

CHAPTER 13

MUNICIPAL UTILITIES

(Amended Ordinance #2858 – 04/14/2020)

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SUBCHAPTER I: GENERAL PROVISIONS

13.01 MANAGEMENT OF UTILITIES.

(1) **BOARD OF PUBLIC WORKS RESPONSIBLE.** The Board of Public Works shall manage, operate and control the West Bend Water Utility and the West Bend Sewer Utility and, with respect to each said Utility, shall have all the powers of a utility commission as provided in §66.0723 Wis. Stats.

(2) **BUSINESS MANAGER.** The City Administrator shall perform the duties of Business Manager of the Utilities and shall administer the business operations of the Utilities under the direction of the Board of Public Works.

(3) **UTILITY MANAGER.** The Managers of the Water Utility and Sewer Utility, respectively, under the direction of the Board of Public Works, shall have charge of the pumping stations, transmission and distribution lines, tanks, service and meters and such other work as the City Administrator may direct.

13.02 UTILITY RECEIPTS AND EXPENDITURES.

(1) **RECEIPTS.**

(a) All Sewer Utility and Water Utility Receipts shall be collected by the City Treasurer.

(b) Delinquent sewer and water charges shall be subject to interest and penalties as set forth in the rules of the Water Utility.

(c) Delinquent charges shall be collected in accordance with the provisions of Wis. Stat. secs. 66.0809 and 66.0821.

(2) **EXPENDITURES.** The City Clerk and City Treasurer shall make all utility expenditures as provided in Wis. Stat. sec. 66.0607.

13.03 CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES. The construction and maintenance of all sewer and water facilities of the City shall conform to the "Standard Specifications for Public Works Construction, City of West Bend, Wisconsin," which is adopted by reference and made a part of this chapter.

13.035 UTILITY SERVICE AREA

(1) **LIMITS.** Except as provided in sub.(2), the water and sewer utilities shall not serve areas outside the corporate limits of the City.

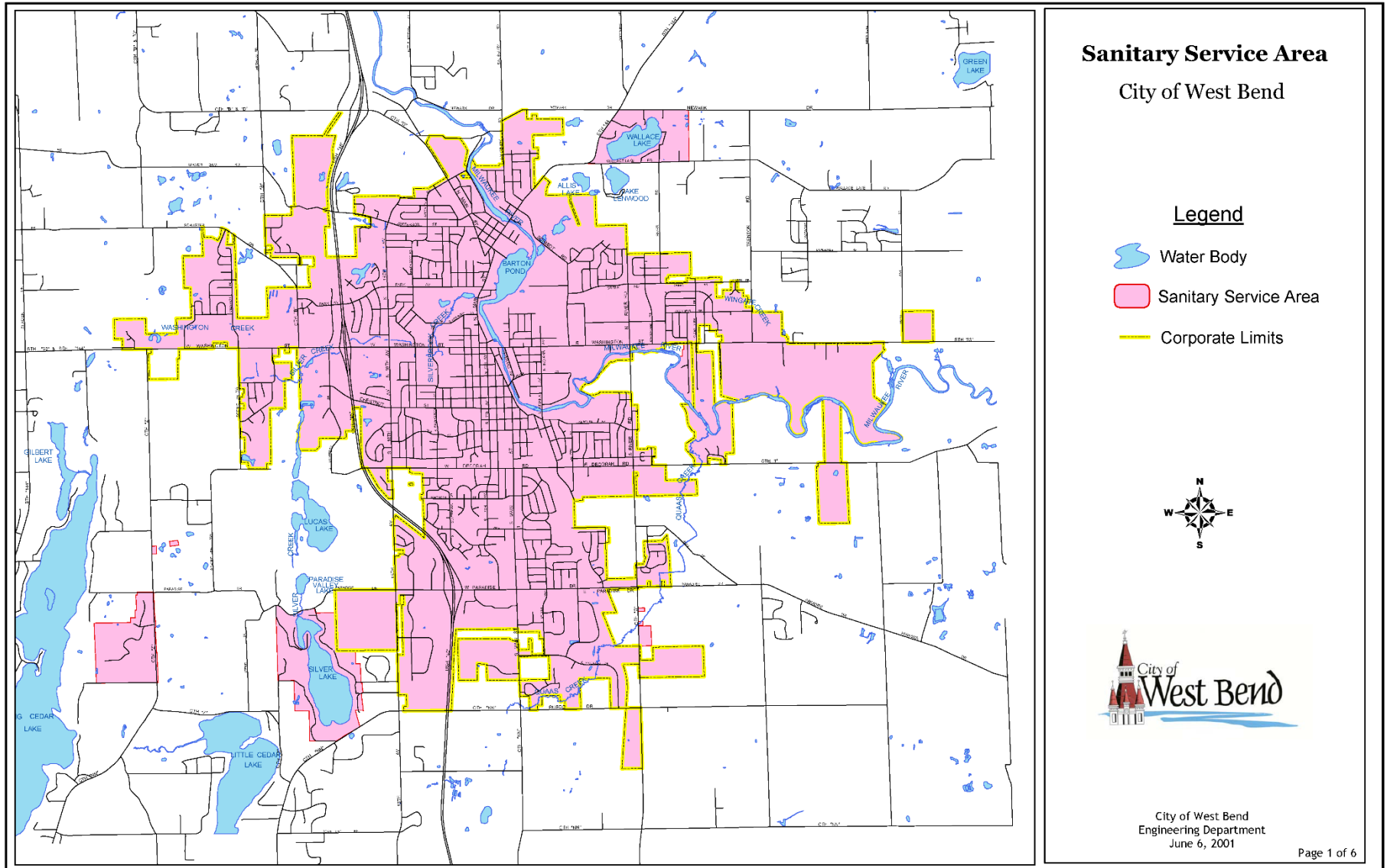
(2) EXCEPTIONS.

(a) The Sewer Utility may accept septage from licensed disposers as provided in Wis. Stat. sec. 281.49.

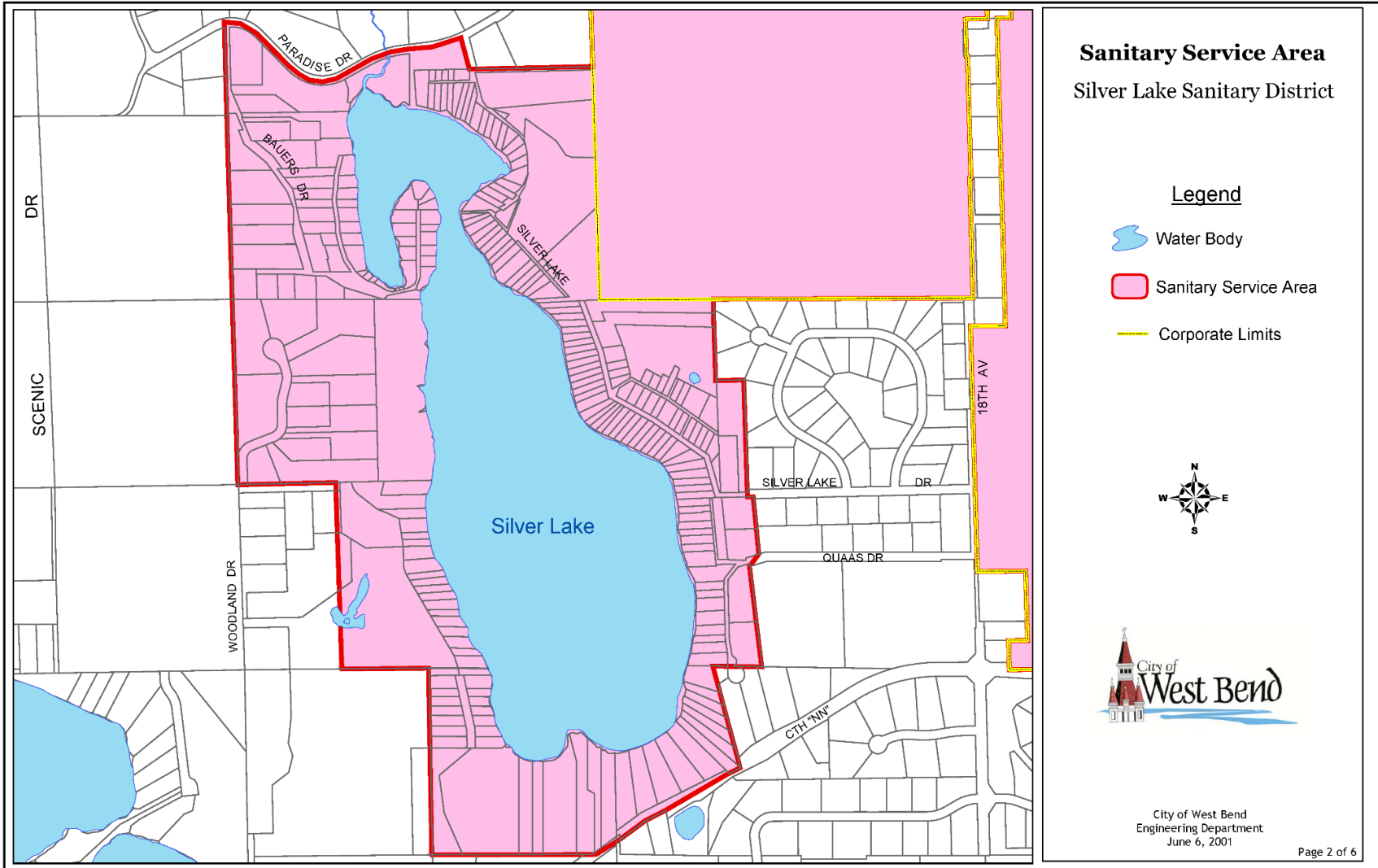
(b) The Water Utility may serve any property in the Town of Barton or Town of West Bend pursuant to an agreement with the property owner if there is reasonable cause to believe that the groundwater under the property has been contaminated by contaminants from the City's landfill.

