



June 29, 2026

Mr. Robert Bruno
rbruno@h-2flo.com
H2FLO
5600 W. Florist Ave.
Milwaukee, WI 53218

Subject: Notice of Intent to Discharge Request and Wastewater Discharge Permit 6363.01

Dear Mr. Bruno,

The Milwaukee Metropolitan Sewer District (MMSD or District) has processed H2FLO's Notice of Intent (NOI) to discharge request, received on June 25th, 2025, for the property located at 5600 W. Florist Ave., Milwaukee.

The NOI describes ongoing batch discharges of process wastewater, up to 80,000 gallons per day, resulting from the treatment of oil and organic wastewaters, collected and hauled via tanker truck from off-site industrial and manufacturing sources. The process wastewater has potential to have pollutants that consist of BOD, TSS, hexane extractable materials (HEM), organics, and trace amounts of metals. The discharge location is inside the facility, along the south wall of the building, near the overhead door, as indicated in the NOI submittal.

Based upon the information provided in the NOI, the District is issuing a wastewater discharge permit and classifying H2FLO as a Significant Industrial User.

Wastewater Discharge Permit 6363.01 is enclosed. This permit establishes various effluent limits, sampling requirements, reporting deadlines, and other conditions for the discharge of wastewater to the District's sewerage system. Please review the enclosed permit to ensure that H2FLO meets all requirements set forth.

Within 90 days of the commencement of discharge, H2FLO must submit a baseline monitoring report and analytical results to the District, for review per MMSD rules 11.405. H2FLO must perform sampling for all parameters listed in Part I, Table 2, of the wastewater discharge permit at Outfall 1.4. Sample collection methods must utilize a flow composite for metals and semi-volatiles, and grabs for cyanide, volatiles, and SGT-HEM. A laboratory certified by the state must be used for sample analysis. Self-monitoring reports must be submitted per the requirements set forth in Part V(1) of the permit. H2FLO is now authorized to discharge until June 20, 2031.

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If you have any questions regarding the new permit, please contact Beth Stroik, IWPP Compliance Administrator at (414) 225-2157.

Sincerely,

A handwritten signature in blue ink, appearing to read "Micki Klappa-Sullivan". The signature is fluid and cursive, with a large loop at the end.

Micki Klappa-Sullivan, P.E.
Director, Water Quality Protection

enclosure



Permit No: 6363.01

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Industrial Username: H2FLO

Facility Address: 5600 W. Florist Ave., Milwaukee, WI 53218

Mailing Address: 5600 W. Florist Ave., Milwaukee, WI 53218

Industry Category: Centralized Waste Treatment, 40CFR 437.47(e)

The above Industrial User is authorized to discharge industrial wastewater to the Milwaukee Metropolitan Sewerage District (District or MMSD) sanitary sewer system in compliance with the District Pretreatment Regulations, any applicable provisions of Federal or State laws or regulations, and in accordance with effluent limitations, monitoring requirements, and other terms and conditions set forth herein.

This permit is granted in accordance with the wastewater discharge permit application filed with the MMSD Industrial Waste Pretreatment Program (IWPP), and in conformance with plans, specifications, and other data submitted to the District in support of the above application.

Effective Date: 6/29/2026

Reapplication Date: 4/14/2031

Expiration Date: 6/20/2031

Kevin L. Shafer, P.E.
Executive Director

06/29/2026

Issuance Date

PART I. WASTEWATER DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

Effluent Limitations shall comply with the effluent limitations specified below beginning with the effective date of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration more than, authorized by this permit constitutes a violation of the terms and conditions of this permit.

Table 1 - EFFLUENT LIMITATIONS for Outfalls 1.0 and 1.4

Parameter¹	Daily Maximum²	Monthly Average³
Flow, gallons per day (gpd)	N/A	N/A
pH, standard units (SU)	Greater than 5.0 at all times	
Arsenic (mg/L)	0.6	N/A
Cadmium (mg/L)	1.5	N/A
Chromium (mg/L)	0.746	0.323
Cobalt (mg/L)	56.4	18.8
Copper (mg/L)	0.5	0.242
Lead (mg/L)	0.35	0.16
Mercury (mg/L)	0.0026	N/A
Molybdenum (mg/L)	12	N/A
Nickel (mg/L)	4.0	N/A
Silver (mg/L)	5.8	N/A
Tin (mg/L)	0.335	0.165
Zinc (mg/L)	8.0	4.5
Cyanide (mg/L)	2.9	N/A
SGT-HEM ⁴ (mg/L)	100	N/A
Bis (2-ethylhexyl) phthalate	0.215	0.101
Carbazole	0.598	0.276
o-Cresol ⁵	1.92	0.561
p-Cresol ⁶	0.698	0.205
n-Decane	0.948	0.437
Fluoranthene	0.0537	0.0268
n-Octadecane	0.589	0.302
2,4,6-Trichlorophenol	0.155	0.106

Sample Location and Content:Outfall Location

Outfall 1.4 is located inside the facility, along the south wall, west of the overhead door, at the inline sampler.

Outfall 1.0 is located outside the facility, north of Florist Ave, west of east driveway, approx. 3 feet north of the fence, at the sewer entry point.

