facility ownership and/or operation to a new owner/operator where requested in accordance with Part 5

(A) (9) of this permit.

- j. Upon request of a permittee, provided such request, if granted, will not create a violation of any applicable requirements, standard, laws, or rules and regulations.
- k. Such other reason(s) as the Commission, from time to time, may determine to be appropriate and/or necessary for the effective efficient and proper operation of its wastewater treatment facilities, protection of the public health or welfare or protection of the environment.

Should a permittee file a request for permit modification or amendment, permit revocation and reissuance, or permit termination, or should a permittee notify NMSC of any planned facility or process changes and anticipated resulting permit noncompliance, such request or notice shall not stay any permit condition.

5. Permit Suspension and Suspension of Service. This permit may be suspended and permittee's wastewater treatment service may be summarily terminated by the NMSC should it determine that a permittee's actual or threatened conduct or discharge presents or threatens:
- a. Imminent substantial danger to the health or welfare of any person.
 - b. Imminent substantial danger to the environment.
 - c. Adverse interference with the operation of the Neenah-Menasha Sewerage Commission sewage treatment plant or facilities.
 - d. Violation of any of the provisions of this permit issued pursuant to the NMSC industrial pretreatment rules and regulations.
 - e. Violation of any pretreatment limits imposed by the NMSC industrial pretreatment rules and regulations.
 - f. Violation of the Commission's WPDES or State discharge permit; or
 - g. The Commission determines any of the reasons exist enumerated in subparagraph no. 6, which follows this subparagraph.

6. Permit Termination, Revocation or Refusal to Reissue or Extend. The NMSC may revoke, terminate or refuse to reissue or extend the permit of any permittee who:
- a. Has failed to properly collect, maintain or retain any information or records required by this permit or by the NMSC industrial pretreatment rules and regulations.
 - b. Has falsified any information or records which it is required to collect, maintain, retain or submit to NMSC in accordance with either its permit or by the NMSC industrial pretreatment rules and regulations.
 - c. Has failed to timely, accurately or fully make any report, notice or schedule required by this permit or by the NMSC industrial pretreatment rules and regulations, including, but not limited to, reports pertaining to the wastewater constituents and characteristics of its discharge, including any significant changes therein.
 - d. Refuses NMSC or its agents reasonable access to permittee's premises for the purpose of inspecting, monitoring and determining permittee's compliance with this permit.
 - e. Violates the conditions or provisions of this permit including effluent limitations.
 - f. Violates the NMSC industrial pretreatment rules and regulations, including but not limited to, failure to pay fines, to pay sewer charges or to timely meet compliance schedules.
 - g. Violates any NMSC or judicial order entered with respect to this permit; or
 - h. When changed circumstances require the NMSC to effect temporary or permanent reduction or elimination of a permitted discharge.
 - i. Failure to complete and submit a discharge permit application.
 - j. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
 - k. Tampering with monitoring equipment.

7. Permit Appeals. Should a permit be suspended, terminated or revoked by NMSC, permittee shall have those rights set forth in Chapter 5 of the NMSC Industrial Pretreatment Rules and Regulations 2015-1.

The terms of any permit issued or reissued by the NMSC, or the modification or amendment of any permit by the NMSC, shall be subject to appeal to the NMSC, provided a written, sworn petition of appeal is filed with the NMSC by permittee within thirty (30) days of the date of permit issuance, reissuance, modification or amendment.

Failure to submit a timely petition of appeal shall constitute an irrevocable waiver by permittee of its right to appeal. In its appeal petition, permittee shall indicate the permit provisions objected to, the specific reasons for such objection, and the alternative condition(s), if any, it seeks to have placed in the permit; or the objectionable NMSC action affecting the permit, and specific reason for such objection.

