Significant Industrial User Temporary Wastewater Discharge Permit

SIOUX CITY, IA
UTILITIES DEPARTMENT

Permit Number **2016-31-I**

In accordance with the provisions of City Codified Ordinance Chapter 13.10.03 Permittee:

Big Ox Energy Siouxland
Firm

1616 D Avenue
Location Address

South Sioux City, NE 68776
City, State, Zip Code

This Temporary Discharge Permit is hereby authorized to discharge process wastewater from the above identified facility to the City of Sioux City sanitary sewer system in accordance with the conditions set forth in this permit and said ordinance(s). Once the attached compliance schedule has been closed a final Discharge Permit shall be issued. Compliance with this permit does not relieve the permittee of its obligation to comply with all applicable regulations, standards, or requirements under Local, State and Federal laws, including such laws that may become effective during the term of this permit or become effective due to modifications in the operation or wastes treated at the facility.

Noncompliance with any term or condition of this permit or with any portion of the City of Sioux City Sewer Use Ordinance, or those regulations contained in 40 CFR 403, shall constitute a violation of the approved pretreatment program, and therefore, be subject to the penalties ascribed in the City's Enforcement Response Plan and Chapter 13.08.09 in the Municipal Code. The conditions contained herein are considered part of the permittee's requirements and any violation of the conditions herein will be evaluated and the appropriate enforcement action will be applicable. Situations of continued non-compliance shall result in escalation of enforcement action(s).

General Information:

Date of Issue:	May 1, 2016
Compliance Schedule Expiration Date:	May 1, 2016
Final Permit Expiration Date:	April 13, 2020
Renewal Application Date:	January 13, 2020
Standard Industrial Classification Code:	2869-Resource Recovery and Manufacturer of Industrial Organic Chemicals
Applicable Categorical Standard:	Currently under review by EPA Region 7 Pretreatment

Effluent Discharge Limitations:

Parameter	Daily Maximum	Monthly Average	Sampling Location	Sampling Frequency
pH	5.0-11.5 s.u	5.0-11.5 s.u.	Effluent Composite Sampler	Once per Month

General Permit Conditions:

1. The discharge of process waters into the sanitary sewer system for the purpose of treatment at the City's WWTP shall be allowed by permit only for waters whose chemical and physical characteristics are compatible for treatment. Application for such permit shall be made in the form of "Wastewater Discharge Permit Application", prescribed to the City of Sioux City Pretreatment Office.
    a. Such permits shall be issued for a limited period at the sole discretion of the Pretreatment Manager and upon such terms and conditions deemed to be in the best interest of the City.
    b. Permit renewal applications must be filed 90 days prior to the expiration of said permit or prior to the requested discharge.

2. The Pretreatment Manager may at any time modify said permit for reasons including but not limited to:
    a. Incorporation of new or revised Federal, State or local water quality/pretreatment standards or requirements,
    b. Changes to the operation that affect the integrity of the water quality discharging at the time of permit issuance, or
    c. Upon request of the permittee to accommodate:
        i. Permit transfer to new owner/operator,
        ii. Permit modification, or
        iii. Permit termination

3. The permittee may petition to appeal the terms of this permit within thirty (30) days of the notice:
    a. Failure to submit a petition for review shall waiver the right to appeal.
    b. The permittee must indicate the reasons for the objection, and the alternative condition, if any, it seeks to be placed in the objection.

If reconsideration is appropriate said permit shall be reissued by the Pretreatment Manager. If reconsideration is denied the decision shall be considered final administrative action for purpose of judicial review.

4. If pretreatment of a proposed discharged by the permit holder is necessary to meet permit requirements of the City for discharge into the sanitary sewer system, the permit holder shall be responsible to design and construct such pretreatment facilities prior to any such discharge being initiated.
   a. Said pretreatment facilities shall comply with all City, State and Federal regulatory requirements.
   b. The discharge must continuously meet or exceed the quality required by permit conditions, City sewer use ordinances, state and federal categorical standards.
   c. Should the permittee fail to meet such requirements, the Pretreatment Manager may issue a compliance schedule for the correction of the violation and/or request that the discharge cease and be retained by the permit holder until pre-treatment by the permit holder results in meeting such requirements.

5. If the facility is found in non-compliance of any issued permit limit, or is identified as a facility of concern, the permit holder may be issued a compliance schedule for the implementation and operation of the best available control technology for the pollutant(s) of concern.
   a. Said pretreatment facilities shall comply with all City, State and Federal regulatory requirements.
   b. The discharge must continuously meet or exceed the quality required by permit conditions, City sewer use ordinances, state and federal categorical standards.
   c. Should the permittee fail to meet such requirements, the Pretreatment Manager may issue additional enforcement actions for the correction of the violation(s) and/or may request that the discharge cease and be retained by the permit holder until pre-treatment by the permit holder results in meeting such requirements/discharge limits.