Outfall Shall Contain

Process wastewater only

Process wastewater only

(Outfalls 1.0 and 1.4 shall be considered equivalent.)

1. Parameters listed are totals, unless specified otherwise.
2. The daily maximum effluent limitation is defined as the maximum allowable discharge of a pollutant over a calendar day or an equivalent representative 24-hour period.
3. The monthly average effluent limitation is defined for all parameters, except for pH, as the highest allowable average of daily discharges over a calendar month, calculated as the arithmetic mean of the effluent sample results collected during a calendar month. If only one sample is taken during a calendar month, then that sample result shall be the monthly average of daily discharges.
4. Also known as Silica Gel Treated Hexane extractable materials.
5. Also known as 2-methylphenol
6. Also known as 4-methylphenol

The first monitoring period begins on the effective date of this permit.

Samples representative of industrial wastewater discharges during a 24-hour period shall be taken with respect to the parameters and frequency listed in Table 2. Compliance samples shall be taken from the inside sample location described in Table 1.

Table 2 - MONITORING AND REPORTING REQUIREMENTS¹						
Parameter	Units	Sample Location	Sample Type	Sample Frequency²	Report Frequency	Analytical Method³
pH	S.U.	1.4	Grab	Monthly	Monthly	³
Average daily flow ⁴	gpd	1.4	Flow	N/A	Monthly	N/A
Maximum daily flow	gpd	1.4	Flow	N/A	Monthly	N/A
Daily flow	gpd	1.4	Flow	Daily	Monthly	N/A
Monthly flow	gpd	1.4	Flow	Monthly	Monthly	N/A
Arsenic	mg/L	1.4	Flow	2x/year	2x/year	5,6
Cadmium	mg/L	1.4	Flow	2x/year	2x/year	5,6
Chromium	mg/L	1.4	Flow	Monthly	Monthly	5,6
Cobalt	mg/L	1.4	Flow	2x/year	2x/year	5,6
Copper	mg/L	1.4	Flow	Monthly	Monthly	5,6
Lead	mg/L	1.4	Flow	Monthly	Monthly	5,6
Mercury	mg/L	1.4	Flow	2x/year	2x/year	5,6
Molybdenum	mg/L	1.4	Flow	2x/year	2x/year	5,6
Nickel	mg/L	1.4	Flow	Monthly	Monthly	5,6
Silver	mg/L	1.4	Flow	2x/year	2x/year	5,6
Tin	mg/L	1.4	Flow	2x/year	2x/year	5,6
Zinc	mg/L	1.4	Flow	Monthly	Monthly	5,6
Cyanide	mg/L	1.4	Grab	2x/year	2x/year	6
SGT-HEM	mg/L	1.4	Grab	Monthly	Monthly	6
Volatile Organic Compounds (VOCs)	mg/L	1.4	Grab	Monthly	Monthly	6
Semi-Volatile Organic Compounds (SVOC)	mg/L	1.4	Flow	Monthly	Monthly	5,6
Total Suspended Solids	mg/L	1.4	Flow	Monthly	Monthly	5,6
Biochemical Oxygen						

Demand (BOD)	mg/L	1.4	Flow	Monthly	Monthly	5,6
1. Sampling by the Permittee shall be independent of sampling by the District. 2. Permittee shall sample: ☒ At least once between January 1 and June 30, and at least once between July 1 and December 31, or ☐ At least once between January 1 and April 30, at least once between May 1 and August 31, and at least once between September 1 and December 31, or ☐ At least once between January 1 and December 31. ☒ At least once each calendar month. 3. The pH sample shall be collected at the same time as the collection of sample for metals and shall be instantaneously measured directly from the waste stream, or a grab sample container free of acidic or alkaline preservatives, using a portable pH meter. 4. The average daily flow is calculated as the sum of all daily discharges, measured since the previous self-monitoring report, divided by the number of days in that period. 5. Permittee shall collect flow proportioned composite samples over a 24-hour period. 6. Permittee shall collect, preserve, and analyze samples using techniques that provide sufficient precision and accuracy to measure the regulated parameters at or below the applicable limit to a reasonable degree of scientific certainty, using analytical methods included in 40 CFR Part 136 or ch. NR 219, Wis. Adm. Code, or other methods approved by the Department of Natural Resources. For analysis, the Permittee shall use a laboratory certified or registered by the Department of Natural Resources, according to ch. NR 149, Wis. Adm. Code, for the parameter being analyzed (with the exception of flow and pH readings).						

Monitoring data obtained during a reporting period must be reported in a manner approved by the District and received by the District no later than the last day of the month following the month in which the sample was collected. Reports received later than 45 days from the due date will be considered in Significant Non-Compliance.

Each self-monitoring report shall be accompanied by the certification statements specified in Part II of this Permit.