The effectiveness of this permit as issued, reissued, modified or amended shall not be stayed pending any reconsideration by the NMSC. If, after considering Permittee's petition and its arguments, and any arguments advanced by the NMSC's general manager and/or its attorney, the NMSC determines that reconsideration is proper, it shall remand the permit to its general manager for reissuance. Those permit provisions being reconsidered by the general manager shall be stayed pending reissuance. A NMSC decision not to reconsider a permit as issued, reissued, modified, or amended shall be considered final administrative action for purposes of judicial review. A permittee seeking judicial review of final NMSC action may do so by filing a complaint with the Circuit Court for Winnebago County within thirty (30) days of the NMSC's written decision.

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

9. Limitation of Permit Transfer. Permits may be reassigned or transferred to a new owner and/or operator of permittee's facilities by permittee only with the prior written approval of the NMSC:
 - a. The permittee must provide at least thirty (30) days advance written notice to the NMSC of such transfer.
 - b. The notice must include a written certification to NMSC by the new owner which:
 - (i) States that the new owner has no immediate intention to essentially change the transferred facility's operations and processes;
 - (ii) Identifies the specific date on which the transfer of facilities and permit will occur; and
 - (iii) Acknowledges the new owner's acceptance of full responsibility for complying with all of the provisions of this permit and the industrial pretreatment rules and regulations of the NMSC.
10. Duty to Reapply. If the permittee wishes to continue an activity or is discharge regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit to NMSC at least 90 days before the expiration date of this permit.
11. Extension of Permits. At NMSC's discretion, pursuant to the terms and conditions of its industrial pretreatment ordinance, this permit may be continued for a specified additional term, by letter notice to permittee by NMSC, provided however that:
 - a. The permittee has submitted a complete permit application to NMSC at least ninety (90) days prior to the expiration date of the permit.
 - b. Any failure to reissue the permit is not due to any act or failure to act on the part of the permittee.
 - c. The original and extended permit terms together do not exceed five (5) years.

12. Dilution. The permittee shall not utilize any technique which has as its purpose or likely result the dilution of its effluent, including but not limited to, increasing the use of potable or process water, mixing separate waste streams, collecting and temporarily containing a waste stream for later discharge, or in any way, attempting to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit. NMSC may impose mass limitations on permittee if, in the opinion of NMSC, permittee may be using dilution to meet applicable pretreatment standards or requirements, or in such cases where imposition of mass limitations is deemed appropriate by NMSC.
13. Definitions.
- a. Daily Maximum - The maximum allowable discharge of pollutant by permittee during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 - b. Composite Sample - A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
 - c. Grab Sample - An individual sample collected in less than 15 minutes without regard for flow or time.

- d. Instantaneous Maximum Concentration - The maximum concentration allowed in any single grab sample.
- e. Cooling Water -
 - 1. Uncontaminated: Water used only for cooling purposes which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
 - 2. Contaminated: Water used only for cooling purposes which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- f. Monthly Average - The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30-day window).
- g. Weekly Average - The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.
- h. Bi-Weekly - Once every other week.
- i. Bi-Monthly - Once every other month.
- j. Significant Noncompliance

An industrial user is in significant noncompliance if its violation meets one or more of the following criteria. A non-significant industrial user is in significant noncompliance if criteria 3, 4, or 8 apply:

- 1. Sixty-six percent or more of all the measurements of the industrial user's wastewater for the same pollutant taken during a 6 month period exceeded by any magnitude any numeric pretreatment standard or requirement including an instantaneous limit
- 2. Thirty-three percent or more of all the measurements of the industrial user's wastewater for the same pollutant taken

during a 6 month period equaled or exceeded the product of the numeric pretreatment standard or requirement including an instantaneous limit multiplied by either 1.4 for BOD, TSS and fats-oil-grease; 1.2 for all other pollutants except pH; or exceeded a pH limit by 0.4 standard units.

