

# **SEWER USE ORDINANCE**

**ORDINANCE NO. 84-001**

**MADISON METROPOLITAN  
SEWERAGE DISTRICT**

**(Revised June 14, 2010)**

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**MADISON METROPOLITAN SEWERAGE DISTRICT  
SEWER USE ORDINANCE**

**ORDINANCE NO. 84-001**

The Commission of the Madison Metropolitan Sewerage District does ordain as follows:

**ARTICLE I**

**INTRODUCTION AND GENERAL PROVISIONS**

**Section 1.1.** This Ordinance regulates the use of public and private sewers and drains, disposal of holding tank wastes into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the District. It provides for wastewater treatment service charges, sets uniform requirements for discharges into the public sewerage system, provides for annexations to the District, and sets requirements for connections to sanitary sewers within the District. This Ordinance provides a means for determining wastewater volumes, constituents and characteristics; the setting of charges and fees; and the issuing of permits to certain users. It enables the District to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal Law. Its intent is to preserve and obtain the maximum public use of District facilities for District customers by regulating the characteristics of wastewater discharged into the District interceptor sewer system or public sewerage systems tributary to that interceptor sewer system.

**Section 1.2.** Revenues derived from the application of this Ordinance shall be used to defray the District's costs of operating and maintaining adequate wastewater facilities and to provide sufficient funds for capital outlay, debt service costs and capital improvements. This Ordinance shall supersede any previous District Ordinance, Rules or Regulations; and shall repeat all parts thereof that may be inconsistent with this Ordinance.

**Section 1.3.** This Ordinance is adopted pursuant to and in implementation of Sections 200.11(1)(d) and 200.13(3) of the Wisconsin Statutes, which gives the District the right to "adopt rules for the supervision, protection, management and use of the systems and facilities operated by the District." The charges and fees herein have been established pursuant to the requirements of Section 66.0821 and Section 200.13(3) of the Wisconsin Statutes. If there is any conflict between this Ordinance and any applicable Statute, the Statute shall be controlling.

**Section 1.4.** All industrial users shall be subject to the provisions of this Ordinance.

## ARTICLE II

### DEFINITIONS

**Section 2.1.** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) “ACTUAL CUSTOMER” shall mean the number of water meters serving a user. If a user’s water consumption is not metered, the Director shall estimate the number and size of the water meter(s) that would otherwise be required to measure such consumption. The Director’s estimate shall be in accordance with generally accepted engineering practices.
- (2) “APPLICABLE PRETREATMENT STANDARD” shall mean the most restrictive provisions contained in any pretreatment limitations or prohibitive standards (enacted by any federal, state or local governmental entity) and incorporated in this Ordinance, which applicable pretreatment standard shall be complied with by non-domestic wastewater users of the sewerage system.
- (3) “BIOCHEMICAL OXYGEN DEMAND (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (4) “BUILDING SEWER” shall mean a sanitary sewer which begins at the immediate outside of the foundation wall of any building or structure being served, and ends at its connection with a community sewer or interceptor.
- (5) “CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD)” shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (6) “COMBINED SEWER” shall mean a sewer designed to receive or receiving both wastewater and storm or surface water.
- (7) “COMMISSION” shall mean the Commission of the District as defined and with such powers as set forth in Section 200.09 of the Wisconsin Statutes, as amended from time to time.
- (8) “COMMISSIONERS” shall mean the Commissioners of the District.

- (9) “COMMUNITY” or “MUNICIPALITY” shall mean any county, city, village, town, town utility district, town sanitary district, state agency or federal agency that is served by the District and which is billed directly by the District for such sewerage service.
- (10) “COMMUNITY SEWER” shall mean any sanitary sewer owned and/or operated by any municipality, which sewer is tributary to an intercepting sewer or treatment facility owned or operated by the District.
- (11) “COMPATIBLE POLLUTANT” shall mean biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit issued to the District for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (12) “DIRECTOR” shall be the Director of the District or other authorized representative of the Commission or District.
- (13) “DISTRICT” shall mean the Madison Metropolitan Sewerage District (MMSD), a regional sewerage district governed by the Commission.
- (14) “DISTRICT CUSTOMER” shall mean a city, village, town sanitary or utility district, or a county, state, or federal agency which is billed directly by the District for sewerage service provided.
- (15) “DNR” means Wisconsin Department of Natural Resources.
- (16) “DOMESTIC WASTEWATER” or “SANITARY SEWAGE” shall mean a combination of liquid and water carried wastes and wastewater discharged from toilets, conveniences, or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in Section 5.2.1 and Section 5.2.2 of this ordinance and which contain no substances prohibited by the terms of this Ordinance.
- (17) “EPA” means the federal Environmental Protection Agency.
- (18) “EQUIVALENT METERS” shall mean the number of equivalent 5/8-inch meters and shall be based on the following:

Meter Size	Number of Equivalent 5/8-inch Meters
5/8-inch	1
3/4-inch	1
1-inch	2.5

Number of Equivalent

Meter Size	5/8-inch Meters
1-1/4-inch	3.7
1-1/2-inch	5
2-inch	8
3-inch	15
4-inch	25
6-inch	50
8-inch	80
10-inch	120
12-inch	160

Where a user does not have a water meter(s) for measuring the user's water consumption, the Director shall estimate the number and size of water meter(s) that would otherwise be required to serve that user, based upon standard engineering practices; and the equivalent meters shall then be determined on this estimate.

- (19) "FEDERAL ACT" shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Chapter 147, Wisconsin Statutes, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 147, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.
- (20) "FLOATABLE OIL" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free from floatable oil if it is properly pretreated and does not interfere with the collection system.
- (21) "FLOW PROPORTIONAL SAMPLE" or "COMPOSITE SAMPLE" shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said waste.
- (22) "GARBAGE" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage or sale of food products and produce.
- (23) "HOLDING TANK WASTE" shall mean the scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and other temporary holding facilities; and shall include wastes from a soil absorption field. Such term is synonymous with the term "septage". The term does not include the waste from a grease trap.
- (24) "INCOMPATIBLE POLLUTANT" shall mean any pollutant which is not a compatible pollutant.

- (25) “INDUSTRIAL USER” shall mean any person who makes, causes, or permits an Industrial Discharge into the District’s Wastewater Facilities.
- (26) “INDUSTRIAL DISCHARGE” or “INDUSTRIAL WASTE” shall mean any water borne solids, liquids or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including but not limited to cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage.
- (27) “INTERCEPTING SEWER” or “INTERCEPTOR” shall mean any sanitary sewer owned or operated by the District.
- (28) “INTERFERENCE” shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1. Inhibits or disrupts wastewater treatment processes or operations or the sludge processes, use or disposal; and
  2. Therefore is a cause of a violation of any requirement of the District’s WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
    - Section 405 of the Clean Water Act,
    - The Solid Waste Disposal Act (including the Resource Conservation and Recovery Act),
    - The Clean Air Act.
    - The Toxic Substances Control Act, and
    - The Marine Protection Research and Sanctuaries Act.
- (29) “LICENSED DISPOSER” or “LICENSED HAULER” shall mean a person holding a license under Section 281.48(3)(a), Wisconsin Statutes.
- (30) “MAY” is permissive.
- (31) “MUNICIPALITY” or “COMMUNITY” shall mean any county, city, village, town, town utility district, town sanitary district, state agency or federal agency that is served by the District and which is billed directly by the District for such sewer service.
- (32) “NATIONAL CATEGORICAL PRETREATMENT STANDARDS” shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

- (33) “NEW SOURCE” shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated provided that:
1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- (34) “PASS THROUGH” shall mean a discharge which exits the wastewater treatment plant into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District’s WPDES permit including an increase in the magnitude or duration of a violation.
- (35) “PERSON” shall mean any individual, firm, company, partnership, municipality, association, private or public, corporation, cooperative, society, institution, enterprise, government agency, or other entity.
- (36) “PRETREATMENT” shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.
- (37) “PRIVATE SEWER” shall mean a sewer serving two or more buildings and not directly controlled by a public authority.
- (38) “PROPERLY SHREDDED GARBAGE” shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- (39) “PUBLIC NUISANCE” or “NUISANCE” shall mean any source of filth or cause of sickness as defined in Section 254.59 Wisconsin Statutes. Any violation of this Ordinance may also be considered a public nuisance.
- (40) “PUBLIC SEWER” shall mean a sewer owned and maintained by a municipality, governmental agency or public utility.
- (41) “PUBLIC SEWERAGE SYSTEM” shall mean all structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater

treatment works, excepting plumbing inside of and in connection with buildings and properties served, and excepting building sewers.