PART II. SPECIAL CONDITIONS

1. Slug Discharge Control Plan

The Permittee shall develop a Slug Discharge Control Plan (SDCP), if required. The Permittee shall implement and follow the approved SDCP. The SDCP shall include, at a minimum, the requirements in Sec. 11.823(2) – Slug Control Plans. The SDCP shall be submitted to the District no later than one year from this permit's effective date. If, upon review, the District requires any additional content or changes, the Permittee will be required to incorporate the required content and resubmit the revised SDCP to the District within 30 days of the date of receiving the District's comments. The Permittee shall immediately notify the District of any facility changes that affect the potential of slug discharges to the sanitary sewer.

2. All Self-Monitoring Reports and Written Notifications

All Permittee self-monitoring reports and written notifications shall be signed by an authorized representative of the Permittee and shall contain the certification statements below, as prescribed in Secs. 11.406(3)(a) and 11.416, MMSD Rules. Authorized representatives for signatures are described in Part VII, Section 10 of this permit, and Sec. 11.417, MMSD Rules.

"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."

"To the best of my knowledge, my facility does not store, use, or create the pollutants prohibited by sec. 111.202(13), MMSD Rules, in any process, activity, or operation. My knowledge is based upon a visual inspection of my facility, information supplied by safety data sheets, and my understanding of the processes, activities, and operations at my facility. This certification does not apply to polychlorinated biphenyls."

"I have no reason to believe that polychlorinated biphenyls are discharged by my facility to the sewerage system."

All self-monitoring reports and written notifications shall be submitted to the District at the following address:

iwpp@mmsd.com
Industrial Waste Department
Milwaukee Metropolitan Sewerage District
260 W. Seeboth St.
Milwaukee, WI 53204

Original signed certification statements shall be sent via U.S. Mail to the above address.

3. Notification of the Commencement of Discharge

The Permittee shall notify the District of the commencement of process wastewater discharges. The Permittee may provide this notice by email to iwpp.com or via U.S. mail.

4. Initial Self-Monitoring

The Permittee shall sample within 30 days after the commencement of process wastewater discharges. This sampling shall include all of the parameters listed in Part 1, Table 2. The Permittee shall report the results according to Part II, Section 2.

5. Wastewater Characterization

When collecting When collecting, transporting, storing, treating, and discharging wastewater, the Permittee shall categorize wastewater according to the criteria in this section.

- a. If wastewater contains significant quantities of metal pollutants, but generally less than 100 mg/L of hexane extractable materials, then the wastewater is in the metals subcategory.
- b. If wastewater contains hexane extractable materials generally equal to or greater than 100 mg/L, then the wastewater is in the oils subcategory.
- c. If wastewater contains organic pollutants, but generally less than 100 mg/L of hexane extractable materials, then the wastewater is in the organic's subcategory.
- d. The following are examples of each type of wastewater:

Metals	Oils	Organics
Spent electroplating baths Spent electroplating sludges Metal finishing rinse water Metal finishing sludges Chromate wastes Air pollution control system blowdown Air pollution control system sludges Spent anodizing solutions Incineration wastewater Waste liquid mercury Cyanide containing wastes Waste acids and bases, with or without metals Cleaning, rinsing, and surface preparation solutions from electroplating or phosphating operations Vibratory deburring wastewater Alkaline and acid solutions used to clean metal parts or equipment	Used Oils Oil-water emulsions or mixtures Lubricants and/or Coolants Groundwater contaminated by petroleum Used petroleum products Oil spill clean-up Bilge water Rinse or wash water from petroleum sources Interceptor wastes Off-specification fuels Underground storage tank remediation wastes Tank clean-out from petroleum or oily sources Non-contact used glycols Aqueous and oil mixtures from parts cleaning operations Wastewater from oil-bearing paint wastes	Landfill leachate Groundwater contaminated by non-petroleum sources Solvent-bearing wastes Off-specification organic chemical products Still bottoms Byproduct waste glycol Wastewater from paint washes Wastewater from adhesives or epoxy formulation Wastewater from organic chemical product operations Tank cleanout from organic, non-petroleum sources Wastewater from pharmaceutical manufacturing

- e. In any case where categories overlap, a source is not listed in the above table, or categorization is otherwise uncertain, then the following criteria apply:

- i. If a wastewater contains hexane extractable materials equal to or greater than 100 mg/L, then the wastewater is in the oils subcategory.
- ii. If a wastewater contains less than 100 mg/L of hexane extractable materials and has any of the following pollutants in concentrations greater than the listed concentration, then the wastewater is in the metals subcategory.

Metal	Concentration (mg/L)
Cadmium	0.2
Chromium	8.9
Copper	4.9
Nickel	37.5

- iii. If neither of the criteria in part. (a) or (b) apply, then the wastewater is in the organic subcategory.

6. Wastewater Segregation

Throughout collection, transportation, storage, treatment, and discharge, the Permittee shall completely segregate wastewater from different categories, unless Permittee has received approval to discharge a combined waste stream.

7. Record Keeping

For every wastewater shipment discharged by the Permittee, the Permittee shall maintain records showing: the name and address of the generator; the basis for categorization; and the dates of arrival and discharge. For the original generator of each shipment, records shall include the North American Industrial Classification System code. The Permittee shall make these records available to the District upon request.

