

SEWER USE ORDINANCE

MADISON METROPOLITAN SEWERAGE DISTRICT

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MADISON METROPOLITAN SEWERAGE DISTRICT SEWER USE ORDINANCE

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

CHAPTER 1 – GENERAL PROVISIONS

Section 1.1. Purpose and Intent.

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. 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. 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 Community 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. Authority.

This Ordinance is adopted pursuant to and in implementation of Wis. Stat. §§ 200.11(1)(d) and 200.13(3), 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 Wis. Stat. §§ 66.0821 and 200.13(3). If there is any conflict between this Ordinance and any applicable Statute, the Statute shall be controlling.

Section 1.3. 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 Wis. Stat. § 200.45(l)(c), as amended from time to time.

Section 1.4. Right of Entry and Access.

1.4.1. General Right of Entry.

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 and for the purpose of inspection, repair, or maintenance of any portion of the District's Wastewater facilities.

1.4.2. 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.

1.4.3. Right to Enter Roads.

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.

1.4.4. Obstructions to District Facilities.

- (a) 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.

- (b) Any person, firm, or corporation who shall fail to comply with the provisions of this or who shall fail to comply with any Special Order issued pursuant to Section 11.3, which order requires compliance with Section 1.4.3, shall be subject to the penalties set forth in Section 11.3 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.

Section 1.5. General Rules of Interpretation.

1.5.1. Superseding Previous Ordinances.

This Ordinance supersedes all previous regulations and ordinances of the District which are in conflict herewith.

1.5.2. Severability.

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.

1.5.3. Amendment.

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

1.5.4. 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.

1.5.5. Effective Date.

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

CHAPTER 2 – DEFINITIONS

Section 2.1.

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

- (1) “ACTUAL USER” 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 Application Pretreatment Standard shall be complied with by non-domestic Wastewater users of the Sewerage System.
- (3) “BEST MANAGEMENT PRACTICES (BMPs)” shall mean structural or non-structural measures, practices, operating procedures, schedules of activities, treatment requirements, techniques or devices employed to minimize or treat the discharge of pollutants into the sewerage system; to implement prohibitions listed in NR 211.10 (1) or (2); or to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas. Best Management Practices may be specified (i) by EPA and DNR categorical regulations, or (ii) by District and Customer Communities for significant industrial users and non-significant, industrial, institutional, and Commercial Users. In the case of the latter, BMPs are equivalent to local limitations and shall be incorporated into any permits issued by the District or Customer Community.
- (4) “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. Quantitative determination of BOD shall be made in accordance with 40 C.F.R. pt. 136 and NR 219.
- (5) “BUILDING SEWER” or “LATERAL” 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.
- (6) “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 C.F.R. pt. 136 and NR 219.
- (7) “COMMERCIAL USER” shall mean any business or non-profit organization that provides goods or services and generates Wastewater.

(8) "COMMISSION" shall mean the Commission of the District as defined and with such powers as set forth in Wis. Stat. § 200.09, as amended from time to time.

(9) "COMMUNITY 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.

(10) "COMMUNITY SEWER" shall mean any sanitary sewer owned and/or operated by any a Customer Community 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 or does not have a Detrimental Effect on the treatment facility.

(12) "DETRIMENTAL EFFECT" means a discharge to the sewerage system that either alone or in combination with other discharges would pass through or interfere with the operation of the sewerage system, cause the District to violate its WPDES permit, or create or constitute a hazard to human health or the environment.

(13) "DIRECTOR" shall be the Director of the District or other authorized representative of the Commission or District.

(14) "DISTRICT" shall mean the Madison Metropolitan Sewerage District (MMSD), a regional sewerage district governed by the Commission.

(15) "DNR" means Wisconsin Department of Natural Resources.

(16) "DOMESTIC WASTEWATER" or "SANITARY SEWAGE" shall mean waste and wastewater from humans or household operations that is discharged from toilets, conveniences, or other sanitary plumbing facilities, 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:

Number of Equivalent	
Meter Size	5/8-inch Meters
5/8-inch	1
3/4-inch	1
1-inch	2.5
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. § 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Wis. Stat. ch. 283, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 283, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

"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.

(20) "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.

(21) "GENERAL PERMIT" shall mean any permit issued by the District or the community that authorizes similar minor activities by one or more applicants.

(22) "HAULER" shall mean any person who transports a hauled waste to the Wastewater Treatment Plant for disposal.

(23) "HAULED WASTE" shall mean Wastewater or waste sludges transported to and discharged at the Treatment Plant.

(24) "INDUSTRIAL USER" shall mean any person who engages in the manufacture or production of goods and discharges Wastewater other than Sanitary Sewage.

(25) "INDUSTRIAL WASTE" shall mean the Wastewater generated and discharged by an Industrial User, other than Sanitary Sewage.

(26) "INTERCEPTING SEWER" or "INTERCEPTOR" shall mean any sanitary sewer owned or operated by the District.

(27) "INTERFERENCE" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts Wastewater treatment processes or operations or the sludge processes, use or disposal, or is the cause of a violation under any federal or state law.

(28) "LOCAL LIMITATION" shall mean limits developed by POTWs to enforce the specific and general prohibitions, as well as any State and local regulations and can include Best Management Practices as well as specific numeric limits.

(29) "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 §§ 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

(30) "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 § 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 or substantially changes 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.

(31) "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.

(32) "PERSON" shall mean any individual, firm, company, partnership, municipality, association,

private or public corporation, cooperative, society, institution, enterprise, government agency, or other entity.

(33) "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.

(34) "RECEIVING WATERS" shall mean the body or bodies of water to which the treated water from the District's Wastewater Treatment Plant is discharged.

(35) "REPRESENTATIVE SAMPLE" shall mean a sample of the appropriate Wastewater stream that is representative of daily operations, collected using 24-hour flow proportional composite sampling techniques where feasible, unless another sampling technique or sample type is specified by the District. If compositing of grab samples is specified, compositing shall be consistent with protocols identified in Wis. Admin. Code ch. NR 219 and EPA or DNR guidance.

(36) "RESPONSIBLE CORPORATE OFFICER" shall mean a person as defined in Wis. Admin. Code § NR 211.15(10).

(37) "SEPTAGE" shall mean the scum, liquid, sludge or other waste in a septic tank, soil absorption field, holding tank, grease interceptor, privy, or other component of a private on-site wastewater treatment system.

(38) "SEWER" shall mean a pipe or conduit that carries Wastewater or drainage water.

(39) "SEWERAGE SYSTEM" shall mean all facilities used for the collecting, transporting, pumping, metering, sampling treating and disposing of Wastewater discharged to the District.