- (42) “RECEIVING WATERS” shall mean the body or bodies of water to which the treated water from the District’s wastewater treatment plant is discharged.
- (43) “REPRESENTATIVE SAMPLE” shall mean a sample of the appropriate wastewater stream collected using 24-hour flow proportional composite sampling techniques where feasible. If an industrial process does not operate for 24 hours per day, the sample shall be collected during the time the process is discharging wastewater. Samples to be analyzed for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics shall be grab samples. An industrial user may use another sampling method if it demonstrates and certifies to the District’s satisfaction that it is more representative than flow proportional sampling.
- (44) “RESPONSIBLE CORPORATE OFFICER” shall mean:
1. A president, secretary, treasurer, or vice president of a corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for a corporation, or
  2. 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., or
  3. A general partner or proprietor of a partnership or sole proprietorship, respectively.
- (45) “SANITARY SEWER” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, or institutions.
- (46) “SEWER” shall mean a pipe or conduit that carries wastewater or drainage water.
- (47) “SHALL” is mandatory.
- (48) “SIGNIFICANT INDUSTRIAL USER” shall mean:
1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

2. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater treatment plant (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

Upon a finding that an industrial user meeting Criteria (2) of this section has no reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an industrial user, in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

- (49) "SLUG LOAD" or "SLUG Discharge" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates conditions in the District's Sewer Use Ordinance, or WPDES Permit conditions.
- (50) "SUSPENDED SOLIDS (SS)" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or as EPA otherwise determines.
- (51) "TIME PROPORTIONATE SAMPLE" shall mean a sample consisting of equal portions of waste taken at regular time intervals.
- (52) "TOTAL KJELDAHL NITROGEN (TKN)" shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (52a) "TOTAL PHOSPHORUS (TP)" shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.
- (53) "UNPOLLUTED WATER" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (54) "USER" shall mean any person who discharges, or causes to be discharged domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.

- (55) “WASTEWATER FACILITIES” shall mean the District’s structures, equipment and processes which are designed to collect, carry and treat domestic wastewater and industrial discharges.
- (56) “WASTEWATER PARAMETERS” shall include volume, BOD, suspended solids, total Kjeldahl nitrogen, total phosphorus, actual customers, equivalent meters, and such additional parameters as may from time to time be determined by the District.
- (57) “WASTEWATER TREATMENT PLANT” shall mean the District’s arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with “wastewater treatment” or “wastewater treatment works” or “water pollution control works”.
- (58) “WPDES PERMIT” shall mean the District’s permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 283 of the Wisconsin Statutes.

### ARTICLE III

#### ANNEXATION OF TERRITORY

**Section 3.1.** Territory may be added to the District in accordance with the provisions of Section 200.15, Wisconsin Statutes, as amended from time to time. When an annexation occurs within a city or village that was located entirely within the District’s original 1930 boundary, i.e.: City Madison, City Middleton, City Monona, Village Maple Bluff and Village Shorewood Hills; those lands may be added to the District pursuant to Wis. Stats 200.15(1) upon receipt of official notice from the city or village that the municipal annexation has occurred.

**Section 3.2.** A petition for annexation by direct petition pursuant to Section 200.15(2), Wisconsin Statutes, shall be accompanied by such information as required by law and as may be required by the Director in order for the Commission to act with respect to such petition. Said annexation is subject to an “annexation charge” in such amount as the Commission may determine, to cover the cost of the public hearing to be held with respect to the proposed annexation. Unless the Commission determines to waive such payments, the payment of the annexation charge shall be made at such time as the Commission determines. The Commission reserves the right to adjust from time to time, the amount of the foregoing annexation charge, by resolution duly adopted by the Commission.

**Section 3.3.** Territory which is added to the District in accordance with the provisions of Section 200.15, Wisconsin Statutes, as amended from time to time, shall be subject to such connection charges and annexation fees as the Commission may from time to time determine. Such connection charges and annexation fees shall be billed to and paid by the municipality in which the added territory is located, at such time or times as the Commission may determine.

## ARTICLE IV

### CONNECTION TO SANITARY SEWERS WITHIN THE DISTRICT

**Section 4.1. General Conditions.** A connection will be allowed only if the existing sanitary sewer is adequately sized to transport the additional flow from the proposed connection.

**Section 4.2. Connection Permits.** A Connection Permit shall be obtained before any connection is made to a sanitary sewer within the District unless the connection is approved as a public sewer extension (see Section 4.2.3). Connection permits will be classified as Industrial or Non-Industrial. Industrial Permit requirements are explained under Section 5.6.3.

**Section 4.2.1. Direct Connections to Interceptors.** No connections of a building sewer or private sewer directly to an intercepting sewer of the District shall be made, unless special circumstances or conditions require such connection. Applications for permission to connect directly to an intercepting sewer shall be made in writing to the Director by a master plumber or utility contractor licensed by the Department of Commerce of the State of Wisconsin and authorized by the owner or operator of the premises for which such connection is desired. The application shall include a statement giving the exact location of the premises, the purposes for which the connection is to be used, the time when the work is to be done, the special circumstances or conditions requiring such direct connection, and such other information that may be required by the Director. The application shall constitute an agreement by the owner or operator and said licensed master plumber or licensed utility contractor that they will be bound by and subject to the rules and regulations of the Commission; and that they will pay the connection fee, as may be required. The Director shall then determine whether or not to approve such connection. Upon approval of said application, the Director will issue a permit granting the right to make the connection, specifying special conditions which must be met prior to connection, and such additional conditions as it may require. A nonrefundable permit fee shall be paid to the District prior to the issuing of the permit.

No connection shall be made directly with any intercepting sewers without the inspection and approval of such connection by the Director.

No work of laying the building sewer or private sewer shall be commenced or continued without the required connection permit being on the premises and in the hands of the licensed master plumber or licensed utility contractor or one employed by him/her. Only the connection to an intercepting sewer shall be inspected by the Director or his representative at the time of the connection. The building sewer or private sewer shall be inspected by a representative of the municipality in which the connection is made.

**Section 4.2.2. Connections to the Community Sewers.** Applications for permission to connect a building sewer or private sewer to a community sewer shall be made to the municipality in

which the connection is being made. At the time of connection, each building sewer shall be inspected by a competent supervisor or inspector of the municipality in which the connection is being made. The applicant shall pay said municipality the fees prescribed by it. Copies of all industrial waste discharge permit applications shall be provided to the Director; and such applications must first be approved by the Director prior to connection to any community sewer, subject to such conditions as the Director may require. At the request of a municipality, the District may review and issue connection permits. A nonrefundable permit fee shall be paid to the District at the time a permit is issued by the District for a municipality.

**Section 4.2.3. Connection of a Community Sewer to an Existing Public Sewer.** Application by a municipality for permission to connect any public sewer to an existing public sewer contributory to the District's wastewater facilities shall be made in writing to the Commission. The application shall describe the location of the requested connection and the character of the wastewater to be transmitted. Said application shall be accompanied by at least two (2) sets of plans for the connecting public sewerage system; one set for the District, the other as required by DNR. All construction plans for reviewable projects shall be in conformance with ch. NR 108. The plans submitted to the District shall be on 11" x 17" high grade paper and shall be clear and legible. The pages shall be numbered and the plans drawn to a suitable scale. Reductions of full scale plans shall be to a suitable, conveniently useable scale. All elevations given on plans submitted to the Commission shall be based on the datum of the City of Madison, which is 845.6 feet above mean sea level, or on National Geodetic Survey datum. All bearings shown shall be referred to the true north and south meridian. Every plan submitted shall bear a sign showing the direction of the true north in relation to the plan. No connection shall be made until the same has been approved by the Commission and any other governmental body having jurisdiction thereof. Connections shall be subject to such conditions as may be required by the approving resolution adopted by the Commission.

The plans shall be prepared by a professional engineer and shall conform to state and local plumbing codes and the requirements of the DNR. The plans shall be accompanied by a complete and signed DNR Sanitary Sewer Extension Submittal Form, No. 340059, as amended from time to time. Said plans shall be reviewed by the Capital Area Regional Planning Commission as required pursuant to Section NR 110.08(4), Wisconsin Administrative Code. A copy of the Capital Area Regional Planning Commission 208 review letter and an approval letter from the municipality shall accompany the plans. Said plans, upon being approved by the Commission, shall be transmitted to the DNR and any other government agency having appropriate jurisdiction thereof. Upon receiving the approval of the DNR and any such governmental agency, the Applicant shall provide the District with evidence of approvals by the DNR and any such governmental agencies.

### **Section 4.3. Prohibited Connections**

**Section 4.3.1. Septic Tank Connections.** No connection shall be made to any sanitary sewer within the District if the connection pipe is carrying any contents from a septic tank, unless said septic tank is serving as a pretreatment process which has been required or permitted pursuant to Article V, Section 5.5 hereof.

