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MUNICIPAL UTILITIES 13.01

WATER UTILITY

13.01 **CITY OWNED WATER UTILITY.** (1) TITLE. The City owned and operated Water Utility shall be known as "Fond du Lac Water Utility."

(2) MANAGEMENT AND OPERATION. Pursuant to §66.068(7), Wis. Stats., the management and operation of the Fond du Lac Water Utility, the same being a public utility owned by the City, shall be operated and managed by the Director of Public Works. The City Manager shall hire a superintendent for the Water Utility who shall be in charge of the Utility.

(3) ACCOUNTS KEPT SEPARATE. The accounts of the Water Utility shall be kept separate and distinct from those of all other departments of the City and shall be in accordance with generally approved bookkeeping methods and subject to such other regulations as the Wisconsin Public Service Commission shall prescribe. The accounts of the Water Utility shall be audited in time and manner similar to that provided for the audit of City accounts. Disbursements of moneys shall be only as provided by this Code.

(4) CONSTRUCTION WORK. Water Utility work may be done without submitting bids. The laying of water mains, pipes and laterals, together with the proper trenching may be done by the Water Utility directly without the submitting of bids.

(5) RATES. The City Council shall from time to time by resolution or ordinance, as it determines, establish rates for water users in the City and for water users outside the City who are connected with the system. The rates, rules and regulations, shall be established in the manner provided by law.

(6) FUNDS. The City Council by resolution may separate the division of income from the Water Utility into operation, maintenance and depreciation or any other divisions or classifications as it shall deem necessary for the operation of the Water Utility. The apportionment may be changed by resolution of the Council as circumstances may from time to time require.

13.02 **PROTECTION OF HYDRANTS.** No unauthorized person shall open any hydrant or stop cock or in any manner tamper, molest, damage, deface or interfere with the works, pipes, hydrants, barricades or other property of the Water Utility, and no person shall throw or shoot any missile at the City water tank or climb upon the same or the ladder leading thereto unless authorized by the Water Utility.

13.03 **CONNECTION WITH WATER MAINS.** No person shall lay any water service pipe or make any attachment to any old pipe or fixture which has been shut off by the Water Utility, or make any new connection to the water main pipes or do any kind of plumbing work in or about any water pipe or fixture belonging to the Water Utility without written permission from the Water Utility for that purpose.

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13.04 **WATER SERVICE BEYOND CITY LIMITS.** (1) To provide adequate fire protection for persons and property within the City and insure protection for the public health and safety of the residents of the City without placing an undue financial burden upon the City taxpayers, and to effectively coordinate Water Utility operations with other public work activities, and for the purpose of conserving the available water supply, it is hereby determined that it is necessary to specifically limit the territory in unincorporated areas which the municipal Water Utility holds itself out to serve.

(2) Pursuant to §66.069(2)(c), Wis. Stats., the City acts to restrict its holding out to provide water service in unincorporated areas to the territory as specifically set forth as follows: that area south of the south limits of the City, west of the Soo Line Railroad, north of U.S. 41 and east of the right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway.

(3) The City reserves the right to further limit the area by subsequent action.

(4) The City Clerk shall transmit a certified copy of this section to the Public Service Commission of Wisconsin.

(5) The extension and furnishing of water and water service to the area described in sub. (2), but outside the corporate limits of the City, shall be subject to the rules and regulations governing water takers inside the City, with the following exception: the water rate will be the urban general service rate plus a surcharge of 25% or any other rate as may be fixed by the Wisconsin Public Service Commission.

13.05 **WATER SERVICE TO CITY.** The City and all of its various departments except the Water Utility shall pay to the Water Utility the reasonable cost and value of any service rendered by the Water Utility, and the City shall pay to the Water Utility an annual maintenance charge for hydrants in such amount as the Council shall by separate resolution determine.

13.06 **WATER MAIN CONNECTION CHARGE FOR SERVICE TO PROPERTY NOT PREVIOUSLY ASSESSED.** See current water service regulations of the Water Utility.

13.07 **FLUORIDATION.** The Water Utility is directed to add fluoride to the water supply system of the City of Fond du Lac in a manner prescribed by the Department of Natural Resources of the State of Wisconsin to attain a fluoride concentration of approximately 1.1 parts per million.

13.08 **EMERGENCY WATER REGULATIONS.** No person shall violate any emergency water usage rule issued pursuant to the regulations of the Water Utility. Any person found guilty of violating this section shall forfeit an amount not less than \$25 nor more than \$100. Each day of violation shall constitute a separate offense. Any person issued a citation for a violation of this section may, within 72 hours of issuance of such citation, elect to deposit the amount of \$25 with the Police Department or the Clerk of Courts and sign the forfeiture statement located on the citation. If a deposit and stipulation is made, no court appearance is necessary unless subsequently summoned by the court.

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13.09 **AIR CONDITIONERS.** (1) DEFINITIONS. Terms used in this section have the following meanings:

Air Conditioning System and Refrigeration System. Any combination of equipment, whether compressor or other type, by which heat is removed from the air and from which the accumulated or effluent heat is wholly or partially removed by the use of water.

Air Conditioning System. An installation for maintenance, by heat removal, of temperatures which are not less than 60°F.

Refrigeration System. An installation for maintenance, by heat removal, of temperatures which are less than 60°F.

System. Any combination of apparatus, individual unit, group or collection of units supplied with water through any single customer service pipe connected to the public water system.

Superintendent. (Commissioners, Director or other title) The chief officer of the City of the Water Utility or such officer or agent as he shall authorize to act in enforcement of these regulations.

(2) PERMIT REQUIRED. No person shall install, operate or use any equipment for air conditioning or refrigeration which requires a supply of water from the system of the Water Utility without first having procured a written permit from the Superintendent.

(3) APPLICATION FOR PERMIT. (a) Application for permit shall be made to the Superintendent and shall provide the following information:

1. Name and address of the applicant.
2. Location of the premises where installation is proposed.
3. Name and address of the owners of the premises.
4. Names of manufacturers of units requiring water.
5. Manufacturer's identification and classification of the refrigeration units.
6. Manufacturer's rating of maximum refrigerative capacity of the unit or units under the conditions of the planned installation. (Rating may be stated in tons per 24 hours or in BTU per hour.)
7. Horsepower of compressor prime mover, if unit is of compressor type.
8. Where water conservation devices are required, the manufacturer's name, identification, classification and size of the conservation equipment.
9. Such additional information as shall be required by the Superintendent.

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(b) Applications shall be signed by the owner or tenant and applications for installation shall designate a plumber qualified to receive permits under other sections of this Code. For the purpose of this section, in no event shall the rated capacity in tons be considered less than the following:

1. Total maximum BTU per hour of capacity of the installation divided by 12,000.
2. The nameplate horsepower of any compressor prime mover unit for any air conditioning installation.
3. Two-thirds the nameplate horsepower of subpar. 2. above for any refrigeration installation.

(c) In the absence of the required manufacturer's maximum rating, the Superintendent may specify the tonnage of the installation at the ratings indicated by subpar. (b) 1., 2. or 3. above, or if these appear inadequate, then by whatever other measure of capacity that appears to him to be proper.

(4) PERMIT TO INSTALL. Permits to install piping or connect equipment will be issued by the City Water Utility, but only in the name of licensed and bonded plumbers who are registered to perform plumbing work within the area of the premises involved, or to plumbers in the employ of the municipal, State or federal governments for premises in their respective charge. All air conditioning and refrigeration units shall be connected to storm sewers wherever possible instead of sanitary sewers. Within 48 hours following the completion of any work authorized by permit, notice of completion and request for inspection shall be returned in writing by the plumber receiving the permit to the office from which the permit was obtained. Inspection shall be as provided by this section.

(5) PERMIT TO OPERATE. After final inspection and approval of the installation a permit to operate or use the equipment will be issued at the Water Utility, in the name of the owner or tenant. The permit shall be on an annual basis and automatically renewed without making application therefor, but may be subject to revocation by action of the City Council pursuant to this section. All refrigeration units that are in excess of 3 tons of refrigeration per 24 hour period must have a permit to operate.

(6) WATER USE AND CONSERVATION. (a) Systems with a capacity of 3 tons or less per 24 hours will be permitted to operate subject to the following conditions:

1. That the use of water shall not exceed 1½ gals. per minute per ton of refrigeration.
2. That the system shall be equipped with an automatic regulating valve which will:

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- a. Stop the flow of water when the refrigeration equipment is shut down.
- b. Throttle the flow of water down to the momentary requirements of the system.

(b) All systems having total capacities of more than 3 tons per 24 hours shall be equipped with evaporative condensers, cooling towers, spray ponds or other water cooling equipment and the water cooling equipment shall be of sufficient capacity to insure that the quantity of makeup water required will not exceed 0.15 gals. per minute per ton of refrigeration when operating under full loading at maximum summer temperatures.

(7) SANITARY PROTECTION. On installations which operate with the use of water directly from the public supply system, every direct connection shall be equipped with a suitable brass body, brass fitted check valve installed in the branch supply line of each unit. Standard meter couplings shall be installed on the branch water supply line to each air conditioning or refrigeration system to permit the measurement, when necessary, of the amount of water consumed by the system. Discharge connections for the disposal of wastewaters shall be in strict accordance with the applicable rules and regulations of State and local health and regulatory bodies. Cooling waters which are to be reused for other purposes shall be provided with free, above the rim discharge before entering other equipment; otherwise, permission shall be obtained in writing from the Superintendent approving the proposed connections and use. On installations other than those described above there shall be a physical break between the public water supply piping and the piping of the installation so arranged as to make impossible back siphonage to the public water supply system.

(8) REVOCATION OF PERMIT. Any permit which is issued under these regulations to operate or use equipment may be revoked by the City Council for any one of the following reasons:

(a) Failure of the holder of the permit to discontinue using water for the purposes covered by the permit, immediately upon notice issued by the Superintendent of the Water Utility after there has been a declaration by the Council declaring an emergency or such declaration to forestall an impending emergency. The notice to be mailed by the Superintendent or served in the usual manner for service of process.

(b) Alterations, changes of equipment or piping, improper operation or lack of maintenance which results in conditions that:

1. Are hazardous to the potable water supply either within the premises or in supply mains.

2. Cause unnecessary waste of water.

(c) The use of water is found to exceed the quantities permitted under sub. (6) of this section.

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(9) **EFFECTIVE DATES.** For new installations, these regulations shall be effective 15 days after adoption. Publications shall be made in accordance with provisions of any applicable laws, acts, opinions, ordinances or regulations. Existing installations shall be modified to conform to the provisions of these regulations; applications to operate shall be filed and permits shall be obtained.

WASTEWATER COLLECTION AND TREATMENT SYSTEM

I. GENERAL

13.20 **PURPOSE AND SCOPE.** (1) The City has provided facilities for the collection and treatment of wastewater to promote the health, safety and convenience of its people and to safeguard the water resources common to all. In the facilities, provisions of design, construction and operation have been made to accommodate certain types and quantities of commercial and industrial wastes in excess of and in addition to normal wastewater.

(2) The Council has determined that it is the obligation of the producers of domestic, commercial and industrial wastes to defray the cost of normal and extraordinary services rendered by the City in the collection and treatment of the wastes in an equitable manner and, insofar as it is practicable, in proportion to the benefits derived from such services. Therefore, it is the purpose of this subchapter to implement the necessary rules and regulations for governing the uses of and charges for the sewerage system provided by the City.

13.21 **APPLICABILITY AND ADMINISTRATION.** This subchapter shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City sewerage system. Except as otherwise provided herein, the Director of the City sewerage system shall administer, implement and enforce the provisions of this subchapter.

13.22 **RELATED PROVISIONS; SEVERABILITY.** (1) The provisions of this subchapter shall be in addition to any and all other sewer regulations of this Code of Ordinances and shall take precedence over those with which it may conflict.

(2) If any provision, clause or other part of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect any of the other provisions or clauses, and the same shall continue in effect to the fullest extent permitted by law.

(3) This ordinance is based on federal and state authorities which may, from time to time, be amended. Any such amendments apply to and are hereby incorporated into this Ordinance.

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13.23 **DEFINITION OF TERMS.** The following terms have the meanings indicated:

Act. The Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 U.S.C. Chapter 26, § 1251, et seq.

Administrator. The administrator or other authorized official of the U.S. EPA. The regional administrator is the administrator of the Region V EPA office which regulates the state.

B.O.D. (denoting biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C., expressed in milligrams per liter (mg/l). The laboratory determinations shall be made in accordance with 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants", or as EPA otherwise determines.

Building or House Drain. The lowest horizontal piping of a drainage system which receives the discharge of all soil waste and other drainage pipes inside any building and conveys the same to the building sewer 3' to 5' outside the foundation wall of the building. The minimum building drain extends from the building sewer to the furthestmost soil stack.