(40) "SIGNIFICANT INDUSTRIAL USER (SIU)" shall mean Industrial User meeting the requirements in Chapter 6.

(41) "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.

(42) "TOTAL SUSPENDED SOLIDS (TSS)" 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 C.F.R. pt. 136 and Wis. Admin. Code ch. NR 219.

(43) "TOTAL KJELDAHL NITROGEN (TKN)" shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 C.F.R. pt. 136 and Wis. Admin. Code ch. NR 219.

(44) "TOTAL PHOSPHORUS (TP)" shall mean the quantity of total phosphorus as determined in accordance with 40 C.F.R. pt. 136 and Wis. Admin. Code ch. NR 219.

(45) "TREATMENT PLANT" shall mean the District's arrangement of devices and structures for treating domestic Wastewater and industrial discharges.

(46) "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.

(47) "WASTEWATER" shall mean water and water-carried wastes discharged to the District sewerage system including but not limited to Sanitary Sewage or process water from commercial or Industrial Users other than Sanitary Sewage.

(48) "WASTEWATER PARAMETERS" shall include volume, carbonaceous biochemical oxygen demand, Total Suspended Solids, Total Kjeldahl Nitrogen, Total Phosphorus, Actual Users, Equivalent Meters, and such additional parameters as may from time to time be determined by the District.

(49) "WPDES PERMIT" shall mean the District's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. ch. 283.

CHAPTER 3 - TERRITORY OF THE DISTRICT

Section 3.1. Territory.

The territory of the District includes the original boundary established in 1930 and all lands annexed into the District. A current map of the District's territory shall be maintained by the District. Only territory within the District may be served by the District.

Section 3.2. Annexation of Territory Upon Notice of Communities Within the District.

3.2.1. Any city, village, or town sanitary district which is wholly or partially within the District may seek to annex additional territory into the District upon notice to the Commission and the regional planning commission pursuant to Wis. Stat. § 200.15(1)(a).

3.2.2. A city, village or town sanitary district seeking an annexation under this Section, shall provide a written notice from the City or Village Clerk to the Chief Engineer of the District, a copy of the notice that was sent to the regional planning commission in accordance with Wis. Stat. § 201.15(1)(a) and any response from the regional planning commission to such notice. Written notice can be sent via hard copy or electronically.

3.2.3. The Commission may object to a request for annexation under this Section within thirty (30) days after receipt of the written notice in accordance with Wis. Stat. § 200.15(1)(b). If the Commission objects to annexation, the community may petition for annexation under Wis. Stat. § 200.15(2) and Section 3.3 of this Ordinance. If the Commission does not object to the annexation within thirty (30) days, the annexation is deemed approved.

3.2.4. Failure of the Commission to disapprove the addition of the territory under this Subsection is subject to review under Wis. Stat. ch. 227.

Section 3.3. Annexation of Territory Upon Petition or Motion.

3.3.1. The addition of territory to the District may also be initiated by petition from a municipal governing body or upon motion of the Commission under Wis. Stat. § 200.15(2).

3.3.2. Upon receipt of the petition or upon adoption of the motion, the Commission shall hold a public hearing preceded by a class 2 notice under Wis. Stat. ch. 985. The party proposing the annexation shall have the burden of proof.

3.3.3. The Commission may approve the annexation upon a determination that the following standards are met:

- (a) The formation of the District will promote sewerage management policies and operation and will be consistent with adopted plans of municipal, regional and state agencies; and

- (b) The formation of the District will promote the public health and welfare and will effect efficiency and economy in sewerage management, based upon current generally accepted engineering standards regarding prevention and abatement of environmental pollution and federal and state rules and policies in furtherance thereof.

3.3.4. Approval actions by the Commission under this Section shall be subject to review under Wis. Stat. ch. 227.

Section 3.4. Costs.

3.4.1. Annexation Charge.

Annexations under this Chapter are subject to an “annexation charge” in such amount as the Commission may determine, to cover the cost associated with 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.

3.4.2. Annexation Fee.

Territory which is annexed to the District in accordance with the provisions of Wis. Stat. § 200.15, may be subject to reasonable requirements as to participation by newly annexed areas toward the cost of existing or proposed District facilities as the Commission may determine. Such 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.

3.4.3. Additional Charges for Delinquent Annexations.

If the District determines that territory outside of the District is receiving service from the District, annexation of such area shall be required and the District may impose additional fees or penalties for such annexations.

CHAPTER 4 – CONSTRUCTION AND OPERATION OF COMMUNITY SEWERS

Section 4.1. Applicability.

This Chapter sets forth the obligations of Community Customers to the District related to the construction and operation of Community Sewers.

Section 4.2. Approval of Community Sewers.

Prior to constructing, reconstructing, altering or extending a Community Sewer, a Community Customer shall receive approval of the District under this Chapter.

4.2.1. Plans and Specifications.

- (a) At least two (2) sets of plans and specifications shall be provided for any construction, reconstruction, alteration or extension of a Community Sewer.
- (b) All construction plans shall be in conformance with Wis. Admin. Code Ch. NR 108.
- (c) 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.
- (d) All elevations given on plans submitted to the Commission shall be based on the North American Vertical Datum of 1988 (NAVD88). All bearings shown shall be referred to a boundary line of a government lot or quarter section, monumented in the original survey or resurvey of Wisconsin. Every plan submitted shall bear a sign showing the direction of the true north in relation to the plan.

4.2.2. Community Sewer Plan Approval.

Any community that plans to construct, reconstruct, alter or extend a Community Sewer shall submit an application to the District including the following:

- (a) Two (2) complete sets of plans, specifications, and required DNR forms for sewer extensions in accordance with Section 4.2.1. An electronic copy of the required plans and specifications shall be included with the submittal per the DNR's requirements.
- (b) Map(s) showing: the location of the work, the ultimate tributary drainage basin(s) and the immediate service area of the proposed sewer extension for sewers eight inches in diameter or larger.
- (c) The size, type, and grades of proposed sewers.
- (d) The elevations of sewer inverts and the manhole tops.
- (e) The distance between manholes.

- (f) Complete details of all appurtenances.
- (g) The plans shall be accompanied by complete and signed DNR Sanitary Sewer Extension Submittal Forms, as amended from time to time.
- (h) Plans shall be reviewed by the Capital Area Regional Planning Commission as required pursuant to Wis. Admin. Code § NR 110.08(4). A copy of the Capital Area Regional Planning Commission 208 review letter and an approval letter from the Community Customer shall accompany the plans.
- (i) No extensions shall be approved unless the area served is within the territory of the District.