(c) The Sewer Utility may provide service in accordance with contracts for service existing as of December 31, 2000 within the areas designated for such service on the map created by the Engineering Department dated June 6, 2001, and entitled "Sanitary Service Area" which map is adopted by reference and made a part of this chapter.

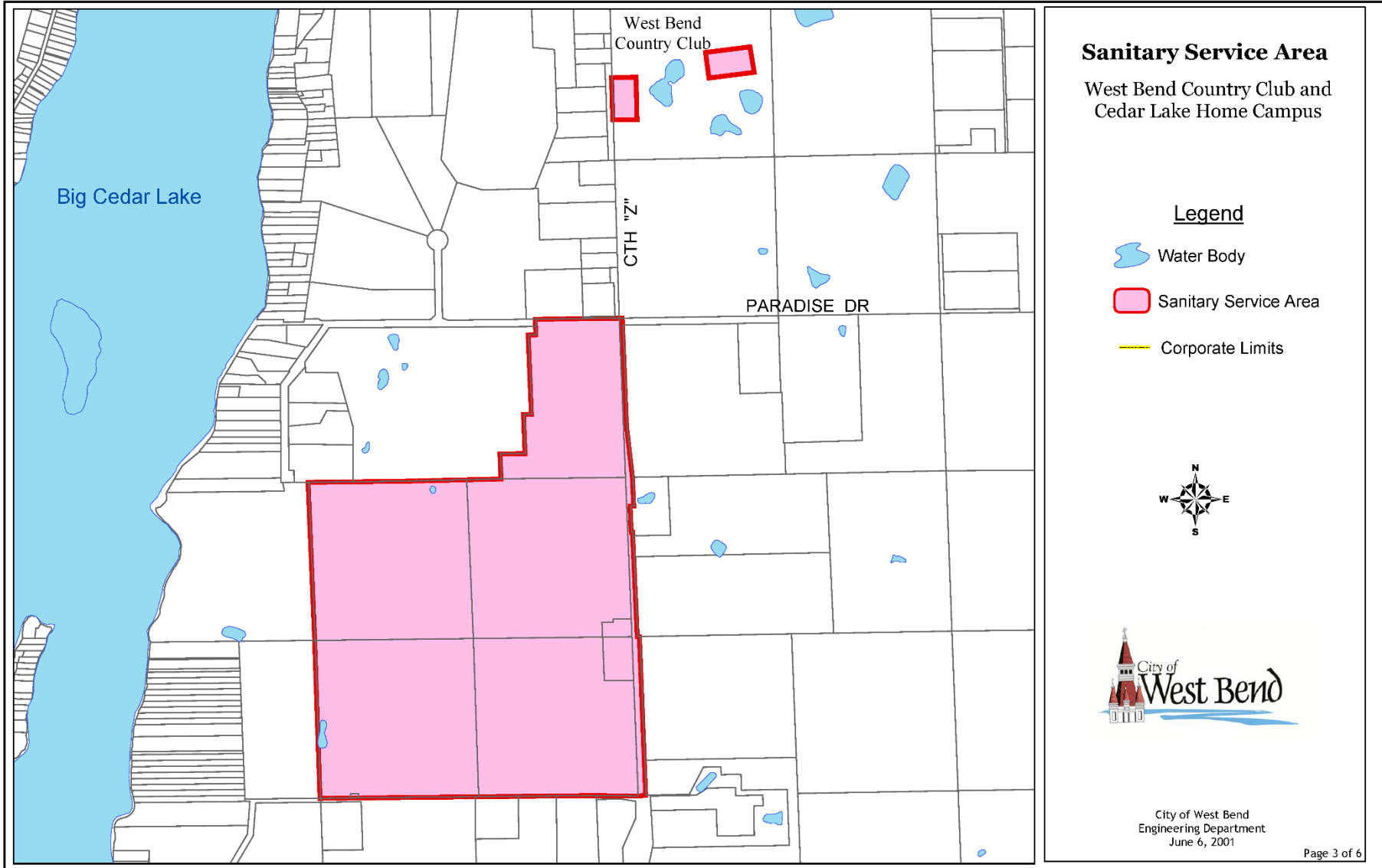
Sanitary Service Area Map – City of West Bend



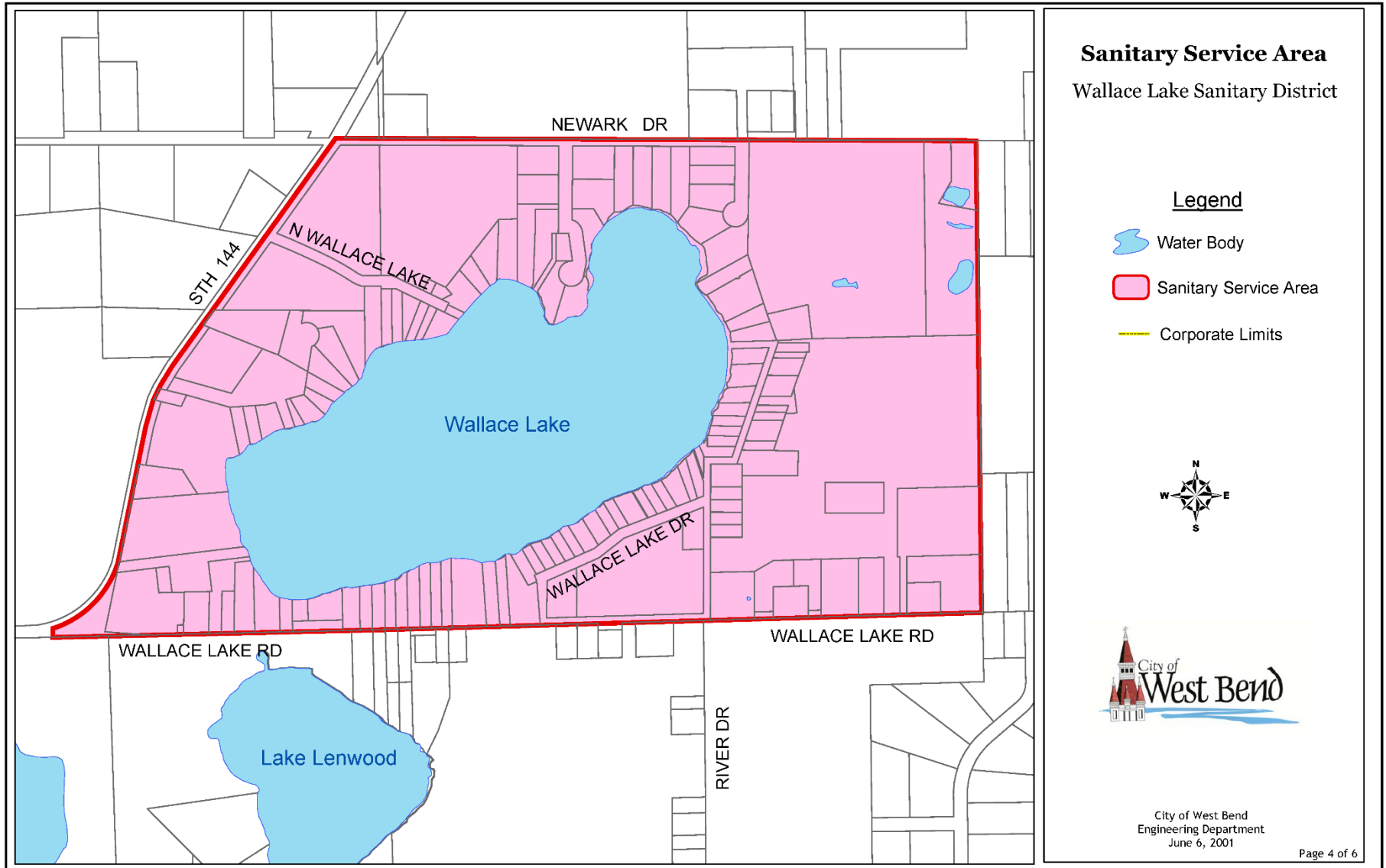
Sanitary Service Area Map – Silver lake Sanitary District