Building or House Subdrain. The horizontal portion of drainage system within a building which cannot flow by gravity to the building or house drain.

Building or House Sewer. That part of the horizontal piping beginning 3' to 5' from the foundation wall to its connection with the main sewer, septic tank or other disposal terminal.

Bypass. The diversion of wastewater streams from any portion of an industrial user's wastewater treatment facility.

Categorical Pretreatment Standards or Pretreatment Standards. Any regulation containing pollutant discharge limits promulgated for a specific category of industrial users under 33 U.S.C. §§1311 or 1317 by the U.S. Environmental Protection Agency and set forth in 40 C.F.R. pts. 403 to 471 or under Wis. Stat. § 283.21 by the Wisconsin Department of Natural Resources, and set forth in Wis. Admin. Code Chapters NR 221 to NR 297.

Centralized Waste Treater. A user that meets the definition of that term in state and federal law.

City. The City of Fond du Lac, Wisconsin.

C.O.D. (denoting chemical oxygen demand). The quantity of oxygen utilized in the chemical oxidation of organic matter and oxidizable inorganic matter with a

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strong chemical oxidant under standard laboratory procedures and expressed in (mg/l). The laboratory determinations shall be made in accordance with 40 C.F.R. Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants", or as EPA otherwise determines.

Control Authority. The City Manager, Director of Public Works, or Wastewater Operations Manager of the sewerage system or his authorized deputy, agent or representative. The City Council shall approve all wastewater disposal charges, including all unit rates and the periodic and/or annual review of such rates after notice and public hearing.

Council. The Fond du Lac City Council.

Department. The Wisconsin Department of Natural Resources.

Discharge. Release of wastewater or other pollutant from or through: pipes, conduits, pumping stations, ditches, tank trucks; the ground through defective pipes, pipe joints, or walls; roof leaders; cellar, yard, or area drains; foundation drains, drains from springs and wetlands, manhole covers, cross-over pipes from storm sewers, catch basins, storm sewers, surface run-off, street wash waters, or other drainage.

Director. The Director of Public Works for the City or his authorized deputy, agent or representative.

Domestic Wastewater. A combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface and storm waters as may have inadvertently entered the sewerage system, with waste strengths no greater than the following:

- (a) BOD of not more than 250 mg/l.
- (b) A TSS content of not more than 250 mg/l.
- (c) A phosphorus content of not more than 10 mg/l.

Garbage. The putrescible organic solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of meat, fish, fowl, fruit, vegetables and condemned food.

Grab Sample. A sample which is taken from a waste stream on a one time basis without regard to time or the flow in the waste stream.

Indirect Discharge. The discharge or introduction of nondomestic pollutants into the sewerage system from any source regulated under 307(b), (c), or (d) of the Act, including holding tank waste discharged into the sewerage system.

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Industrial User. Any person, including but not limited to business or other facility, that is a source of indirect discharge or other industrial waste into the sewerage system.

Industrial Waste. Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources, as distinct from domestic wastewater.

Industry. An establishment with facilities for mechanical, testing, trade or manufacturing purposes.

Interference. A discharge which along or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the treatment plant, its treatment processes or operations or its sludge processes, use or disposal.
- (b) Is a cause of a violation of any requirement of the City's WPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with Wis. Stat. chs. 281 and 283, or any applicable local, state, or federal statutes.

May. Is permissive.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 C.F.R. pt. 403.5.

Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New Source. Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under 307(c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site on which no other source is located;
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater generating process of the building,

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structure, facility or installation are substantially independent of an existing source at the same site. Determination of substantial independence will be based on factors such as the extent to which the new facility is integrated within the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source.

Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate or finished product, or waste and has been used in heat exchangers, air or refrigeration compressors, or other cooling means where contamination with process waste is not normally expected.

Operation, Maintenance and Replacement Cost (O.M. & R.) Any cost attributable to insuring the proper functioning of all components of the sewerage system for the useful life of such components, including all costs associated with the functioning of an accounting system for the collection of moneys to offset such costs. In addition, these costs shall include all expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewerage system to maintain the capacity and performance for which such system was designed and constructed. "Operation and Maintenance" includes replacement.

Pass Through. A discharge which exits the 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 City's WPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, firm, partnership, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity or their legal representatives, agents, or assigns.

pH. The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter.

Pollutant. Any dredged spoil, solid waste, incinerator residue, wastewater, garbage, sludge, biosolids, munitions, chemical wastes, medical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial (including biodegradable waste), municipal, commercial and agricultural waste discharged into water.

Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into the sewerage system.

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Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a categorical pretreatment standard imposed on an industrial user.

Process Wastewater. Waters containing industrial waste.

Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½" (1.27 cm) in any dimension.

Public Sewer. A sewer provided by and subject to the jurisdiction of the City and in which all owners of abutting properties have equal rights. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the sewage system, even though these sewers may not have been constructed with City funds.

Receiving Waters. Any body of surface or subsurface water receiving discharge of wastewater or treated wastewater.

Sanitary Sewer. A sewer that conveys wastewater and into which storm, surface and groundwaters are not intentionally admitted.

Severe Property Damage. Substantial physical damage to property, damage to the sewerage system which causes them to become inoperable or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.

Sewerage System. All properties, structures, manholes, catch basins, inlets, pipes, equipment and conduits owned or used by the City and communities for which the City provides sewer services pursuant to agreement for the purpose of collecting, transporting, storing, pumping, treating, recycling, reclamation, testing and disposing of domestic wastewater and/or industrial or other wastes and residual waste products as existing now or hereafter added to, expanded or improved.

Sewer. A pipe or conduit for conveying wastewaters.

Sewer Connection. That part of the sewerage system connecting the sewer main and the line of abutting property or extended to that distance from the sewer main as considered necessary by the Director.

Shall. Is mandatory.

Sludge. (also referred to as "wastewater sludge" or "biosolids"). The solid, semi-solid or liquid residue generated during the treatment or pretreatment of wastewater.

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Slug. (Also referred to as Slug Discharge) Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

Standard Classification. A classification based on the most current publication of the Standard Industrial Classification Manual (SIC), United States Office of Management and Budget. Standard Industrial Classification (SIC) code numbers and description may be found in the 1972 edition of the "Standard Industrial Classification Manual."

Storm Sewer. A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes other than unpolluted cooling water.

Total Suspended Solids. Solids that either float on the surface of or are suspended in water, wastewater or industrial waste and which are removable by a laboratory filtration device.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of § 307 (a) of the Act or other federal statutes.

Treatment Plant. (Also referred to as Publicly Owned Treatment Works or POTW). The treatment components and all other structures or devices used for storage, treatment, recycling and reclamation of domestic wastewater and industrial discharges.

Upset. An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

User. Any person that discharges wastes into the sewerage system.

Wastewater. A combination of the water carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Wastewater Discharge Permit. Document issued by the City to certain industrial users to set forth the requirements and limitations for the industrial user.

Wastewater Operations Manager. The Wastewater Operations Manager of the sewerage system or his authorized deputy, agent or representative.

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WPDES Permit. A permit issued by the State of Wisconsin Department of Natural Resources (DNR) pursuant to §402 (b) of the Act and Wis Stat § 283 detailing terms and conditions for discharges from the treatment plant to the receiving waters.

13.24 **ABBREVIATIONS.** The following abbreviations shall have the designated meanings:

BOD. Biochemical oxygen demand.

COD. Chemical oxygen demand.

DNR. Wisconsin Department of Natural Resources.

EPA. Environmental Protection Agency.

mg/l. Milligrams per liter.

SIC. Standard industrial classification.

TSS. Total suspended solids.

WPDES. Wisconsin Pollutant Discharge Elimination System.

13.25 **PUBLIC SEWER USE REQUIRED.** (1) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(2) No person shall discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(3) Except as provided herein, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(4) The owner of all houses, buildings or other properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is not located or may be located in the future a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 60 days after date of official notice.

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13.26 CITY'S RIGHT TO CONTRACT FOR USE. No statement contained in this subchapter shall be construed as preventing any arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the person. Any such agreement that may be reached between the City and a person shall be subject to the minimum rates and regulations as provided for in this subchapter.

II. **DISCHARGE REGULATIONS AND OTHER REQUIREMENTS.**

13.27 COMPLIANCE WITH RULES. Users may not discharge to the sewerage system except in compliance with this subchapter.

13.28 PERMISSIONS TO DISCHARGE. (1) No person without approval of the Director shall discharge any waste or other substance directly into the sewerage system. All discharges, including trucked or hauled wastewaters, to the sewerage system shall be through an approved sewer connection.

(2) No industrial wastes shall be discharged, either directly or indirectly, into the sewerage system without the approval of the Director. Users shall seek such approval through the Notice of Intent procedures in § 13.50.1. No wastewater, including industrial wastes, shall contain any substance which is deemed deleterious by the City to the operation of the sewerage system nor shall any wastewater be discharged into the sewerage system, the discharge of which is prohibited by any other agencies having jurisdiction over wastewater management.

13.29 STORMWATER AND UNPOLLUTED PROCESS WATERS. Storm water and all other unpolluted drainage shall be discharged to the sewers specifically designated as storm sewers. Industrial noncontact cooling water or unpolluted process water shall be discharged to a storm sewer or natural outlet, subject to the provisions of the particular industry's applicable WPDES permit.

13.30 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following substances to the sewerage system.

(1) Any gasoline, kerosene, benzene, toluene, ethylbenzene, xylene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system.

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(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the sewers or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, excessive amounts of hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, either whole or ground by garbage containers.

(5) Any radioactive wastes or isotopes of such half-life or concentration in quantities that exceed the limits established by the Director and in compliance with applicable State or federal regulations.

(6) Detergents, surface-active agents or other substance that may cause excessive foaming in the sewerage system.

(7) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, noncontact cooling water or unpolluted industrial process waters.

(8) Any wastewater which, in conjunction with other wastewater, will cause the temperature of the raw wastewater entering the treatment plant to exceed 104°F (40°C) or which will inhibit the biological activity in the treatment plant resulting in interference.

(9) Any substance which creates a fire or explosion hazard in the sewerage system including, but not limited to, waste streams with a closed cup flash point of less than 140°F. or 60°C. using the test methods specified in 40 C.F.R. 261.21 and Wis. Admin. Code § NR 605.08(2).

(10) Any substance which results in the presence of toxic gases, vapors or fumes within the sewerage system in a quantity that may cause acute worker health and safety problems.

(11) Any water or waste containing fats, wax, grease, or oil whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32° and 140°F (0° and 60°C).

(12) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/L or in amounts that will cause interference or pass through.

(13) Any substances regulated as hazardous waste under federal or state law.

(14) Any substance that will cause the city to violate its WPDES permit.

(15) Used anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, oil-based paint, and paint thinners if the material is in a collectible and recyclable quantity.

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(16) Medical wastes or infectious wastes, except as specifically authorized by the Director.

13.31 WASTEWATER CONSTITUENTS SUBJECT TO PRIOR APPROVAL.

(1) Except as provided in subsection (2) and (3), no person shall discharge or cause to be discharged the following substances:

(a) Any liquid or vapor having a temperature higher than 140°F (60°C).

(b) Discharges of BOD, suspended solids and phosphorus in amounts that exceed those specified in § 13.34(1)(b).

(c) Any trucked or hauled wastes except at a discharge point authorized by the Director.

(d) Any waters or wastes containing phenols or odor producing substances in concentrations exceeding limits which may be established by the Director as necessary after treatment of the wastewater to meet the requirements of the State, federal or other public agencies of jurisdiction for the discharge to the receiving waters.

(e) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system, or having a pH in excess of 10.5. Excursions outside the local pH range of 5.5 – 10.5 will be allowed only when the pH is measured by continuous strip recorders, and only under the following conditions:

1. The pH measurement is between 5.0 – 5.5, or above 10.5.

2. The time interval for the excursion does not exceed 15 minutes for one individual excursion.

3. The total time for all excursions does not exceed 60 minutes per day (four 15 minutes intervals), or 15 minutes for a six hour period.

(f) Materials which exert, cause or contain:

1. Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

2. Color which cannot be removed by the treatment system, such as, but not limited to, dye wastes, vegetable tanning solutions and commercial inks, which consequently imparts color to the treatment plant effluent.

3. BOD, TSS, COD, phosphorus, or nitrogen in quantities as to constitute a significant load on the treatment plant.

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4. Unusual volume of flow or concentration of wastes constituting a slug or slugs, as defined in § 13.23 of this subchapter.

(g) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any user's wastewater or air pollutants or any waste which would result in a violation of the City's WPDES permit.

(h) Compounds containing quaternary amines, subject to the Director's approval of the type, quantity and procedures for their use.

(2) Users seeking to discharge a substance listed in this section shall file a Notice of Intent in accordance with the procedures in § 13.50.1.