4.2.3. Incomplete Applications.

Incomplete applications shall not be processed and considered for Commission approval until all of the required information is provided by the applicant. Plans not approved by the Commission shall be returned to the applicant with a letter describing the reason(s) for denial of the application.

Section 4.3. Approval of Connections.

4.3.1. Approval of Connections to Community Sewers.

- (a) Community Customers shall require that any Person seeking to connect a Building Sewer or private sewer to a Community Sewer obtain the approval of the Community Customer. At the time of connection, each Building Sewer shall be inspected by a competent inspector of the municipality in which the connection is being made.
- (b) 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.
- (c) The Community Customer shall no less than annually send a list of new businesses and institutions that have connected to Community Sewers, including addresses, to the attention of the District's Pretreatment and Waste Acceptance Coordinator.

4.3.2. Approval of Community Sewer Connections to District Interceptor Sewers.

- (a) A Connection Permit shall be obtained from the District before any connection is made from a Community Sewer into a District Interceptor Sewer. This includes connections made as part of new sewer extensions, new connections made as part of replacement or reconstruction projects, and existing connections which are reinstated or altered in any way as part of regular maintenance activities or during replacement or reconstruction projects.

- (b) A Community Customer shall give the District written notice at least five (5) business days prior to any connection of a Community Sewer to an Interceptor Sewer to allow the District to inspect the connection.

4.3.3. Approval of Direct Connections to District Interceptors.

- (a) No connections of a Building Sewer or private sewer directly to an Intercepting Sewer of the District shall be made, without the approval of the District under this Section. Approvals shall not be given unless special circumstances or conditions require such connection.
- (b) 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 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.
- (c) The Director shall determine whether to approve such connection. Upon approval of the 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.
- (d) No connection shall be made directly with any Intercepting Sewers without the inspection and approval of such connection by the Director. 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 Community Customer in which the connection is made.
- (e) 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.

4.3.4. Connection Charges.

For each sewer connection made to a Community Sewer or a District sewer, a connection charge shall be paid to the District. Such connection charge shall be billed to and paid by the Community Customer in which the sewer connection is made. The connection charge shall be in such amount as the Commission may set as part of a fee schedule adopted by resolution of the Commission and shall be payable at such time or times as the Commission may require. The

failure to pay the connection charge at or before the time the connection is made shall be subject to additional fees or penalties as the Commission shall determine. Additional rules implementing District connection charges shall be set forth in District Regulations for Conveyance Facility Connection Charges and Treatment Plant Connection Charges.

Section 4.4. Prohibited Connections.

4.4.1. 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 Chapter 8.

4.4.2. 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, unless the District has determined that no feasible alternative exists and that the connection would not materially impair the functioning of District sewers.

4.4.3. Combined Sewers.

No sewer intended to serve as a sanitary sewer and a storm sewer, also known as a combined sewer, shall be connected to any sanitary sewer within the District.

4.4.4. 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 Wis. Admin. Code § SPS 382.30(11)(a)(2).

Section 4.5. Mandatory Connections.

4.5.1. Connections Required.

Each Community Customer shall require by ordinance that 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.

4.5.2 Timing of Connection.

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

Section 4.6. Maintenance of Community Sewers.

4.6.1. CMOM and Infiltration/Inflow Requirements.

- (a) All Community Customers shall comply with the requirements of Wis. Admin. Code § NR 210.23 to establish and implement a capacity, management, operation and maintenance program (CMOM) for its Community Sewers by August 1, 2016. Community Customers shall prepare written documentation of the CMOM program components and provide a copy of such documentation to the District on request. Community Customers shall provide the District with a copy of their compliance maintenance annual report (CMAR) by June 30th of the calendar year for each year following August 1, 2016.

- (b) All Community Customers are required to control excessive infiltration and inflow (I/I). Excess inflow and infiltration is defined as any sewer having an hourly wet weather flow peak greater than four (4) times the average daily dry weather flow or hourly peaks greater than four (4) times the typical daily wastewater-only flow anticipated for the served area based on water meter records. The District may also identify excess inflow and/or infiltration as determined by a professional engineer during the conduct of an I/I study. Any Community Customer having excessive infiltration and inflow will be required to submit a corrective action plan to the District that identifies steps that they will take to timely reduce I/I to acceptable levels.

4.6.2. Reporting of Community Sewer Overflows.

In the event of a bypass or spill of Wastewater from any Community Sewer, the Community 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 in accordance with Wis. Admin. Code § NR 210.21.

Section 4.7. Community Sewer Operational Requirements.

4.7.1. Sand and Grease Trap installations.

All Community Customers 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 Chapter 5. 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 Community Customer; and shall be readily accessible for cleaning and inspection. No separated solids, oil or grease from such traps shall be disposed of in the sewerage systems, but such waste may be allowed at the Treatment Plant in accordance with the provisions of Chapter 8.

4.7.2. Chloride Reduction.

- (a) All Community Customers shall undertake efforts to reduce chlorides into the Community Sewers including the source reduction measures set forth in Wis. Admin. Code § NR 106.90 as appropriate, measures to reduce inflow of road salt laden water into Community Sewers and measures to reduce the direct drainage of road salt laden water from storage or truck loading into Community Sewers. Each Community Customer shall notify the District annually of measures taken.
- (b) All Community Customers that own groundwater supply wells shall analyze at least one sample from each well annually for chloride and shall report the results to the District by March 1, for the preceding year.
- (c) All Community Customers that hold a municipal separate storm sewer system (MS4) permit from the DNR, and report on deicing activities as part of their MS4 reporting requirements, shall send a copy to the District at the same frequency and at the same time that a report is submitted to DNR. Submittal may be in electronic form as a PDF.

4.7.3. Pharmaceuticals Reduction.

Consistent with the District's effort to eliminate the intentional discharge of unused pharmaceuticals to Community Sewers, all Community Customers shall take reasonable steps to encourage hospitals, nursing homes and other medical facilities within their community to manage and dispose of unused pharmaceuticals in a manner that does not result in intentional discharges of pharmaceuticals to Community Sewers.

4.7.4. Hauled Wastes.

All Community Customers shall take reasonable steps to prevent Hauled Wastes from being discharged into Community or District Sewers except as authorized under Chapter 8.

4.7.5. Restrictions on Storm Drainage and Groundwater.

All Community Customers shall take reasonable steps to prevent Users from direct discharges of stormwater, groundwater, rain water, street drainage, roof runoff, and subsurface drainage into Community Sewers without prior approval of the community and the District, or into Intercepting Sewers without prior approval of the District.