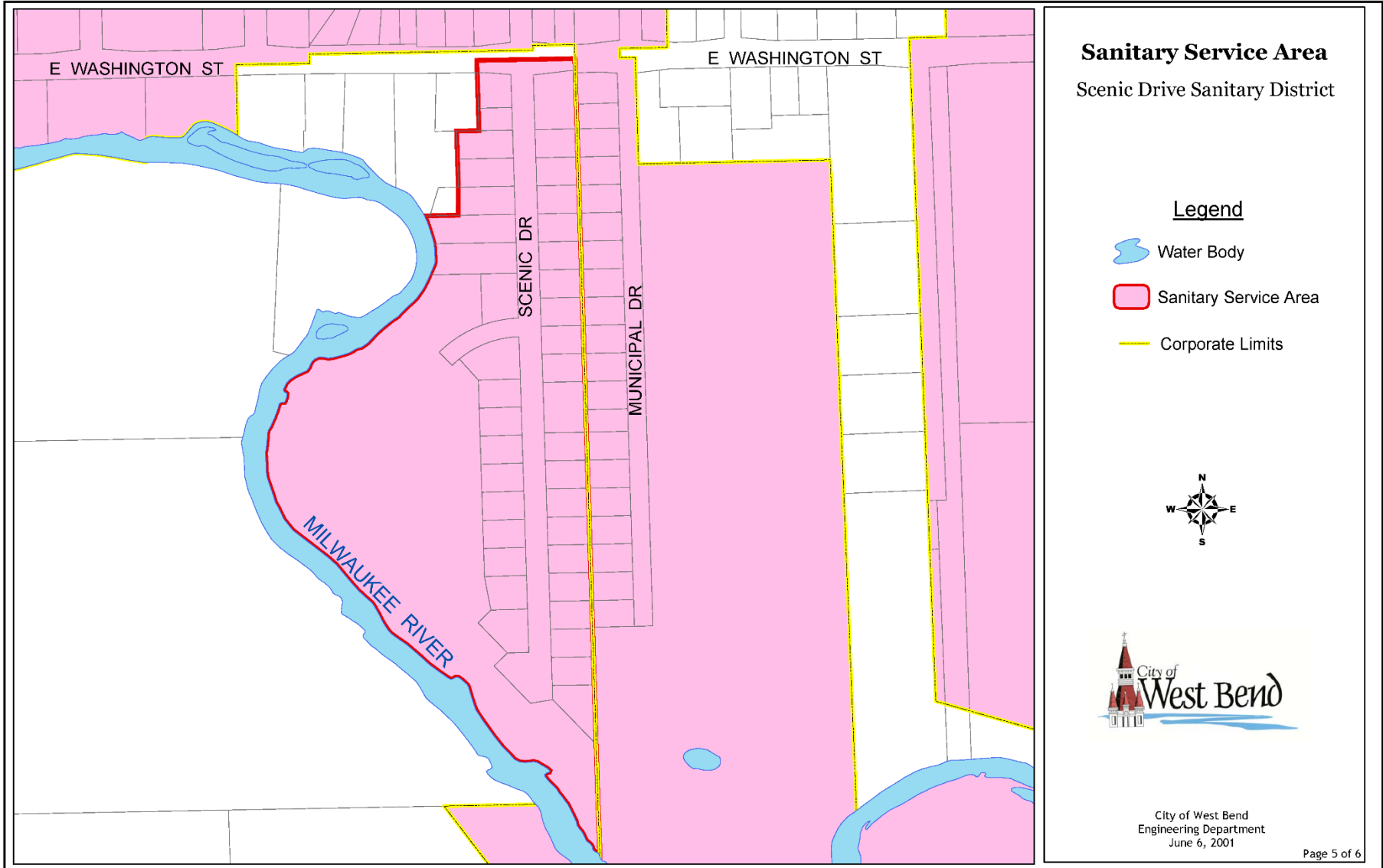
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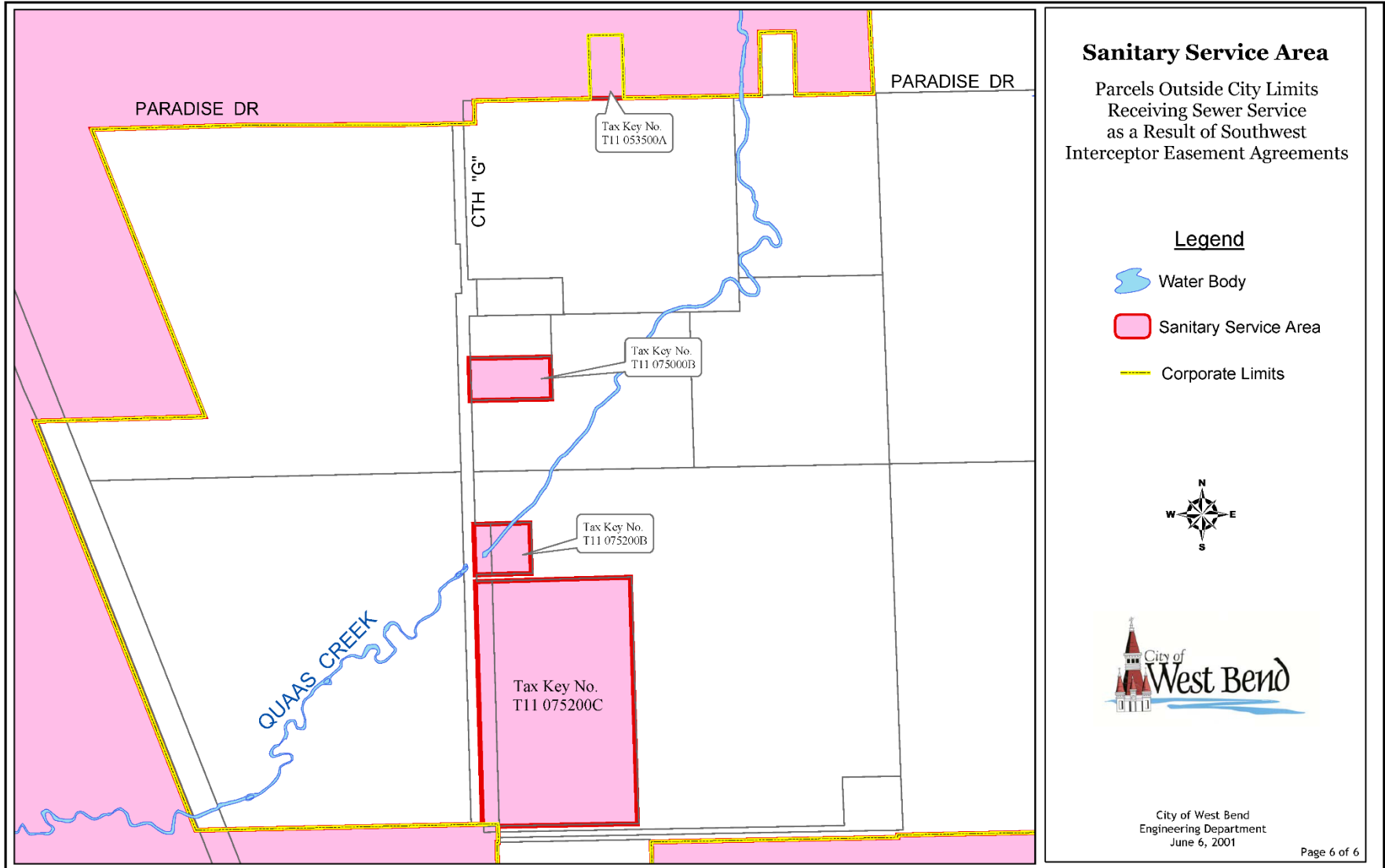
Sanitary Service Area Map – Wallace Lake Sanitary District



Sanitary Service Area Map – Scenic Drive Sanitary District



Sanitary Service Area Map – Parcels Outside City Limits



SUBCHAPTER II: WEST BEND WATER UTILITY

13.04 RULES AND REGULATIONS.

(1) GENERAL. The rules and regulations governing the operation of the West Bend Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.

(2) OPERATING RULES.

(a) All persons now receiving water service from the Utility or who may hereafter make application therefor shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission.

(b) The applicable provisions of Wis. Adm. Code PSC 185 relating to water service are hereby adopted by reference and made a part of these rules as if set forth in full. A violation of such rules shall constitute a violation of this subchapter.

13.05 INSTALLATION OF WATER MAINS. Except as provided in ch. 18 of this Code, the City shall install all water mains and levy a special assessment pursuant to §§66.0701 and 66.0703, Wis. Stats., upon all property benefiting from such water main extensions and the proportionate cost of any oversized water mains for the total amount of such improvements benefiting such property.

13.06 PLUMBING PERMIT REQUIRED. No person shall hook up to the City water system until a plumbing permit is obtained. See ch. 15 of this Code.

13.07 SEPARATE CONNECTION REQUIRED. Each lot or parcel of land served by the Utility shall have a separate and independent water service from the public main.

13.08 CONNECTION; ABANDONMENT OF PRIVATE SYSTEMS: CROSS CONNECTIONS.

(1) CONNECTIONS REQUIRED. Buildings used for human habitation which are located adjacent to a public water main or in a block through which a public water main extends shall be connected to the public water system. This section is adopted pursuant to the authority of §281.45, Wis. Stats., and if the property owner fails to connect to the public water main within the time prescribed, he shall be required to do so in accordance with procedures set forth in said §281.45

(2) PRIVATE WELL ABANDONMENT

MUNICIPAL UTILITIES (WEST BEND WATER UTILITY) 13.08 (2) (a)

(a) Definitions. As used in this subsection,

1. "Municipal Water system" means the community water system owned by the City.

2. "Non-complying" means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

3. "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

4. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of s. NR 812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

5. "Unused" means a well or pump installation which is not used or does not have a functional pumping system.

6. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater.

7. "Well Abandonment" means the filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

(b) Abandonment Required. All wells on premises served by the municipal water system shall be abandoned in accordance with the terms of this section and ch. NR 812, Wisconsin Administrative Code, by September 30, 1996, or no later than 1 year from the date of connection to the municipal water system, whichever occurs later, unless a well operation permit has been obtained by the well owner from the Water Utility Manager.

(c) Well Operation Permit. The Water Utility Manager shall grant permit to a well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. The Water Utility Manager, or his agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Water Utility Manager. The following conditions must be met for issuance or renewal of a well operation permit:

1. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified to comply with NR812, subch. IV, Wisconsin Administrative Code, prior to issuing the initial permit and no less than every 10 years thereafter.

MUNICIPAL UTILITIES (WEST BEND WATER UTILITY) 13.08 (2) (c) (2)

2. The well and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least one (1) sample. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

3. There shall be no cross-connections between the well's pump installation and the municipal water system.

4. The proposed use of the well and pump installation can be justified reasonable in addition to water provided by the municipal water system.

5. The applicant shall pay a fee in the amount of \$50 in addition to any other expenses charged under this section.

6. The Water Utility Manager may impose other conditions as necessary to meet the purposes of this section.

(d) Abandonment Procedures.