3. The control authority (NMSC) has reason to believe that the industrial user has caused, alone or in combination with other discharges, interference, pass-through or endangerment of the health of POTW personnel or the general public because of the violation of a pretreatment standard or requirement.
4. The industrial user has discharged a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has otherwise resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. The industrial user has failed to meet, by 90 days or more, a milestone date, contained in a compliance schedule within a local control mechanism or enforcement order for starting construction, completing construction, or attaining compliance;
6. The industrial user has failed to provide, within 45 days of a deadline a required report containing all required monitoring results and other information, such as baseline monitoring report, 90-day compliance reports, periodic self-monitoring report, and report on compliance with a compliance schedule;
7. The industrial user has failed to accurately report noncompliance;
8. The control authority has determined that any other violation or group of violations, which may include a violation of required best management practices, by the industrial user

has adversely affected operation or implementation of the local pretreatment program.

- k. Upset - Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designated or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- l. Bypass - Means the intentional diversion of wastes from any portion of a treatment facility.

14. General Prohibitive Standards. No user shall contribute or cause to be contributed, directly or indirectly, any substance, pollutant, or wastewater into the Wastewater Treatment System or the facilities of the Commission which causes pass-through or interference. This general prohibition and the specific prohibitions in Section 2.1 of the Industrial Pretreatment Rules and Regulations of the NMSC apply to each user discharging to the facilities of the Commission, whether or not the user is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements. The permittee shall comply with all the general prohibitive discharge standards in NMSC Industrial Rules and Regulations 2015-1, Section 2.1. Namely, the industrial user shall not discharge Wastewater to the sewer system the following:
- a. Pollutants which create or contribute to a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21 (NR 661.21);
 - b. Pollutants which will cause or contribute to corrosive structural damage to the POTW but in no case discharges having a pH less than 5.0 or

more than 11, unless the industrial user has a pH variance approved by the NMSC;

- c. Solid or viscous pollutants in amounts which will cause or contribute to obstruction of the flow in sewers or other interference with the operation of the POTW;
- d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause or contribute to interference in the POTW;
- e. Heat in amounts which will inhibit or contribute to the inhibition of biological activity in the POTW treatment plant resulting in interference or causing damage to the POTW, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C), unless alternate temperature has been approved;
- f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the NMSC Wastewater Treatment System in a quantity that may cause acute worker health or safety problems;
- h. Trucked or hauled pollutants, except at discharge points designated by NMSC in accordance with Section 3.4 of the Neenah Menasha Sewerage Commission's Pretreatment Rules and Regulations;
- i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (including pollutants which result in the presence of toxic gases, vapors, or fumes);
- j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and

- vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
- k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - l. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the general manager;
 - m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - n. Medical Wastes, except as specifically authorized by the general manager in an individual wastewater discharge permit or a general permit;
 - o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test; Wastewater containing toxic or poisonous components in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the sewer system treatment plant. Toxic wastes shall include, but are not limited to, waste containing cyanide, chromium, cadmium, mercury, copper, and nickel ions;
 - p. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
 - q. Fats, oils, or greases of animal or vegetable origin in concentrations that can upset or cause problems at the treatment plant;
 - r. Wastewater causing a reading on an explosion hazard meter at any point in the NMSC system for any single reading over 10 percent of the Lower Explosive Limit of the meter;
 - s. Wastewater containing any component which would cause the treatment plant to be in noncompliance with sludge use, recycle or

disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State of Wisconsin or EPA.

15. Compliance with Applicable Pretreatment Standards and Requirements. Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any new or amended standards or requirements that may become effective during the term of this permit.
16. Submit a Permit Application. A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of the Neenah Menasha Sewerage Commission's Pretreatment Rules and Regulations, a minimum of 90 days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

B. Operation and Maintenance of Pollution Controls.

1. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance by permittee with the conditions of the permit.
2. Duty to Halt or Reduce Activity. Upon reduction of efficiency of operation,