4.7.6. Restrictions on the Discharge of Clear Water.

- (a) All Community Customers shall take reasonable steps to prevent Users from directly discharging process water or blow down from processes as such cooling towers into Community Sewers without prior approval of the community and the District, or into Intercepting Sewers without prior approval of the District. Such approval may be granted upon payment of applicable charges and fees and upon compliance with conditions as required by the community and District.

- (b) All Community Customers shall take reasonable steps to prevent Users from directly discharging non-contact cooling water or condensate into Community Sewers unless there are no reasonable alternatives and the User has obtained prior approval of the Community Customer and the District. Such approval shall be granted upon payment of applicable charges and fees and upon compliance with conditions as required by the Community Customer and District.

4.7.7. Abandonment of Connections.

All Community Customers shall take reasonable steps to prevent the direct connection of Building Sewers or private sewers to a Community Sewer or Intercepting Sewer and shall require that sewers proposed for abandonment must be plugged according to District and Community Customer standards. The Community Customers shall require that the User of the Building Sewer or private sewer obtain an approval from the Community Customer prior to disconnecting the sewer from the public sewerage system and/or demolishing any buildings or structures which its serves. Community Customers shall provide written documentation to the District for each abandoned connection to a District Intercepting Sewer.

Section 4.8. Record Keeping.

4.8.1. Records of Connection to the Community Sewers.

Records of Building Sewer connections or other connections to Community Sewers shall be kept by the Community Customer 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. Community Customers shall notify the District of any new connection when made. Community Customers shall also notify the District of any existing but previously unknown connections when discovered. 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.

4.8.2. Record Drawings.

Record drawings of a Community Customer's collection system, including Lateral, wye, and tee connections, shall be retained in Community Customer files and updated as needed to reflect changes. A copy of a current plan of the Community Customer's collection system showing all sewers that are tributary to the District shall be submitted by each Community Customer to the District annually at no cost to the District. The plan shall show Lateral, wye and tee connections, manhole inverts, available rim elevations, distances between manholes, pipe sizes, and pipe grades to the extent that this information is available in conformance with the record drawings. Plans shall be submitted electronically in a format that is compatible for use with the District's current Geographic Information System (GIS) software or in a format agreed to by the District. Where plans are not available in said electronic format, written plans shall be of a scale not smaller than one (1) inch = two hundred (200) feet unless otherwise approved.

4.8.3. Community Service Area.

Upon request of the District, each Community Customer within the District shall provide the Director with an accurate real estate description of their respective corporate limits and a map. 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.

CHAPTER 5 - LIMITATIONS ON DISCHARGES TO THE SEWERS APPLICABLE TO ALL USERS

Section 5.1. General Limitations on Discharge Characteristics.

All Users shall comply with the limitations in this Chapter.

5.1.1. Limitations Related to Adverse Impacts.

Discharges 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 receiving streams; will not have an adverse effect on the District’s biosolids management program; will not endanger persons or property; will not cause adverse environmental effects; and will not constitute a public nuisance.

5.1.2. Limitations Related to the District’s WPDES Permit.

No Person shall discharge pollutants into the sewerage system which pass through or interfere with the operation or performance of the District’s Treatment Plant and thereby cause or significantly contribute to a violation of the District’s WPDES permit and any modification or re-issuance thereof.

5.1.3. Best Management Practices.

Users shall follow Best Management Practices (BMPs) developed or cited by the District for the discharge of any constituents, substances, materials, waters, or waste where the District determines that following these BMPs is necessary to meet the objectives of this Ordinance or the conditions of the District’s WPDES permit. Where a BMP is required to implement prohibited discharges under Section 5.2, such BMP shall be considered a specific prohibited discharge under Section 5.2 and pretreatment standards for the purpose of Wis. Stat. § 283.21(2).

Section 5.2. Prohibited Discharges.

5.2.1. General Prohibitions.

No Person shall discharge wastes to a Community Sewer or Intercepting Sewer which cause, or are capable of causing either alone or in combination with other substances:

- (a) Obstruction of flow or damage to the Wastewater facilities;
- (b) Danger to life or safety or welfare of any persons;
- (c) Prevention of effective maintenance or operation of the Wastewater facilities;
- (d) Any product of the District’s treatment processes or any of the District’s residues, biosolids, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;

- (e) A Detrimental Effect, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
- (f) Any sanitary sewer or the District's Wastewater facilities to be overloaded;

5.2.2. Specific Prohibitions.

Prohibited discharges shall include, but not be limited to the following:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which create or contribute to a fire or explosion hazard at the Treatment Plant including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods in Wis. Admin. Code § NR 66.21.
- (b) Pollutants which result in the presence of gases, vapors or fumes within the Sewerage System in a quantity which may cause acute worker health or safety problems.
- (c) Any waters or wastes having a pH lower than 5.5 or higher than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or treatment works personnel.
- (d) Solids or viscous substances which will cause or contribute to obstruction to the flow in sewers or have a Detrimental Effect on the operation of the Treatment Plant.
- (e) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause a Detrimental Effect.
- (f) Any Wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (g) Heat in amounts which will inhibit or contribute to the inhibition of biological activity in the Treatment Plant resulting in Interference or causing damage to the Treatment Plant but in no case heat in such quantities that the temperature exceeds 40°C (104°F) at the influent to the POTW Treatment Plant unless the DNR at the request of the District, has approved alternate temperature limits.
- (h) Radioactive wastes which, alone or with other wastes, result in releases which violate rules or regulations of any applicable state or federal agency.
- (i) Wastewater containing more than 50 milligrams per liter of non-polar petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin as measured by the silica gel treated hexane extractable material (SGT-HEM) analytical method.

- (j) 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.
- (k) Wastewater containing polychlorinated biphenyls.
- (l) 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.
- (m) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.

5.2.3. Additional Prohibitions for Industrial Users.

In addition to the requirements that are applicable to Significant Industrial Users in Chapter 6, all Industrial Users shall be subject to the following prohibitions:

- (a) Wastewater which contains in excess of any of the following constituents in a twenty-four (24) hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of an 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 twenty-four (24) hours in duration and in accordance with the requirements of Section 6.4.2.

- (b) Industrial discharges exceeding applicable National Categorical Pretreatment Standards, or State Standards.
- (c) Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to meet the limitations established in this Chapter, or to meet or exceed the Applicable Pretreatment Standards is prohibited.

5.2.4. Responses by the Director.

If any waters or wastes are proposed to be discharged to the public sewers, in excess of those limitations enumerated in this Chapter, 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 5.3. Obligation to Report Accidental Discharge.

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, the volume, 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.

CHAPTER 6 - PRETREATMENT AND OTHER OBLIGATIONS FOR SIGNIFICANT INDUSTRIAL USERS

Section 6.1. Determination of Significant Industrial Users.