1. All wells required to be abandoned by this section shall be abandoned according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code.

2. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

3. The owner of the well, or the owner's agent, shall notify the Water Utility Manager at least 48 hours prior to commencement of any well abandonment activities.

4. The abandonment of the well shall be observed by the Water Utility Manager or such person as he may designate.

5. A completed abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Water Utility Manager and the Department of Natural Resources within 30 days of the completion of the well abandonment.

(e) Abandonment by City. If any person fails to abandon a well as required by this section within 30 days after being given written notice of said failure, the City may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property. Notice shall be considered given upon personal service on an owner of the property or upon mailing by certified mail to the last known address of the owner of the property according to the records of the Water Utility. The remedy provided by this paragraph is in addition to, and not in lieu of, forfeitures and other penalties and remedies for failure to comply with this section.

(3) CROSS CONNECTIONS

(a) Definition. A cross connection shall be defined as any physical or potential connection or arrangement between 2 otherwise separate water systems, one of which contains potable water from the City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.

(b) Regulated. No person shall establish or permit to be established, or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Board of Public Works and by the Wisconsin Department of Natural Resources in accordance with Wis. Adm. Code NR 811.25(3).

(c) Duty to Inspect. It shall be the duty of the Board of Public Works to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Board and as approved by the Wisconsin Department of Natural Resources.

(d) Entry for Inspection. Upon presentation of credentials, the representative of the Board of Public Works shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under §66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(e) Disconnection of Water Service. The Manager of the Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in par. (f) below. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this subsection.

(f) Emergency Disconnection. If it is determined by the Manager of the Water Utility that any cross connection constitutes an emergency endangering public health, safety or welfare and thereby requires immediate action, a written finding to that effect shall be filed with the City Clerk and delivered to the customer's premises, and service shall be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

(g) State Code Adopted by Reference. The City adopts by reference the State Plumbing Code of Wisconsin, Wis. Adm. Code Comm 82.

13.09 RESTRICTED USE OF WATER DURING EMERGENCIES.

(1) **AUTHORITY.** The Board of Public Works or the Manager of the City Water Utility is hereby authorized to declare a water emergency whenever, in the opinion of said issuing authority, conditions exist which make it necessary in the interest of the public health, safety or welfare to conserve or otherwise restrict the use of water supplied by the City.

(2) **DECLARATION OF EMERGENCY.** Notice of a water emergency shall be proclaimed by the issuing authority through one or more news mediums likely to give notice in the area affected. Once an emergency has been declared, said emergency and any rules or regulations issued in conjunction therewith shall continue to exist until such time as terminated by either issuing authority in the same manner as initially proclaimed.

(3) **COMPLIANCE WITH RULES AND REGULATIONS REQUIRED.** It shall be unlawful for any person to use or allow water to be used in any fashion contrary to the rules and regulations issued under this section.

13.10 PENALTY. Any person violating any provision of this subchapter or rule or regulation adopted or issued pursuant to this subchapter shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

SUBCHAPTER III: WEST BEND SEWER UTILITY

13.11 NECESSITY FOR SEWER CHARGES. It is hereby determined and declared to be necessary and conducive for the protection of the health, safety and welfare of the public to levy and collect sewer charges or rentals upon all lots, lands and premises served or benefited by the sanitary sewerage system which shall include all construction for the collection, transportation, pumping, treatment and final disposition of sewage and consisting generally of pipes, conduits, manholes, sewer mains, intercepting sewers, pumps and facilities for the treatment and disposal of raw sewerage where such facilities are operated directly by the City or are provided under statutory or contractual provision, and the furnishing of such facilities create or impose costs or charges upon the City for the services afforded by such facilities.

13.12 SEWER UTILITY ACCOUNT. The funds received from the sewerage service charges authorized by sec. 13.11 above shall be deposited at regular intervals in a depository to be designated by the Council and shall be credited to a sewer utility account, which account shall show all the receipts and expenditures of this sewage system as provided in sec. 13.11 above. When appropriated by the Council, the credit of said account shall be available for payment of the requirements of operation and

maintenance, repairs, debt services, and depreciation of the sewerage system. Any surplus in said account shall be available for the payment of principal and interest on bonds issued and outstanding or which may be issued, to provide funds for said sewerage system or part thereof, and all or part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Council may by resolution pledge said surplus or any part thereof for such purposes. The Council may appropriate money from the general fund to cover any deficiency in the sewer utility account.

13.13 DEFINITIONS. The following terms are defined as indicated:

(1) APPROVING AUTHORITY. The City Administrator, Sewer Utility Manager or other designated official of the City, or a duly authorized deputy, agent or representative.

(2) BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20° Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

(3) BMP (BEST MANAGEMENT PRACTICE). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 13.26 (3) and (4) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Where such BMPs are developed by the City as an alternative to specific pollutant limitations in sec. 13.26 (4) of this ordinance, they shall be considered pretreatment standards for the purposes of s. 283.21 (2), Wis. Stats.

(4) BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

(5) BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal. Also called house connection.

(6) BYPASS. The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

(7) CATEGORY A. Those sanitary sewer users who discharge normal domestic strength wastewater.

(8) CATEGORY B. Those sanitary sewer users who discharge wastewater with concentrations in excess of those established for normal domestic strength wastewater. Users whose wastewater exceeds the concentration for any one of the parameters shall be in Category B.

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(9) CHLORINE REQUIREMENT. The amount of chlorine in mg/1 which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

(10) CITY. The City of West Bend or the City's delegated representative.

(11) COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

(12) COMPATIBLE POLLUTANTS. Biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

(13) EASEMENT. An acquired legal right for the specified use of land owned by others.

(14) FLOATABLE OIL. Oil, fat or grease in such physical state that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

(15) GARBAGE. The residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

(16) GRANTEE. The City of West Bend.

(17) GROUND GARBAGE. The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

(18) INCOMPATIBLE POLLUTANTS. Wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

(19) INDUSTRIAL WASTE. The wastewater from industrial process, trade or business as distinct from sanitary sewage.

(20) INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the POTW's

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WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the provisions of Chapters 283 and 289 of the Wisconsin Statutes or regulations or permits issued there under.

(21) MAJOR CONTRIBUTING INDUSTRY. An industry that

(a) Has a flow of 50,000 gallons (6,685 cubic feet) or more per average work day, or

(b) Has a flow greater than 5% of the flow carried by the wastewater collection and treatment facilities receiving the waste, or

(c) Has a material in its discharge included on a list of toxic pollutants issued under §283.21 (1), Wis. Stats., or

(d) Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

(22) MUNICIPALITY. The City of West Bend.

(23) NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or ground waters.

(24) NITROGEN. Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.

(25) NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater with concentrations of BOD no greater than 250 mg/1, suspended solids no greater than 330 mg/1, phosphorus no greater than 20 mg/1, and nitrogen no greater than 15 mg/1.

(26) OPERATION AND MAINTENANCE COSTS. All costs associated with the operation and maintenance of the wastewater collection and treatment facilities.

(27) PARTS PER MILLION. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(28) PASS THROUGH. A discharge which exits the POTW 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 POTW's WPDES permit (including an increase in the magnitude or duration of a violation).

(29) PERSON. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(30) ph. The logarithm of the reciprocal of the hydrogen-ion concentration. The

concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

(31) PHOSPHORUS. Total phosphorus and is expressed in mg/l or P (phosphorus).

(32) PUBLIC SEWER. Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

(33) REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

(34) SANITARY SEWAGE. A combination of liquid and water carried wastes discharge from toilets and/or sanitary plumbing facilities.

(35) SANITARY SEWER. A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(36) SEPTAGE. The scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank or privy. The waste from a grease trap is not septage.

(37) SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(38) SEWAGE. The spent water of a community. The preferred term is "wastewater."

(39) SEWER. A pipe or conduit that carries wastewater or drainage water.

(40) SEWER SERVICE CHARGE. A charge levied on users of the wastewater collection and treatment facilities to recover annual revenues for debt service, replacement costs and operation and maintenance expenses of said facilities. (The user charge which covers operation, maintenance and replacement expenses is a part of the sewer service charge).

(41) SIGNIFICANT INDUSTRIAL USER.

(a) Except as provided in Paragraph (b) of this section, the term significant industrial user means:

1. All industrial users subject to categorical pretreatment standards

under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contract cooling and boiler blow down wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

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

(42) SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(43) STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

(44) STORM DRAIN (STORM SEWER). A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(45) STORM WATER RUNOFF. The portion of the rainfall that is drained into the sewers.

(46) SUSPENDED SOLIDS. Total suspended matter that either float on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater," and referred to as non-filterable residue.

(47) UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(48) USER CHARGE. A charge levied on users of the wastewater collection and treatment facilities for payment of operation, maintenance and replacement costs of said

facilities.

(49) WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

(50) WASTEWATER COLLECTION FACILITIES (WASTEWATER COLLECTION SYSTEM). The structures and equipment required to collect and carry away domestic and industrial wastewater.

(51) WASTEWATER TREATMENT FACILITY. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with wastewater treatment plant.

(52) WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

(53) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT. A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. WI-0025763-5 and modifications thereof pertain to the City's wastewater treatment facility.

13.14 ABBREVIATIONS. The following abbreviations shall have the designated meanings:

- (1) BOD. Biochemical Oxygen Demand.
- (2) CFR. Code of Federal Regulations. (40 CFR, Part 403 is Title 40 of the Code of Federal Regulations, Part 403).
- (3) COD. Chemical Oxygen Demand.
- (4) EPA. Environmental Protection Agency.
- (5) l. Liter.
- (6) mg. Milligrams.
- (7) mg/l. Milligrams per liter.
- (8) POTW. Publicly Owned Treatment Works.
- (9) SIC. Standard Industrial Classification.
- (10) SWDA. Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

- (11) TSS. Total Suspended Solids.
- (12) USC. United States Code.
- (13) WPDES. Wisconsin Pollutant Discharge Elimination System.