**Section 4.3.2. Building Foundation Drains.** No connections shall be made to any sanitary sewer within the District if the connection pipe is carrying flow from a building foundation drain.

**Section 4.3.3. Combined Sewers.** No combined sewers shall be connected to any sanitary sewer within the District.

**Section 4.3.4. Backwater Protection.** No connection of a building drain subject to backflow or backwater shall be made to any sanitary sewer within the District unless it is protected with a backwater valve or sump with pumping equipment as specified in the Wisconsin Administrative Code COMM 82.30(11)(a)(2).

**Section 4.4. Construction Supervision of Sanitary Sewers.** Every municipality shall require that construction of community sewers within its jurisdiction be under the direction of a licensed professional engineer. Such engineer shall keep accurate records of the location, depth and length of sewers built, the number and location of manholes, if any, the location of any “Y” branches or slants, and the location of the building sewers. Upon acceptance of the construction covered by the plans for community sewers, the municipality shall furnish a complete set of as-built plans to the District.

All building sewers and private sewers within the municipality served by the District shall be constructed and inspected as required by Chapter COMM 82 of the Wisconsin Administrative Code as amended from time to time.

**Section 4.5. Records of Connection to the Community Sewers.** Records of building sewer connections or other connections to community sewers shall be kept by the municipality in which such connections are made; and information regarding the same shall be furnished to the Director at such times as he/she may require. Information to be furnished regarding building sewer connections shall consist of the number of connections for the reporting period, the size of such connections, the nature or character of the wastewater, and such additional information as the Director may require.

**Section 4.6. Mandatory Connections.** Each municipality shall require every owner of a parcel of land within its corporate limits to connect to a public sewer whenever all of the following conditions exist:

- (a) The parcel of land is adjacent to a public sewer;
- (b) There is located upon such parcel a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade, business or industry; and
- (c) Such building or structure is being served by a private sewage disposal system or treatment works.

Such connection shall be made no later than twelve (12) months after the installation of the public sewer adjoining such parcel.

**Section 4.7. Connection Charge.** For each sewer connection made to a sanitary sewer within the District, a connection charge shall be paid to the District. Such connection charge shall be billed to and paid by the municipality or District Customer in which the sewer connection is made. The connection charge shall be in such amount as the Commission may from time to time determine, and shall be payable at such time or times as the Commission may require. Failure to pay such a charge when due will result in such interest charges, penalties and/or fines as the Commission may determine.

## ARTICLE V

### USE OF THE PUBLIC SEWERS

#### **Section 5.1. Limitations on Discharge Characteristics**

**Section 5.1.1. General Limitations on Discharge Characteristics.** Discharge to the public sewerage system of substances, materials, waters or waste shall be limited to concentrations or quantities, which will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not have an adverse effect on the District's sludge management program; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a public nuisance.

**Section 5.1.2. Limitations Related to the District's WPDES Permit.** No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES permit and any modification or re-issuance thereof.

**Section 5.1.3. Limitations Superseded.** Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the Federal standards (if more stringent than the limitations imposed under this Ordinance) shall immediately supersede the limitations imposed under this Ordinance; and each Industrial User shall comply with the applicable Federal standards. The District shall notify all affected users of the applicable requirements using the procedures specified in 40 CFR 403.12.

**Section 5.1.4. No Dilution of Industrial Discharges.** Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to meet the limitations established in this Section 5.2.2, or meet or exceed the Applicable Pretreatment Standards, is prohibited. In accordance with 40 CFR 403.6(d), the District may impose mass limitations on industrial users which the Director suspects are using dilution to meet applicable pretreatment standards or requirements, or in cases where the imposition of mass limitations is appropriate.

**Section 5.1.5. Best Management Practices.** The District may require dischargers to follow best management practices (BMPs) developed or cited by the District for the discharge of any constituents, substances, materials, waters, or waste where the District determines that following

these BMPs is necessary to meet the objectives of this Ordinance or the conditions of the District's WPDES permit.

**Section 5.1.6. Discharges from Dental Clinics**

- (a) This section applies to discharges from dental clinics where amalgam is placed or removed. For the purpose of this section, a dental clinic is a non-mobile facility dedicated to the examination and treatment of patients by health care professional specializing in the care of teeth, gums and other oral tissue. This section does not apply to orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, prosthodontics or other practices that do not place or remove amalgam, or which are identified by the District as de-minimus contributors.
- (b) Dental clinics that place or remove amalgam shall implement best management practices for amalgam as established by the Wisconsin Dental Association.
- (c) Dental clinics shall install, operate and maintain an amalgam separator meeting the criteria of the International Standards Organization (ISO 11143) for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- (d) When a dental clinic is implementing the requirements in 5.1.6(b) and 5.1.6(c), then any numerical discharge limit for mercury established in this chapter does not apply.
- (e) Dental clinics will annually submit reporting information to the District using forms provided by the District. Reporting information may include:
  - 1. Certification that the amalgam separator is operated and maintained in accordance with instructions provided by the manufacturer.
  - 2. Certification that best management practices for amalgam as established by the Wisconsin Dental Association are being implemented.
  - 3. Any other information deemed relevant by the District.
- (f) Dental clinics shall obtain recycling records for each shipment showing the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental clinics shall maintain these records for a minimum of two years. Dental clinics shall make these records available to the District for inspection and copying upon request by the District.
- (g) Dental clinics shall allow the District to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the District to determine

compliance with this section. Inspections shall occur during the normal operating hours of the dental clinic.

## **Section 5.2. Prohibited Discharges**

**Section 5.2.1. General Prohibitions.** No person shall discharge wastes to a community or intercepting sewer which cause, or are capable of causing either alone or in combination with other substances:

- (a) A fire or explosion hazard including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21;
- (b) Obstruction of flow or damage to the wastewater facilities;
- (c) Danger to life or safety or welfare of any persons;
- (d) Air pollution as defined in Section 285.01(3), Wisconsin Statutes, as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder. This shall include pollutants which result in the presence of toxic gases, vapors, or fumes within the sewer system or the treatment plant in a quantity that may cause acute worker health and safety problems.
- (e) Prevention of effective maintenance or operation of the wastewater facilities;
- (f) Any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
- (g) A detrimental environmental impact, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
- (h) Any sanitary sewer or the District's wastewater facilities to be overloaded;
- (i) In the opinion of the Director, excessive District collection and treatment costs, or use of a disproportionate share of the District's facilities
- (j) Violation of the District's WPDES permit.

**Section 5.2.2. Prohibited Discharges.** Prohibited discharges shall include, but not be limited to:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas
- (b) Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a

public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

- (c) Any waters or wastes having a pH lower than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or treatment works personnel.
- (d) Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders.
- (e) Any wastewater from industrial plants containing floatable oils, fats or greases.
- (f) Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (g) Liquid having a temperature higher than 65°C (149°F) at the point of discharge to the public sewer; or any wastewater having a temperature which will inhibit biological activity in the District's treatment plant thereby resulting in interference.  
Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to the District's treatment plant to exceed 40°C (104°F), unless the treatment plant is designed to accommodate such temperature.
- (h) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
- (i) Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency.
- (j) Wastewater containing more than 50 milligrams per liter of non-polar petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin as measured by the silica gel treated hexane extractable material (SGT-HEM) analytical method.
- (k) Wastewater containing more than 300 mg/l of polar oil or grease of animal or vegetable origin as determined by subtraction of non-polar (SGT-HEM) analytical results from hexane extractable material (HEM) analytical results.
- (l) Wastewater containing polychlorinated biphenyls.
- (m) Wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

- (n) Wastewater which contains in excess of any of the following constituents in a 24 hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the Industrial User:

0.25	mg/l cadmium
0.5	mg/l hexavalent chromium
10.0	mg/l total chromium
1.5	mg/l copper
5.0	mg/l lead
0.02	mg/l mercury
0.3	mg/l selenium
3.0	mg/l silver
8.0	mg/l zinc
2.0	mg/l nickel
0.1	mg/l cyanide

Samples shall be collected over the period of discharge if the discharge is less than 24 hours in duration.

- (o) Industrial discharges exceeding applicable National Categorical Pretreatment Standards, or State Standards.
- (p) Any substance with objectionable color not removed in the treatment process , such as, but not limited to, dye wastes and vegetable tanning solution.
- (q) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (r) The District may alter, amend or modify the limitations established in Article V if it determines that it is necessary to meet the objectives of this Ordinance or the conditions of the District's WPDES permit.

**Section 5.2.3. Prohibitions on Storm Drainage and Groundwater.**

Stormwater, groundwater, rain water, street drainage, roof runoff, and subsurface drainage shall not be discharged into community sewers without prior approval of the community and the District, or into intercepting sewers without prior approval of the District. Such approval shall be granted only when no reasonable alternative method of disposal is available.