6. The permittee shall operate and maintain all facilities and systems of treatment and control, and related equipment which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to effective performance, implementation of appropriate best management practices, adequate funding, adequate operator staffing and training, and adequate process controls, including appropriate back-up or auxiliary facilities or similar systems, when necessary to achieve compliance with the conditions of the permit. During loss or failure of all or part of the pretreatment facility, the permittee shall:
   a. Notify the Pretreatment Office immediate to the extent of the process inhibition and the corrective actions taking place to rectify the situation,
   b. Institute control where necessary to maintain compliance with its permit,
   c. Control its production or discharges or both until operation of the pretreatment facility is restored, or
   d. Find an alternative method of treatment is provided.

7. The route, from discharge point to sewage treatment plant, will be analyzed by the City for available capacity. This analysis may be used to establish: 1) allowable rates of discharge, 2) time(s) of day for such discharge, and, 3) wet weather flow curtailments for the permit holder's discharge. Periodic sewer system capacity checks will be made by the City and volumes/rates and time of day schedules for the permit holder may be adjusted by the City thereafter. The permit holder must comply with the latest volume/rate, time of day schedule provided by the City. Further, the City, at the discretion of the Pretreatment Manager, may order the alteration or temporary suspension of ground/surface water discharges if wet weather or other conditions cause the sanitary sewer system to become overtaxed or surcharged. The permit holder must comply with such orders. In consideration of the foregoing, it is the permit holder's responsibility to provide flow retention facilities with adequate capacity for containing the permit holder's discharge(s) during periods of time when the City curtails the discharge(s) to the sanitary sewer system.

8. The permittee shall notify the Pretreatment Office prior to any changes within the operation of the facility that impact the volume, concentration or nature of the discharge. This includes but is not limited to facility shut down for maintenance/repair, seasonal variations due to product demand, modifications to the current pretreatment system, and/or any non-routine discharge that may be considered a Slug Discharge.

9. In the event that a spill or slug discharge occurs and the pollutant of concern has entered the sanitary sewer immediate notification to the Pretreatment Department 712-898-6793 and to the WWTP Operator 712-202-3160 is required. The notification will need to include the pollutant released, the volume and any known hazards. A written explanation of the event will need to be submitted to the Pretreatment Department within 24 hours summarizing the incident, the cause, how it was remediated and the steps taken to prevent such occurrence from happening again.

10. The permittee is responsible for the evaluation and implementation of BMPs related to Slug Discharge Control, separately or in combination with a Slug Control Plan. These BMPs are intended to prevent pollutants from entering the discharge waste stream or from reaching a discharge point. They include but are not limited to:
    a. Preventative Maintenance to identify and correct equipment leaks or malfunctions
    b. Operating Procedures to prevent and control runoff, spills and waste disposal
    c. Process Monitoring including loss/yield calculations
    d. Spill Response Plan
    e. Employee training
    f. Spill Control and housekeeping procedures for chemical storage areas and secondary containment

11. In the event that the City is unable to perform the required permit compliance monitoring and reporting as listed in the permit and/or as required by 40 CFR 403, it shall be the permittee's responsibility to complete this according to the approved program frequency.

12. Sampling and analysis shall be completed in accordance with 40 CFR 136 at a sampling location mutually agreed upon by the City and the permittee. If multiple effluent outfalls exist than samples will need to evaluated simultaneously at all appropriate discharge locations during a sampling event. Repeat sampling for a non-compliant sampling event must be completed within 30 days of becoming aware of a discharge violation.

    a. Samples frequency for permitted industrial users discharging more than 25,000 gpd
        i. A composite sample once per week for TSS and BOD
        ii. A grab sample once per week for FOG
        iii. A grab sample once per month for pH
        iv. A composite sample once per week for TN and TP
    b. Sample frequency for permitted industrial users discharging less than 25,000 gpd
        i. A composite sample once per month for TSS and BOD
        ii. A grab sample once per month for FOG
        iii. A grab sample once per month for pH
        iv. A composite sample once per month for TN and TP
    c. All samples shall be collected through the use of a discrete composite sampler. The sampler and flow meter are the property of the permittee and are required to be working condition at all times.

d. The sampling location for Big Ox Energy Siouxland has yet to be determined.
e. The sampling frequency for Big Ox Energy Siouxland shall be:

Parameter	Daily Maximum	Monthly Average	Sampling Location	Sampling Frequency
TSS	N/A	N/A	Effluent Composite Sampler	Once per week
BOD	N/A	N/A	Effluent Composite Sampler	Once per week
FOG	N/A	N/A	Effluent Composite Sampler	Once per week
Total Nitrogen	N/A	N/A	Effluent Composite Sampler	Once per week
Total Phosphorous	N/A	N/A	Effluent Composite Sampler	Once per week