6.1.1.

The following Industrial Users shall be considered a Significant Industrial User unless otherwise designated by the Director under Wis. Admin. Code § NR 211.15(4)(d):

- (a) All Industrial Users subject to National Categorical Pretreatment Standards and are subject to applicable provisions in Wis. Admin. Code Ch. NR 211.
- (b) Any 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 five percent or more of the average dry weather hydraulic or organic capacity of the Treatment Plant shall be considered a significant Industrial User under this Ordinance.
- (c) Other Industrial Users may be considered a significant Industrial User under this Ordinance 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.

6.1.2.

All new Industrial Users and all other Industrial Users shall upon request of the Director submit to the District a Baseline Monitoring Report Form and/or an Industrial Request to Discharge Form that provides information on volume and constituents of the Wastewater.

6.1.3.

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 that could affect their status as a Significant Industrial User.

6.1.4.

The District may determine that an Industrial User subject to categorical pretreatment standards is a non-Significant Industrial User (NSCIU) rather than a Significant Industrial User if the conditions in Wis. Admin. Code § NR 211.15(4)(d) are met.

Section 6.2. Permit Requirements for Significant Industrial Users.

6.2.1. Permit Application.

Significant Industrial Users shall make written application to the Director for the issuance of a Permit to Discharge.

6.2.2. Permit Provisions.

The Director has the authority to issue a permit to the Significant Industrial User, and impose necessary conditions which shall include, but not be limited to:

- (a) The name, address and telephone number of the Industrial User; and the identity of an authorized representative to act on its behalf.
- (b) A description of the Industrial User's permitted connection or connections to the public sewer system and its location.
- (c) The average and/or maximum limits of various Wastewater constituents which may be discharged by such user.
- (d) Any limit on the maximum rate of industrial discharge or the time of the discharge.
- (e) A requirement for a monitoring manhole or some other means to collect a Representative Sample of the Industrial User's discharge.
- (f) A description of both the frequency of self-monitoring that is required and of the method of sample collection.
- (g) Reports which must be submitted to the District and the frequency of report submittal.
- (h) A compliance schedule for construction of pretreatment facilities if required.
- (i) The requirements for records retention.
- (j) The notification procedure to be followed if the Industrial User intends to change the characteristics of its Wastewater discharge.
- (k) A statement concerning the District's right to inspect the industry's facilities.
- (l) 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.
- (m) A statement of the Applicable Pretreatment Standards or National Categorical Pretreatment Standards that the User must abide by.
- (n) A statement that a violation of pretreatment requirements as specified in Chapter 6 shall be subject to various penalties as listed in this Ordinance.

- (o) A summary of BMPs required to be implemented if applicable. User maintained documentation of BMP activities that demonstrate the compliance status of the User shall be considered compliance records. Such records must be retained by the User in accordance with industrial pretreatment program requirements.

6.2.3. Effect of New National Standards.

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 C.F.R. § 403.12.

6.2.4. Permit Implementation.

- (a) Any permit issued under this Chapter shall be effective for a period not to exceed five (5) years. Any User holding a permit shall apply for a permit reissuance or renewal at least one hundred eighty (180) days prior to the expiration date of the User's existing permit.
- (b) Upon issuance of such permit, the Significant Industrial User shall faithfully comply with all provisions of the permit and as contained in this Ordinance, as amended from time to time.
- (c) Any existing Significant Industrial User shall notify the Director in writing of the following changes at least ninety (90) days prior to initiating such a change: (i) any proposed discharge of pollutants, previously not being discharged by said User; or (ii) any proposed increase in existing discharges of pollutants, where the increase is greater than twenty-five percent (25%) of existing pollutant levels.
- (d) 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.
- (e) Any permit issued under this Chapter shall be revocable by the Commission summarily for violation of its terms or conditions. In addition, any violation of the conditions of any such discharge permit or this Ordinance shall be subject to the enforcement provisions of Chapter 11.
- (f) Permits issued under this Chapter are personal as to the User/holder; 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) Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to meet the limitations established in Chapter 5 or to meet or exceed the Applicable Pretreatment Standards is prohibited.
- (h) The District in its discretion may impose mass limitations on Industrial Users or grant a request for mass limitations by the Industrial User in accordance with Wis. Admin. Code § NR 211.11(3) where the Director determines the imposition of mass limitations is appropriate.
- (i) The District may convert mass limitations of categorical pretreatment standards in Wis. Admin. Code Chs. NR 233, NR 235 and NR 279 into equivalent concentrations limits in accordance with Wis. Admin. Code § NR 211.11(3) where the Director determines that imposition of concentration limitations is appropriate.
- (j) The District in its discretion may impose concentration limitations on Industrial Users or grant a request for concentration limitations by the Industrial User in accordance with Wis. Admin. Code § NR 211.11(3) where the Director determines the imposition of concentration limitations is appropriate. Dilution to meet a concentration limitation is prohibited.
- (k) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, the District may convert concentration limits to mass limits in accordance with Wis. Admin. Code § NR 211.11(3).

6.2.5. General Discharge Permit.

The Director may issue and utilize General Permits in accordance with the provisions in Wis. Admin. Code § NR 211.235(1). General Permits may include limitations on concentration and mass of pollutants, may specify Best Management Practices and include other conditions necessary to ensure compliance with applicable limits.

Section 6.3. Pretreatment Facilities.

6.3.1.

Users shall provide Wastewater treatment as necessary to comply with these rules and shall, at the User's expense, achieve and maintain compliance within the time limitations specified by the District. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent that will not violate any provision of these rules.

6.3.2.

Any subsequent modification in the pretreatment facilities or operating procedures shall be reported to the Director prior to the User's proposed modification.

Section 6.4. Monitoring and Inspection.

6.4.1. Monitoring Facilities.

- (a) The District may require a Significant Industrial User to construct a sampling manhole or other monitoring facility to facilitate collection of a Representative Sample of Wastewater being discharged to the public sewerage system. Construction of such facility must be completed within ninety (90) days after the User has been notified of the requirement, unless the District grants an extension of time. In the event that the Industrial User fails to construct such a facility, the District may do so and shall assess the cost to the Industrial User.

- (b) All monitoring facilities shall be constructed at the User's expense, in accordance with the plans approved by the Community Customer 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.

6.4.2. Sampling.

- (a) The Director may require the Significant 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.

- (b) The District may elect to independently monitor the discharge of any Industrial User to assess compliance with applicable standards.

- (c) Upon finding a violation based on District sampling performed in lieu of the Industrial User, the District will perform repeat sampling and analysis unless the Industrial User is notified of the violation and is required by the District to perform repeat sampling and analysis. Repeat sampling conducted by the Industrial User must be consistent with the requirements under Section 6.5.4(b).