Polluted stormwater runoff from limited areas may be discharged to the sanitary sewer upon approval by the Director, payment of applicable charges and fees and compliance with conditions required by the community and the District.

**Section 5.2.4. Prohibition of Unpolluted Water.**

Unpolluted water, including but not limited to, cooling water, process water or blow down from cooling towers or evaporative coolers shall not be discharged into community sewers without prior approval of the community and the District, or into intercepting sewers without prior approval of the District. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and upon compliance with conditions as required by the community and District.

**Section 5.3. Accidental Discharge of Prohibited Wastewater.** Any person who accidentally discharges into the public sewerage system wastes or wastewater prohibited under this Ordinance shall immediately report such a discharge to the Director; and shall report the location of the discharge, the time thereof, the volume thereof, and the type of waste or wastewater so discharged. Within fifteen (15) days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Director. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this Ordinance. Where the Director deems necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this Ordinance.

**Section 5.4. Alternatives to Acceptance of Wastewater.** If any waters or wastes are proposed to be discharged to the public sewers, in excess of those limitations enumerated in Section 5.2 , the Director may in the exercise of his reasonable discretion:

- (a) reject the wastes;
- (b) require pretreatment;
- (c) control the quantities and rates of discharge; and/or
- (d) recover the increased costs of handling and treating such wastes from the person discharging the wastes.

**Section 5.5. Pretreatment of Wastes**

**Section 5.5.1. Users Requiring Pretreatment.** The District may require any Industrial User or any other user to pretreat the wastewater of such user prior to the time of discharge into any public sewerage system, whenever the Commission determines it necessary to protect the District's wastewater collection and treatment facilities, to prevent pollutants in excess of the limitations established in this Article V from passing through the District's interceptors or wastewater treatment plant, or to prevent contamination of sludge produced at the District's wastewater treatment plant. Each industrial user shall comply with all applicable federal, state or local statutes, rules, regulations, ordinances or orders relating to the discharge of industrial discharges or waste to a publicly owned treatment works. In the context of pretreatment, there shall be no minimum discharge flow rate below which an industrial user would be exempt from this Ordinance. Construction, operation, and maintenance of pretreatment facilities shall be at the expense of the user thereof. Pretreatment facilities shall be operated by qualified personnel.

**Section 5.5.2. Violations of Pretreatment Requirements.** Each industrial user shall strictly comply with all provisions of this ordinance. A violation of this Ordinance or any section thereof may lead to enforcement actions by the District. Without limiting the foregoing, the following events related to pretreatment shall constitute a violation of this Ordinance and may cause enforcement proceedings to be commenced by the District:

- (a) Failure to notify the District of a new or increased discharge.
- (b) Failure to submit the reports required under 40 CFR 403.12 in a timely manner.
- (c) Failure to submit self-monitoring reports in a timely manner.
- (d) Failure to meet the dates specified in the compliance schedule for construction and operation of pretreatment facilities.
- (e) Failure to meet applicable local (including, but not limited to the District), state or federal pretreatment standards for discharge quality.
- (f) Failure to notify the District of an accidental discharge or slug load.
- (g) Untruthfully reporting results on any report submitted to the District or Director.
- (h) Any other failure to comply with the provisions of this ordinance.

**Section 5.5.3. Funding of District Pretreatment-Related Costs.** Any costs incurred by the District for sample collection, sample analyses, or the administrative costs relating to an industrial user's industrial discharge shall be assessed to and paid by the industrial user. The Commission reserves the right to annually set fees to cover its costs hereunder.

**Section 5.6. Industrial User Discharges**

**Section 5.6.1. Sand and Grease Trap installations.** All municipalities served by the District shall require the installation of grease, oil and sand interceptors at repair garages, gasoline stations, car washes, and other industrial or commercial establishments, where necessary in the opinion of the Director to prevent discharge of sand, flammable wastes, oil or grease in amounts exceeding the limits of Article V. All such traps shall be constructed and maintained by the user at his expense, in accordance with the Wisconsin Plumbing Codes and the specifications of the municipality; and shall be readily accessible for cleaning and inspection.

**Section 5.6.2. Status Assessment.** Prior to the time of discharge into any public sewerage system, each industrial user shall notify the Director in writing of:

- (a) Any proposed discharge of pollutants, previously not being discharged by said user; or
- (b) Any proposed increase in existing discharges of pollutants, where the increase is greater than 25% of existing pollutant levels.

The District may prohibit any of the aforesaid discharges or may require such user to pretreat the same. In the event of pretreatment of wastes under Section 5.5.1 or 5.5.2 hereof, and provided the Director determines that a consistent removal of pollutants has been achieved, the District may apply in its sole discretion to the DNR for any removal credits available under then existing state and federal regulations. If such removal credits are granted, the Director in his discretion may allow the industrial user to discharge pollutant levels in excess of those provided for in applicable State and Federal regulations. However, nothing herein should be construed as requiring the District to apply for such credits.

**Section 5.6.3. Control of Industrial Discharges.**

- (a) Upon request of the Director, each industrial user shall complete and submit to the District a 180-day Baseline Monitoring Report Form and/or an Industrial Request to Discharge Form. The 180-day Baseline Monitoring Report Form and the Industrial Request to Discharge Form are forms provided by the District and are subject to change from time to time. The purpose of these forms is to determine whether the wastewater discharge by an industrial user should be regulated through the use of a permit. Industrial users will be provided with a 180-day Baseline Monitoring Report Form if it appears that the industrial user is subject to National Categorical Pretreatment Standards. All other industrial users will be provided with an Industrial Request to Discharge Form. If, after review of the Industrial Request to Discharge Form, it appears that an industrial user is subject to National Categorical Pretreatment Standards, the user will be supplied with a 180-day Baseline Monitoring Report Form.
- (b) Any new industrial user wishing to connect to a public sewer system within the District will be required to complete an Industrial Request to Discharge Form when applying for a plumbing permit.
- (c) In the event the Director, based upon the information supplied in the 180-day Baseline Monitoring Report Form or in the Industrial Request to Discharge Form, determines that the industrial discharge of an industrial user is subject to applicable Pretreatment Standards or National Categorical Pretreatment Standards or that the industrial discharge contains substantial amounts and concentrations of substances regulated or limited by this ordinance, the Director shall so notify the industrial user and said user shall not discharge industrial wastes into the District's wastewater facilities, except pursuant to a permit issued by the District. Existing industries or new industrial users found to be subject to National Categorical Pretreatment Standard shall be in compliance with these standards in accordance with 40 CFR 403.6(b).
- (d) Upon receiving notification pursuant to subparagraph (c) hereof, the industrial user shall make written application to the Director for the issuance of a Permit to Discharge. The Director shall issue a permit to the industrial user, which permit shall include, but not be limited to:

- (i) The name, address and telephone number of the industrial user; and the identity of an authorized representative to act on its behalf.
- (ii) A description of the industrial user's permitted connection or connections to the public sewer system and its location.
- (iii) The average and/or maximum limits of various wastewater constituents which may be discharged by such user.
- (iv) Any limit on the maximum rate of industrial discharge or the time of the discharge.
- (v) A requirement for a monitoring manhole or some other means to collect a representative sample of the industrial user's discharge.
- (vi) A description of both the frequency of self-monitoring that is required and of the method of sample collection.
- (vii) A discussion of reports which must be submitted to the District.
- (viii) A compliance schedule for construction of pretreatment facilities if required.
- (ix) The requirements for records retention.
- (x) The notification procedure to be followed if the industrial user intends to change the characteristics of its wastewater discharge.
- (xi) A statement concerning the District's right to inspect the industry's facilities.
- (xii) The agreement of the holders of the permit to indemnify the District from and against any and all liability for injury or damage arising out of or related to the activities of the holder in discharging industrial waste.
- (xiii) A statement of the Applicable Pretreatment Standards or National Categorical Pretreatment Standards that the user must abide by.
- (xiv) A statement that a violation of pretreatment requirements as specified in Section 5.5.2 shall be subject to various penalties as listed in Article XIII.

Upon issuance of such permit, the industrial user shall faithfully comply with all provisions thereof and as contained in this ordinance, as amended from time to time. The District reserves the right to amend from time to time any such permit so issued by adding or deleting therefrom such provisions, requirements and conditions as it deems appropriate. The District shall notify the industrial user of any changes in the permit at least thirty (30) days prior to the effective date of such change. Any change or new condition to the permit shall allow for a reasonable period of time for compliance by the user. Any permit issued under this Section 5.6.3 shall be revocable

by the Commission summarily for violation of the terms or conditions thereof. In addition, the provisions of Section 6.4(e) hereof, shall be applicable with respect to industrial discharges and/or revocation of a permit under this section; and any violation of the conditions of any such discharge permit or this Ordinance shall be subject to the enforcement and abatement provisions of Article XIII hereof.