(3) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in sub. (1) of this section, the Wastewater Operations Manager and Director of Public Works evaluate the discharge. They will give consideration to factors such as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the treatment plant, degree of treatability of wastes in the treatment plant as well as other pertinent factors. If, in the judgment of the Wastewater Operations Manager and the Director of Public Works, the discharge may have a deleterious effect upon the sewerage system, processes, equipment or receiving waters or otherwise create a hazard to life or constitute a public nuisance, the Wastewater Operations Manager or Director may:

(a) Reject the wastes.

(b) Require pretreatment to an acceptable level prior to discharge to the public sewers.

(c) Require control over the quantities and rates of discharge.

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing wastewater disposal charges.

13.32 INTERFERENCE. In addition to the prohibitions and limitations in §§ 13.30 and 13.31, users may not discharge any pollutant to the sewerage system in a quantity or concentration that, alone or in conjunction with other discharges:

(1) Inhibits or disrupts the sewerage system or its sludge processes; or

(2) Will cause a violation of the City's WPDES permit or other regulatory requirements; or

(3) Increases the magnitude or duration of a WPDES violation; or

(4) Prevents the use or disposal of wastewater sludge in compliance with any

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applicable local, state or federal statutes, ordinances, regulations, permits or other requirements.

13.33 PASS THROUGH. Users may not discharge to the sewerage system any pollutant in a quantity or concentration that, alone or in conjunction with other discharges, is a cause of a discharge from the sewerage system to waters of the state that violate the City's WPDES permit or increases the magnitude or duration of a violation.

13.34 LIMITATIONS ON WASTEWATER STRENGTH. In addition to compliance with applicable pretreatment standards in § 13.44, all users are subject to the limits and conditions in this section.

(1) CITY'S SPECIFIC POLLUTANT LIMITATIONS.

(a) The following pollutant limitations are the maximum concentrations acceptable for discharge to the sewerage system:

0.9 mg/l cadmium (T)	2.0 mg/l lead (T)
2.0 mg/l copper (T)	<0.0002 mg/l mercury (T)
2.0 mg/l cyanide (T)	5.0 mg/l nickel (T)
7.0 mg/l chromium (T)	5.0 mg/l silver (T)
	4.0 mg/l zinc (T)

(b) The discharge into the sewerage system, either directly or indirectly, of any wastes or waters exceeding any of the limits listed below is subject to review and approval by the Director. A user shall use the Notice of Intent procedures in § 13.50.1 to seek such approval.

1. A 5-day BOD greater than 350 mg/l.
2. Suspended solids greater than 400 mg/l.
3. Phosphorus greater than 20 mg/l.
4. An average daily flow exceeding 2% of the total flow to the treatment plant.

(c) Nothing in this subchapter shall prohibit the Director from requiring lower constituent amounts if deemed necessary for the protection of the sewerage system.

(d) If a pollutant is regulated by both a categorical pretreatment standard and this section, then the more stringent standard applies.

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(2) PRETREATMENT. As determined necessary by the Director, the user shall provide pretreatment or curtailment to stay within the above limitations pursuant to the requirements of §§ 13.38, 13.41 and 13.42.

(3) DILUTION. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this subchapter.

(4) DISCHARGE FROM DENTAL CLINICS. (a) This section 13.34 (4) applies to discharges from dental clinics where amalgam is placed or removed. This section does not apply to the specialty orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, prosthodontics or to other practices that do not place or removal amalgam. For the purposes of this section, a dental clinic is defined as a non-mobile facility dedicated to the examination and treatment of patients by healthcare professionals specializing in the care of teeth, gums and oral tissues.

(b) Within the shortest reasonable time, but no later than January 1, 2009, dental clinics that place or remove amalgam shall implement best management practices for amalgam as established by the Wisconsin Dental Association.

(c) With the shortest reasonable time, but no later than January 1, 2009, dental clinics shall install, operate, and maintain an amalgam separator meeting criteria of the International Standards Organization (ISO 11143) for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

(d) If a dental clinic is implementing the requirements in (b) and (c), any numerical discharge limit for mercury established in Section 13.34(1)(a) does not apply.

(e) Starting December 31, 2008 and annually thereafter, dental clinics will submit reporting information to the City using forms provided by the City. Reporting information will include:

1. The date the amalgam separator was installed.
2. The manufacturer name and model number of the separator.
3. Certification that the amalgam separator was installed and is being operated and maintained in accordance with instructions provided by the manufacturer.
4. Certification that best management practices for amalgam as established by the Wisconsin Dental Association are being implemented.

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5. The person responsible for assuring compliance with the amalgam separator requirement in this section.

(f) Dental clinics shall obtain records from the contractors used to remove amalgam waste for each shipment. The records shall show 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 five years. Dental clinics shall make these records available to the City for review and copying at the request of the City.

(g) Dental Clinics shall allow the City to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the City to determine compliance with this section. Inspections shall occur by appointment during the normal operating hours of the dental clinic as long as advance notice does not impede enforcement of this section.

13.35 ACCIDENTAL DISCHARGES. (1) The accidental discharge of any prohibited or restricted waste into any sewer shall be reported to the Wastewater Operations Manager by the person responsible for the discharge or by the owner or occupant of the premises where the discharge occurs immediately upon obtaining knowledge of the fact of the discharge so that steps may be taken to minimize its effect on the sewerage system. Notification of the discharge shall not relieve the user of liabilities for any expense, loss or damage to the sewerage system or for any fines imposed by the City.

(2) Industrial users shall report accidental discharges in accordance with § 13.50.9.

13.36 INDUSTRIAL USER BYPASS PROVISIONS. (1) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance. These bypasses are not subject to the provisions of sub. (3) and (4).

(2) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Wastewater Operations Manager at the first date known and, if possible, at least 10 days before the date of the bypass.

(3) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Wastewater Operations Manager within 24 hours from the time it 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) A description of the bypass and its cause;

(b) 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

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(c) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(4) A bypass not meeting the criteria in sub. (1) is prohibited and the City may take enforcement action against an industrial user for a bypass, unless all of the following are met:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage.

(b) There were no feasible alternatives 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.

(c) The industrial user submitted notices as required under sub. (3).

(d) The bypass did not cause a violation of the City's WPDES permit.

(5) The City may approve an anticipated bypass after considering its adverse effects if the City determines that it will meet the four (4) conditions listed in sub.(4) or complies with sub. (1).

13.37 PROTECTION FROM DAMAGE. No unauthorized person shall willfully damage or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

III. **PRETREATMENT PROGRAM**

13.38 PRETREATMENT. Industrial users discharging pollutants which are strictly prohibited from being discharged into the sewerage system, shall reduce their pollutant loads to effluent levels attainable through the application of the best practicable control technology currently available as defined in § 304(b) of the Act. All users discharging or proposing to discharge any toxic pollutant as defined pursuant to § 307(a)(1) of the Act shall apply for permission to discharge from the City through the procedures in § 13.50.1. Pursuant to § 13.34(3), attainment of allowed concentrations by dilution will not be allowed as a means to meet discharge standards.

13.39 SIGNIFICANT INDUSTRIAL USER DESIGNATION. (1) The City shall designate as a significant industrial user every user subject to a categorical pretreatment standard.

(2) Unless the City makes a finding that a user has no reasonable potential to adversely affect the sewerage system, the City shall designate as a significant industrial

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user any user that:

(a) Discharges an average of 25,000 gallons per day or more of process wastewater to the sewerage system; or

(b) Discharges process wastewater that is 5% or more of the average dry weather hydraulic or organic capacity of the sewerage system.

(c) Is a centralized waste treater.

(3) The City may designate as a significant industrial user any user that has a reasonable potential to adversely affect the operation of the sewerage system or to violate any pretreatment standard or requirement.

(4) Within 30 days after the City determines that a user is a significant industrial user, the City shall notify the user of the City's determination and the particular regulations that apply as a result of this determination.

(5) The City shall maintain a list of significant industrial users. The City shall provide this list to the Department and shall notify the Department of changes to the list and the reasons for the changes.

(6) The City may, in accordance with 40 C.F.R. § 403.8(f)(6), at any time on its own initiative or in response to a request received from a user determine that such user is not a significant industrial user.

13.40 COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS.

(1) In addition to complying with this subchapter, including but not limited to §§ 13.30, 13.31 and 13.34, significant industrial users shall comply with all applicable pretreatment standards and requirements established by the U.S. Environmental Protection Agency and the Department that supplement or supersede this subchapter. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter.

(2) The City shall enforce all applicable pretreatment standards and requirements in accordance with federal and state requirements and the City's WPDES Permit.

(3) When a categorical pretreatment standard is promulgated, the City may, at its discretion, notify all users subject to that new standard as soon as practicable. Regardless of such notice, affected users are subject to the requirements of § 13.50.2. The City shall modify the existing wastewater discharge permits of affected users in accordance with § 13.48.6.

13.41 PRETREATMENT FACILITIES. (1) Users shall, at their own expense, provide, operate and maintain necessary wastewater pretreatment facilities as required to comply with this subchapter and shall achieve compliance with all national

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categorical pretreatment standards, state requirements, and local limits within the time limitations specified by the applicable regulations. All proposed new or modified pretreatment facilities are subject to review and approval under § 13.50.12.

(2) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

13.42 GREASE, OIL AND SAND RECEPTORS. Grease, oil and sand interceptors shall be provided as required by the Control Authority or State Plumbing Code for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Plumbing Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

13.43 CHANGE IN INDUSTRIAL OPERATIONS. All industrial users shall promptly notify the City in advance of any change in its industrial operations in accordance with § 13.50.1.

13.44 CATEGORICAL PRETREATMENT STANDARDS. (1) COMPLIANCE. Categorical pretreatment standards shall be met by all industrial users of the regulated industrial categories. Limits based on categorical pretreatment standards shall apply to all applicable wastestreams regardless of the method of disposal. Regulated discharges shall be in compliance with the categorical pretreatment standards in accordance with 40 C.F.R. 403.6(b) as follows:

(a) All industrial users, except new sources, shall comply with the applicable categorical pretreatment standards within three years from the effective date of the standard or within a shorter time period if specified in the applicable standard.

(b) New sources shall install, have in operating condition and start up all of the pollution control equipment required to meet the applicable pretreatment standards before beginning discharge. Within the shortest feasible time, not to exceed 90 days, new sources shall meet all applicable pretreatment standards.

(2) CONVERSION OF STANDARDS. The conversion of standards between production based limits, daily mass limits or concentration limits shall be as specified in 40 C.F.R. 403.6(c) and Wis. Admin. Code § NR 211.11(3).

(3) ADJUSTMENTS BASED ON INTAKE WATER. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in an industrial user's intake water in accordance with the procedures in Wis. Admin. Code § NR 211.11(4).

(4) ALTERNATIVE LIMITS FOR COMBINED WASTESTREAMS. The City may establish alternative limits for industrial users whose effluent from a process regulated by a categorical pretreatment standard is mixed prior to treatment with wastewaters not

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regulated by such standard. The procedures in Wis. Admin. Code § NR 211.12 shall be used to develop such alternative limits.

(5) **REMOVAL CREDITS.** Subject to the conditions of Wis. Admin. Code § NR 211.13, if the Director finds that certain pollutants can be reliably removed by the treatment plant, a credit in terms of a percentage increase above what is allowed for that pollutant by the best practicable control technology currently available may be allowed and so indicated in the issued wastewater discharge permit. Removal credits shall be determined using the procedures in Wis. Admin. Code § NR 211.13.

(6) **FUNDAMENTALLY DIFFERENT FACTORS VARIANCES.** Any interested person believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that industrial user may request a fundamentally different factors variance from the Department. The application procedures and criteria for such a variance request are contained in Wis. Admin. Code § NR 211.14.

13.45 MASS LIMITATIONS. The City may impose mass limitations on industrial users suspected of using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

13.46 SLUG AND OTHER ACCIDENTAL DISCHARGE; PREVENTION.

(1) Each industrial user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this subchapter. Where necessary, users shall provide and maintain, at their expense, facilities to prevent accidental discharge of prohibited materials. Pursuant to § 13.50.9, all industrial users shall notify the Wastewater Operations Manager immediately of all discharges that could cause problems for the sewerage system, including any slug loadings by the industrial user.

(2) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of an accidental discharge. Employers shall instruct all employees who may cause or discover a discharge with respect to emergency notification procedure.

(3) The City will evaluate at least once every two years whether each significant industrial user needs a plan to control slug discharges. If the City determines that a slug control plan is needed, the plan shall contain at a minimum the following elements:

(a) A description of discharge practices, including nonroutine batch discharges.

(b) A description of stored chemicals.

(c) Procedures for immediately notifying the Wastewater Operations Manager of slug discharges, including any discharge that would violate a prohibition under

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§§ 13.30 and 13.31, 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 transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

13.47 SLUDGES. Sludges, floats, skimmings and other materials generated by an industrial or commercial pretreatment system shall not be placed into the sewerage system. Such residuals shall be contained, transported and disposed of by haulers in accordance with all federal, state and local regulations including but not limited to § 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act.