- (d) Any samples collected during such monitoring shall follow a strict chain of custody procedure to insure security of the samples and anonymity during analysis.

- (e) 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 C.F.R. pt. 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 C.F.R. pt. 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.

6.4.3. Inspection.

- (a) Agents of Community Customers 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; or for the purpose of inspection and copying of records kept by Industrial Users relating to pretreatment requirements or reporting.

6.4.4. Request for Information.

The District may require a Significant Industrial User to provide additional information concerning, but not limited to:

- (a) Volume, time and peak rate of discharges.

- (b) Chemical analysis of discharges.

- (c) Raw materials, processes and products relevant to discharge characteristics.

- (d) Discharges of specific wastes such as sludge, oil, solvent, or incompatible pollutants.

- (e) Plot plans of sewers on the User's property showing locations of sewers, monitoring facilities and pretreatment facilities.
Details of pretreatment facilities.

- (f) Details of systems to prevent losses of materials through spills to the municipal sewers.

- (g) Documentation of Best Management Practices.

Section 6.5. Reporting Requirements.

6.5.1. General Reporting Obligations.

- (a) Any Significant Industrial User shall comply with the reporting requirements of its Industrial Discharge Permit.

- (b) All reports required by the Industrial Wastewater 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. Where the Industrial User is subject to standards that require compliance with BMP or pollution prevention alternatives, the User shall submit documentation that demonstrates its compliance status.

- (c) 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.
- (d) 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.
- (e) All reports required by Section 6.6 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 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.

- (f) Any effluent data submitted or supplied to the District by any Person or User is a public record within the meaning of Wis. Stat. § 19.21. All other information submitted to the District shall be a public record unless the information is entitled to confidential treatment pursuant to Wis. Stat. § 283.55(2)(c) and Wis. Admin. 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.

6.5.2. Periodic Compliance Report.

Any permittee shall comply with the requirements of its Industrial Discharge Permit for preparing a periodic report of compliance. The report requirements are provided in the permit and may contain outfall average and maximum flow rate data, the volume and fate of any regulated Wastewater hauled off-site, the signed certification statement, and any other certification statements contained in the permit.

6.5.3. Reporting Following National Pretreatment Standard Changes.

- (a) 180-Day Baseline Monitoring Report. Industrial Users subject to National Categorical Pretreatment Standards shall submit to the Director this report within one hundred eighty (180) days of the effective date of a National Categorical Pretreatment Standard.

- (b) 90-Day Final Compliance Report. In accordance with Wis. Admin. Code § NR 211.15(3) existing Industrial Users subject to National Categorical Pretreatment Standards, must submit a final compliance report to the Director within ninety (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 ninety (90) days following the introduction of Wastewater into the public sewer system.

6.5.4. Discharge Monitoring Report.

- (a) Permittees with monitoring requirements shall submit Discharge Monitoring Reports (DMR) summarizing outfall analytical data within thirty (30) days of the receipt of the analytical data. Each report shall include the certification statement and the signature of the responsible officer or designee. The DMR shall include the Wastewater flow data from the sampling period. The DMR shall provide the laboratory analysis report. The discharge permit will indicate what parameters must be analyzed and what frequency of sample collection should be followed.
- (b) If sampling performed by a permittee indicates a violation, the User shall notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis for the parameters showing violation and submit the results of the repeat analysis to the District within thirty (30) days.
- (c) If a permittee monitors any pollutant more frequently than required by the District, using analytical methods specified in the permit, the results of this monitoring shall be included in reports and submitted to the District.
- (d) As part of an SIU permit, the Director may authorize a monitoring waiver for individual pollutants or reduce the frequency of reports for certain discharges in accordance with Wis. Admin. Code § NR 211.15(4).

6.5.5. Reports of Upsets, Spills, Slugs, and Bypasses.

- (a) 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 C.F.R. pt. 261. Notification is not complete until the Director or its designee personally responds and acknowledges receipt of the notification. The initial notice of a hazardous waste discharge shall be followed by a written notice to the Director from the Industrial User within five (5) business days.

- (b) In accordance with Wis. Admin. Code § NR 211.15, each Significant 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 general prohibitions. Such Significant Industrial User shall provide a written or oral notification within twenty-four (24) 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.

Section 6.6. Slug Control.

In accordance with Wis. Admin. Code § NR 211.235, the District will evaluate whether each Significant Industrial User needs a plan to control slug discharges. For Significant Industrial Users new to the District pretreatment program, this evaluation shall occur within one (1) year of issuance of the industrial Wastewater discharge permit. If the District determines that a slug control plan is needed, the industrial Wastewater discharge permit will contain requirements to prepare and implement a slug control slug plan.

6.6.1. Slug Control Plan.

The slug control plan shall contain at a minimum the following elements:

- (a) A description of discharge practices, including non-routine batch discharges.
- (b) A description of stored chemicals.
- (c) Procedures for immediately notifying the District of Slug Discharges, including any discharge that would violate a general prohibition or specific prohibited discharge standard, with procedures for follow-up written notification within five (5) days.
- (d) The necessary procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transferals, loading and unloading operations, control plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment of emergency response.

6.6.2. Changes in Slug Load Potential.

In accordance with Wis. Admin. Code § NR 211.15, each Significant Industrial User is required to notify the District immediately of any changed circumstances at its facility affecting the potential for a Slug Discharge. The permittee shall provide notification to the District at least forty-five (45) days prior to any planned changes to chemical storage facilities. Based on these changes, the District may determine that a slug control plan is needed. If so, the plan shall at a minimum contain the elements listed in Section 6.6.1. The District, at any time, based on inspection or responses to events, may determine that a slug control plan shall be prepared by a Significant Industrial User. The industrial Wastewater discharge permit will be revised to contain requirements to control Slug Discharges.

Section 6.7. Bypass Provisions.

6.7.1.

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 Sections 6.7.2, 6.7.3 and 6.7.4.

6.7.2.

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 (10) days before the date of the bypass.

6.7.3.

An Industrial User shall submit oral notice of an unanticipated bypass that exceeds Application Pretreatment Standards to the District within twenty-four (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.

6.7.4.

Bypass of pretreatment facilities is prohibited and the District may take enforcement action against an Industrial User for a bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) 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
- (c) The Industrial User submitted notices as required under Section 6.7.2 or Section 6.7.3.

Section 6.8. Records Retention.

6.8.1.