8. Treatment and Discharge Requirements

- a. The Permittee may discharge wastewater only after treating the wastewater in the Permittee's wastewater pretreatment system.
- b. For all wastewater hauled to the Permittee, the Permittee shall either discharge this wastewater through Outfalls 1.1, 1.2, 1.3 or other, or haul this wastewater to a disposal site outside of the District.
- c. The Permittee may not spill, dump, release, or discharge any hauled wastewater to the sewerage system other than as allowed by subs. (1) and (2).
- d. Any spill, dump, release, or discharge of hauled wastewater to the sewerage system other than a discharge allowed by subs. (1) and (2) shall be reported according to sec. 3.04.

9. External Monitoring Location

- a. In addition to the Permittee's internal sampling location, the Permittee shall provide and maintain an onsite sampling location, outside the Permittee's facility.
- b. It shall be located along the Permittee's process wastewater discharge lateral, prior to its

connection to the local sanitary sewer, according to 11.603(b), MMSD Rules.

- c. The external sampling location must contain all of the Permittee's process wastewater discharges, be constructed according to District guidelines, and receive approval from District staff prior to commencement of process wastewater discharges.

10. Fume Toxicity, Disruptive Odors and Foam

- a. For the purposes of this section, "fume toxicity screening level" shall mean the concentrations listed in *Local Limits Development Guidance*, Appendix I, page I-2, column 4 (U.S. Environmental Protection Agency 2004), as follows:

Pollutant	Concentration (mg/L)
Acrolein	0.047
Acrylonitrile	4.822
Benzene	0.014
Bromoform	0.227
Carbon Tetrachloride	0.011
Chlorobenzene	2.290
Chloroethane	5.880
Chloroform	0.060
1,1-Dichloroethane	1.685
1,2-Dichloroethane	0.168
1,1-Dichloroethylene	0.016
1,2-Trans-Dichloroethylene	2.040
1,2-Dichloropropane	4.289
Ethylbenzene	1.659
Hydrogen Cyanide	1.149
Hydrogen Sulfide	0.034
Methyl Bromide	0.305
Methyl Chloride	0.557
Methylene Chloride	4.139
1,1,2,2-Tetrachloroethane	1.847
Tetrachloroethylene	0.945
Toluene	2.075
1,1,2-Trichloroethane	1.601
1,1,1-Trichloroethane	2.759
Trichloroethylene	0.026
Vinyl Chloride	0.012

- b. The Permittee may not discharge any wastewater that will cause the sewerage system to release disruptive odors or foam, either alone or in conjunction with other discharges as set forth in sec. 4.02 (6).
- c. The Permittee shall evaluate shipments to determine their potential to cause disruptive odors, foam, or a discharge concentration higher than a fume toxicity screening level, using observations, material safety data sheets, chemical analysis, inquiries of the generator, or any other technique that provides relevant information. If a type of wastewater has caused or has the potential to cause disruptive odors, foam or a discharge concentration higher than a fume

toxicity screening level, then the Permittee shall provide additional treatment, manage the discharge of the wastewater, or take other action to prevent its release or discharge.

PART III. EMERGENCY NOTIFICATIONS

1. Spills, Accidental Discharges and Slug Loads

In the event of a spill, accidental discharge, slug load discharge, pretreatment facility malfunction, or any other unauthorized discharge to the sanitary sewer system, the Permittee shall notify the District immediately, after it is safe to do so, as described in Part III, Section 2, and 11.411, MMSD Rules.

Reportable discharges include the following:

- a. Any unusual discharge that may cause problems to the District's Publicly Owned Treatment Works.
- b. Any spill or discharge that may cause the Permittee to violate permit limits.
- c. Any slug load discharge, defined in Chapter 11, MMSD Rules.
- d. Any other discharge listed under the "General Prohibitions" and "Prohibited Discharges" of Chapter 11, Subchapter II, MMSD Rules.
- e. Any quantity of hazardous material listed as a "Priority Pollutant" by EPA in 40 CFR 401.15, unless specifically authorized in this permit.
- f. Any discharge resulting from a malfunction of the Permittee's pretreatment facilities.
- g. Any discharge resulting from an Upset in the Permittee's operations. Upsets are defined in Part VII, Section 5 of this permit.

The Permittee shall implement best management practices (BMPs) to mitigate the possibility of spills, accidental discharges, or slug loads. The Permittee shall, upon request, produce any such BMPs to the District for review.

2. Emergency Notification and Reporting Requirements

For any condition described in this Part III, Section 1(a) through (g), verbal notification shall be made immediately to Veolia Water North America (Veolia) and within 24 hours to the District's Industrial Waste Pretreatment Program (IWPP). Notification shall include:

- a. The location, date, and time of when the discharge began and the date and time of either the end of the discharge, if the discharge has ceased, or the expected end of the discharge, if the discharge has not ceased.
- b. The character and volume of the discharged material
- c. Containment or other corrective action taken by the Permittee.