13.48 WASTEWATER DISCHARGE PERMITS. In addition to complying with the notice requirements in § 13.50.1, all existing industrial users that discharge or have a potential to discharge wastewater containing toxic pollutants to the sewerage system or additional industrial users whose discharge has a potential to adversely affect the sewerage system shall apply for and obtain a wastewater discharge permit. All new industrial users proposing to connect to or to discharge to the sewerage system shall apply for a wastewater discharge permit before connecting to or discharging to the sewerage system.

13.48.1 PERMIT APPLICATION. (1) INITIAL APPLICATION. An application in the form prescribed by the City shall be completed and filed with the City by users required to obtain a wastewater discharge permit. The application shall be accompanied by a permit fee as established by the City pursuant to § 13.66. Existing users shall submit an application for a wastewater discharge permit within 90 days after the effective date of this section and proposed new users shall submit a permit application at least 90 days prior to connecting to and discharging to the sewerage system. Existing industrial users who will require a permit after changing their wastewater volume and/or characteristics shall submit a permit application at least 90 days before the proposed process wastewater is discharged to the sewerage system. A 180-day baseline report under § 13.50.2 or § 13.50.5 may be submitted with the permit application to provide some of the data required for the permit application. New users shall submit estimates for those required items where actual data is not yet available. The permit application shall be signed by a representative of the industrial user and certified to by a qualified engineer in accordance with §§ 13.50.14 and 13.50.15.

(2) SUPPORTING INFORMATION. In support of the application, the users shall submit in units and terms appropriate for evaluation the following information:

(a) Name, location and SIC number of the user.

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- (b) Disclosure of any environmental control permits held by or for the facility.
 - (c) A general description of the activities, facilities and plant processes on the premises, including average rate of production and all materials which are or may be discharged to the sewerage system.
 - (d) The time and duration of discharges.
 - (e) The average and maximum daily wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Director.
 - (f) Site plans showing sewer connections, inspection manholes, sampling chambers and appurtenances including size and location.
 - (g) Wastewater constituents and characteristics including, but not limited to, those mentioned in this subchapter as determined by sampling and analysis performed in accordance with procedures contained in 40 C.F.R. 136.
 - (h) The nature and concentration of any pollutants in the discharge that are prohibited by this subchapter, together with a statement regarding whether or not compliance is being achieved with this subchapter on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this subchapter.
 - (i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this subchapter, the user shall provide the reports required in § 13.50.2.
 - (j) Any other information as may be deemed necessary by the City to evaluate the permit application.
 - (k) The Wastewater Operations Manager will evaluate the completed application and data furnished by the user and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the Wastewater Operations Manager shall issue a decision on a wastewater discharge permit application.
- (3) PERMIT MODIFICATION. Permitted industrial users may request a permit modification under §§ 13.48.7(5) and 13.50.1.

13.48.2 **PERMIT CONTENT.** Wastewater discharge permits shall include:

- (1) The user's name and address.
- (2) A description of the processes and operations to which the permit applies.

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(3) Applicable federal, state and local pretreatment standards and requirements, including any removal credits granted pursuant to § 13.44(5). Permits

shall specify limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization.

(4) Monitoring, sampling, reporting, notification, and record keeping requirements, including the pollutants to be monitored, sampling location, sampling frequency, sample collection techniques, and analytical requirements.

(5) Requirement that if an industrial user monitors any pollutant more frequently than required by the City, the results of this monitoring shall be included in reports and submitted to the City.

(6) The duration of the permit.

(7) A statement indicating that the permit is not transferable to any other person unless the new person applies to the City for a transfer of the permit before the person takes possession or control of the processes or operations to which the permit applies.

(8) A statement regarding the applicable civil and criminal penalties for violating pretreatment standards and requirements, such as the penalties set forth in Wis. Stat. § 283.91; 33 U.S.C. § 1319; and 18 U.S.C. § 1001.

(9) Any applicable compliance schedule, but wastewater discharge permits may not contain compliance schedules that extend past an applicable federal or state deadline. The compliance schedule may include but is not limited to the following: requirements for installation of pretreatment technology, pollution control, construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(10) Requirements for notification to the City pursuant to §§ 13.50.1 and 13.50.9.

(11) Requirements for the installation and maintenance of sampling and monitoring facilities.

(12) Requirements for retaining and preserving records relating to the wastewater discharges and for allowing the City access to those records.

(13) A statement that the user consents to inspection and sampling by the City.

(14) Other conditions as deemed appropriate by the City to ensure compliance with this subchapter.

3.48.3 PERMIT DURATION. All wastewater discharge permits shall be issued for

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five (5) year periods subject to modification or revocation as provided in this subchapter. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit.

13.48.4 **LIMITATIONS ON PERMIT TRANSFER.** (1) NO CHANGE IN OPERATIONS. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days notice after the date of transfer to the Wastewater Operations Manager and the Wastewater Operations Manager approves the wastewater discharge permit transfer. The notice to the Wastewater Operations Manager must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator are not changing the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(2) CHANGE IN OPERATION. If, in the process of transfer, there is a change in the facility operations or processes, the owner shall apply for a new permit under §13.48.1 at least 90 days prior to commencement of the discharge or request a permit modification in accordance with §13.48.1(3).

(3) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.

13.48.5 **PERMIT APPEALS.** The permittee may appeal the terms of the permit within thirty (30) days of the notice in accordance with section §13.65. This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of the permit shall not be stayed pending the appeal. Those permit provisions being appealed shall be stayed pending reissuance.

13.48.6 **PERMIT REISSUANCE.** (1) A user shall submit to the City an application for reissuance at least 90 days before the expiration date of a permit.

- (2) An application for reissuance shall consist of:
 - (a) A written request for reissuance of the permit;
 - (b) A statement indicating whether the user is in compliance with all of the conditions of the existing permit and this subchapter; and

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(c) A description of any circumstances that have changed since the permit was issued or modified.

(3) A person who satisfies the signature criteria of § 13.50.15 shall sign and swear to the truth of the application for reissuance.

13.48.7 PERMIT MODIFICATION. (1) The City may modify any wastewater discharge permit issued hereunder at any time, subject to the provisions of this section, to assure compliance with applicable laws and regulations.

(2) Reasons to modify the permit include, but are not limited to: incorporation of special conditions resulting from the issuance of a special order by the City; incorporation of any new or revised federal, state or local pretreatment standards or requirements; or information indicating that the permitted discharge poses a threat to the sewerage system, personnel, or receiving waters.

(3) Any modifications which result in new conditions in a permit shall include a reasonable time schedule for compliance, if necessary, subject to the limitations set by applicable state and federal law.

(4) Within 270 days of the promulgation of a categorical pretreatment standard or other applicable standards, the wastewater discharge permit of each user subject to the standards shall be revised to require compliance with the standards within the time frame prescribed by the standards.

(5) A user may request a permit modification for significant changes in processes and/or operations in accordance with § 13.50.1. The modification will be granted at the discretion of the City.

13.48.8 PERMIT REVOCATION. A wastewater discharge permit may be revoked pursuant to § 13.58.

13.48.9 EXPIRED PERMIT. An expired permit will continue to be effective and enforceable until the permit is reissued if:

(a) The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.

(b) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

13.49 MONITORING, SAMPLE COLLECTION AND ANALYSIS.

13.49.1 MONITORING FACILITIES. (1) WHERE REQUIRED.

(a) Unless otherwise authorized by the Director, all users discharging industrial wastes into the sewerage system shall construct and maintain at the user's

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expense monitoring facilities on all sewer connections to facilitate inspection, measurement and sampling of their wastes, including domestic wastewater.

(b) When the Wastewater Operations Manager determines wastewater or wastes, either untreated or pretreated, are of a type which may pose a threat to the public or the sewerage system, the users may be required to provide a continuous monitoring device incorporating a detection and warning system and a positive control device approved by the Wastewater Operations Manager to prevent spills of incompatible wastewater from entering the sewerage system and to provide and maintain a property damage and personal injury liability insurance policy in the amount deemed necessary by the Wastewater Operations Manager. The liability insurance shall cover claims against the user for damage to the sewerage system which may be caused by any abnormal and/or deleterious waste and for claims brought against the user for personal injury and/or property damage generally.

(2) CITY APPROVAL.

(a) Monitoring facilities, including control manholes, shall be located and built in a manner approved by the Director. If measuring devices are to be permanently installed, they shall be of a type approved by the Director.

(b) Users shall submit to the City plans and specifications for construction or modification of monitoring facilities at least 30 days before the proposed commencement of construction or modification. If a user constructs or modifies monitoring facilities before City approval or without an inspection during construction and the City determines that the monitoring facilities are unacceptable, then the user shall reconstruct or modify the monitoring facilities according to the requirements of the City.

(3) DESIGN LOCATION, CONSTRUCTION AND MAINTENANCE.

(a) Design. Monitoring facilities shall have the design shown in File No. 23 titled "Details for Sampling and Gauging Manholes" from the Standard Specifications for Sewer and Water Construction in Wisconsin, Addendum No. 1, December 22, 2004, unless the City grants permission for another design. Plans shall indicate the proposed facilities locations from both street lines and building lines. The plans shall show the roadways and access points to the control manholes and note entry limitations, if any, and the telephone number and person to contact for entrance, when necessary, and any other data considered pertinent by the Director.

(b) Location.

1. Each monitoring facility shall be situated on the user's premises, however, where a location would be impractical or cause undue hardship on the user, the Wastewater Operations Manager may concur with the facility being constructed in the public street or sidewalk area, provided that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

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2. Ample room shall be provided and maintained at all times around and in the sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(c) Construction and Maintenance.

1. All monitoring facilities shall be constructed in accordance with all applicable local construction standards and specifications.

2. Users shall maintain their monitoring facilities in safe and proper operating condition at all times.

(4) ACCESS. The user shall make the monitoring facilities accessible at all times in accordance with § 13.52.

13.49.2 MONITORING. (1) APPLICABILITY. All users designated by the City as significant industrial users shall monitor their wastewater discharge in accordance with their wastewater discharge permit and the requirements in this section.

(2) REQUIREMENTS. At a minimum, all significant industrial users shall conduct the following applicable monitoring:

(a) For users subject to categorical pretreatment standards and following the compliance date for such standard:

1. The measured average and maximum flows from the user to the sewerage system, in gallons per day, from regulated process streams and other streams as necessary to allow use of the combined wastestream formula of Wis. Admin. Code § NR 211.12. When approved by the City based on considerations of cost or accessibility, the average and maximum flow of the discharge may be estimated by verifiable techniques.

2. The nature and concentration of pollutants in the discharge from each of the industrial user's regulated processes and an identification of applicable categorical pretreatment standards and pretreatment requirements. The nature and concentration of pollutants in each discharge shall be determined in accordance with the following:

a. Sampling and analysis shall be performed to identify the concentration or mass of regulated pollutants in the discharge from each regulated process, according to the requirements of the applicable categorical pretreatment standard and the City. Samples shall be taken at the approved control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

i. Both daily maximum and average values shall be reported.

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- ii. Samples shall be representative of daily operations.
 - iii. A minimum of four (4) grab samples per day shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour flow proportional composites shall be obtained, except when the industrial user demonstrates to the City's satisfaction that flow proportional sampling is infeasible.
 - iv. When flow proportional sampling is infeasible, the industrial user may use time proportional composite sampling or at least four (4) grab samples if the industrial user has shown to the City's satisfaction that these methods provide representative samples of the effluent being discharged.
- b. The industrial user shall collect and analyze a minimum of one representative sample to compile the data necessary for this section. Sampling shall be performed during full facility production when substances subject to regulation, including those in batch or periodic discharges, are likely to be present in maximum concentrations or quantities for the reporting period. The City may require more frequent monitoring when necessary to assess compliance with the applicable pretreatment standards and requirements. If an industrial user samples any pollutant more frequently than required by the City and analyzes these samples according to § 13.49.3, the results of this monitoring shall be included in the report.
- c. Samples shall be taken at the discharge from the regulated process, or at the discharge from pretreatment facilities provided that wastewaters that are not regulated by the applicable categorical pretreatment standard are not mixed with the regulated wastestream prior to the sampling point.
- i. Where sampling according to the above provision is not feasible, the City may allow alternative means of sampling to be used to determine compliance with the applicable categorical pretreatment standard at the point of discharge from the regulated process.
 - ii. If streams which are not regulated by the applicable categorical pretreatment standard are mixed with the regulated stream prior to the sampling point, the industrial user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of Wis. Admin. Code § NR 211.12 to evaluate compliance with the pretreatment standards.
 - iii. Where an alternative concentration or mass limit has been calculated in accordance with § 13.44(2), this adjusted limit along with the supporting data shall be submitted to the City.
- d. Representative historical data may be used in the initial baseline report with the approval of the City.
- e. Users shall report the time, date, and place of sampling, method of

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analysis, and shall certify that sampling and analysis are representative of normal work cycles and expected pollutant discharges to the sewerage system.