- (e) Any permit issued under this Section shall be effective for a period not to exceed five (5) years from the date thereof. Any user holding a permit that apply for a permit reissuance or renewal at least 180 days prior to the expiration date of the user's existing permit.
- (f) Permits issued under this Section are personal as to the user/holder thereof; and may not be subsequently assigned or transferred by operation of law or otherwise, to any successor or assignee, without the prior written approval of the District.
- (g) All industrial users shall notify the Director in advance of any change in its industrial operations which may have an effect upon the waste and wastewaters generated or of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under Article 5.6.5(f). In such event, the District may add to, change, or modify the conditions of such permit to give recognition to the change in the industrial operations.

**Section 5.6.4. Monitoring of Industrial Discharges.** The District may require an industrial user to construct a sampling manhole to facilitate collection of a representative sample of wastewater being discharged to the public sewerage system. In the event that the industrial user fails to construct such manhole, the District may do so and shall assess the cost thereof to the industrial user.

The Director may require the industrial user to collect representative samples of its wastewater discharge, to analyze the sample for parameters specified by the Director, and to report the results to the District in a timely manner. The District may elect to independently monitor the discharge of any industrial user to assess compliance with applicable standards. Any samples collected during such monitoring shall follow a strict chain of custody procedure to insure security of the samples and anonymity during analysis.

**Section 5.6.5. Reporting Requirements of Industrial Permit Holders.** Any industrial users holding a Permit to Discharge under Section 5.6.3(d) shall comply with the reporting requirements of its Industrial Discharge Permit. All reports required by the Industrial Discharge Permit shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. All reports shall satisfy the requirements of Section 7.3 of this ordinance. In addition, the Director may require the holder of such permit to provide the following additional reports:

- (a) Reports pertaining to the compliance schedule for any required pretreatment facilities. The discharge permit will specify the type of reports required and the dates when they are due.
- (b) **180-Day Baseline Monitoring Report.** Industrial users subject to National Categorical Pretreatment Standards shall submit to the Director this report within 180 days of the effective date of a National Categorical Pretreatment Standard. The information listed below, and described in more detail in 40 CFR 403.12(b), shall be included in this report. New industrial users shall submit only the information listed in (i)-(v) below.
- (i) User identification information.
  - (ii) A list of any environmental control permits held by the industrial user facility.
  - (iii) A description of operations.
  - (iv) Both the daily average and daily maximum flows from regulated process streams and other streams.
  - (v) An analysis of applicable pollutant concentrations.
  - (vi) A statement either that Pretreatment Standards are being met on a consistent basis or that additional operation and maintenance and/or additional pretreatment are required to meet the Pretreatment Standards.
  - (vii) A compliance schedule to be followed if additional pretreatment and/or operation and maintenance are required to meet the Pretreatment Standards.
- (c) **90-Day Final Compliance Report.** For existing industrial users subject to National Categorical Pretreatment Standards, this report must be submitted to the Director within 90 days following the date for final compliance with the applicable Categorical Pretreatment Standard. For new industrial users subject to National Categorical Pretreatment Standards, as well as for industrial users subject only to local standards, this report must be submitted within 90 days following the introduction of wastewater into the public sewer system. This report shall contain the information listed in Sections 5.6.5(b)(iv-vi).
- (d) **Periodic Self-Monitoring Reports.**
- (i) These reports shall be submitted to the Director during June and December of each year; or in the case of a new Industrial User, the first such report shall be submitted after commencement of the industrial discharge into the District's sewerage system. Included in this report will be the data obtained by the industrial user from collection and analysis of its wastewater discharge. The discharge permit will indicate what parameters must be analyzed and what frequency of sample collection should be followed.

- (ii) If sampling performed by an industrial user indicates a violation, the user shall notify the District within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days.
  - (iii) If an industrial user monitors any pollutant more frequently than required by the District, the results of this monitoring shall be included in reports and submitted to the District.
- (e) All reports required by this section shall include the following certification statement:

“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.”

Each report shall be signed by a responsible corporate officer.

- (f) Each industrial user shall notify the Director, the EPA Regional Waste Management Division Director, and the Wisconsin Department of Natural Resources Bureau of Solid Waste Management in writing of any discharge into the District’s treatment system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.
- (i) Such notification shall be made in accordance with 40 CFR 403.12(p) and shall include, but not be limited to, the following:
    - The name of the hazardous waste as set forth in 40 CFR Part 261,
    - The EPA hazardous waste number, and
    - The type of discharge (continuous, batch, or other).
  - (ii) If the Industrial User discharges more than 100 kg of such waste per calendar month to the public sewer system, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User:
    - An identification of the hazardous constituents contained in the wastes,

- An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
  - An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.
- (iii) Any notification made under this paragraph must be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted in accordance with Section 5.6.3(g).
- (iv) In the case of any notification made under this paragraph, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (g) Slug Load Report. Each industrial user shall notify the Director immediately in the event of a slug discharge of waste, an upset of either the user's industrial process or its pretreatment facilities, or a period of noncompliance with discharge limits. Such industrial user shall provide a written notification within twenty-four hours after the occurrence of such event, and shall provide the detailed written statement referred to in Section 5.3 to the Director within the time period established therein.
- (h) Slug Control Plan. In accordance with 40 CFR 403.8(f)(2)(vi) the District will evaluate whether each significant industrial user needs a plan to control slug discharges. For new significant industrial users, this evaluation shall occur within one year of being designated a significant industrial user. If it is determined that a slug control plan is needed, the plan shall contain at a minimum the following elements:
- (i) A description of discharge practices, including non-routine batch discharges,
  - (ii) A description of stored chemicals,
  - (iii) Procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days.
  - (iv) The necessary procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfers, loading and unloading operations, control plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents), and/or measures and equipment of emergency response.
- (i) Each significant industrial user is required to notify the District immediately of any changes at its facility affecting the potential for a slug discharge. Based on these changes, the District may determine that a slug control plan is needed. If so, the plan shall at a minimum contain the elements listed in 5.6.5(h).

**Section 5.6.6. Damage to District Wastewater Facilities.** In the event the District's wastewater facilities are damaged as a result of any industrial discharge, the industrial user(s) making the discharge shall pay to the District the amount of damages so sustained.

**Section 5.6.7. Bypass Provisions**

- (a) An Industrial User may allow a bypass of its pretreatment facilities to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 5.6.7(b), (c), and (d).
- (b) If an Industrial User knows in advance of the need for a bypass it shall submit prior notice to the District, if possible, at least ten days before the date of the bypass.
- (c) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the District within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- (d) Bypass of pretreatment facilities is prohibited and the District may take enforcement action against an Industrial User for a bypass, unless:
  - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,
  - (ii) There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup 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 preventative maintenance; and
  - (iii) The industrial User submitted notices as required under Paragraph (b) or (c) of this section.

**Section 5.7. Special Agreements.** No provision contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the District and any municipality or industrial user whereby an industrial discharge of unusual strength or character may be accepted by the District for treatment. All acceptances of such discharges shall be done in such a manner so as to not adversely impact the treatment plant processes, the effluent from the treatment plant, or the District's sludge (biosolids) management programs. Further, any such special agreement

or arrangement shall not cause a violation of the District's WPDES Permit or allow any Industrial User to exceed any applicable pretreatment standards. Among other things, it is the intent of this section that no industrial user receive a competitive advantage over other such users by virtue of the existence of a special agreement or arrangement.

**Section 5.8. Conversion from Production-Based Standards.** Provisions of 40 CFR 403.6(c) shall be used when converting between production-based standards and concentration limits.

## ARTICLE VI

### **LIMITATIONS ON DISCHARGE OF SEPTAGE AND OTHER WASTES**

**Section 6.1. Discharge into Community Sewers.** No person, including a licensed disposer, shall discharge septage or any other liquid, gaseous or solid wastes directly into a manhole or other opening in a community sewer unless such discharge is specifically authorized in writing by the District through issuance of a discharge permit. For the purpose of this Article, septage includes waste from septic tanks, holding tanks, grease traps, settling basins and portable toilets.