Office	Phone #	Hours
Veolia Water North America	(414) 282-7200	24 hours/day, 7 days/week
Industrial Waste Pretreatment Program:		7:00 am - 4:30 pm
IWPP Compliance Administrator	(414) 225-2157	Monday - Friday
Senior IWPP Coordinator	(414) 225-2164	

The Permittee shall also initiate the following steps:

- a. Take immediate action to correct the effects of and to minimize any of the conditions listed in Part III, Section 1(a) through (g).
- b. At the Permittee's expense, repair the cause and resultant damage of the undesirable discharge.
- c. Submit written notification to the District within 5 days of the occurrence. This report shall describe the nature of the incident, corrective action taken and/or planned, and steps taken to prevent further occurrences.

PART IV. SELF-MONITORING & MMSD SAMPLING NON-COMPLIANCE RESPONSE

1. Responsibility

The Permittee is responsible for testing and observing its effluent, and for ensuring that it complies with the effluent limits and other conditions of this permit. This compliance, however, does not relieve the Permittee from liability for any failure to comply with any specific rules or regulations.

2. Response When Non-Compliance is Detected from Self-Monitoring

If the non-compliance is indicated from spills, accidental discharges, or slug loads, the Permittee shall make notifications as required in Part III of this permit. If other self-monitoring data shows non-compliance, the Permittee shall take the following steps:

- a. Take immediate action to stop the cause of non-compliance.
- b. Notify the District within 24 hours of becoming aware of the non-compliance. Notification shall be made immediately to the District's Industrial Waste Pretreatment Program as follows:

Email	Phone #	Hours
iwpp@mmsd.com		
estroik@mmsd.com	414-225-2157	7:00 am – 4:30 pm
mkulinski@mmsd.com	414-225-2164	Monday - Friday

- c. Repeat the sampling and analysis procedures. The results of this sampling and analyses shall be submitted to the District within 30 days after becoming aware of the violation.
- d. Submit written notification to the District within 5 days of becoming aware of the non-compliance. This report shall describe the nature of the incident, corrective action taken and/or planned, and steps taken to prevent further occurrences. Reports shall be submitted to one of the email addresses listed above.

3. Response When Non-Compliance is Detected by District Sampling

If non-compliance is detected from the District's sampling and analysis of the Permittee's effluent, the Permittee shall take the following steps:

- a. Take immediate action to stop the cause of non-compliance.
- b. Submit written response to the District within 15 days of enforcement letter receipt. This response shall describe the nature of the incident, corrective action taken and /or planned, and steps taken to prevent further occurrences. Responses shall be submitted to one of the email addresses listed above or sent via U.S mail to the address indicated in Part II, Section 3.

The District will repeat the sampling and analysis procedures within 30 days after becoming aware of the violation. The sampling and analysis will continue monthly until two consecutive compliant results are achieved.

PART V. REQUIRED REPORTS AND NOTIFICATIONS

1. Self-Monitoring Reports

The first monitoring period begins on the effective date of the permit. The Permittee is responsible for collecting required samples of its discharges, and for providing self-monitoring reports to the District.

- a. Reports shall consist of sampling results on all pollutants listed in Part I, of this permit. All sampling data collected by the Permittee, and analyzed at a WDNR certified laboratory, shall be reported to the District as required in Part II, Section 2. of this permit.
- b. If the Permittee monitors any pollutant more frequently than required by this permit at the designated sample location, using the analytical procedures and methods specified in this permit, then the results of the monitoring shall be included in the self-monitoring report
- c. Self-monitoring reports shall be submitted whether the facility was discharging during the monitoring period. If there was no discharge during a given monitoring period, the Permittee shall submit the report as required and indicate "no discharge" in place of the discharge monitoring results.

The Permittee shall submit self-monitoring reports to the District no later than the last day of the month following the month in which the sample was collected.

2. Hauled Wastewater Reports

The first reporting period begins on the effective date of the permit. The Permittee is responsible for reporting wastewater shipments hauled, and for providing hauled wastewater reports to the District.

- a. Reports shall consist of the category, manufacturing process, volume, destination, hauler, and shipping date. "Wastewater does not include sludge or solid waste shipped to treatment, storage, or disposal facilities licensed under solid and hazardous waste management laws. All hauled wastewater shipments by the Permittee shall be reported to the District, according to Part II, Section 2.
- b. Hauled wastewater reports shall be submitted whether or not the facility hauled wastewater during the monitoring period. If there was no hauled wastewater during a given monitoring period, the Permittee shall submit the report as required and indicate "no hauled wastewater" in place of the discharge monitoring results.

The Permittee shall submit hauled wastewater reports to the District on or before January 31 and July 31 of each calendar year, to include information for the preceding six months. The Permittee may provide reports more frequently to the District.

3. Changes in Discharge Characteristics

- a. The Permittee shall provide written notification to the District's Industrial Waste Pretreatment Program at least 30 days, if planned, prior to:
 - i. Introducing new wastewater or pollutants, changing manufacturing operations or products, pretreatment system operations, or characteristic of the wastewater being discharged, or increasing/decreasing the long-term maximum daily discharge flow rate by at least 20%.