(b) For users not subject to categorical pretreatment standards:

1. Flow rate;
2. Concentration of the pollutants in the user's discharge that are regulated by this ordinance and the user's wastewater permit.

(c) Alternative sampling techniques may be used if they result in samples that are representative of the user's discharge and are approved by the Wastewater Operations Manager.

(3) CITY SAMPLING. At a minimum, the City shall inspect each significant industrial user once a year and sample the user's effluent at least two times per year. The City shall inspect and sample other industrial users as deemed necessary by the City.

13.49.3 ANALYSIS. (1) Analysis of the samples required by this subchapter shall be performed in accordance with Wis. Admin Code ch. 219, 40 C.F.R. 136 or other methods approved by the Department or contained in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", current edition and amendments thereto. Laboratory test results for radiological samples submitted by the user to the City shall be performed by a laboratory approved by the Department of Agriculture, Trade and Consumer Protection. Other laboratory test results submitted by the user to the City shall be performed by a laboratory certified or registered under Wis. Admin. Code ch. NR 149. The following tests are excluded from this requirement:

- (a) Temperature;
- (b) Turbidity;
- (c) Bacteria tests in wastewater effluent;
- (d) pH;
- (e) Chlorine residual;
- (f) Specific conductance;
- (g) Flow measurements.

(2) Any user subject to the reporting requirements established in this section shall maintain records of all information resulting from all monitoring activities pursuant to the requirements for § 13.50.16.

13.50 REPORTING AND RECORDS.

13.50.1 NOTICE OF INTENT. (1) At least 60 days before commencing or changing a discharge, the following persons shall submit a Notice of Intent with the City:

(a) A person proposing to discharge any non-domestic wastewater not previously reported to the City;

(b) A person taking possession or control of an existing facility that discharges or may discharge process wastewater into the sewerage system;

(c) A person constructing a new facility that will discharge process wastewater into the sewerage system;

(d) A person changing or experiencing a change in the physical size or operations at a facility to the extent that wastewater volume or content is substantially changed. Examples of a substantial change include, but are not limited to, the following:

1. A 50% or greater change in daily average volume by a user who currently discharges 25,000 gallons per day or less;

2. A 10% or greater change in daily average volume by a user who currently discharges greater than 25,000 gallons per day;

3. A discharge which exceeds 1.2 times the average 24 hour concentration or flow for a period greater than 7 days.

4. Any change in long-term production rates or wastewater flow rates of 20% or more.

(e) A person commencing or modifying a discharge of hazardous wastes that requires reporting under § 13.50.7.

(f) A person otherwise required by this ordinance to report under this section.

(2) The Notice of Intent shall:

(a) Be submitted in writing on a form provided by the City.

(b) Include sufficient information to allow the City to evaluate the effect of the proposed discharge on the City's sewerage system operations and to assure compliance with this subchapter.

(c) Contain the certification set forth in § 13.50.14 and be signed according to § 13.50.15.

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(d) Be accompanied by a payment of any fees established by the City pursuant to § 13.67.

(3) The City shall evaluate the completed Notice of Intent and other relevant information and shall notify the user as soon as practicable of any conditions or restrictions to be imposed upon the proposed discharge and shall modify any existing wastewater discharge permit accordingly.

(4) No user may increase an existing discharge or begin a new discharge that is subject to this section until the user has received approval to discharge from the City.

13.50.2 **BASELINE MONITORING REPORT.** (1) Existing users discharging wastewater subject to a categorical pretreatment standard shall submit to the City a baseline monitoring report within 180 days after the promulgation of the categorical pretreatment standard. This report shall include all of the information required by sub. (3).

(2) New sources subject to categorical pretreatment standards and existing sources that become users after the promulgation of an applicable pretreatment standard shall submit to the City a baseline monitoring report at least 90 days before the commencement of discharge. This report shall contain the information required by subparagraph (3)(a) to (f). New sources shall also discuss the method of pretreatment the source intends to use. New sources shall estimate the information required in sub. (3)(e) and (f).

(3) Baseline monitoring reports shall include the following information;

(a) The name, address, and location of the user and the names of the owners and operators;

(b) A list of environmental control permits held by or for the facility;

(c) A description of production processes and products, the rate of production, and the standard industrial classification, and a schematic diagram of the facility that indicates where processes regulated by a categorical pretreatment standard discharge to the sewerage system;

(d) The applicable categorical pretreatment standards and requirements;

(e) The average and maximum flows to the sewerage system from each process regulated by a categorical pretreatment standard and from any other stream used in the combined wastestream limits analysis set forth in § 13.44(4). Reported flows shall be based on actual measurements except where the Wastewater Operations Manager finds that cost or accessibility considerations justify the use of estimated flows based on verifiable techniques.

(f) Sampling and analysis of all process wastewater subject to pretreatment

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categorical standards in accordance with the requirements in Wis. Admin. Code § NR 211.15(1).

1. Except as provided in sub. 2, the results of such sampling and analysis shall identify the nature and concentration or mass of regulated pollutants in the discharge from each regulated process. Both a daily maximum and a monthly, 4-day or 30-day average values shall be reported;

2. Representative historical data may be used if approved by the Wastewater Operations Manager;

3. Reports shall include the time, date and place of sampling and the method of analysis;

(g) A certification that the reported data is representative of normal work cycles and discharges to the sewerage system;

(h) A discussion of whether the applicable pretreatment standards and requirements are being met on a consistent basis. If the applicable pretreatment standards and requirements are not being met, the report shall include a discussion of the changes to operations, maintenance procedures, or equipment necessary to achieve compliance, including pollution prevention and waste minimization opportunities;

(i) If changes to operations, maintenance procedures, or equipment are needed to achieve compliance, the report shall include the shortest possible implementation schedule. The completion date may not be after the compliance date for the applicable categorical pretreatment standard. The schedule shall specify the dates of commencement and completion of major events. The time between any two major events shall be less than nine (9) months; and

(j) Any other information required by the City.

(4) Baseline monitoring reports shall contain the certification set forth in § 13.50.14 and be signed according to § 13.50.15.

13.50.3 **PROGRESS REPORTS.** (1) Within 14 days after any of the dates in a schedule required by § 13.50.2, the user shall submit to the City a written progress report. At a minimum, this report shall state whether the required event was completed by the specified date. If the required event is not completed, the report shall give the reason for the delay, the efforts made to return to the schedule, and the date when the required event will be completed.

(2) Progress reports shall be signed as set forth in § 13.50.15.

13.50.4 **90-DAY COMPLIANCE DATE REPORT.** (1) Within 90 days following the date for final compliance by the user with applicable pretreatment standards set

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forth in this subchapter or 90 days following commencement of the wastewater discharge into the sewerage system by a new user or an existing user that became an industrial user subsequent to the compliance date of an applicable pretreatment standard, any user subject to this subchapter shall submit to the Wastewater Operations Manager a report that includes the information required by § 13.50.2. If a user is subject to equivalent mass or concentration limits calculated according to § 13.44(2), then the user shall include a reasonable measure of the industrial user's long-term production rate. If a user's categorical pretreatment standards are expressed in production based standards or another measure of operation, this report shall include the user's actual production during the sampling period.

(2) Ninety-day reports shall contain the certification set forth in § 13.50.14 and be signed according to § 13.50.15.

13.50.5 BASELINE, PROGRESS, AND 90-DAY REPORTS FROM SIGNIFICANT INDUSTRIAL USERS NOT SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS. If a user is not subject to categorical pretreatment standards but the City has designated that user as a significant industrial user according to § 13.39, the City may require the user to submit reports substantially similar to the baseline monitoring reports required by § 13.50.2, the progress reports required by § 13.50.3, or the 90-day reports required by § 13.50.4. The City shall adjust its requirements for these reports according to the circumstances of the user.

13.50.6 PERIODIC COMPLIANCE REPORTS. (1) Any user with a wastewater discharge permit shall submit to the City periodic compliance reports for the periods of January 1 to June 30 and July 1 to December 31 each year or as otherwise required in the user's wastewater discharge permit. The reports are due 14 days following the last day of the reporting period.

(2) Periodic compliance reports shall include all of the information required by the user's wastewater discharge permit. At a minimum, these reports shall include:

- (a) The name, mailing address, and street address of the user;
- (b) The wastewater discharge permit number;
- (c) Self-monitoring information according to the requirements of § 13.49.2 and the user's wastewater discharge permit, such as analytical results, sample type, sample date, and sample location.

1. Users shall include in the report analytical results from samples collected independently from any City sampling at the user's facilities.

2. For industrial users subject to equivalent mass or concentration limits established by the City according to § 13.44(2), this report shall contain a reasonable measure of the industrial user's long-term production rate.

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3. For industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the industrial user's actual production or other measure of operation during the reporting period.

(d) Other information required by § 13.50.16.

(3) If a user stores, uses, or creates a pollutant prohibited by § 13.30, the user shall make appropriate modifications to the certification set forth in § 13.50.14. In addition, the periodic compliance report shall include either sample results for the pollutant or the following certification:

My facility has developed a management plan for [pollutant] to prevent the discharge of [pollutant] to the sewerage system. This management plan is being fully and effectively implemented. Therefore, I have no reason to believe that [pollutant] is discharged by my facility to the sewerage system.

(4) If a user monitors any pollutant more frequently than required by the City, using the sampling and analysis procedures required by this subchapter, then the user shall include the results of that monitoring in the periodic compliance report.

(5) For any wastewaters subject to categorical pretreatment standards that have been shipped off-site for disposal, periodic compliance reports shall include the category, manufacturing process, volume, destination, and hauler.

(6) Users shall report sample results before the last day of the month following the month in which the sample was collected or as otherwise required by their permit.

(7) Periodic compliance reports shall contain the certification set forth in § 13.50.14 and be signed according to §13.50.15.

13.50.7 HAZARDOUS WASTE REPORTS. (1) A user shall submit a hazardous waste report to the City, the EPA Region 5 Waste Management Director and the Department Bureau of Waste Management if the user discharges any of the following to the sewerage system:

(a) More than 15 kilograms per calendar month of any substance that would be hazardous waste according to Wis. Admin. Code ch. NR 605 if otherwise disposed; or

(b) Any amount of a substance that would be an acute hazardous waste according to Wis. Admin. Code § NR 605.09(1)(d) or (3)(b) Table IV, or 40 C.F.R. pt. 261, if otherwise disposed.

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- (2) Hazardous waste reports shall include:
- (a) An identification of the hazardous waste as set forth in 40 CFR 261;
 - (b) The hazardous waste number;
 - (c) Whether the discharge is batch, continuous, or another type; and
 - (d) A certification that the user has a program in place to reduce the volume and toxicity of the generated hazardous wastes to the greatest extent economically practicable.
 - (e) If the user discharges to the sewerage system more than 100 kilograms per month of substances that if otherwise disposed would be a hazardous waste, then the hazardous waste report shall include the following information to the extent that it is known to the user:
 - 1. The hazardous constituents contained in the waste,
 - 2. The mass and concentration of the hazardous constituents in the wastestream discharged during each month, and
 - 3. The mass of hazardous constituents the user expects to discharge during the next 12 months.
- (3) Users shall submit the hazardous waste report:
- (a) Within 180 days after the commencement of discharge of any listed or characteristic hazardous waste in quantities that make the user subject to this section; or
 - (b) Within 90 days after new federal or state regulations define as a hazardous waste substances that the user discharges in quantities that make the user subject to this section.
- (4) Only one (1) report is required for each hazardous waste discharged to the sewerage system. Users shall report changes to the quantity or frequency of the discharge according to § 13.50.1.
- (5) Hazardous waste reports shall contain the certification set forth in § 13.50.14 and be signed according to § 13.50.15.

13.50.8 REPORT OF NONCOMPLIANCE AND RESAMPLING.

If sampling performed by an industrial user indicates a violation, the user shall:

- (1) Notify the City within 24 hours of becoming aware of the violation.

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(2) Provide a written report with the sample results to the Wastewater Operations Manager within five (5) days after becoming aware of the violation; and

(3) Unless otherwise required by the City, repeat the sampling and analysis

and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation.

(4) Industrial users shall report bypass events in accordance with § 13.36.

13.50.9 REPORTING OF OPERATING UPSETS, SPILLS, SLUGS OR OTHER EMERGENCIES. (1) Users shall immediately notify the City of an upset, spill, or other slug that has a reasonable potential to cause a violation of any applicable pretreatment standard or requirement.

(2) The report required by subsection (1) shall include:

(a) The location, date and time of the discharge;

(b) The character and volume of the discharged material; and

(c) Containment or other corrective action taken by the user.