### **Section 6.2. Discharge at the District's Treatment Facilities**

- (a) Discharges of septage and other wastes by a licensed disposer may be allowed at the District's wastewater treatment plant only in such manner and at such place as may be designated by the Director and subject to the provisions of this Article. The licensed disposer desiring to discharge such wastes shall first make application to the Director for a permit to discharge and be issued a permit to discharge consistent with Section 6.4. The licensed disposer making the discharge shall pay to the District all applicable fees and sewer service charges, based on the characteristics of the discharge; and any additional costs or expenses associated with the provision of additional facilities or personnel necessary to accept such waste at the point of introduction into the District's wastewater treatment plant.
- (b) (Industrial wastes, or any other liquid, gaseous or solid wastes not detrimental to the District's wastewater treatment plant may be discharged at such plant in a manner designated by the Director when, in his judgment, the waste is of such unusual character or strength that rapid discharge into the sewerage system would have detrimental effects on the wastewater facilities. Any person desiring to discharge such wastes at the District's treatment plant shall first make application to the Director for a permit to discharge and be issued a permit consistent with Section 6.4. The person making the discharge shall pay to the District all applicable fees and sewer service charges, based on the characteristics of the discharge, and any additional costs or expenses associated with the provision of additional facilities or personnel necessary to accept such waste at the point of introduction into the District's wastewater treatment plant.

**Section 6.3. Limitations on Discharge of Septage and Other Wastes.** Any septage or other waste permitted to be discharged under Section 6.2 hereof, shall be of domestic origin, or contain compatible pollutants only. The person or licensed disposer making the discharge under this Article shall comply with the provisions of any and all applicable rules and regulations; and shall comply with this Ordinance. Without intending to limit the application of other provisions of this ordinance, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile or flammable liquids, or other deleterious substances into any manhole or community sewer, or into the District's wastewater facility; nor shall such person or licensed disposer allow any grease, earth, sand, or other solid materials to pass into any part of the sewerage system; nor shall such person or licensed disposer discharge any liquid, gaseous or solid wastes determined by the Director to be detrimental to the sewerage system or to the District's employees or to the process of sewage treatment. No discharges shall be permitted directly into any of the District's interceptor sewers, unless the Director so authorizes.

**Section 6.4. Permits to Discharge Septage and Other Wastes.**

- (a) No discharge shall be made under Sections 6.2 or 6.3 hereof, unless the person or licensed disposer making the discharge has been issued a permit. All applications for a permit shall be in writing; shall contain such information as the Director deems appropriate; and shall be submitted to the Director no later than August 1 of each year. No permit once issued shall be assignable or transferable by the person receiving the same. All such permits shall be valid for a period of one year, beginning on September 1, and expiring on August 31 of each year. No holder of any permit shall acquire any vested right or privilege by reason thereof.
- (b) If the Director determines to issue a permit under Section 6.2 hereof, such permit may be issued upon such terms and conditions as the issuer may provide; and any such permit shall provide at a minimum the following:
  1. The permit shall be conditioned upon the holder's faithful compliance with the provisions of the District's Sewer Use Ordinance, as amended from time to time.
  2. The agreement of the holder thereof to indemnify the District from and against any and all liability for injury or damage arising out of or related to the activities of holder in exercising the rights granted. The District may require the holder of such permit to post a bond written by a bonding company licensed to transact business in Wisconsin, to guarantee performance of the holder thereunder.
  3. The agreement of the holder thereof to have in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance.
- (c) In the event the Director issues a permit under Section 6.2 hereof, the Commission may require the applicant to pay an annual fee in such reasonable amount as it may determine as a condition precedent to the issuance of such permit.
- (d) Any permit issued under Section 6.2 shall be revocable by the Director summarily for violation of the terms or conditions thereof.

- (e) Any person or licensed disposer using or permitting the use of the District's sewerage system or a public sewerage system for a use for which a permit may be issued under this Article, without first obtaining a permit or continuing a use after notice of revocation of a permit, shall forfeit to the District the sum of \$1,000 for each violation. Such forfeiture shall be recoverable by the District in a civil action brought by the Commission in the name of the District and paid into the general funds of the Commission for the benefit of the District. In addition, such person or licensed disposer shall pay to the District any damages, costs or expenses incurred by the District in connection with such unpermitted use.

**Section 6.5. Special Provisions Applicable to Licensed Disposers.** Any licensed disposer making application for a permit to discharge septage or other wastes under Sections 6.2(c) and 6.4(a) hereof, shall comply with the provisions contained in Section 6.4 hereof, as well as the following:

- (a) The permit issued to the licensed disposer under Section 6.4(b) shall also provide:
  - (1) The District shall have the right to reject and refuse to accept septage or other wastes from the licensed disposer if:
    - (i) Treatment of the waste would cause the District's sewerage system to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders;
    - (ii) The waste is not compatible with the District's sewerage system;
    - (iii) The licensed disposer has not applied for and received a permit under Section 6.4(b) to dispose of the waste in the District sewerage system or the licensed disposer fails to comply with the permit so issued; or
    - (iv) The licensed disposer fails to comply with waste disposal rules promulgated by the District from time to time or fails to pay the appropriate sewer service charges in a timely manner.
  - (2) The Director may impose reasonable terms and conditions for septage or other waste disposal into the wastewater treatment plant relating to the following:
    - (i) Specific quantities, locations, times and methods for discharge of such wastes into the District's sewerage system;
    - (ii) Requirements to report the source and amount of such wastes placed in the District's sewerage system; and

- (iii) Requirements that the licensed disposer analyze representative samples of the waste placed in the District sewerage system in order to determine the characteristics of the waste and the compatibility of the waste with the District's sewerage system.
- (b) If the District's sewerage system can accept some, but not all, of the septage or other wastes offered for disposal, the Director may accept such waste which is generated within the geographic boundaries of the District before accepting such wastes which are generated outside of the boundaries of the District.
- (c) Provided the conditions of this Article VI are satisfied, the Director shall grant to a licensed disposer a permit to discharge septage or other wastes.

## **ARTICLE VII**

### **WASTEWATER MEASUREMENT, SAMPLING AND REPORTING**

**Section 7.1. Monitoring Facilities.** Wastewater characteristics and constituents shall be monitored to determine compliance with this Ordinance and to facilitate an equitable system of service charges.

- (a) A new user who expects to discharge, or who is capable of discharging, wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility.
- (b) An existing user whose discharges are different from domestic wastewater may be required by the District or municipality to install a monitoring facility. Construction of such facility must be completed within 90 days after the user has been notified of the requirement, unless the District grants an extension of time.
- (c) All monitoring facilities shall be constructed at the user's expense, in accordance with the plans approved by the municipality and the District. The monitoring facility shall contain the necessary flow monitoring and sampling equipment to facilitate the observation, sampling, and measurement of wastes; and shall be maintained by the user so as to be safe and accessible at all times.
- (d) The requirements of paragraphs (a), (b), and (c) of this Section may be waived by special written permission of the Director.

### **Section 7.2. Powers and Authority for Inspection and Sampling; Recordkeeping and Confidentiality.**

- (a) Agents of municipalities or of the District shall be allowed access to all monitoring facilities at any time.

- (b) District inspectors bearing proper credentials and identification shall be allowed access to all property serviced by the District, for the purpose of inspection, observation, measurement, sampling, and testing of discharges to the wastewater facilities; for the purpose of inspection, repair, or maintenance of any portion of the District's wastewater facilities; or for the purpose of inspection and copying of records kept by Industrial Users relating to pretreatment requirements or reporting thereof.
- (c) Any effluent data submitted or supplied to the District by any person or user is a public record within the meaning of Section 19.21, Wisconsin Statutes. All other information submitted to the District shall be a public record unless the information is entitled to confidential treatment pursuant to Section 283.55(2)(c), Wisconsin Statutes and Wisconsin Administrative Code NR 2.19 as a trade secret. The District may require any industrial user to provide information about industrial processes which may have an effect on the nature or composition of the industrial discharge; and such information will be kept confidential if the requirements of the aforesaid statute and administrative rule are satisfied. Any information or data obtained by the District which is confidential or constitutes a trade secret shall not be disclosed to unauthorized persons.
- (d) In accordance with Section 200.11(3) of the Wisconsin Statutes, the Director or his authorized employees shall be permitted to enter upon the land in any municipality within the District for the purpose of making surveys or examinations.

**Section 7.3. Reporting Requirements.**

- (a) The District may require a user to provide information concerning, but not limited to:
  - 1. Volume, time and peak rate of discharges.
  - 2. Chemical analysis of discharges.
  - 3. Raw materials, processes and products relevant to discharge characteristics.
  - 4. Discharges of specific wastes such as sludge, oil, solvent, or incompatible pollutants.
  - 5. Plot plans of sewers on the user's property showing locations of sewers, monitoring facilities and pretreatment facilities.
  - 6. Details of pretreatment facilities.
  - 7. Details of systems to prevent tosses of materials through spills to the municipal sewers.
- (b) All measurements and test analyses of the characteristics of wastewater shall be determined in accordance with methods established by the EPA and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977", and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.