- ii. Discharging waste streams not listed in the permit application. This includes wastewater from extraordinary maintenance activities, from changes due to improvements or revisions to processes, or from any activity not disclosed on the permit application.
- iii. Establishing a new point of discharge
- b. The Permittee shall immediately notify the District of any discharge that could cause upset at the District water reclamation facilities, such as any slug loading or any changes at the facility affecting the potential for a slug discharge and the need for a slug control plan.
- c. Changes not planned at least 30 days in advance shall require notification within 5 days after determining that the volume or character of the discharge will change.
- d. No changes shall be made without District notification, approval, and where required, permit revision.
- e. Notification of changes shall be made according to Part III, Section 2.

4. All Violations of this Permit and the District Pretreatment Regulations

Any upset or noncompliance experienced by the Permittee's pretreatment facility or operations that causes a violation, whether of these permit limits or the regulations of the District Pretreatment Regulations, shall be reported immediately to the District. The Permittee shall take immediate action to correct the cause of the violation, and to mitigate the effect of unauthorized discharges into the sanitary sewer system.

5. Additional Reports

In addition to the reports required by this permit and the reports specifically required by Ch. 11, MMSD Rules, the District may require other reports, managements plans, or other information whenever the District finds that such a requirement is necessary to fulfill the District's responsibilities under Ch. 11, MMSD Rules, or any other local, state, or federal law.

PART VI. ANNUAL PUBLICATION OF SIGNIFICANT NON-COMPLIANCE

1. Any violation of pretreatment requirements or standards (effluent limits, sampling requirements, reporting, meeting compliance schedules, and regulatory deadlines) is an instance of non-compliance for which the Permittee is liable for enforcement, including penalties. However, there is a special need to identify patterns of violations that are instances of Significant Non-Compliance (SNC). SNC classifications allow the District to establish priorities for formal enforcement actions.
 - a. SNC is currently includes all industrial user violations which meet one or more of the following criteria:
 - i. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that IWPP staff determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the public.
 - ii. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the IWPP staff's exercise of its emergency authority to halt or prevent such a discharge.
 - iii. Any violation(s), including of Best Management Practices, which will adversely affect the operation or implementation of the local pretreatment program.
 - iv. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement.
 - v. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH.
 - vi. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - vii. Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
 - viii. Failure to accurately report noncompliance.
 - b. Applicability: The criteria in Sections i-iii of this Part are applicable to all Users, whereas the criteria in Sections iv-viii of this Part are only applicable to Significant Industrial Users and Categorical Industrial Users.
 - c. The District is required to publish an annual list of all industries in SNC that have met the criteria of 40 CFR Part 403 in the previous 12 months. This list will be published in Milwaukee Journal Sentinel, or another newspaper of general circulation that provides meaningful public notice.

PART VII. STANDARD CONDITIONS

1. Prohibited Discharges

The Permittee shall comply with all discharge prohibitions listed in Ch. 11 Secs. 11.201 and 11.202, MMSD Rules.

2. Right of Entry

The Permittee shall allow MMSD and/or its authorized representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties related to determining compliance with Ch. 11 Sec. 11.804, MMSD Rules, and this permit. Reasonable hours for any of these activities include normal business hours and any time that the Permittee is discharging to the sanitary sewer system.

3. Recordkeeping

The Permittee shall retain records for all monitoring required by this permit and for any additional monitoring which could be used to satisfy minimum monitoring requirements. The Permittee must make these records available for inspection and copying at the location of the discharge. The Permittee must similarly maintain documentation associated with any Best Management Practices required in this permit.

- a. Monitoring records shall include at least:
 - i. The time, date, and place of sampling.
 - ii. The sampling and preservation methods used.
 - iii. The names of person taking the sample and persons with control of the sample prior to analysis.
 - iv. The name of the person performing the analyses and the date the analysis was completed.
 - v. The analytical techniques or methods used.
 - vi. The results of analysis.

The Permittee is encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting.

- b. For analytes for which this permit requires use of a certified/accredited laboratory, the Permittee must maintain the scope of accreditation for laboratories performing any analyses for them.
- c. The Permittee shall maintain the above records for at least five (5) years.
- d. All records that pertain to matters that are the subject of special orders, other enforcement, and/or litigation activities brought by the District shall be retained by the Permittee. All such records shall be preserved until all activities have concluded, and all periods of limitation for all appeals have expired.

4. Public Information

All written information submitted to the District shall be available upon request to any person without restriction, according to Sec. 19.35, Wis. Stats., unless:

- a. 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 exempt from disclosure according to sec. 19.36(5), Wis. Stats.; and
- b. The Permittee demonstrates to the District's satisfaction that the information is a trade secret according to sec. 134.90(1)(c), Wis. Stats.

5. Upsets

- a. An upset means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Permittee. An Upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An Upset shall constitute an affirmative defense to punitive actions in response to non-compliance with Categorical Pretreatment Standards (but not District local limits), when the requirements of Section 5(a) of Part VII are met.
- c. The Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An Upset occurred and the Permittee can identify the cause(s) of the Upset.
 - ii. The facility was at the time being operated in a prudent and acceptable manner for quality of work and materials, and followed applicable operation and maintenance procedures.
 - iii. Where the Upset involved reduction, loss, or failure of its treatment facility (e.g. a power failure), the Permittee controlled production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards until the facility was restored or an alternative method of treatment was provided.
 - iv. The Permittee notified the District within (24) twenty-four hours of becoming aware of the Upset. When initially provided verbally, the Permittee must have provided a written report within five (5) days that includes:
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
 - (d) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an Upset shall have the burden of proof.