(3) Within five (5) days after the report required by subsection (1), the user shall submit to the City a written report describing the cause of the discharge, the duration of the discharge, and the measures to be taken by the user to prevent similar discharges in the future.

(4) The report required by subsection (3) shall contain the certification set forth in § 13.50.14 and be signed according to § 13.50.15.

(5) Users shall immediately notify the City at **1-920-322-3660** (24 hours per day/7 days per week) of any emergency that may affect the sewerage system.

(6) Notification under this section shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewerage system, the receiving waters, fish kills or any other damage to person or property nor shall notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or other applicable law.

13.50.10 REPORT OF CHANGES IN DISCHARGE. Users shall report any substantial change in the volume or character of their discharge, including but not limited to changes in the user's production levels in accordance with the requirements and procedures in § 13.50.1.

13.50.11 NR 101 MONITORING REPORTS. If a user is required by the Department to file NR 101 Annual Monitoring Reports for wastewater discharges then

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the user shall:

- (1) Submit a copy of the report to the City when the user submits the report to the Department; and
- (2) Separately report any change in discharge as required by §§ 13.50.10 and 13.50.1.

13.50.12 **PROPOSED PRETREATMENT FACILITIES.**

(1) Any user planning to install or modify pretreatment facilities or operations to comply with a categorical pretreatment standard or other pretreatment standard, including the requirements set forth in § 13.34, a permit condition, or an order of the City, shall provide the City with plans, specifications, and operating procedures for the proposed facilities. The City may approve, conditionally approve, or disapprove the plans, specifications, and operating procedures. A user may not begin discharging from the treatment facilities until the user has satisfied the requirements of the City and the Department.

(2) The Department has separate requirements for the review of plans, specifications, and operating procedures of proposed pretreatment facilities. The user shall comply with these requirements before commencing discharges to the sewerage system.

(3) 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 acceptable to the City or the State under the provisions of this subchapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

13.50.13 **OTHER REPORTS.** (1) In addition to the reports required by §§ 13.50.1 to 13.50.12, the City may require that users submit other reports, management plans, or other information whenever the City finds that such a requirement is necessary to fulfill the City's responsibilities under this subchapter or any other local, state or federal law.

(2) In addition to the reports required by §§ 13.50.1 to 13.50.12, to the extent applicable, any centralized waste treater shall comply with the monitoring and reporting requirements in Wis. Admin. Code § NR 211.16.

13.50.14 **CERTIFICATION STATEMENT.** All wastewater discharge permit applications, reports required by §§ 13.50.1 to 13.50.13 and any other certifications required by this subchapter shall contain the following certification statement and be signed by a representative of the industrial user in accordance with § 13.50.15.

"I certify under penalty of law that this document and all attachments were prepared under my direction or

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supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

13.50.15 SIGNATURE REQUIREMENTS. (1) The reports required by §§ 13.50.1 to 13.50.13 shall be signed according to this section.

(2) If the user submitting a report is a corporation, the report shall be signed by one of the following persons:

- (a) President;
- (b) Secretary;
- (c) Treasurer;
- (d) Vice-President in charge of a principal business function;
- (e) A person who performs similar policy-making functions for the corporation;

(f) The manager of one or more facilities employing 250 or more persons or having gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars if authority to sign documents has been assigned or delegated to the manager according to corporate procedures; or

(g) A representative of one of the persons listed in paragraphs (a) through (f) if the representative is authorized according to sub. (5).

(3) If the user submitting the reports is a partnership, the reports shall be signed by a general partner or a representative authorized according to sub. (5).

(4) If the user submitting the reports is a sole proprietorship, the reports shall be signed by the proprietor or a representative authorized according to sub. (5).

(5) A representative may sign a report if:

(a) That representative holds a position with responsibility for:

1. The overall operation of the facility from which the discharge occurs, such as a plant manager; or

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2. The overall environmental matters for the company, such as a corporate environmental officer;

(b) The representative has written authorization to sign the report from a person described in subs. (2), (3), or (4);

(c) The authorization specifies either an individual or a position having responsibility for the overall operation of the user or having overall responsibility for environmental matters for the user; and

(d) The written authorization is submitted to the City.

(e) If the authorization submitted according to sub. (5)(d) becomes inaccurate, the user shall submit a new authorization before or together with the next report.

13.50.16 RECORDKEEPING REQUIREMENTS. (1) For each sample taken to satisfy the requirements of this subchapter, users shall record the following information:

(a) The date, exact place, method and time of the sampling;

(b) The type of sample;

(c) The names of the person taking the sample, the person doing the analysis, and the laboratory where the analysis was done;

(d) The dates the analyses were performed;

(e) The analytical techniques used; and

(f) The results of all required analyses.

(2) Users shall retain and preserve for no less than five (5) years all records relating to monitoring, sampling, and chemical analyses made by or on behalf of the user. If a record pertains to matters that are the subject of an order, litigation, or other enforcement action, then the user shall retain and preserve the record until all enforcement activities have concluded and all periods of limitations for appeals have expired. Users shall make these records available upon request to the City for inspection and copying.

(3) All records relating to compliance with categorical pretreatment standards shall be made available to officials of the EPA or the DNR upon request.

13.50.17 CONFIDENTIALITY OF RECORDS. (1) Information and data furnished to the City shall be available to the public or other governmental agency without restrictions, in accordance with Wis. Stat. § 19.35 unless the user specifically requests and is able to demonstrate, pursuant to Wis. Stat. § 283.55(2) and Wis. Admin. Code

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§ NR 211.26, to the satisfaction of the Wastewater Operations Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(2) Except as provided in subsection (3) below, for any report in which the user has met the requirements in subsection (1) above, the portions of the report which may disclose trade secrets shall not be made available for inspection by the public.

(3) The full report shall be made available upon written request to governmental agencies for uses related to this subchapter, including the City's WPDES permit and/or the pretreatment programs and shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the user furnishing the report.

(4) Effluent data submitted to the City shall not be recognized as confidential information under this section.

(5) Unless otherwise required by the state or federal authorities, information accepted by the Wastewater Operations Manager as confidential shall not be transmitted to any governmental agency or to the general public by the Wastewater Operations Manager until and unless a 30 day notification is given to the user.

IV. ENFORCEMENT AND REVIEW

13.51 ALTERNATIVE ENFORCEMENT OPTIONS AND JURISDICTION. By connecting to or using the City's sewerage system, all persons and users are submitting to the jurisdiction of the City, applicable administrative agencies, municipal court and circuit court for enforcement purposes under this chapter 13 and Article IV. Enforcement may occur as permitted below, including but not limited to the following:

(1) Administrative notices of noncompliance, notices of violation, orders, or revocation of permits issued by the City, its staff or another administrative agency having jurisdiction (such as the Department of Natural Resources);

(2) Citations issued by the City and forfeitures prosecuted in municipal court; and/or

(3) Complaints filed by the City in small claims or circuit court for injunctive, equitable or other legal relief and penalties.

13.52 POWERS AND AUTHORITY OF INSPECTORS. (1) The Wastewater Operations Manager, other authorized employees of the City, DNR representatives and U.S. EPA representatives bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, records examination, observation, measurement, sampling and testing in accordance with the provisions of this subchapter to determine the compliance with the requirements of this subchapter.

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(2) While performing the necessary work on private properties referred to in sub. (1) above, the Wastewater Operations Manager, other authorized employees of the City, the DNR and EPA shall observe all safety rules applicable to the premises established by the company.

(3) The Wastewater Operations Manager, other authorized employees of the City, the DNR and EPA bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage system lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(4) The user shall allow representatives of the City, the DNR and the EPA upon presentation of credentials of identification to enter upon the premises of the user at all hours for the purposes of inspection, sampling or record examination and copying. The City shall have the right to set up and maintain on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering.

13.53 NOTICE OF NONCOMPLIANCE.

(1) If the City has determined that a user has violated or is violating this subchapter, the user's wastewater discharge permit, or any other applicable local, state, or federal law, then the City may issue to the user a Notice of Noncompliance. Nothing in this section shall limit the authority of the City to take any action, including emergency or other enforcement action without first issuing a Notice of Noncompliance.

(2) A Notice of Noncompliance shall identify the violation and the consequences of further violation.

(3) As appropriate to the circumstances, the Notice of Noncompliance may:

- (a) Require description of the nature and cause of the violation;
- (b) Require a description of the remedy;
- (c) Require additional sampling, information and corrective action;
- (d) Set a schedule for actions required and the user's response;
- (e) Contain other provisions that promote a return to compliance.

13.54 NOTICE OF VIOLATION.

(1) If the City has determined that a user has violated or is violating this

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subchapter, the user's wastewater discharge permit, or any other applicable local, state or federal law or has failed to adequately respond to a Notice of Noncompliance, then the City may issue to the user a Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency or other enforcement action without first issuing a Notice of Violation.

- (2) Any Notice of Violation issued by the City shall:
 - (a) Be written;
 - (b) Be either hand-delivered or delivered by certified mail, return receipt requested;
 - (c) State the nature of the violation;
 - (d) If the City has determined that the user meets the criteria set forth in § 13.59, indicate that the City intends to publish the user's name according to that section; and
 - (e) Describe the administrative procedures that are available to review the City's determination.
- (3) A Notice of Violation may require the user to:
 - (a) Attend a meeting with the City.
 - (b) Submit a plan for remedial action and a compliance schedule.
 - (c) Take other action to identify the nature of the violation(s), the cause of the violation(s), or a remedy for the violation(s), and to correct violation(s).

13.55 ORDERS.

(1) If the City has determined that a user has violated or is violating this subchapter, the user's wastewater discharge permit, or any other applicable local, state, or federal law, then the Director may order the user to take certain action before a certain time to remedy or otherwise address a violation. Orders are effective and enforceable upon service unless a later effective date is specified or agreed to by the City.

- (2) An order under subsection (1) shall:
 - (a) Except for orders under § 13.56(1)(a), be written;
 - (b) State the reasons for the order;
 - (c) Describe the procedures that are available to review the City's

determination;

(d) Be either hand-delivered or delivered by certified or registered mail, return receipt requested; and

(e) State the action that is required by the user to comply with the order.

13.56 EMERGENCY SUSPENSION OF SERVICE. (1) Pursuant to Wis. Admin. Code NR §§ 211.22(9) and (10), the City may suspend sewer service by order to a user when it appears to the City that an actual or threatened discharge presents or threatens to present an imminent or substantial danger under the following conditions:

(a) When there is a threat to public health, safety or welfare, immediately after informal notice;

(b) When there is a threat to the environment or the sewerage system, after written notice and an opportunity to respond, unless the threat necessitates a shorter period. Users shall have three business days to respond.

(2) Any user notified of the suspension shall, within a reasonable period of time as determined by the City, cease all discharges.

(3) In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the City may order insertion of a bulkhead as set forth in § 13.57.

(4) The City shall reinstate the wastewater treatment service pending proof by the user, and judged sufficient by the City, of the elimination of the conditions creating the threat of imminent or substantial danger as set forth above.

13.57 BULKHEADS.

(1) The City may issue a written order for the insertion of a bulkhead in a user's sewer connection if the City has determined that:

(a) The user has failed to adequately respond to a Notice of Noncompliance, a Notice of Violation or an Emergency Suspension of Service Order for discharging prohibited substances or toxic pollutants; or

(b) The user has discharged or will imminently discharge a prohibited substance or toxic pollutant in an amount likely to harm the environment, the sewerage system, or the public.

(2) Before the City may insert a bulkhead, the City shall deliver to the user a written notice describing the reason for the bulkhead order. The City shall make a reasonable attempt to deliver the notice to the person who appears to be in control of the user's facility.

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- (3) After delivery of the notice, the City may immediately insert the bulkhead.
- (4) Except as provided in sub. (5), no person may remove or tamper with a bulkhead.
- (5) A user may remove a bulkhead only after the user has received written permission to do so from the City.

13.58 WASTEWATER DISCHARGE PERMIT REVOCATION.

- (1) The Director, by order under § 13.55, may revoke the permit of any user who violates any of the following conditions:
 - (a) Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - (b) Failure to report significant changes in operations, wastewater constituents or other characteristics.
 - (c) Refusal of reasonable timely access to the user's premises or records for the purpose of inspection or monitoring.
 - (d) Violation of the conditions of the permit, this subchapter, an order of the City, a judicial order or any other applicable local, state or federal law.
 - (e) Tampering or other interference with sampling or flow measurement equipment, samples and/or analyses being conducted by or at the direction of the City.
 - (f) Failure to submit timely reports.
 - (g) Failure to pay the charges, fines or other costs imposed upon the user by the City.
 - (h) Discharging any substance prohibited by this subchapter.
- (2) After a user has received notice that the City has revoked the user's waste hauler's license or wastewater discharge permit, the user shall immediately cease all discharges to the sewerage system from the disposal unit to which the license applied or the facility to which the permit applied.