- (c) A Responsible Corporate Officer, as defined in this ordinance, shall sign any reports required to be submitted by an industrial user pursuant to the provisions of this ordinance.
- (d) Each Industrial User shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and other information relating to monitoring, sampling and chemical analyses made by or on behalf of the Industrial User in connection with its industrial discharge. All such records pertaining to matters which are the subject of any enforcement proceedings under this ordinance or the subject of any litigation involving the District, shall be retained and preserved by an Industrial User until such proceedings or litigation have been finally concluded and all periods of limitation with respect to appeals therefrom, have expired.

**Section 7.4. Bypass Reporting.** In the event of a bypass or spill of wastewater from any community sewer, the District Customer owning the sewer shall notify the District and the Department of Natural Resources immediately upon becoming aware of the situation. The notification shall include the location of the bypass/spill, the reason for the bypass/spill, when the situation is expected to be corrected, and an estimate of the volume or rate of the bypass/spill.

## ARTICLE VIII

### **SERVICE CHARGES**

**Section 8.1. District Service Charges.** Sewer service charges to each District customer shall be based on wastewater parameters established from time to time by the Commission. The sewer service charge rates shall consist of the sum of the District's user charge rates and the District's debt service rates.

**Section 8.2. User Charge Rates.** The District shall determine, from time to time, user charge rates based on the District's annual operations and maintenance expense, the annual administrative budget, the quantity and quality of wastewater received at the District's wastewater treatment plant, the total number of equivalent meters in service in the District and the total number of actual customers as determined by the Director. Such rates shall reflect the unit costs for administration and for transporting and treating the quantity and quality of wastewater discharged to the District's wastewater facilities.

**Section 8.3. Debt Service Rates.** The District shall determine debt service rates based on the District's annual debt service, and/or capital improvement budget, the quantity and quality of wastewater received at the District's wastewater treatment plant, and the total number of actual

customers and equivalent meters in service in the District, as determined by the Director. Such rates shall reflect the unit costs for construction of facilities funded with the indebtedness being retired, and for capital improvement projects funded directly from revenues raised by the District from other sources.

**Section 8.4. Measurement.** The unit of volume measurement for wastewater discharged into the District’s wastewater collection and treatment facilities shall be gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be pounds.

**Section 8.5. Annual Review.** The District’s sewer service charge rates shall be reviewed at least annually by the Commission for purposes of establishing appropriate rates so as to generate sufficient revenues to pay for the debt service, administrative, and the operation and maintenance expenses (including replacement costs) of the District’s wastewater facilities.

**Section 8.6. Sewer Service Charge Calculations.** Sewer service charges for each of the District Customers shall be calculated based on the quantity and quality of the wastewater contributed by such Customer as determined by the District; and on the number of actual customers and equivalent meters in service within the boundaries of each District Customer as determined by the District; and such additional wastewater parameters as may be established by the Commission from time to time. The form of the service charge calculation shall be:

$$SC = V \times VR + B \times BR + S \times SR + N \times NR + P \times PR + AC \times ACR + EM \times EMR$$

Where:

SC	=	total service charge
V	=	volume of wastewater discharged
VR	=	service charge volume rate
B	=	quantity of CBOD discharged
BR	=	service charge CBOD rate
S	=	quantity of suspended solids discharged
SR	=	service charge suspended solids rate
N	=	quantity of TKN discharged
NR	=	service charge TKN rate
P	=	quantity of TP discharged
PR	=	service charge TP rate
AC	=	number of actual customers
ACR	=	service charge actual customer rate
EM	=	number of equivalent meters
EMR	=	service charge equivalent meter rate

The Commission reserves the right to adjust, amend, repeal or modify the above calculation by resolution at any time hereafter. Sewer service charges shall be billed quarterly as hereinafter provided, upon the approval of the Commission.

**Section 8.7. Special Charges.** Whenever any user discharges wastes into any public sewerage system which cause physical damage to the District’s wastewater facilities and/or which cause

the District to incur unusual additional costs, the District may assess a special charge against such user for the work required to repair the facilities and/or to recover the unusual additional costs. Special charges shall be in addition to the service charges specified herein; and shall be billed directly to the user.

**Section 8.8. Special Assessments.** Nothing contained in this Article or elsewhere in this ordinance shall be construed as prohibiting or precluding the Commission from assessing and levying special assessments against property, pursuant to Section 200.13, Wisconsin Statutes, as amended from time to time.

## ARTICLE IX

### **MUNICIPAL SERVICE CHARGE RATES FOR INDIVIDUAL SEWER SYSTEM USERS**

Each District Customer shall adopt and maintain in effect rates and rules associated with municipal service charge rates for individual sewer system users in compliance with Section 281.58(14)(b), Wisconsin Statutes, and any administrative rules promulgated thereunder.

## ARTICLE X

### **BILLING AND COLLECTION**

**Section 10.1. Billing and Payment.** Sewer service charges shall be billed to each District Customer on a quarterly basis, unless circumstances require a delayed billing. Such charges shall be payable by the District Customer to the District on or before the fifteenth day of the month after the month of such billing, unless the District has extended the time for payment.

**Section 10.2. Delinquent Payments.** Sewer service charges, connection fees or other charges due from any District Customer or user shall be deemed to be a debt due to the District from that District Customer or user, and shall be deemed to be delinquent if not paid in accordance with the provisions of this Ordinance. Interest shall be paid on any such amounts that have been delinquent at the rate of 1.0% per month until paid. If such sewer service charges, connection fees or other charges remain delinquent for thirty (30) days, the Commission may, on behalf of the District, commence an action in a court of competent jurisdiction, and recover from such District Customer the amount of such delinquency and any damages sustained by the District as a result of the District Customer's or user's failure to pay, and such costs and expenses as may be allowed by law. Any municipality or user which receives sewerage service without paying sewer service charges when due shall be deemed to have waived any statutory or ordinance requirement that the District first file with such municipality notice of claim and a claim for monies due, as a condition precedent to the commencement of any such action.

**Section 10.3. Alternative Remedies.** As an alternative to collection of delinquent sewer service charges, connection fees or other charges as provided in Section 10.2 hereof, the District may require any such District Customer to levy and collect sewer service charges in the manner provided for in Sections 66.0821(4) and (7) and Section 200.13(3)(b), of the Wisconsin Statutes, as amended from time to time.

**Section 10.4. Remedies Cumulative.** All remedies provided for in this ordinance are distinct and cumulative to any other right or remedy under this Ordinance or afforded by law or equity; and may be exercised by the District concurrently, independently, or successively.

## ARTICLE XI

### **RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION**

**Section 11.1. Right of Entry.** The Commission, the Director or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this ordinance.

**Section 11.2. Right to Enter Easements.** The Commission, the Director, or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage works lying within said easement, all subject to the terms, if any, of such easement.

### **11.3 Obstructions Within Public Streets.**

a) The District may enter upon any state, county, or municipal street, road, or alley or any public highway for the purpose of installing, maintaining, and operating its sewerage system; and it may construct in any such street, road, or alley or public highway necessary facilities without a permit or payment of a charge.

b) All persons, firms, or corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over or under the public lands, avenues, streets, alleys or highways which block or impede the progress of District facilities when in the course of construction, establishment, or repair shall upon reasonable notice by the District, promptly so shift, adjust, accommodate, or remove the same at the cost and expense of such persons, firms, or corporations, as fully to meet the exigency occurring such notice.

c) Any person, firm, or corporation who shall fail to comply with the provisions of this Section 11.3(b) or who shall fail to comply with any Special Order issued pursuant to Section 13.3 below, which order requires compliance with Section 11.3(b) above, shall be subject to the forfeitures set forth in Section 13.3(d) below, in addition to all penalties and costs

imposed under this Ordinance. Each day that a failure to comply shall continue after issuance of the notice or Special Order, as the case may be, shall constitute a separate violation.

## **ARTICLE XII**

### **ACCESS TO MUNICIPAL RECORDS**

**Section 12.1.** The Director, acting on behalf of the Commission, shall have access to all sewerage records of any municipality in the District. Upon request of the Director, each municipality within the District shall submit to the District copies of plans of any public sewerage system, or any portion thereof, as may be located therein.

**Section 12.2.** Upon request of the Commission, each municipality within the District shall provide the Director with an accurate real estate description of their respective corporate limits and a map thereof. Thereafter, whenever territory becomes annexed for municipal purposes to a City or Village, such municipality shall provide to the Director the following:

- (a) The official notice that the municipal annexation has occurred;
- (b) The real estate description of the newly annexed areas; and
- (c) A map of the newly annexed area.