6. Test Procedures

All pollutant sampling and analyses required in this permit shall conform to the most current version of 40 CFR Part 136, or ch. NR 219, Wis. Adm. Code, or other methods approved by the Department of Natural Resources.

7. Representative Sampling

Samples and measurements taken to meet the requirements of this permit shall be representative of the production activities and discharges normally occurring during the reporting period.

This requirement also applies to representative samples of any unusual discharge or discharge condition. Such conditions may include bypasses, upsets, and maintenance related conditions, or any other conditions that affect effluent quality.

All samples must be collected and preserved in accordance with 40 CFR Part 136 and amendments, or ch. NR 219, Wis. Adm. Code.

8. Sampling Facilities

- a. The Permittee shall provide sampling facilities that will be accessible and that will provide representative samples of the process wastewater.
- b. The Permittee shall locate, construct, and maintain sampling facilities according to the requirements of the District, which may be either inside or outside the facility.
- c. The Permittee's sampling facility shall have sufficient room to allow the installation of sampling and flow monitoring devices.
- d. The permittee shall submit to the District plans and specifications for construction or modification of sampling facilities at least 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.
- e. The Permittee shall maintain sampling facilities in a safe, operating condition always.
- f. The Permittee shall allow the District access to all sampling facilities according to the requirements of Part VII, Section 2. Exterior sampling facilities must be accessible at all times, without assistance from the owner/operator.
- g. The Permittee may change monitoring locations only after receiving approval from the District. The District shall ensure that any change in the Permittee's monitoring location will not allow the Permittee to substitute dilution for adequate treatment.

9. Dilution

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.

10. Treatment Facilities

- a. If the Permittee is planning to install or modify treatment facilities or operation to comply with a categorical pretreatment standard, a pretreatment standard set forth in Ch. 11 Sec.

11.203, MMSD Rules, 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.

- b. The WDNR has separate requirements for the review of plans, specifications, and operating procedures of proposed pretreatment facilities, such as the requirements set forth in sec. 281.41, Wis. Stats., and ch. NR 108, Wis. Admin. Code. The Permittee shall comply with these requirements before commencing discharges to the sewerage system.

11. Proper Disposal of Pretreatment Sludge and Spent Chemicals

Sludge and spent chemicals generated by the Permittee shall be disposed of in accordance with the Clean Water Act, Section 405; Subtitles C and D of the Resource Conservation and Recovery Act; and any state and local hazardous waste requirements.

If a sludge is a hazardous waste according to the criteria set forth in sec. NR 661, Wis. Admin. Code, then the Permittee shall satisfy the requirements of sec. NR 662, Wis. Admin. Code.

12. Signatory Requirements

- a. All compliance monitoring reports, including self-monitoring and hauled wastewater reports, submitted to the District shall be signed as follows:
 - i. If the Permittee is a corporation, by a responsible corporate officer. For the purposes of this paragraph, a responsible corporate officer means:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions 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.
 - ii. If the Permittee is a partnership or sole proprietorship, a general partner or proprietor, respectively.
 - iii. If the Permittee is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- b. The individuals described in Section (a) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters

for the company, and the written authorization is submitted to the District.

- c. Changes to authorization. If an authorization under paragraph (b) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the District prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a self-monitoring report shall make the certifications found in Part II, Section 2.

13. Revocation of Permit

The District may revoke a wastewater discharge permit for good cause, including, but not limited to, when the Permittee has:

- a. Failed to notify the District of significant changes to the wastewater prior to the changed discharge.
- b. Failed to provide prior notification to the District of changed conditions pursuant to Sec. 11.410, MMSD Rules.
- c. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application.
- d. Falsified self-monitoring reports or tampered with monitoring equipment.
- e. Refused to allow the District staff timely access to the facility premises and records.
- f. Failed to meet effluent limitations or permit conditions.
- g. Failed to pay applicable fines or sewer charges.
- h. Failed to meet compliance schedule deadline dates.
- i. Failed to complete a wastewater survey or wastewater discharge permit application.
- j. Failed to provide advance notice of the transfer of business ownership.
- k. Violated any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the District Pretreatment Regulations.
- l. Ceased operations.
- m. Transferred business ownership without notification, as required in Part VII, Section 14.

14. Limitation on Permit Transfer

This wastewater discharge permit is issued to the Permittee for specific processes and operations at a specific location. If any person is seeking to become an owner of the facility to which this permit applies or operator of the processes or operations to which this permit applies, then that person shall apply to the District for a transfer of this wastewater discharge permit at least 30 days prior to becoming an owner or operator. If an owner or operator changes without the prior approval of the District, then this permit is void. The notice to the District must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Sale of a Permittee's business shall obligate the purchaser to seek written District approval

prior to continuing discharging to the sanitary sewer system. The current owner or operator must also provide a copy of the existing wastewater discharge permit to the new owner or operator.