13.15 USE OF THE PUBLIC SEWERS.

(1) **SANITARY SEWERS.** No person shall discharge, or cause to be discharged, any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Approving Authority.

(2) **STORM SEWERS.** Storm water, other than that exempted under sub. (1) above, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, together with any required State approvals, to a storm sewer or natural outlet

(a) In addition to the prohibitions and limitations under sub. (3) below, no person may make illicit discharges into the storm sewer system.

(b) For the purposes of this section, “illicit discharge” shall be defined as it is in NR 216.002(11) of the Wisconsin Administrative Code, as amended from time to time.

(3) **PROHIBITIONS AND LIMITATIONS.** Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas. Included are waste streams with a closed cup flashpoint of less than 140° Fahrenheit.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, that may cause acute worker health and safety problems, injury, or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

(c) 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 wastewater collection and treatment facilities.

(d) Any waters or wastes having a pH in excess of 10.0.

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(e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(f) The following described substances, materials, waters or waste shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in this subchapter if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharge to the sanitary sewers which shall not be violated without approval of the Approving Authority are as follows:

1. Wastewater having a temperature higher than 150° F. (65° Celsius).
2. Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin in concentrations exceeding 100 mg/1 or in amounts that cause interference or pass through.
3. Wastewater from industrial plants containing floatable oils, fat or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purposes of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc and other toxic and non-conventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by Federal, State or local pretreatment standards and requirements, as may be specified from time to time.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance

with applicable State or Federal regulations.

8. Quantities of flow, concentrations, or both, which constitute a "slug" as defined herein.

9. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

11. Materials which exert or cause the following:

a. Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

b. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

c. 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 sulfate.

d. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

12. Pollutants in excess of the allowed limits as determined by City, State and Federal rules and regulations in reference to pretreatment standards developed by the EPA, 40 CFR 403.

13. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(g) The City shall comply with all the requirements of WPDES permit No. WI-0025763-5 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the modifications thereof.

(h) No discharge shall be allowed into the sanitary sewers from a property that is in violation of the requirements of Comm. 82.34 of the Wisconsin Administrative Code.

(4) SPECIAL ARRANGEMENTS. No statement contained in this section shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth in this subchapter are recognized and adhered to.

(5) NEW CONNECTIONS. New connections to the City's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

13.16 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.

(1) SUBMISSION OF BASIC DATE. Within 3 months after passage of this subchapter, each person who discharges industrial wastes to a public sewer shall prepare and file, with the Approving Authority, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. The Approving Authority may require that this date be provided annually at a time specified by the Approving Authority. The following forms or the information needed to complete them will be accepted:

Annual NR 101 "Effluent Reporting Form"
Form 3400-28 "Industrial Waste Contribution to Municipal System"

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. The preceding is required to comply with WPDES permit No. WI-0025763-5.

(2) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by sub. (1) above, a request for extension of time may be presented to the Approving Authority for consideration.

(3) INDUSTRIAL DISCHARGES. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in sec. 13.15 of this subchapter, and which, in the judgment of the Approving Authority, have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

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- (a) Reject the wastes, and/or
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of sec. 13.15(4) of this subchapter.

(4) CONTROL MANHOLES.

(a) Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

(b) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

(c) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

(5) MEASUREMENT OF FLOW. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Utility except as noted in subs. (6) and (7) below.

(6) PROVISIONS OF DEDUCTIONS. In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the Approving Authority that more than 20% of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the Approving Authority and such person.

(7) METERING OF WASTE. Devices for measuring the volume of waste discharge may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

(8) WASTE SAMPLING.

(a) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

(b) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

(c) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(9) PRETREATMENT. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, or necessary to comply with Federal, State or local pretreatment standards and requirements, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.

(10) GREASE AND/OR SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in sec. 13.15(3)(f) of this subchapter, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable DNR practice.

(11) ANALYSES.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling

methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(b) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges. The monitoring and analyses, as herein provided, shall also be binding in determining if the person discharging the waste, or his agent, is in compliance with pretreatment standards and requirements as specified by Federal, State or local authorities.

(12) SUBMISSION OF INFORMATION. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

13.17 BASIS FOR SEWER SERVICE CHARGES.

(1) SEWER USERS SERVED BY WATER UTILITY WATER METERS. There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the Water Utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

(2) SEWER USERS SERVED BY PRIVATE WELLS.

(a) If any person discharging sewage into the public sanitary sewer system procures any part or all of his water from sources other than the Water Utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, water meters will not be required. The water meters shall be furnished by the Water Utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

(b) The user shall be responsible for the purchase of a water meter that meets the specifications of the Water Utility. The Water Utility will maintain, repair and test the meter. Costs attributable to the meter maintenance, repair and testing will be assessed to the user.

(3) DEDUCT METERS.

(a) If a user feels that a significant amount of metered water does not reach the sanitary sewer, he can, at his own expense, through the Approving Authority, install a second water meter or an additional metered service that would monitor this flow. Charges for sewer use would be made based on the difference between the 2 meter readings if only a

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second meter is installed, and on actual water metered for sewer use if an additional metered service is installed.

(b) Requests for second meter or metered service must be made in writing to the Approving Authority.

(c) The Approving Authority may make exceptions to the requirements of deduct meters for residential users if the amount of City water used and not discharged to the sanitary sewer can be estimated by the Approving Authority.

(d) A quarterly meter charge will be charged to users who install a deduct meter in accordance with the following schedule:

<u>Meter Size</u>	<u>Demand Ratio</u>	<u>Cust. Charge +</u>	<u>Demand Charge =</u>	<u>Qtrly Meter Charge</u>
5/8"	1.0	\$1.52	\$ 3.58	\$ 5.10
3/4"	1.5	\$1.52	\$ 5.37	\$ 6.89
1"	2.5	\$1.52	\$ 8.96	\$ 10.48
1-1/4"	3.7	\$1.52	\$ 13.26	\$ 14.78
1-1/2"	5.0	\$1.52	\$ 17.91	\$ 19.43
2"	8.0	\$1.52	\$ 28.66	\$ 30.18
3"	15.0	\$1.52	\$ 53.74	\$ 55.26
4"	25.0	\$1.52	\$ 89.57	\$ 91.09
6"	50.0	\$1.52	\$179.15	\$180.67

13.18 SEWER SERVICE CHARGES

(1) UNIT COSTS. The unit costs for the sewer service charge are as follows:

	<u>Operation Maintenance and Replacement</u>	<u>Capital</u>	<u>Total</u>
<u>Fixed Charge:</u>			
5/8"	\$ 8.53/quarter	\$ 6.97/quarter	\$ 15.50/quarter
3/4"	11.17/quarter	9.13/quarter	20.30/quarter
1"	16.45/quarter	13.45/quarter	29.90/quarter
1-1/4"	22.77/quarter	18.63/quarter	41.40/quarter
1-1/2"	29.59/quarter	24.21/quarter	53.80/quarter
2"	45.43/quarter	37.17/quarter	82.60/quarter
3"	82.39/quarter	67.41/quarter	149.80/quarter
4"	135.14/quarter	110.56/quarter	245.70/quarter
6"	267.08/quarter	218.52/quarter	485.60/quarter
<u>Volume Charge: (Am. Ord #19 – 1/20/2025)</u>			
	\$1.83/100 cu. ft.	\$2.21/100 cu. ft	\$4.04/100 cu.ft.

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Loading Charge: (Am. Ord #19 – 1/20/2025)

BOD	\$0.30/lb.	\$0.26/lb.	\$0.56/lb.
Suspended Solids	0.19/lb.	0.14/lb.	0.33/lb.
Phosphorus	3.02/lb.	0.93/lb.	3.95/lb.
Nitrogen	1.85/lb.	2.32/lb.	4.17/lb.

(2) CATEGORY A CHARGES. The sewer service charges for Category A wastewater shall consist of a fixed charge and a volume charge as follows:

(a) Fixed Charge

<u>Meter Size</u>	<u>Quarterly Charge</u>
Unmetered	\$ 7.75
5/8"	\$ 15.50
3/4"	\$ 20.30
1"	\$ 29.90
1-1/4"	\$ 41.40
1-1/2"	\$ 53.80
2"	\$ 82.60
3"	\$149.80
4"	\$245.70
6"	\$485.60

(b) Volume Charge (Am. Ord #19 – 1/20/2025). The charge per 100 cubic feet of wastewater is \$4.04 for all users.

(3) CATEGORY B CHARGES (Am. Ord #19 – 1/20/2025). The sewer service charge for Category B wastewater shall consist of the charges set forth in sub. (2) above plus loading charges as follows:

BOD greater than 250 mg/l	\$0.56/lb.
Suspended Solids greater than 330 mg/l	0.33/lb.
Phosphorus greater than 7 mg/l	3.95/lb.
Nitrogen greater than 15 mg/l	4.17/lb.