Significant Industrial Users shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, and all summaries relating to monitoring, sampling, and chemical analyses made by, or on behalf of, a Significant Industrial User in connection with its discharge. Included in this requirement is the preservation of documentation of Best Management Practices employed as a result of Ordinance or permit requirements.

6.8.2.

Significant Industrial Users shall retain and preserve all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the District until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Section 6.9. Violations of Pretreatment Requirements.

6.9.1.

Each Industrial User shall strictly comply with all provisions of this Ordinance. A violation of this Ordinance may lead to enforcement actions by the District.

6.9.2.

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 under Chapter 11.

- (a) Failure to notify the District of a new or increased discharge.
- (b) Failure to submit the reports required under 40 C.F.R. § 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 or of any conditions in a permit.

CHAPTER 7 - REQUIREMENTS FOR CERTAIN COMMERCIAL AND INDUSTRIAL USERS

Section 7.1. Discharges from Dental Clinics.

7.1.1.

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 minimis* contributors.

7.1.2.

Dental clinics that place or remove amalgam shall implement Best Management Practices for amalgam as established by the Wisconsin Dental Association.

7.1.3.

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.

7.1.4.

Dental clinics will annually submit reporting information to the District using forms provided by the District. Reporting information may include:

- (a) Certification that the amalgam separator is operated and maintained in accordance with instructions provided by the manufacturer.
- (b) Certification that Best Management Practices for amalgam as established by the Wisconsin Dental Association are being implemented.
- (c) Any other information deemed relevant by the District.

7.1.5.

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 three (3) years. Dental clinics shall make these records available to the District for inspection and copying upon request by the District.

7.1.6.

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 7.2. Special Permits for Commercial or Industrial Users.

7.2.1.

The District may require a permit under this Section for Commercial or Industrial Users to regulate the discharge wastes and Wastewater to a community or Intercepting Sewer that have the potential individually or cumulatively to impact the ability of the District to meet its WPDES Permit requirements or impact the ability of the sewer system to convey Wastewater to the Wastewater Treatment Plant. Such wastes and Wastewaters include but are not limited to:

- (a) Chloride.
- (b) Stormwater, groundwater, rain water, street drainage, roof runoff, and subsurface drainage.
- (c) Unpolluted water, including but not limited to, cooling water, process water or blow down from cooling towers or evaporative coolers, or swimming pool waters.
- (d) Temperature or thermal loads.
- (e) Pharmaceuticals.
- (f) Mercury or other toxic chemicals.

7.2.2. Permit Process.

- (a) The District shall notify a Commercial or Industrial User if the District determines that a permit is necessary.
- (b) The District shall specify the information required to be submitted to process the permit application. The User shall provide such information with sixty (60) days of the information request.
- (c) The provisions of Section 6.2.4 apply except as modified by the permit.

7.2.3.

Permits under this Section may require the following provisions:

- (a) A written application containing the name, address and telephone number of the User; and the identity of an authorized representative to act on its behalf.

- (b) The imposition of average and/or maximum limits of various Wastewater constituents which may be discharged by such User.
- (c) The requirement to use Best Management Practices, source reduction or treatment as appropriate.
- (d) The description of any sampling, monitoring or reporting requirements.
- (e) A compliance schedule for construction of pretreatment facilities if required.
- (f) A statement concerning the District's right to inspect the industry's facilities.
- (g) Other terms and conditions deemed necessary by the District to effectively regulate the discharge of concern.
- (h) A time limit for the permit not to exceed five (5) years.

7.2.4.

The District may utilize a General Permit to address a category of commercial or industrial dischargers with similar discharge characteristics. General Permits may include limitations on concentration and mass of pollutants, may specify Best Management Practices and include other conditions necessary to ensure compliance with applicable limits.

CHAPTER 8 - LIMITATIONS ON DISCHARGES OF SEPTAGE AND OTHER HAULED WASTES

Section 8.1. Discharge into Sewers Prohibited.

Except as provided in this Chapter, no Person shall discharge Septage or any other Hauled Waste into a Community Sewer or Intercepting Sewer.

Section 8.2. Discharge at the District's Receiving Facilities.

8.2.1.

Discharges of Septage and other Hauled Wastes by a licensed disposer may be allowed at a District receiving station but only in such manner and at such place as may be designated by the Director and subject to the provisions of this Chapter.

8.2.2.

The Hauler desiring to discharge such wastes shall first make application to the Director for a permit to discharge under this Chapter.

8.2.3.

The Hauler 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 8.3. Permits to Discharge Septage and Other Wastes.

8.3.1.

No discharge of Septage or Hauled Wastes shall be made unless the Hauler making the discharge has been issued a permit under this Section.

8.3.2.

All applications for a permit shall be in writing; shall contain such information as the Director deems appropriate. No permit once issued shall be assignable or transferable and no holder of any permit shall acquire any vested right or privilege in the permit.

8.3.3.

A Hauler seeking a permit shall apply to the District prior to September 1 for a permit. A permit shall be valid for a period of one (1) year, beginning on September 1, and expiring on August 31 of each year unless the District decides to issue a permit for a longer period not to exceed five (5) years.

8.3.4.

The District 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.

8.3.5.

Any permit shall be revocable by the Director summarily for violation of the terms or conditions the permit.

8.3.6.

Any Person discharging Hauled Waste in violation of this Chapter shall be subject to enforcement under Chapter 11.

Section 8.4. Permit Requirements.

If the Director determines to issue a permit, such permit may be issued upon such terms and conditions including but not limited to the following:

8.4.1.

The District shall have the right to reject and refuse to accept Septage or other wastes from the Hauler if:

- (a) 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;
- (b) The waste is not compatible with the District's Sewerage System or contains wastes otherwise prohibited under this Ordinance;
- (c) The Hauler 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.

8.4.2.

The Director may impose reasonable terms and conditions for Septage or other Hauled Waste disposal into the Wastewater Treatment Plant relating to the following:

- (a) Specific quantities, locations, times and methods for discharge of such wastes into the District's Sewerage System;
- (b) Requirements to report the source and amount of such wastes placed in the District's Sewerage System; and
- (c) Requirements that the Hauler 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.

8.4.3.

If the District's Sewerage System can accept some, but not all, of the Septage or other Hauled 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.

8.4.4.

The District reserves the right to sample Hauled Waste loads and inspect truck log books at any time without prior notice. The District may request copies of the Hauler's invoices to its clients as documentation of the content of Hauled Waste loads.

8.4.5.

The agreement of the Hauler to indemnify the District from and against any and all liability for injury or damage arising out of or related to the activities of Hauler in exercising the rights granted. The District may require the Hauler to post a bond written by a bonding company licensed to transact business in Wisconsin, to guarantee performance.

8.4.6.