13.59 ANNUAL PUBLICATION. Pursuant to the requirements of 40 C.F.R. § 403.8(f)(2)(vii), a list of the users which at any time during the previous 12 months were in significant noncompliance with applicable pretreatment requirements shall be annually published in the newspaper having the largest circulation within the City. The notification shall also summarize any enforcement actions taken against the user during the same 12 month period. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

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- (1) Violations which include a pattern of noncompliance over the 12 month period.
- (2) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of the measurements taken during a 6 month period exceed by any magnitude the daily maximum limit or the average limit for the same pollutant parameter.
- (3) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for any pollutant parameter taken during a 6 month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH).
- (4) Any other violation of a pretreatment effluent limit that the City determines has caused, along or in combination with other discharges, interference or pass through, including endangering the health of sewerage system personnel or the general public.
- (5) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority under §§ 13.56 or 13.57 to halt or prevent such a discharge.
- (6) Failure to meet within 45 days of the scheduled date a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction or obtaining final compliance.
- (7) Failure to provide within 30 days of the due date required reports, such as base line monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- (8) Failure to accurately report noncompliance.
- (9) Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.

13.60 CIVIL ACTIONS, PENALTIES AND FORFEITURES. (1) Forfeitures set forth in this section may be prosecuted in municipal court, in addition to or in lieu of any other administrative remedy notice, order or appeal set forth in this chapter.

(2) Any person or user who is found to have violated an order of the City Council or who failed to comply with any provision of this Chapter 13 or any order, rule, regulation or permit issued hereunder shall be subject to forfeitures as established in this section and other costs as allowed by law. Except as otherwise expressly stated herein, each day on which a violation occurs or continues shall be deemed a separate and distinct offense. Forfeitures shall be assessed as follows:

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(a) For an accidental discharge, the violator shall be subject to a minimum forfeiture of \$50 for each offense.

(b) For a failure to report an accidental discharge, the violator shall be subject to a minimum forfeiture of \$1,500 for each offense.

(c) For a significant noncompliance (as set out in 13.59) in a 6-month period, the violator shall be subject to a minimum forfeiture of \$250 per day of documented violations.

(d) For significant noncompliance (as set out in 13.59) in two (2) consecutive 6-month periods, the violator shall be subject to a minimum forfeiture of \$500 per day of documented violations.

(e) For violations which result in the City violating its WPDES permit, the violator shall be subject to a minimum forfeiture of \$1,000 per day of WPDES violation.

(f) For failure to provide a required report on schedule, the violator shall be subject to a minimum forfeiture of \$100 for reports 1 to 14 days late, \$250 for reports 15 to 30 days late, \$500 for reports 31 to 60 days late, and \$500 plus \$100 per day for reports 61 days late or later.

(g) For violation of a pretreatment standard or requirement including local limits under § 13.34(1), the violator shall be subject to a minimum forfeiture of \$1,000 per day for each violation.

(h) For any other violation of or noncompliance with any provision, order, rule, regulation or permit hereunder that is not otherwise listed above, the violator shall be subject to a minimum forfeiture of \$50 for each offense.

(3) The maximum forfeiture for any offense set forth in subsections (2)(a)-(h) shall be \$10,000.

(4) Citations for forfeitures for violations of this Chapter or noncompliance with any provision, order, rule, regulation or permit hereunder, may be issued by the Public Works Director, the Village Police, Village Prosecutor or other City designee.

(5) The City reserves the right to also pursue the above forfeitures or other civil penalties allowed by law for violations of this chapter in circuit court. Nothing herein shall be construed to limit, restrict or waive the City's authority to pursue any other civil or administrative right or remedy in circuit court as may otherwise be provided by law, including but not limited to injunctive or equitable relief. In addition to the forfeitures provided herein, the City may recover reasonable attorneys fees, court costs, court reporter's fees and other expenses of litigation by appropriate circuit court suit against the person found to have violated this subchapter or any order, rule, regulation or permit issued hereunder.

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13.61 COSTS OF DAMAGE. Any user violating any of the provisions of this subchapter or who has a discharge which causes a deposit, obstruction, damage or other impairment to the sewerage system shall become liable to the City for any expense, loss or damage caused by the violation or discharge. The City may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this subchapter.

13.62 FALSIFYING INFORMATION. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter or wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be subject to a forfeiture of not less than \$1,000 per violation per day together with the cost of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned for a period not to exceed 30 days.

13.63 AFFIRMATIVE DEFENSES. Subject to the provisions in Wis. Admin. Code § NR 211.18, a user may assert the following defenses:

(1) LOCAL LIMIT COMPLIANCE – UNCHANGED DISCHARGE DEFENSE.

If the City brings an action against a user alleging a violation of § 13.34(1), then the user may assert as an affirmative defense that:

(a) The user did not know or have reason to know that its discharge, alone or in combination with discharges from other sources, would cause pass through or interference; and

(b) Either:

1. A local limit designed to prevent pass through or interference was developed and the user was in compliance with the local limit immediately before and during the pass through or interference, or

2. A local limit was not applicable and immediately before and during the pass through or interference, the user's discharge did not substantially change in volume or constituents from the user's previous discharges when the City was in compliance with its WPDES permit and all applicable requirements for sludge use or disposal.

(2) UPSET DEFENSE. A user shall have an affirmative defense to an action brought for noncompliance with a categorical pretreatment standard if:

(a) The user demonstrates, through properly signed, contemporaneous operating logs or other evidence:

1. The causes of the noncompliance;

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2. That the noncompliance was exceptional, unintentional and temporary;
 3. That the facility was being operated in a prudent manner in compliance with all applicable operation and maintenance procedures; and
 4. That the noncompliance was caused by factors beyond the reasonable control of the user and not caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation; and
- (b) The user reports the noncompliance according to Wis. Admin. Code § NR 211.18(2)(d).

13.64 OWNERSHIP AND OCCUPANCY. Change of ownership or occupancy of premises delinquent under provisions of this subchapter shall not be cause for reducing or eliminating charges due and penalties.

13.65 APPEALS. (1) NOTICE OF APPEAL.

Any user directly aggrieved by an order under §§ 13.55 to 13.58 may file a notice of appeal with the City.

(a) The notice shall state the grounds upon which the aggrieved user contends the order should be modified or reversed. The notice shall be received by the City within thirty (30) days of the date of the order.

(b) The filing of a notice of appeal shall stay enforcement of the order, except for orders suspending service or inserting a bulkhead under §§ 13.56 and 13.57.

(2) NOTICE OF HEARING. Upon receipt of a notice of appeal, the City shall schedule a hearing before the Hearing Board and shall serve notice of the hearing on the aggrieved user no less than 10 days before the hearing date.

(a) The hearing notice shall specify the time and place of the hearing.

(b) Service of the hearing notice may be made on any agent, officer or authorized representative of the aggrieved user.

(3) HEARING BOARD. Unless otherwise directed by the City Council through resolution, the Hearing Board shall be comprised of the Director of Public Works, City Engineer, Wastewater Operations Manager, City Attorney and one Council member as appointed by the President of the City Council. The Hearing Board shall have the authority to:

(a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings; and

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(b) Take evidence; and

(c) Issue a decision based on its review of the hearing evidence provided. The Hearing Board may set such terms and conditions in its decision as are necessary and appropriate to protect the City's sewerage system. If the user violates an order issued under this section, the City may take action in accordance with sub. (5).

(4) HEARING PROCESS.

(a) In General. The Hearing Board shall preside over a hearing under this subchapter and shall take evidence on the reasons why the order should not be upheld.

(b) Burden of Proof. The user shall have the burden to prove why the order should not be upheld, and the applicability of any affirmative defenses available under § 13.63.

(c) Transcripts. At any hearing held pursuant to this subchapter, testimony taken must be under oath. A transcript will be made available to any member of the public or any party to the hearing upon request and payment of the usual charges thereof.

(5) JUDICIAL PROCEEDINGS. Following the entry of any order by the City with respect to the conduct of a user contrary to the provisions of this ordinance, the City Attorney may, following the authorization of the action by the City, commence an action for appropriate legal and/or equitable relief in the appropriate local court. The City may take further action pursuant to this subchapter.

(6) CERTIORARI. A user subject to an order issued under this section may seek review of that order by certiorari within thirty (30) days of the final order.

(7) RELATION TO WIS. STAT. CH. 68. The City elects not to be governed by Wis. Stat. ch. 68. Accordingly, the procedures set forth in this section apply in lieu of those in Wis. Stat. §§ 68.01 to 68.12.

V. USER CHARGES

13.66 WASTEWATER DISPOSAL CHARGES.

13.66.1 APPLICABILITY OF CHARGE. The wastewater disposal charge established shall apply to each lot or parcel of land, building or premises (hereinafter call premises) from which wastewater is discharged into any public sanitary sewer and to each premises for which a connection to any sewer is ordered installed, such charges to take effect upon the expiration of the time limited for the installation of the sewer connection or upon use of the connection for the disposal of wastewater, whichever occurs first.

13.66.2 BASIS OF CHARGE. In order to ensure a proportional distribution of

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the costs of furnishing wastewater disposal services, several factors, including strength, volume and delivery flow rate characteristics, shall be considered in determining the appropriate wastewater disposal charge for a particular user or user class.

13.66.3 **USER CLASSIFICATIONS.** For purposes of administering the wastewater disposal charge, 3 user classifications are hereby established. The determination of user classification shall be based upon the primary use of the premises as determined by the Director of Public Works.

(1) NONINDUSTRIAL CUSTOMERS. Wastewater discharged by users within this classification shall consist of domestic wastewater only.

(2) GENERAL INDUSTRIAL CUSTOMERS. The wastewaters discharged by these users shall be similar in concentrations of the various constituents to those discharged by the nonindustrial customer classification.

(3) EXCEPTIONAL INDUSTRIAL CUSTOMERS. This classification shall be composed of industrial users possessing a wastewater discharge in which any one constituent of the discharge substantially exceeds the concentration of the corresponding value for the nonindustrial customer classification.

13.66.4 **USE OF WATER METERS.** (1) The wastewater disposal charge herein established shall be based upon the amount of water used upon the customer's premises, including water from public and private supplies, or as provided below, upon the amount of wastewater discharged to the public sewer. If any person discharging wastewater into the public sewer system procures any part or all of his water from sources other than the City Water Utility, all or part of which is discharged into the public sewers, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where wastewater meters are already installed, no water meters will be required. The water meters shall be furnished by the City Water Utility and installed under its supervision, all other costs being at the expense of the person requiring the meter.

(2) The City Water Utility will charge for each meter a rental charge set for that size meter by the Water Utility to compensate for the cost of furnishing, reading and servicing the meter.

(3) Failure to meter any water supply shall not release the customer from paying the wastewater disposal charge thereon. In such cases, the charge shall be based upon the estimate of the Director of the flow for the billing period.

13.66.5 **EXEMPTION METERS.** (1) If a person discharging industrial wastes into the public sewers produces evidence satisfactory to the Director of Public Works that significant amounts of the total annual volume of water used for all purposes does not reach the sanitary sewer, the person may be permitted to have an exemption water meter installed. The meter shall be furnished by the City Water Utility and installed under its supervision, all other costs being at the expense of the person requiring the

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meter, including any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the exemption meter.

(2) The City Water Utility will charge for each meter a rental charge set for that size meter by the Water Utility to compensate for the cost of furnishing, reading and servicing of the meter.

(3) The amount of exemption water metered shall be subtracted from the total amount of water used by the person and an adjusted total water usage determined based on only water reaching the sanitary sewer. This adjusted total water usage will be used to determine the applicable wastewater disposal charge.

13.66.6 **WASTE METERS.** Devices for metering the volume of waste discharged may be required by the Director of Public Works if these volumes cannot otherwise be determined by the use of water meters and exemption water meters. Metering devices for determining the volume of waste shall be purchased, installed, owned and maintained by the person. The type of meter and metering arrangement shall be approved by the Director of Public Works before installation and it shall be installed in accordance with approved methods. Following approval and installation, the meters may not be removed without the consent of the Director of Public Works. If the metering facilities fail to operate or register the flow correctly, the wastewater disposal charge shall be based upon the estimate of the Director of the flow of wastewater for the billing period.

13.66.7 **CALCULATION OF SEWER SERVICE CHARGES.** (1) CATEGORY A. (a) Category A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD₅), total suspended solids and phosphorus no greater than 250, 250 and 10 mg/l respectively. The sewer service charge for Category A wastewater is determined as follows:

$$\text{Sewer Service Charge (SSC)} = \text{Fixed Charge (FC)} + \text{Volume Charge (VC)}$$

(b) Fixed Charge (FC) = Quarterly or monthly charge which represents the user's proportionate share of those charges determined to be most equitably collected from customers based on the number of customers connected to the system. These charges include all or part of meter reading and billing costs, collection system costs, costs associated with infiltration and inflow (I/I) and certain debt service associated with excess capacity amounts.