The sewer service charges for a Category B user are calculated as follows:

$$C = F + (V \times C_V) + .00624 V [(B \times C_B) + (S \times C_S) + (P \times C_P) + (N \times C_N)]$$

C = Charge to sewer user for collection and treatment of wastewater

F = Fixed charge per billing period

B = Concentration of BOD in mg/l in the wastewater (concentration minus 250 mg/l equals B)

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S = Concentration of suspended solids in mg/l in the wastewater (concentration minus 330 mg/l equals S)

P = Concentration of phosphorus in mg/l in the wastewater (concentration minus 7 mg/l equals P)

N = Concentration of nitrogen in mg/l in the wastewater (concentration minus 15 mg/l equals N)

V = Wastewater volume in 100 cubic feet for the billing period

C_V = Cost per 100 cubic feet

C_B = Cost per pound of BOD

C_S = Cost per pound of suspended solids

C_P = Cost per pound of phosphorus

C_N = Cost per pound of nitrogen

.00624 = Conversion factor

(4) REASSIGNMENT OF SEWER USERS. The Approving Authority shall reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(5) OPERATION, MAINTENANCE AND REPLACEMENT FUND ACCOUNTS.

(a) The annual replacement revenues shall be maintained in a separate account to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for these uses only with the approval of the Approving Authority.

(b) All revenues collected for the replacement funds and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(6) DISPOSAL OF SEPTAGE.

(a) No person in the business of gathering and disposing of septage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Approving Authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$50 per calendar year. The time and place of disposal will be designated

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by the Approving Authority. The Approving Authority may impose such conditions as it deems necessary on any permit granted.

(b) Any person disposing of septage agrees to carry public liability insurance in an amount not less than \$100,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure of an act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.

(c) All materials deposited into the treatment system shall be of domestic origin, or compatible pollutants only, and the person depositing them agrees that he will comply with the provisions of any and all applicable ordinances of the City and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand or other solid material to pass into any part of the wastewater collection and treatment facilities.

(d) The charges for septage or other wastewater deposited at the treatment plant without using the City's conveyance system shall be as follows:

1. Administrative charges shall be determined and adjusted quarterly by the Sewer Utility Business Manager to recover all costs related to accepting, treating and billing for such wastewater not included in 1 and 2 above. Administrative charges may be different for different types or classes of wastewater.

(e) The charge for domestic septage shall be the administrative charge plus a volume charge. The volume charge shall be adjusted quarterly by the Sewer Utility Business Manager using the average strength of septage deposited during the most recent quarter and applying the volume and loading charges in (d).

(f) Persons depositing industrial waste shall pay the volume and loading charges under (d) above for each load plus the administrative charge.

13.19 BILLING PRACTICE.

(1) **CALCULATION OF SEWER SERVICE CHARGES.** Sewer service charges that shall be assessed to City sewer users shall be computed by the City according to the rates and formula presented in sec. 13.18 of this subchapter.

(2) **SEWER SERVICE CHARGE BILLING PERIOD.** Sewer service charges shall be billed by the City to the sewer users on a quarterly basis.

(3) **PAYMENT OF SEWER SERVICE CHARGES.** Those persons billed by the City for sewer service charges shall pay such charges within 20 days after the billing date at the City Treasurer's office.

(4) **PENALTIES.** Such sewer service charges as may be levied by the City against the sewer users in accordance with this subchapter shall be a debt due to the City and shall

be a lien upon the property. If this debt is not paid within 20 days after it shall be due, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. (See sec. 13.02 of this chapter)

(5) CHANGE OF OWNERSHIP OR OCCUPANCY. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

13.20 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.

(1) RIGHT OF ENTRY. The Approving Authority or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this subchapter and §200.11, Wis. Stats. The Approving Authority, or other duly authorized employees of the City, shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or wastewater treatment facilities.

(2) SAFETY. While performing the necessary work on private premises referred to in sub. (1) above, the duly authorized City employees shall observe all safety rules applicable to the premises established by the person; and the City shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by City employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in sec. 13.16(4) of this subchapter.

(3) IDENTIFICATION, RIGHT TO ENTER EASEMENTS. The Approving Authority, or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of this duly negotiated easement.

13.21 SEWER CONSTRUCTION AND CONNECTIONS.

(1) WORK AUTHORIZED. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Office of Building Inspection. (See also secs. 8.04 and 8.10 of this Code.)

(2) COST AND OWNERSHIP OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The property owner shall be the owner of the sewer lateral.

(3) USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the office of Building Inspection, to meet all requirements for this subchapter.

(4) MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all confirm to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(5) BUILDING SEWER GRADE. 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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(6) STORM AND GROUNDWATER DRAINS.

(a) No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

(b) All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Office of Building Inspection. Exceptions to the above shall be made by the Office of Building Inspection.

(7) CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the City Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Office of Building Inspection before installation.

(8) INSPECTION OF CONNECTION. The applicant for a building sewer permit shall notify the Office of Building Inspection when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Office of Building Inspection.

13.22 VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES.

(1) VIOLATIONS. Violation of any provisions of this subchapter or any other rules or order lawfully promulgated by the Board of Public Works is declared to be a public nuisance.

(2) ENFORCEMENT. The Approving Authority shall enforce those provisions of this subchapter that come within the jurisdiction of his office and he shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the Approving Authority shall have inspected, or caused to be inspected, the premises where the nuisance is alleged to exist and shall have satisfied himself that a nuisance does, in fact, exist.

(3) SUMMARY ABATEMENT AND ABATEMENT AFTER NOTICE. See sec. 10.06 of this Code.

(4) COST OF ABATEMENT. See sec. 10.06(5) of this Code.

(5) CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the 10 day notice to abate a nuisance as provided in sec. 10.06(3) of this Code shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

(6) LIABILITY TO CITY FOR LOSSES.

(a) Any person violating any provisions of this subchapter shall become liable to the City for any expense, loss or damage occasioned by reason of such violation which the City may suffer as a result thereof.

(b) The Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

13.23 APPEAL PROCEDURE.

(1) Any user, permit applicant or permit holder affected by any decisions, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this subchapter or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration of the user, permit applicant or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within 10 days after notification of the action, file a written appeal with the Board of Public Works.

(2) A fee of \$10 shall accompany any appeal to the Board of Public Works for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

(3) The written appeal shall be heard by the Board of Public Works within 45 days from the date of filing. The Board of Public Works shall make a final ruling on the appeal within 60 days from the date of filing.

13.24 ANNUAL AUDIT. The City shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the sewer service charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses, replacement costs and/or debt service costs.

13.25 WASTEWATER CONTROL, GENERAL PROVISIONS.

(1) **PURPOSE AND POLICY.** Sections 13.25 to 13.29 of this subchapter set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City and enable the City to comply with applicable State and Federal laws required by the Clean Water Act of 1977 (Public Laws 95-217) and the General Pretreatment Regulations (40 CFR, Part 403).

(2) **OBJECTIVES.** The objectives of secs. 13.25 to 13.29 of this subchapter are to:

(a) Prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.

(b) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.

(c) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(d) Provide for equitable distribution of the operation and maintenance cost of the City's implementations of the industrial pretreatment program.

(e) Provide for the regulation of direct or indirect contributors to the City wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorize monitoring and enforcement activities, require user reporting, assume that existing customer's capacity will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(f) Apply to the City and to persons outside the City who are, by contract or any other agreement with the City, users of the City POTW. Except as otherwise provided herein, the Approving Authority of the City POTW shall administer, implement and enforce the provisions of these sections.

MUNICIPAL UTILITIES (WEST BEND SEWER UTILITY) 13.25 (3)

(3) **DEFINITIONS.** Unless the text specifically indicates otherwise, the following terms and phrases, as used in secs. 13.25 to 13.29 of this subchapter, shall have the meanings hereinafter designated. (See sec. 13.13 of this subchapter for additional definitions.)

(a) Accidental Discharge. Accidental or unintentional discharge of wastewater from an industrial user which contains indirect discharge, pollutants or sludges which are not normally discharged by the industrial user. An accidental discharge may also be unintentional slug loading of wastes normally discharged by the industrial user which causes the industrial user to exceed its wastewater discharge permit limitations.

(b) Act or The Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(c) Authorized Representative of Industrial User. An authorized representative of an industrial user may be:

1. If the User is a Corporation:

a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

MUNICIPAL UTILITIES (WEST BEND SEWER UTILITY) 13.25 (3) (d)

(d) Categorical Standards or Categorical Pretreatment Standards. National categorical pretreatment standards or pretreatment standards.

(e) Chemical Oxygen Demand. The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in mg/l as determined in accordance with standard laboratory procedure as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(f) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

(g) Direct Discharge. The discharge of treated or untreated wastewater directly to the water of the State.

(h) Director. The chief administrative officer of the Wisconsin Department of Natural Resources.

(i) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation of the administrator or other duly authorized official of said agency.

(j) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(k) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

(l) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Sec. 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(m) Industrial User. A source of indirect discharge.

(n) National Categorical Pretreatment Standards or Pretreatment Standards. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sec. 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(o) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of Sec. 307(b) of the Act and 40 CFR, Part 403.5

(p) New Source. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act (33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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1. The building, structure, facility or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(q) Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(r) Pollutant. Any dredged spoil, solid waste, incinerator, residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.

(s) 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 such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR, Part 403.6(d).

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

(u) Publicly Owner Treatment Works (POTW). A treatment works as defined by Sec. 212 of the Act, (33 U.S.C. 1292) which is owned by a state or the City. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewerage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. For the purpose of secs. 13.25 to 13.29 of this subchapter, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or any other agreement with the City, users of the City POTW.

(v) POTW Treatment Plant. That portion of the POTW designed to provide treatment of wastewater.

(w) Qualified Professional. Any person who is recognized in the field of wastewater treatment as a professional by others in the field.

MUNICIPAL UTILITIES (WEST BEND SEWER UTILITY) 13.25 (3) (x)

(x) State. State of Wisconsin.

(y) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(z) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Act or other acts.

(aa) User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

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

(cc) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterway, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of any portion thereof.

13.26 REGULATIONS.

(1) GENERAL DISCHARGE PROHIBITIONS.