The agreement of the Hauler to have in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance.

Section 8.5. Permit Exceptions.

8.5.1.

Upon notice and approval of the Director, a permit under this Chapter is not required for the following:

- (a) The temporary transfer of sewage from a Community Sewer or a District Interceptor to allow for maintenance or repair of a Community Sewer or District Interceptor sewer.
- (b) Emergency response actions as determined by the Director
- (c) Temporary actions resulting from analytical activities.

8.5.2.

The Director may utilize a General Permit to address a category of waste haulers with similar discharge characteristics.

CHAPTER 9 - SERVICE CHARGES

Section 9.1. District Service Charges.

Sewer service charges to each Community 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 9.2. 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 Users 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 9.3. 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 Users 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 9.4. 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 9.5. 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 9.6. Sewer Service Charge Calculations.

Sewer service charges for each of the Community Customers shall be calculated based on the quantity and quality of the Wastewater contributed by such Community Customer as determined by the District; and on the number of actual Users and Equivalent Meters in service within the boundaries of each Community Customers 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:

$$SC = (V \times VR) + (B \times BR) + (S \times SR) + (N \times NR) + (P \times PR) + (AU \times AUR) + (EM \times EMR)$$

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 TSS discharged
SR	=	service charge TSS rate
N	=	quantity of TKN discharged
NR	=	service charge TKN rate
P	=	quantity of TP discharged
PR	=	service charge TP rate
AU	=	number of actual users
AUR	=	service charge Actual User 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 9.7. 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 9.8. 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 Wis. Stat. § 200.13, as amended from time to time.

Section 9.9. Municipal Service Charge Rates for Individual Sewer System Users.

Each Community Customer shall adopt and maintain in effect rates and rules associated with municipal service charge rates for individual Sewerage System Users in compliance with Wis. Stat. § 281.58(14)(b), and any administrative rules promulgated thereunder.

CHAPTER 10 - BILLING AND COLLECTION

Section 10.1. Billing and Payment.

Sewer service charges shall be billed to each Community Customer on a quarterly basis, unless circumstances require a delayed billing. Such charges shall be payable by the Community 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 Community Customer or User shall be deemed to be a debt due to the District from that Community 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, or at such rate or rates as the Commission may set by Resolution. 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 Community Customer the amount of such delinquency and any damages sustained by the District as a result of the Community Customer's or User's failure to pay, and such costs and expenses as may be allowed by law. Any Community Customer 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 Community Customer 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, the District may require any such Community Customer to levy and collect sewer service charges in the manner provided for in Wis. Stat. §§ 66.0821(4) and (7) and 200.13(3)(b), 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.

CHAPTER 11 - ENFORCEMENT AND ABATEMENT

Section 11.1. Violations Constituting Public Nuisances.

11.1.1.

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 Wis. Stat. § 200.11(l)(d). 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 Wis. Stat. § 823.02, as amended from time to time.

11.1.2.

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.

11.1.3.

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 Wis. Stat. § 823.02, or by the issuance of a special order under Section 11.3. Any remedies or rights of the District as provided for in this Ordinance with respect to violation 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 11.2. 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 11.3 for the remedy of such violation, the special order shall contain the notice of violation.

Section 11.3. Special Orders, Appeals and Penalties.

11.3.1.

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. The order may specify the duration of the order. Service and proof of service of any special order shall be made in the manner provided for service of summons and proof.

11.3.2.

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 as provided for in Section 11.3.1 above. Such order shall be in writing and shall specifically state what action is required to comply with the order.

11.3.3.

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 Wis. Stat. § 200.45(2)(b).

11.3.4.

A person is declared to be creating a public nuisance enjoined under Wis. Stat. § 823.02, if such person:

- (a) Fails to comply with a special order of the Commission or Director within the time period specified, or
- (b) Fails to comply within twenty (20) days after the determination becomes final, or
- (c) Fails to begin in good faith to obey such order.

11.3.5.

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 Wis. Stat. §§ 283.91(2) and (5).

Section 11.4. 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 11.3.

Section 11.5. Appeals From Determinations of the Director.

11.5.1.

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 Wis. Stat. § 68.02 are subject to review. Such person shall make written request to the Director within thirty (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 Wis. Stat.ch. 227.

11.5.2.

If such person desires to appeal from the final determination of the Director under Subsection (a), such person shall file with the Commission a written notice of appeal. 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 Wis. Stat. §§ 227.48 through 227.48, except as otherwise provided for herein.

11.5.3.

Any appeal to the Commission 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 of which shall be paid by the Appellant.

Section 11.6. 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 Chapter.

Section 11.7. Publication of Violations.

11.7.1.

In accordance with the requirements of 40 C.F.R. § 403.8(f)(2)(viii) and Wis. Admin. Code § NR 211.23, the District shall publish annually in a newspaper that provides meaningful public notice within the District, a notice identifying those Industrial Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements.

11.7.2.

A Significant Industrial User has been in significant noncompliance if any of the criteria in (a) through (h) apply. A non-Significant Industrial User has been in significant noncompliance if any criteria in (c), (d), or (h) apply:

- (a) Chronic violations of Wastewater discharge limits defined here as those in which sixty-six percent (66%) or more of all the measurements of the Industrial User's Wastewater for the same pollutant parameter taken during a six (6)-month period exceeded (by any magnitude) any numeric pretreatment standard or requirement including an instantaneous limit.
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements of the Industrial User's Wastewater for the same pollutant parameter taken during a six (6)-month period equaled or exceeded the numeric pretreatment standard or requirement, including an instantaneous limit, multiplied by the applicable TRC factor (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH), or in the case of pH exceeded a limit by 0.4 standard units.
- (c) Any other violation of a pretreatment standard or requirement that the District determines the Industrial User has caused alone, or in combination with other discharges, Interference, Pass Through, or endangerment of the health of sewer maintenance or Treatment Plant personnel, or the general public.
- (d) The Industrial User has discharged any pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the District's exercise of its emergency authority under Section 11.4 to halt or prevent such a discharge.
- (e) The Industrial User has failed 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) The Industrial User has failed to provide within forty-five (45) days of a deadline a required report containing all monitoring results and other information such as a baseline monitoring report, ninety (90)-day compliance report, periodic self-monitoring report, or report on compliance with a compliance schedule.
- (g) The Industrial User has failed to accurately report noncompliance.
- (h) The District has determined that any other violation or group of violations, which may include a violation of required Best Management Practices, by the Industrial User has adversely affected the operation or implementation of the District's pretreatment program.

Sewer Use Ordinance Initial Adoption and Revision History

<u>Action</u>	<u>Date</u>	<u>Effective</u>
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