## **ARTICLE XIII**

### **ENFORCEMENT AND ABATEMENT**

#### **Section 13.1. Violations Constituting Public Nuisances**

- (a) Any violation by any person of the provisions of this ordinance or any other rule, regulation or special order promulgated by the Commission or District shall constitute a public nuisance, pursuant to the authority and provisions of Section 200.11(1)(d), Wisconsin Statutes. As such a public nuisance, the same shall be enjoined and this ordinance, rule, regulation or special order shall be enforced, all as provided for in Section 823.02, Wisconsin Statutes, as amended from time to time.
- (b) Any person found in violation of this Ordinance or any other rule, regulation or special order, shall pay to the District such damages, losses or expenses as may be sustained by the District as a result of the violation, together with such costs as may be collectible by law.
- (c) The Commission may proceed to enforce this Ordinance or any other rule or regulation promulgated by it, by the commencement of an action for enforcement under Section

823.02, Wisconsin Statutes, or by the issuance of a special order under Section 13.3 hereof. Any remedies or rights of the District as provided for in this ordinance with respect to violation hereof or of any rule, regulation, or special order, are deemed to be cumulative, and in addition to those provided for by any other law.

**Section 13.2. Notice of Violation.** Any person found by the Commission or the Director to be in violation of any provision of this Ordinance or any rule or regulation promulgated by the Commission, shall be given written notice stating the nature of the violation. In the event the Commission or Director decides to issue a special order under Section 13.3 hereof for the remedy of such violation, the special order shall contain the notice of violation.

**Section 13.3. Special Orders, Appeals Therefrom and Penalties**

- (a) In the event of any violation of the provisions of this ordinance, or any other rule or regulation promulgated by the Commission or District, the Commission may issue a special order in the name of the District directing the person causing the violation to comply with such ordinance, rule or regulation within a specified time. All special orders shall be in writing and shall specifically state what action is required to comply with the order. Service and proof of service of any special order shall be made in the manner provided for service of summons and proof thereof.
- (b) The Director of the District is hereby authorized and empowered to issue special orders in the name of the District in an emergency to prevent damage to the District's sewerage system from misuse or injury to employees of the District; interference with the process of sewage treatment or disposal; or substantial risk to the public health and welfare. Any special order issued by the Director is effective and enforceable upon service thereof as provided for in Section 13.3(a) above. Such order shall be in writing and shall specifically state what action is required to comply with the order.
- (c) Any person aggrieved by a special order issued by the Commission or Director, which order directly affects the rights or duties of the person may secure a review of such order by the Commission. Such review shall be in accordance with the requirement of Section 200.45(2)(b), Wisconsin Statutes, as amended from time to time.
- (d) A person is declared to be creating a public nuisance enjoined under Section 823.02, Wisconsin Statutes, if such person:
  - (i) fails to comply with a special order of the Commission or Director within the time period specified, or
  - (ii) fails to comply within 20 days after the determination becomes final, or
  - (iii) fails to begin in good faith to obey such order.

For each day the failure continues, such person shall forfeit to the District the sum of \$10,000 per day; and in addition, the District may pursue all remedies provided for in Section 283.91(2) and (5), Wis. Stats., as amended from time to time.

**Section 13.4. Emergency Actions Regarding Industrial Discharges.** The Director may suspend the wastewater treatment service to an Industrial User, whenever it appears to the Director that an actual or threatened industrial discharge presents or threatens an imminent or substantial danger to the health or welfare of persons; a substantial danger to the environment; an interference with the operation of the District's wastewater treatment plant; or violates any pretreatment limits imposed by the Ordinance. The Director shall notify such an Industrial User in the event of a determination to suspend wastewater treatment service hereunder; and such User shall cease all such discharges immediately. Actions of the Director under this Section shall be implemented by means of the issuance of a special order under Section 13.3(b) hereof.

**Section 13.5. Appeals From Determinations of the Director.**

- (a) Any person having a substantial interest which is adversely affected by an administrative determination of the Director may have such determination reviewed as provided for herein. Only administrative determinations described in Section 68.02, Wisconsin Statutes, are subject to review. Such person shall make written request to the Director within 30 days of the administrative action complained of. The request for review shall state the grounds upon which such person contends that the determination should be modified or reversed. Upon receipt of such request, the Director shall review the determination in accordance with the requirements of Section 68.09, Wisconsin Statutes, as amended from time to time.
- (b) If such person desires to appeal from the final determination of the Director under Subsection (a) hereof, such person shall file with the Commission a written notice of appeal therefrom. Such notice must be filed within fifteen (15) days of the Director's final determination. Upon the filing of such notice, the Commission shall provide such person with a hearing, to be held in accordance with the provisions of Section 68.11 and 68.12, Wisconsin Statutes, except as otherwise provided for herein.
- (c) Any appeal to the Commission under Subsection (b) hereof shall be accompanied by an appeal fee of \$50. Said fee may be refundable to the Appellant if the Commission decides in favor of the Appellant. In the event the Appellant desires the hearing proceedings to be taken by a stenographer or by a recording device, the expense thereof shall be paid by the Appellant.

**Section 13.6. Falsification of Information or Tampering With Facilities.** No person shall knowingly make any false statement, representations, record, report, plan or other document filed with the District or falsify, tamper with, or knowingly render inaccurate any metering device, collected sample or method required under this Ordinance. Any person who violates this provision, shall be subject to the penalties imposed under this Article.

**Section 13.7. Publication of Violations.** In accordance with the requirements of 40 CFR 403.8(f)(2)(viii), the District shall publish annually in a newspaper having the largest circulation within the District a notice identifying those industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements.

For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for any pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- (c) Any other violation of a pretreatment effluent limit that the District determines has caused alone, or in combination with other discharges, interference or pass through (including endangering the health of District personnel or the general public).
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under Section 13.4 of this Ordinance to halt or prevent such a discharge.
- (e) Failure to meet within ninety (90) days of the scheduled date a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or obtaining final compliance.
- (f) Failure to provide within forty-five (45) days of the due date required reports such as baseline monitoring reports, 90-day compliance reports, periodic monitoring reports, and reports on compliance with compliance schedules.
- (g) Any other violation or group of violations, which the District determines will adversely affect the operation of the District's pretreatment program.

## **ARTICLE XIV**

### **MISCELLANEOUS**

**Section 14.1. Emergency Rules.** Nothing contained in this Ordinance shall be construed as prohibiting the Commission or District from adopting any emergency rule, in order to preserve

the public health, safety, or welfare. Such emergency rule shall be effective only for the period authorized by Section 200.45(1)(c), Wisconsin Statutes, as amended from time to time.

**Section 14.2. Superseding Previous Ordinances.** This Ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections shall supersede all previous regulations and ordinances of the District which are in conflict herewith.

**Section 14.3. Invalidation Clause.** The invalidity of any section, clause, sentence, or provision in this Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

**Section 14.4. Amendment.** The Commission reserves the right to amend this Ordinance in whole or in part whenever it may deem necessary.

**Section 14.5. Conflict With District's Ordinance.** In the event that any provision of this Ordinance is in conflict with any ordinance of any municipality, the former shall control.

**Section 14.6. Effective Date.** This Ordinance shall take effect and be in force upon its publication in a newspaper of general circulation within the District.

**Section 14.7. Date of Enactment.**  
Adopted by the Madison Metropolitan Sewerage District Commission in the State of Wisconsin on the 10th day of September, 1984.

Lawrence B. Polkowski  
Commission President

ATTEST:

Harold L. Lautz  
Commission Secretary

Passed this 10th day of September, 1984.

Published this 24th day of September, 1984.

**Section 14.8. Date of Revision.**  
Revised by the Madison Metropolitan Sewerage District Commission in the State of Wisconsin on the 10th day of December, 1991.

Lawrence B. Polkowski  
Commission President

ATTEST:

Harold L. Lautz

Commission Secretary

Passed this 10th day of December, 1991.

Published this 20th day of December, 1991

**Section 14.9. Date of Revision.**

Revised by the Madison Metropolitan Sewerage District Commission in the State of Wisconsin on the 12th day of February, 1996.

Edward V. Schten  
Commission President

ATTEST:

Thomas D. Hovel  
Commission Secretary

Passed this 12th day of February, 1996.

Published this 17th day of February, 1996

**Section 14.10 Date of Revision**

Revised by the Madison Metropolitan Sewerage District Commission in the State of Wisconsin on the 26th day of February, 2007.

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Edward V. Schten  
Commission President

ATTEST:

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P. Mac Berthouex  
Commission Secretary

Passed this 26th day of February, 2007

Published this 5<sup>th</sup> day of March, 2007

**Section 14.11 Date of Revision**

Revised by the Madison Metropolitan Sewerage District Commission in the State of Wisconsin on the 14th day of June, 2010.

*Edward V. Schten*

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Edward V. Schten  
Commission President

ATTEST:

*Caryl Terrell*

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Caryl Terrell  
Commission Secretary

Passed this 14th day of June, 2010

Published this 18th day of June, 2010