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standard or any other national, state or local pretreatment standards or requirements. A user may not contribute any of the substances listed in sec. 13.15(3) of this subchapter or the following substances to any POTW:

1. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Sec. 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

2. Any wastewater which in coordination with other wastewater will cause the temperature of the raw wastewater entering the wastewater treatment plant to exceed 104°F (40°C).

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(b) When the Approving Authority determines that a user is contributing to the POTW, any of the above enumerated substances or substances listed in sec. 13.15(3) of this subchapter in such amounts as to interfere with the operation of the POTW, the Approving Authority shall:

1. Advise the user of the impact of the contribution on the POTW.
2. Develop effluent limitations for such user to correct the interference with the POTW.

(2) NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this section for sources in that subcategory, shall immediately supersede the limitations imposed under this section. The Approving Authority shall notify all affected users of the applicable reporting requirements under 40 CFR, Part 403.12.

(3) MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by categorical pretreatment standards, the City may apply to the Director for modification of specific limits in the categorical pretreatment standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of a pollutant in the influent to a POTW to a less toxic or harmless state in the effluent which is achieved by that POTW. The City may modify pollutant discharge limits in the categorical pretreatment standards if the requirements contained in 40 CFR, Part 403.7, are fulfilled and prior approval from the Director is obtained.

(4) SPECIFIC POLLUTANT LIMITATIONS. No person shall discharge wastewater containing in excess any of the following:

<u>PARAMETER</u>	<u>CONCENTRATION LIMIT (mg/L)</u>
Arsenic	0.14
Cadmium	0.69
Chromium	2.77
Copper	3.38
Cyanide	1.20
Lead	0.69
Mercury	0.0002
Nickel	3.98
Silver	5.00
Zinc	2.61

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(5) **STATE REQUIREMENTS.** 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 section.

(6) **BEST MANAGEMENT PRACTICES.** The City may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 13.26 (1) and (4).

(7) **CITY'S RIGHT OF REVISIONS.** The City reserves the right to establish, by ordinance, more stringent limitations or requirements on discharges to the POTW, if deemed necessary.

(8) **EXCESSIVE DISCHARGE.** No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or State. (Comment: Blending may be an acceptable means of complying with some of the prohibitions set forth in sec. 13.15(3) of this subchapter, e.g., the pH prohibition.) The City may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements.

(9) ACCIDENTAL DISCHARGES.

(a) Each user shall have a procedure to prevent accidental discharge of prohibited materials or other substances regulated by the subchapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own expense.

(b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may become aware of the existence of or cause such a dangerous discharge to occur, or who may suffer from such a discharge, are advised of the emergency notification procedure.

(10) SAMPLES.

(a) Except as indicated in Section (b) below, the User must collect wastewater samples using 24 hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the City. Where time proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as

documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The City may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through grab sampling where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(11) CHANGE IN DISCHARGE. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.

(12) REGULATIONS All newly installed and replacement water softeners for residences and commercial and industrial businesses shall be high efficiency demand initiated regeneration (DIR) type softeners installed in accordance with Comm. 82.40(8) (j) of the Wisconsin Administrative Code.

13.27 INDUSTRIAL MONITORING CHARGE.

(1) PURPOSE. It is the purpose of this section to provide for the recovery of costs for the implementation of the program established herein. 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 Approving Authority and approved by the Council.

(2) CHARGES AND FEES. The City may adopt charges and fees which may include the following:

(a) Permit Fee. A permit fee shall be assessed to any industrial user which is required to obtain a wastewater discharge permit according to sec. 13.28 of this subchapter based on the following schedule:

Permit issuance	\$510 each
Permit re-issuance	\$250 each

(b) Sampling and Laboratory Analysis Charge. The City shall retain a commercial laboratory to conduct the sampling of industries and perform analysis of these industrial effluent samples for specific pollutants. The City shall assess the industrial users a sampling charge and a laboratory analysis charge to recover the commercial laboratory's expenses for sampling and analyzing the industrial wastewater samples for specific pollutants. The charges will be determined by the commercial laboratory retained by the City to perform the analysis and will be charged in addition to other fees.

(c) Additional Costs. Additional costs shall be charged to industrial users on case by case basis for consistent removal by the City of pollutants otherwise subject to categorical pretreatment standards.

(d) The fees and charges set forth in this subsection relate solely to the matters covered by sec. 13.25 to 13.29 of this subchapter and are separate from and in addition to (not in lieu of) all other fees chargeable by the City.

13.28 WASTEWATER DISCHARGE PERMITS.

(1)

(a) General Permits. All existing industrial users who discharge toxic pollutants, potentially discharge toxic pollutants or who have the potential of upsetting the POTW shall obtain a wastewater discharge permit as required by this section. All new industrial users proposing to connect to or to contribute to the POTW wastewater containing toxic pollutants or potentially containing toxic pollutants, or wastewater that may potentially upset the POTW shall obtain a wastewater discharge permit before connection to or contributing to the POTW. All significant industrial users shall obtain a wastewater discharge permit. The City will notify the industrial user of its designation or de-designation as a significant industrial user within 30 days of approval by the DNR.

(b) Permit Application. Users required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City and accompanied by a permit fee as specified in sec. 13.27(2) of this subchapter. Existing users shall submit a permit application for a wastewater discharge permit within 90 days after the effective date of secs. 13.25 to 13.29 of this subchapter and proposed new users shall submit a permit application at least 90 days prior to connecting to or contributing to the POTW. Existing industrial users who will be required to be permitted according to sub. (1)(a) above 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 can be submitted with the permit application to provide some of the data required for the permit application. Measurement of pollutants for baseline monitoring shall comply with 40 CFR 403.12(b)5. New users shall submit estimates for those required items where actual data is not yet available. The permit application shall be signed by an authorized representative of the industrial users, and certified to by a qualified professional. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name and address, and location if different from the address, including names of operator and owners.
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
3. Wastewater constituents and characteristics including, but not limited to, those mentioned in sec. 13.26 of this subchapter as determined by a reliable

analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Sec. 304(h) of the Act and contained in 40 CFR, Part 136, as amended.

4. Time and duration of wastewater contribution.

5. Average daily and 30-minute peak wastewater flow rates including daily, monthly, and seasonal variations, if any, for all significant industrial users. These measurements shall be from each of the following: a. regulated process streams and b. other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

6. Site plans showing sewer connections and appurtenances by size and location.

7. General description of activities, facilities and plant processes on the premises including all materials which are or could be discharged. This description should include a schematic process diagram which indicates points of discharge to the POTW from regulated processes.

8. The nature and concentration of any pollutants in the discharge which are limited by any City, State or national categorical pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable categorical pretreatment standards.

9. If additional pretreatment and/or operation and maintenance will be required to meet the categorical pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable categorical pretreatment standards, e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc. No increment shall exceed 9 months.

b. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Approving Authority including, at a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Approving Authority.

10. Hours of operation of plant and proposed or actual hours of operation of pretreatment system. The City shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided herein.

11. The user shall submit a list of any environmental control permits held by the facility.

12. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 13.28 (2) (b) 3 [40 CFR 403.12(e)(2)].

13. Any grant of the monitoring waiver by the Sewer Utility Manager (Section 13.28 (2) (b) 3 must be included as a condition in the User's permit or other control mechanism.

(c) Permit Modifications. Within 270 days of the promulgation of national categorical pretreatment standards, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards.

In addition, the user with an existing wastewater discharge permit shall submit to the Approving Authority within 180 days after the promulgation of an applicable national categorical pretreatment standards the information required by sub. (1)(b)8. and 9. above. Where a user, subject to national categorical pretreatment standards, has not previously submitted an application for a wastewater discharge permit as required by sub. (1)(b) above, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standards.

The wastewater discharge permits shall be issued to the users within 90 days after the receipt of the wastewater discharge permit application.

(d) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

1. The schedule of charges and fees as listed in sec. 13.27(2) of this subchapter for the wastewater to be discharged to the POTW.

2. Limits on the average and maximum wastewater constituents and characteristics.

3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

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4. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
5. Requirements for installation and maintenance of inspection and sampling facilities.
6. Requirements for installation and maintenance of pretreatment facilities.
7. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
8. Compliance schedules.
9. Requirements for submission of technical reports or discharge reports (see sub. (2) below).
10. Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
11. Requirement for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto.
12. Requirements for notification of slug discharges per sec. 13.29(1) of this subchapter.
13. Requirements for immediate notification of any changes at a facility affecting the potential for slug discharges per sec. 13.29(1) of this subchapter.
14. Requirements to control Slug Discharge, if determined by the Sewer Utility Manager to be necessary.
15. Other conditions as deemed appropriate by the City to ensure compliance with this subchapter.

(e) Permits Duration. Permits shall be issued for a 4 year period. The user shall apply for permit re-issuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements identified in sec. 13.26 of this subchapter are modified or as other just causes exist. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or

transferred or sold to a new owner, new user, different premises or a new or changed operation without prior written approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Appeals Procedure. A discharger desiring to appeal to the Board of Public Works regarding the wastewater discharge permit shall file petition for appeal with the Board of Public Works not more than 20 days after the discharger received the wastewater discharge permit or modification thereof. If the discharger does not file petition for appeal within said time, the wastewater discharge permit is final.

(h) Mass Based Limits. Pretreatment standards will be expressed as either concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard, or as otherwise specified by the standard.

1. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limitations expressed as either mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

2. If applied, the City shall calculate mass-per-day limitations by multiplying the limits in the Standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial user's actual long term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected projection.

3. The City shall calculate equivalent concentration limitations under subparagraph 1 of this paragraph by dividing the mass limitations derived under subparagraph 2 of this paragraph by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long term average flow rate, such as the average daily flow rate during the representative year.