(c) Volume Charge (VC) = Volume discharged into the domestic wastewater system times the volumetric unit charge in effect stated in dollars per 100 cu. ft. (\$/CCF).

(2) CATEGORY B. (a) Category B is defined as wastewater having organic concentrations for either biochemical oxygen demand (BOD₅), total suspended solids or phosphorus greater than those established for Category A. The sewer service charge for Category B wastewater is determined as follows:

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Sewer Service Charge = Category A Charge + High Strength Surcharge

High Strength Surcharge = (CBOD x XBOD₅) + (CTSS x XTSS) + (CP x XP)

CBOD = BOD₅ Unit cost in dollars per pound.

XBOD₅ = Pounds of BOD₅ greater than Category A BOD₅ wastewater.

CTSS = TSS Unit cost in dollars per pound.

XTSS = Pounds of TSS greater than Category A TSS wastewater.

CP = Phosphorus unit cost in dollars per pound.

XP = Pounds of phosphorus greater than Category A phosphorus wastewater.

(b) The Category A charges for fixed charge and volume charge and the Category B surcharges for BOD, TSS and phosphorus will be established by City Council resolution and revised from time to time in order to be adequate to pay all of the operating, maintenance, replacement and capital costs of the Utility.

(3) **DISCHARGE MEASUREMENT.** Where samples are taken often enough to produce meaningful averages, wastewater disposal charges will be determined based on the average values determined during the billing period after due allowance for values not believed to be representative. Any person may request that the Wastewater Operations Manager make new tests, the tests to be at the expense of the person discharging the waste and the tests to be of a minimum of 24 hours duration, unless otherwise approved. If the Wastewater Operations Manager is satisfied that the test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent wastewater disposal charge in the manner previously prescribed. Records of the results of the monitoring shall be kept and the results shall be reported to the Wastewater Operations Manager. The Wastewater Operations Manager shall make the records available upon request to state, federal or any other public agencies having jurisdiction over such discharges.

13.67 PRETREATMENT FEES. (1) **PURPOSE.** It is the purpose of this subsection to provide for the recovery of costs for the activities necessary to administer pretreatment standards and requirements or any other local, state or federal requirements. These fees are separate from all other fees chargeable by the City. The applicable charges or fees shall be set forth in the City's schedule of charges and fees, to be prepared from time to time by the Director and approved by the City Council.

(2) **CHARGES AND FEES.** (a) The City shall adopt charges and fees which include:

1. **Wastewater Discharge Permit Fee.** This fee shall be charged to any industrial user which is required to obtain a wastewater discharge permit according to

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§ 13.48.

2. Sampling Charge. This charge shall be charged to industrial users for the sampling of their wastewater employing City equipment and manpower. Only those costs associated with wastewater sampling that are incurred by the City will be charged to the user.

3. Laboratory Analyses Charge. This charge shall be charged to an industrial user for each pollutant sample which is analyzed. The charge for laboratory analyses shall be determined by the organization doing the testing.

4. Additional Costs. Additional costs which may be incurred by and charged to an industrial user include the following:

- a. Fees for filing appeals.
- b. Fees for consistent removal by the City of pollutants otherwise subject to categorical pretreatment standards.
- c. Other fees as the City may deem necessary to carry out the requirements contained herein.

13.68 BILLING PRACTICE.

13.68.1 BILLING PERIODS. Wastewater disposal charges and all other charges provided for in this subchapter shall be billed, as a minimum, on a quarterly basis.

13.68.2 PAYMENT. Wastewater disposal charges and all other charges provided for in this subchapter shall be due and payable at the City Treasurer's central collection office within 10 days after the invoice date or on or before the due date as indicated on the statement.

13.68.3 RATE CHANGES. Rate changes shall be effective after approval by the City Council and shall apply to actual usage thereafter.

13.68.4 DELINQUENCY. All delinquent accounts shall be charged a penalty at the rate of 1% per month on the unpaid balance, including penalties. The penalty shall accrue starting with the 21st day following the invoice date.

13.69 ENFORCEMENT OF CHARGES AND FEES; LIEN UPON PREMISES. Each wastewater disposal charge and all other charges levied by or pursuant to this subchapter shall constitute a lien upon the corresponding premises served by the sewerage system as provided for in Wis. Stat. §§ 66.071 and 66.076.

VI. CONNECTIONS TO SEWERAGE SYSTEM

13.70 BUILDING SEWERS AND CONNECTIONS. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the Plumbing Inspector. The owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Plumbing Inspector and Wastewater Operations Manager. The permit and inspection fees are as established by City ordinance.

(2) There shall be 2 classes of building sewer permits:

(a) Residential and commercial services.

(b) Service to establishments producing industrial wastes.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building.

(5) Existing building sewers may be used in connection with new buildings only when they are found on examination by the Plumbing Inspector to meet all requirements of this subchapter.

(6) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall all conform to the requirements of the plumbing code or other applicable rules and regulations of the City.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, domestic wastewater carried by the building drain shall be lifted by an approved means and discharge to the building sewer.

(8) Roof-leaders, surface drains, groundwater drains, foundation footing drains and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private wastewater treatment plant. All connections existing at the time of passage of this subchapter shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Plumbing Inspector shall give the offending person 15 days notice to disconnect. Failure to disconnect after notice shall authorize the Plumbing Inspector to cause disconnection and assessment of the costs

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of the disconnection against the property involved. The Plumbing Inspector may, in the alternative, institute legal action for violation of this subsection.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the plumbing code and other applicable rules and regulations of the City.

(10) The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Plumbing Inspector or his representative.

(11) All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkway and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(12) Whenever permits for new connections to the sewerage system are applied for under this section, the approving authority shall determine whether adequate collection and treatment capacities exist in the system to properly accommodate the proposed new connections. If the determination is that either existing collection or treatment capacity in the system is inadequate for properly handling the proposed new connections, the connections shall be disallowed.

VII. HAULED WASTE

13.71 HAULED WASTE. The city offers disposal services to DNR licensed sanitary pumpers and haulers. The city has established regulations and procedures governing the acceptance of either domestic septage or holding tank wastes with which the hauler must comply. All wastes must comply with the provisions of this section.

13.71.1 WASTE HAULER'S LICENSE. (1) Any waste hauler seeking disposal privileges to the sewerage system must obtain a license from the city. The hauler must complete an application for license to dispose of holding tank and septic tank wastes. The application shall contain:

- (a) The name, address and phone number of the applicant;
 - (b) The number and description of each vehicle (including make, year, license and identification numbers, and vehicle capacity);
 - (c) The state DNR sanitary license number; the signature of the responsible company official; a notary public seal; and
 - (d) Payment of fees.
- (2) The application must be completed and received by the city at least thirty

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(30) days prior to disposal. Upon receipt of a completed application, the city must approve the hauler prior to any disposal at the treatment plant. The city may not exceed thirty (30) days to accept or reject an application.

(3) Upon approval, the city will provide a sticker to the hauler for each vehicle listed in the application. The sticker shall be affixed to the rear of the vehicle in a clearly visible location. The license is renewable annually requiring the completion of another application and payment of fees. Licenses are nontransferable to any new owner or operator.

(4) The hauler must inform the city of any proposed changes to the hauler's approved license application, in writing, at least ten days prior to the proposed change.

13.71.2 **QUESTIONNAIRE.** The hauler must obtain a septic tank/holding tank generator questionnaire from the city and distribute to each tank generator. The questionnaire must be completed and signed by the generator owner or principal executive officer and returned to the city. The city must approve the generator tank discharge prior to disposal. The city may require additional information of the generator by sampling and analysis of tank contents and/or inspection of the generator facility. The hauler shall ensure that tank generators and hauler operators are informed of and comply with all applicable provisions of this section. The city may not exceed thirty (30) days to accept or reject a generator disposal. The city must receive the certified lab report of analysis at least ten days prior to discharge if applicable.

13.71.3 **LOAD CHARACTERIZATION FORM.** (1) Each shipment of hauled waste shall be accompanied by a completed load characterization form supplied by the city. The form shall include:

- (a) An identification of the waste;
- (b) The total gallons delivered;
- (c) The name, address, license number and signature of the hauler;
- (d) Operator and the source generator name, address, phone number; and
- (e) Generator facility type, date, and generator signature.

(2) The form must be presented to an authorized treatment plant employee prior to the disposal of the hauled waste. The treatment plant employee must sign the form to allow the disposal and will provide a sample bottle. A sample shall be required of each load of hauled waste.

13.71.4 **GENERAL RULES.** (1) Hauled waste may be discharged only at a location and time designated by the city;

- (2) The hauler must be licensed by the Department in accordance with the

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Wisconsin Administrative Code;

- (3) The hauler must meet the requirements of Section 13.71(A) through (C);
- (4) If sample analysis indicates that the waste is non-domestic in nature, then the hauler and/or generator of the waste shall bear all costs associated with conducting the analysis. Non-domestic wastewater shall be sampled and analyzed at a frequency deemed necessary by the city;
- (5) The hauler may not mix loads from different generator sources;
- (6) All hauled waste shall be identified. If holding tank waste and septic tank waste are combined in the same load, the entire load shall be charged at rates established for septic tank waste. Hauled waste shall be identified as septic tank waste if BOD or TSS is greater than five thousand (5,000) mg/L;
- (7) License fees are payable prior to the acceptance of any hauled waste. The hauler shall promptly pay all costs charged for disposal but in no case shall payment be later than thirty (30) days past invoice. Payment shall be by invoice only, no cash transactions allowed. The fee schedule may be revised as deemed necessary by the city; and
- (8) The city retains the right to revise the general rules as deemed necessary. Revisions shall become effective thirty (30) days after notice of the change is sent to approved haulers.

13.71.5 **DISPOSAL FEES.** Disposal fees will be set based on actual costs using the same methodology used for setting other sewer service fees.

13.71.6 **ENFORCEMENT.** In addition to any enforcement action deemed necessary by the city in accordance with Section IV Enforcement and Review, the city may take action as cited in the following situations:

- (1) **CHARACTERIZATION FORM MISREPRESENTATION.** If the hauler operator intentionally misrepresents a load characterization form by incorrectly documenting required information or falsifying a signature, then the city may:
 - (a) Revoke the waste hauler's license;
 - (b) Prohibit discharge privileges for the hauler at the treatment plant for a period of up to three years;
 - (c) Charge the hauler for any costs that the hauler avoided by misrepresenting the waste; and/or
 - (d) Refer the hauler to city legal staff.

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(2) EXCEEDENCE OF A PRETREATMENT STANDARD. If a sample from a hauled discharge indicates an exceedence of any federal, state or local pretreatment limit, then the city may:

(a) Issue the hauler and/or generator of the waste a notice of noncompliance and repeat analysis on the next hauled discharge from the violating generator, and/or repeat analysis directly from the violating generator holding tank;

(b) Prohibit discharge privileges for the violating generator of the waste for a period of up to three years;

(c) Revoke the waste hauler's license;

(d) Prohibit discharge privileges for the hauler at the treatment plant for a period of up to three years; and/or

(e) Charge the hauler for any sample collection or lab analysis costs, or any costs for damage done to the treatment facility equipment or processes.

(3) DISCHARGE AT A LOCATION OR TIME OTHER THAN THAT DESIGNATED BY THE CITY. If the hauler discharges any waste in a manner distinct than as designated by the city, then the city may:

(a) Revoke the waste hauler's license;

(b) Prohibit discharge privileges for the hauler at the treatment plant for a period of up to three years; and/or

(c) Refer the hauler to city legal staff.

(4) FAILURE TO PAY FEES. If a hauler fails to pay the city any required fees within thirty (30) days past invoice, then the city may:

1. Revoke the waste hauler's license; and

2. Prohibit discharge privileges for the hauler at the treatment plant until all fees are paid.

(5) SUSPICIOUS DISCHARGES. If inspection of a hauler vehicle or its contents or any other circumstances causes the city to suspect that the discharge is inconsistent with the load characterization form, pretreatment standards, or requirements of this chapter, then the city may order a hauler to not begin discharging or to cease discharging.

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(6) **FAILURE TO COOPERATE.** If a hauler fails to allow the city to inspect or sample, or fails to cooperate with any other requirement or regulation, then the city may:

1. Revoke the waste hauler's license; or
2. Prohibit discharge privileges for that particular hauler operator.

(7) **APPEALS.** Any hauler or generator aggrieved by a decision under this section may appeal under the provision of Section 13.65. The hauler's request shall not stay any enforcement action pending the appeal.

Historical Updates			
Page	Paragraph	Ordinance No.	Date Adopted
2	13.07	2603	03/11/1992
30	13.34(4)(b)	2701	09/22/1993
14	13.23 (4)	3087	01/23/2002
7 - 63	13.20 - 13.71.6	3280	04/26/2006
15, 26	13.30, 13.48.2	3327	07/25/2007
19-20	13.34	3347	01/09/08