15. Falsifying Information or Tampering with Monitoring Equipment

The act of knowingly making any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the ch. 11, MMSD Rules, this permit, or an issued compliance order; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required under this permit will subject the Permittee to civil penalties and relief, and may result in criminal punishment.

In addition, the Permittee shall be subject to: 1) the provisions of the 18 U.S.C. Section 1001 relating to fraud and false statement; 2) the provisions of Sections 309(c)2 of the Clean Water Act, as amended governing false statements, representation or certification; 3) the provision of Section 309(c)(6) regarding responsible corporate officers.

16. Modification or Revision of the Permit

The District may modify a wastewater discharge permit or other control document for cause, including, but not limited to, any of the following reasons:

- a. To incorporate any new or revised federal, state, or local Pretreatment Standards or requirements including new or revised local limits.
- b. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character, or changed circumstances, per MMSD Rule 11.304
- c. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent.
- d. Based on information that indicates a permitted discharge poses a threat to the District's POTW or staff, the receiving waters, or to violate a prohibition of the ch. 11, MMSD Rules.
- e. To address violations of any terms or conditions of this permit.
- f. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- g. To incorporate revisions based on a variance from Categorical Pretreatment Standards approved pursuant to 40 CFR Part 403.13.
- h. To correct typographical or other errors in this permit.
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 12 of this Part.

17. Duty to Reapply

The Permittee is required to reapply for a new permit, using District supplied forms, no later than 60 days prior to the expiration date of the permit.

18. Severability

If any provision, paragraph, word, section, or part of this permit is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and will continue in full force and effect.

19. Property Rights

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, or any infringement of federal, state or local regulations.

20. Operation

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment and control that are installed or used by the Permittee to achieve compliance with the conditions of this permit.

The Permittee shall control production, and/or discharges to the extent necessary to maintain compliance with the terms and conditions of this permit in the event of either reduction, loss, failure, or bypass of the treatment facility until the facility has been restored, or an alternate method of treatment has been provided. This provision requires the operation of back-up or auxiliary facilities only when necessary to achieve compliance with the terms and conditions of this permit.

21. Bypass

- a. A Bypass means the intentional diversion of waste streams from any portion of the Permittee's treatment facility.
- b. Bypass is prohibited, and the District may take enforcement action against the Permittee for a bypass, unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The Permittee must submit notices as required under 11.409(1), MMSD Rules, as follows:
 - i. The Permittee knowing in advance of the need for a bypass must submit prior notice to the District, at least ten (10) days before the bypass whenever possible;
 - ii. The Permittee must verbally notify the District of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours of becoming aware of the bypass. The Permittee must provide a written follow-up report within five (5) days. The District may waive the written report if the verbal report was timely and complete.
 - iii. A written bypass report must contain:
 - (a) A description of the bypass (volume, pollutants, etc.);
 - (b) What caused the bypass;
 - (c) Location, date and time of when the bypass began and the date and time of when the bypass ended;
 - (d) When the bypass is expected to stop (if the bypass has not ceased); and

- (e) What steps the Permittee has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.
- (f) The report shall contain the certification set forth in Part II, Section 2, and be signed according to Part VII, Section 12.

22. Violations of Terms and Conditions

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit and the Ch. 11, MMSD Rules.

Unless authorized in writing by the District, the discharge of any pollutant more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Unless authorized otherwise in writing by the District, failure to follow Best Management Practices as required in this permit, including failure to properly report and maintain records, shall constitute a violation of the terms and conditions of this permit.

23. Compliance with Other Regulations

The Permittee shall comply with all applicable pretreatment standards and requirements set forth in Ch. 11, MMSD Rules, the Code of Federal Regulations, and the Wisconsin Administrative Code, regardless of their enumeration in this permit.

24. Enforcement

The District may seek any or all the remedies or penalties (including civil and judicial action) provided in Ch. 11, Secs. 11.801 to 11.823, MMSD Rules, including recovery of costs incurred by the District (including sampling and laboratory costs, legal counsel, IWPP staff, or other personnel) in response to the following:

- a. Any violation by the Permittee of the provisions of this permit.
- b. Any violation by the Permittee of the provisions of ch. 11, MMSD Rules.
- c. Any violation by the Permittee of any order of the District with respect to provisions set forth in this permit or the District Pretreatment Regulations.

The range of severity of remedial actions taken against the Permittee will be determined by, but not limited to, the nature, duration and frequency of the violation or violations, as provided in the District's approved Enforcement Response Plan.

25. Right to Appeal Determination of Status

The Permittee shall have the right to an administrative review of permit conditions and enforcement actions according to sec. 6.05, MMSD Rules. For purposes of judicial review, a District decision is not final until all of the available administrative review procedures have been exhausted.

26. Permits Duration

All Wastewater Discharge Permits shall be issued for a period not to exceed five years, subject to amendment or revocation as provided in the MMSD Rules. Each permit will indicate its expiration date.

27. Discharge Factor Certification

Any user with a wastewater discharge permit shall submit to the District updated discharge factors according to the schedule provided in Section 17.401(4), MMSD Rules, or when

requested by the District.

Discharge factors shall be determined from water consumption and sewer usage information provided by the user, for the period requested.