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

3. Bypass of Permittee's Pretreatment Facilities.

- a. Bypass of permittee's pretreatment facility is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage; and no feasible alternative exists; and the permittee submitted notices as required under paragraph (c) of this section.
- b. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also essential for maintenance of permittee's pretreatment facility and to assure its continued efficient operation.
- c. Notification of bypass:
 1. Anticipated bypass. If the permittee knows in advance of the need for a bypass of permittee's pretreatment facility, it shall submit written notice, at least ten days before the date of the anticipated bypass, to the NMSC.
 2. Unanticipated bypass. If an unanticipated bypass occurs, permittee shall immediately notify the NMSC and submit a written report to the NMSC within 5 days. This report shall specify:
 - (i) A description of the bypass, and its precise cause, including its exact dates and times.
 - (ii) Whether the bypass has been corrected and if the

bypass has not been corrected, the anticipated time it is expected to continue; and

(iii) The steps being taken or to be taken by permittee to reduce, eliminate and prevent a reoccurrence of the bypass.

3. NMSC may approve an anticipated bypass, after considering its adverse effects, if NMSC determines it will meet the three conditions listed in paragraph (a) of this section.

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

C. Monitoring and Records.

1. Representative Sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and in accordance with the NMSC Pretreatment Rules and Regulations Section 6.11. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without written notification to and prior approval by the NMSC.

2. Flow Measurements. If flow measurement is required by this permit, appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurement of the volume of monitored discharges. Such devices shall be installed, calibrated, and routinely maintained to ensure that the accuracy of the measurements if consistent

with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. Analytical Methods to Demonstrate Continued Compliance. All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in ch. NR 219 and amendments thereto, or otherwise approved by EPA, or as specified in this permit.
4. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures identified in Section C 3, the results of such monitoring shall be included in the permittee's self-monitoring reports.
5. Inspection and Entry. The permittee shall allow the NMSC, or its authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the provisions of this permit.
 - b. Have access to and copy, at all reasonable times, any records that must be kept under the provisions of this permit.
 - c. Inspect at all reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
 - d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
 - e. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.
6. Retention of Records.
 - a. The permittee shall retain records of all monitoring information,

including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of such sample, measurement, report or application. This period may be extended by request of the NMSC at any time.

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

7. Record Contents. Records of sampling and analyses shall include:

- a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures.
- b. Who performed the sampling or measurements.
- c. The date(s) analyses were performed.
- d. Who performed the analyses.
- e. The analytical techniques or methods used; and
- f. The results of such analyses.
- g. Chain of custody documentation.
- h. Any other relevant information such as unusual process or operating conditions, equipment problems, etc., that may affect sample results.
- i. Documentation of compliance with BMP requirements (when applicable).
- j. Signed statement of accuracy by authorized representative.

8. Falsifying Information. Knowingly making any false statement in any report or other document required by this permit, or knowingly rendering inaccurate any monitoring device or method, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

D. **Additional Reporting Requirements.**

1. **Planned Changes.** The permittee shall give notice to the NMSC 90 days prior to any facility expansion, production increase, or process modification which is likely to result in any new or substantially increased discharge or a change in the nature of the discharge.
2. **Anticipated Noncompliance.** The permittee shall give advance notice to the NMSC of any planned change in the permitted facility or activity which may result in noncompliance with permit requirements.
3. **Notification of Violation and Automatic Resampling.** If the results of the permittee's wastewater analysis indicates a violation has occurred, the permittee shall notify the NMSC within 24 hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within 30 days after becoming aware of the violation.
4. **Duty to Provide Information.** Within 24 hours of its knowledge of any permit violation, permittee shall notify NMSC and shall repeat a sampling and pollutant analysis and submit, in writing, the results of such repeat analysis within 30 days of its knowledge of such violation.
5. **Signatory Requirements.** All applications, reports, or information submitted to the NMSC by permittee must contain the following certification statement and be signed as required in sub-sections a., b., c., or d. below:

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

submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (1) If the User is a corporation:
 - (a) A president, secretary, treasurer, vice-president 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 facilities provided the manager is authorized to make decisions which govern the operation of the facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the report and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (c) A representative of a person described in a. or b. if the representative has been authorized according to par. (4).
- (2) If the User is a partnership, the certification shall be signed by either a general partner or a representative authorized according to par. (4).
- (3) If the User is a sole proprietorship, the certification shall be signed by either the proprietor or a representative authorized according to par. (4).
- (4) Authority to sign the certification may be delegated if:
 - (a) The person to whom authority is delegated is an individual or occupies a position with responsibility for:
 - (i) The overall operation of the facility from which the discharge occurs, such as plant manager; or
 - (ii) The overall environmental matters for the company, such as corporate environmental officer; and
 - (b) A written authorization is submitted to the NMSC. If circumstances change so that an authorization is no longer accurate, the industrial user shall

submit a new authorization before or along with the submission of any report signed by a new representative.

6. Notification of Hazardous Waste in Discharge.

- a. An industrial user shall notify, in writing, the NMSC, the EPA Region V waste management division director and the Wisconsin DNR bureau of waste management of the discharge to the NMSC of:
 1. More than 15 kilograms per calendar month of any substance that would be hazardous waste according to ch. NR 661 if otherwise disposed; or
 2. Any amount of a substance that would be an acute hazardous waste according to s. NR 661.30 (4) or 661.33 (5) if otherwise disposed.
- b. The notification required shall include: The name of the hazardous waste; The hazardous waste number; Whether the discharge is continuous, batch or other, and; A certification that the industrial user has a program in place to reduce to the extent economically practicable the volume and toxicity of the generated hazardous wastes.
- c. If an industrial user discharges to a POTW more than 100 kilograms of hazardous waste per month, the report required by sub. (a) shall include the following additional information to the extent it is known and available: The identity of the hazardous constituents in the listed wastes; The mass and concentration of the hazardous constituents in the wastestream; and the mass of the hazardous constituents expected to be discharged during the next 12 months.
- d. The notification required by sub. (a) shall be made by the date required by the NMSC.
- e. Industrial users who commence discharging hazardous waste after the date established under sub. (d) shall provide the notification required by sub. (a) within 180 days of commencement of discharge.

- f. Any notification under this section need to be submitted only once for each hazardous waste discharge except for notifications of changed discharges under s. NR 211.15 (6).
 - g. This section does not apply to wastestreams already reported under self-monitoring requirements of s. NR 211.15.
 - h. If ch. NR 661 is amended to identify additional characteristics of hazardous wastes or to list any additional substances as hazardous waste, any industrial user discharging the newly designated hazardous waste shall notify, in writing, the NMSC, the EPA Region V waste management division director and the Wisconsin DNR bureau of waste management of the discharge of the substance within 90 days of the effective date of the new regulations.
 - i. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these rules and regulations, a permit issued thereunder, or any applicable Federal or State law.
7. Operating Upsets. Any permittee that experiences an upset in its operations which places the permittee in a temporary state of noncompliance with the provisions either of this permit or of NMSC Pretreatment Rules and Regulations 2015-1 shall inform the NMSC within 24 hours of becoming aware of such upset at 751-4760.

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

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

The report shall demonstrate that permittee's treatment facility was

being operated in a prudent and workmanlike manner at the time of upset or explain why it was not.

A bona fide and documented operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

8. Annual Spill Prevention Survey and Slug Control Report. Every permittee shall carefully survey its facilities, no less than annually, to determine the likelihood of accidental discharges of prohibited or regulated materials or substances, the adequacy of existing control facilities, and operating procedures, and shall report the results thereof to NMSC. Such annual report shall be submitted to NMSC on or before December 1 of each year and shall specify:
- a. All chemicals or compounds located upon permittee's premises, either continuously or periodically, which are either prohibited or regulated under NMSC Pretreatment Rules and Regulations, 2015-1, as amended.
 - b. The maximum volume of such materials stored upon permittee's premises at any given time.
 - c. The number, type and capacity of each storage vessel upon permittee's premises for such materials.
 - d. A description of the nature and extent of any containment facility upon permittee's premises.
 - e. A description of the nature and extent of any containment or spill prevention and abatement procedures in effect by permittee, including, but not limited to: inspection and maintenance of storage areas; handling and transfer of materials; loading and unloading operations; control of plant site runoff, and; measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
 - f. A description of any permittee employee training in spill prevention

and abatement procedures.