Prohibition and Enforcement:

1. Sampling and reporting shall be conducted as specified in 40 CFR 403 and in accordance with the City's approved pretreatment program.
   a. Permitted industries discharging more than 25,000 GPD shall be sampled once per week, unless otherwise requested by the industry or required based on historical discharge data.
   b. Permitted industries discharging less than 25,000 GPD shall be sampled once per month, unless otherwise requested by the industry or required based on historical discharge data.
   c. All samples shall be collected using 24-hour composite sampling methodology.
   d. For the purposes of this permit the City has agreed to undertake the sampling and reporting, in the event that the City is not capable or able to complete this requirement it is the responsibility of the permittee to complete this in accordance with 40 CFR 136 for the permitted and billable parameters.

2. Big Ox Energy Siouxland, shall be required to install, operate and maintain an effluent flow meter to determine the total amount and rate of flow for the facility discharge and a discrete effluent sampler for the collection of discharge samples based on flow pacing. The permit holder shall purchase and install, at its own expense, a flow measuring device which shall record total daily and monthly flow, maximum hourly flow, and time of day of all such flows. Said flow measuring device(s) shall be acceptable to the City and accessible for inspection by the City. Additionally, the devices shall be maintained in accordance with manufacturer's recommendations and calibrations of said devices shall be performed on a schedule provided by the City, all at the permit holder's expense. The City, at the discretion of the Pretreatment Manager, reserves the right to require separate and/or additional and/or redundant discharge metering devices for certain discharges if deemed necessary.

3. The permittee is prohibited from increasing the use of potable or process water or in any way attempting to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the effluent discharge limitations set forth in this permit.

4. Bypass of any pretreatment process is prohibited unless it is unavoidable to prevent loss of life, personal injury, severe property damage, or no feasible alternative exists. In the event of a bypass the permittee is shall notify the Pretreatment Office as soon as possible:
   a. Advance notice, in writing, shall be submitted to the Pretreatment Office at least ten (10) days prior to the proposed bypass for review and approval/denial,
   b. An unanticipated or accidental bypass shall be reported immediately to the WWTP operations staff at 712-203-3160 and formal notification made to the Pretreatment Office via phone 712-898-6793 and email or fax including the following:
      i. Description of the bypass, its cause, duration, and pollutants of concern,

ii. Whether or not the bypass has ceased, and
iii. The steps taken to reduce, eliminate and/or prevent the reoccurrence of the bypass.

5. In the event that the permit holder is found to be in non-compliance with any ordinance(s) or regulations pertaining to the nature of this permit, the Pretreatment Manager will provide notice to the permit holder immediately upon becoming aware of the violation. The permit holder is expected to fix the issue of noncompliance immediately and will have ten (10) days thereafter to respond in writing to the Pretreatment Office. The response shall include the identified nature or cause of the violation, and the steps taken to mitigate further violations of the same nature from occurring. Failure to do so will result in escalation of enforcement and may invalidate the permit and subject the permit holder to civil and/or criminal prosecution. The ten (10) day period provided for correction of deficiencies does not relieve and/or release the permit holder from any liabilities arising from said non-compliance and additional violation(s) of the same nature can be issued during that timeframe causing an additional escalation of enforcement.

6. Failure to comply with the requirements of this permit may be ground for administrative action or enforcement proceedings including but not limited to those contained in the City's Enforcement Response Plan and Municipal Code Chapter 13.08.09. Failure to comply may also result in the termination of the permit for the following reasons including but not limited to:
   a. Falsifying self-monitoring reports,
   b. Tampering with monitoring equipment,
   c. Refusing to allow timely access to the facility premises and/or records,
   d. Continuous violations of effluent limitations,
   e. Illicit discharge of waste that causes interference or pass through,
   f. Failure to pay fines,
   g. Failure to pay sewer charges, and
   h. Failure to meet compliance schedules.

7. As a condition precedent, the permit holder will agree to hold harmless the City and the City's employees from any liabilities arising from the permit holder's operations under this permit.

Prior to discharge under this Temporary Discharge Permit a final facility walk through must be completed by the Pretreatment Manager. During the optimization sample may be collected daily for documentation and tracking. Once the facility is operational a 90 Day Baseline Monitoring shall be completed to track and trend the discharge concentrations.

The Permit has been issued based on the information provided on your Permit Application and/or surveillance by Utilities representatives. Following the closure of the attached compliance schedule, which includes the baseline monitoring, a determination shall be made on the characteristics of the wastewater and at such time all applicable permit limits shall be issued. A new discharge permit may, with additional limits may be required if the characteristics of the water indicated on this permit change.

A renewal permit application must be submitted no later than 90 days prior to the above expiration date, if permittee wishes to continue discharging after said date.

By: Desiree M. Dea Issued this 1st (Day) of May (Month) 2016 (Year)