- g. A description of permittee's existing NMSC notification procedure in the event of a spill or slug discharge.
 - h. At the discretion of the NMSC, the permittee may be required to submit and implement a slug discharge control plan. If this facility is required to implement a slug control plan, the requirements for the plan will be inserted into this section of the discharge permit.
9. Notification of Changes Affecting Potential Slug Discharge. Industrial Users must notify the NMSC immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the NMSC to reevaluate the need for a slug control plan or other actions to prevent discharges.
10. Annual Publication. Pursuant to the mandatory provisions of 40 CFR 403.8(f)(2)(viii) and/or NR 211.23(j), a list of all industrial users which were in significant non-compliance with applicable pretreatment requirements during the twelve (12) previous months shall be annually published by NMSC a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served. Accordingly, the permittee is hereby apprised that its noncompliance with this permit may lead to an enforcement action.
11. Civil and Criminal Liability. Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under NMSC Industrial Pretreatment Rules and Regulations No. 2015-1 or State or Federal laws or regulations.
12. Penalties for Violations of Permit Conditions. The NMSC Industrial Pretreatment Rules and Regulations No. 2015-1, Section 11.2, provides that any person or firm who violates a permit condition is subject to a civil penalty of up to ten thousand dollars (\$10,000) for each day such violation exists. The permittee may also be subject to sanctions under State and/or Federal law.

13. Recovery of Cost Incurred. In addition to civil and criminal liability, any permittee violating any of the provisions of this permit or NMSC Industrial Pretreatment Rules and Regulations No. 2015-1 or causing damage to or otherwise inhibiting proper operation of the NMSC wastewater disposal system shall be liable to the NMSC for any expense, loss, or damage caused by such violation or discharge. The NMSC shall bill the permittee for the cost incurred by the NMSC for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of NMSC Industrial Pretreatment Rules and Regulations No. 2015-1, Section 11.

14. Confidential Information

Effluent data submitted to the control authority under ch. NR 211 Wis. Adm. Code shall be a public record within the meaning of s. 19.21, Stats. All other information submitted to the control authority under ch. NR 211 Wis. Adm. Code shall be public record unless the information is entitled to confidential treatment under s. 283.55 (2), Stats., and sec. NR 2.19 Wis. Adm. Code as a trade secret. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

PART 6 - SUMMARY OF REQUIRED REPORTS, NOTIFICATIONS AND SCHEDULES BY PERMITTEE

The following parts of this permit require submission to the NMSC by Permittee of reports, notifications and schedules and are listed here for the convenience of Permittee:

1. Part 3 A. - Permittee's Self-Monitoring Reports.
2. Part 3 B. - Notification of Violation and Automatic Resampling
3. Part 3 C. - Accidental Discharge Report.
4. Part 3 D. 1. - Baseline Monitoring Reports and Compliance Schedule
5. Part 3 D. 2.- Report on Compliance with Categorical Pretreatment Standard
Deadline
6. Part 4 C. 1. - Compliance Schedule Reporting.
7. Part 5 B. 3. - Notification of Bypass
8. Part 5 D. 1. - Notice of Planned Changes.
9. Part 5 D. 2. - Notice of Anticipated Noncompliance.
10. Part 5 D. 3. - Notice of Violation and Automatic Resampling.
11. Part 5 D. 5. - Signatory Requirements (as to reports).
12. Part 5 D. 6. - Notification of Hazardous Waste in Discharge.
13. Part 5 D. 7. - Reporting of Operating Upsets.
14. Part 5 D. 8. - Annual Spill Prevention Survey and Report.
15. Part 5 D 9. - Notification of Changes Affecting Potential Slug Discharge