4. Equivalent limitations calculated in accordance with subparagraphs 2 and 3 of this paragraph shall be deemed pre-treatment standards for the purposes of Section 307(d) of the Act and this chapter. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

5. Where categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or 4-day average limitations, the same production or flow figure shall be used in calculating both types of equivalent limitations.

6. Any industrial user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits calculated from a production based

standard shall notify the City within 2 business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its wastewater discharge permit that were based on the original estimate of the long term average production rate.

7. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Sewer Utility Manager. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections a. 1. through c. 3. below.

a. To be eligible for equivalent mass limits, the Industrial User must:

1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

3. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

5. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

3. Continue to record the facility's production rates and notify the City whenever production rates are expected to vary by more than 20

percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Sewer Utility Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs a. 1. of this Section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the Sewer Utility Manager:

1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

3. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with 13.29 (8) (c) regarding the prohibition of bypass.

8. The Sewer Utility Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Sewer Utility Manager.

(2) REPORTING REQUIREMENTS FOR PERMITTEE.

(a) Compliance Date Report. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the POTW, a flow and pollutant measurement as described in 40 CFR 403.12(b) 4-6. For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other 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 user's actual production during the appropriate sampling period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention

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alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) Periodic Compliance Reports (Rep. & Recr. Ord. #2854 – 12/24/2019).

1. Any user subject to a pretreatment standard after the compliance date of such categorical pretreatment standards or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the City during the months of June and December of each year unless directed otherwise by its permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. All applicable BMP documentation must be included in this report. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the sole discretion of the City and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted. These statements shall be signed by an authorized representative of the user and certified to by a qualified professional.

2. Significant industrial users not subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I subchapter N shall submit to the City during the months of June and December of each year, a description of the nature, concentration, and flow of the pollutants required to be reported by the City. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other persons, approved by the Administrator. This sampling and analysis may be performed by the City in lieu of the non-categorical significant industrial user. Where the City itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.

3. The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

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(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual general wastewater discharge permit. See Section 13.28 (2) (b) 3.

(c) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver must be signed in accordance with Section 13.25 (3) c, and include the certification statement in 13.28 (3) (b) (40 CFR 403.6(a) (2) (ii)).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the Sewer Utility Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Sewer Utility Manager for 3 years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the User's permit by the Sewer Utility Manger, the Industrial User must certify on each report with the statement in Section 13.28 (3) (b) below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of 13.28 (2) (b) 1, or other more frequent monitoring requirements imposed by the Sewer Utility Manger, and notify the Sewer Utility Manger.

(i) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

4. The City may reduce the requirement for periodic compliance reports [see 13.28 (2) (b) (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA/State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

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(a) 0.01 percent of the POTW's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.

(b) 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and

(c) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with 13.26 (4) of this ordinance. Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in 13.29 (7) of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Sewer Utility Manager, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

(d) The industrial user shall notify the City immediately of any changes at its facility causing it to no longer meet conditions of subd. a. or b. Upon notification, the industrial user shall immediately begin complying with the minimum reporting requirements in par. (2)(a); and

(e) The City shall retain documentation to support the determination that a specific industrial user qualifies for reduced reporting requirements under this paragraph for a period of 3 years after the expiration of the term of the control mechanism.

5. The City may impose mass limitations on users who are suspected of using dilution to meet applicable categorical pretreatment standards or pretreatment requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) above shall indicate the mass of pollutants regulated by categorical pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the City, of pollutants contained therein which are limited by the applicable categorical pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All sampling and analyses shall be performed in accordance with techniques prescribed in 40 CFR Part 136 and amendments thereto or with another test procedures approved by the Administrator. (Comment: Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977," and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator).

6. For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in sec. 13.28(1)(h), the

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report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual average production rate for the reporting period.

7. If the industrial user subject to reporting requirements in this section monitors any pollutant using approved methods more frequently than required by the City, the results of the monitoring shall be in the report.

8. The City shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(3) Certification Statements.

a. Permit applications, compliance reports, initial monitoring waiver requests, as well as baseline monitoring reports, shall include the following certification statement signed by an Authorized Representative as defined in Section 13.25 (3) (c):

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

b Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 13.28 (2) (b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.28 (2) (b).

c. If an authorization under 13.25(3) c. is no longer accurate because a different individual or position has responsibility for overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of 13.25(3) c. must be submitted to the City prior to or together with any reports to be signed by the authorized representative.

(4) PRETREATMENT

(a) Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate sub-part of 40 CFR chapter I, sub-chapter N. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in Section 13.25(3). New sources shall install, have in operating condition, and "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources shall meet all applicable pretreatment standards.

(b) Any facilities required to pre-treat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility and/or expense of modifying the facility as necessary to produce an effluent acceptable to the City 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. All records relating to compliance with categorical pretreatment standards shall be made available to officials of the EPA or Director upon request

(c) The City shall randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The City shall inspect and sample the effluent from each significant industrial user at least once a year and evaluate whether each significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to March 3, 2014, this evaluation shall have been conducted by February 1, 2015. Additional significant industrial users shall be evaluated within 1 year of being designated as significant industrial users... For purposes of this paragraph, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the Wisconsin DNR upon request. If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a prohibition under Section 13.15(3), with procedures for follow-up written notification within 5 days;

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4. If 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(5) CONFIDENTIAL INFORMATION.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public and governmental agencies without restriction unless the user specifically request and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this subchapter, the WPDES permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a notification of 5 working days is given to the user.

(6) SLUDGES GENERATED. Sludges, floats, skimmings, etc. generated by an industrial or commercial pretreatment system shall not be placed into the City POTW. Such sludges shall be contained, transported and disposed of by haulers in accordance with all Federal, State and local regulations.

(7) RECORDS RETENTION. All dischargers subject to this sub- chapter shall maintain records of all monitoring activities and results, and documentation associated with Best Management Practices established under Section 13.26 (6) (whether or not such monitoring is required under this subchapter) for a minimum of 3 years. This period of retention shall be extended during the course of an unresolved litigation or when requested by the City, the EPA or the State. Such records shall include for all samples, the following:

(a) The date, exact place, method and time of sampling and the names of the person taking the samples.

(b) The dates the analyses were performed.

(c) Who performed the analyses.

- (d) The analytical techniques/methods used.
- (e) The results of such analyses.

(8) The reports required by this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The City shall require the frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

13.29 ENFORCEMENT.

(1) SLUG OR ACCIDENTAL DISCHARGES

(a) Users shall notify the City immediately upon having a slug or accidental discharge of substances or wastewater in violation of this subchapter in order to enable countermeasures to be taken by the City to minimize damage to the POTW and the receiving waters. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The City may choose to immediately take action pursuant to sub. (5) below.

(b) Within 5 days following an accidental discharge, the user shall submit to the Approving Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or other applicable law. After receipt and review of written report, the City may choose to take no further action or to take action in accordance with sub. (3) below and/or sub. (4) and/or sub. (5) below.

(c) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a slug or accidental discharge.

(2) REVOCATION OF WASTEWATER DISCHARGE PERMIT.

(a) Any user who violates any of the following conditions, conditions of this subchapter or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of sub. (3) and (4) below.

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.

2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.

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3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

4. Violation of conditions of the permit.

5. Is found tampering or to have tampered with sampling or flow measurement equipment, samples and/or analyses being conducted by or at the direction of the City.

(b) The City may also suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its WPDES permit.

(c) Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the user to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

(3) NOTIFICATION OF VIOLATION. Whenever the City finds that any user has violated or is violating this chapter, wastewater discharge permit or any prohibition, limitation or requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user. If the plan is satisfactory to the Approving Authority and the user fully complies with the plan, the City may not take further action against the user. If the user does not fully comply with the plan, the City may take action in accordance with sub. (5) below.

(4) SHOW CAUSE HEARING.

(a) Notice of the Hearing. The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Public Works why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Public Works regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Board of Public Works why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. The notice of the hearing may be served on any agent or officer of a corporation.

(b) Hearing Official. The Board of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

1. Issue in the name of the Board of Public Works notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

2. Take the evidence.

3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Public Works for action thereon.

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

(d) Issuance of Orders. After the Board of Public Works has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, that sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. If the user violates an order, the City may take action in accordance with sub. (5) below.

(5) LEGAL ACTION. If any user discharges sewage, industrial wastes or other wastes into the City's POTW contrary to the provisions of this subchapter, Federal or State pretreatment requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court. The City may take further action pursuant to sub. (2) above and/or sec. 13.30 of this subchapter.

(6) OPERATING UPSETS. Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this subchapter or a wastewater discharge permit issued pursuant hereto shall inform the Approving Authority thereof within 24 hours of first awareness of the commencement of the upset. The City may choose to immediately take action pursuant to sub.(5) above. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Approving Authority within 5 days. The report shall specify the following:

(a) Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.

(b) Duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance continues, the time by which compliance is

reasonably expected to occur. The discharger shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Sewer Utility Manager within 30 days after becoming aware of the upset. The discharger does not need to re-sample if: 1. the City performs sampling of the discharger at a frequency of at least once per month; 2. the City performs sampling of the discharger between the time when the discharger performs its initial sampling and the time when the discharger receives the results of the sampling; or 3. if the City has performed the sampling and analysis in lieu of the Industrial User unless it notifies the user of the violation and requires the user to perform the repeat analysis.

(c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance. A documented and verified bonafide operating upset shall not be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this subchapter or any wastewater discharge permit issued pursuant hereto which arises out of violations alleged to have occurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any forfeitures, civil penalties or other liability which may be imposed by this subchapter or other applicable law. After receipt and review of written report, the City may choose to take no further action or to take action in accordance with sub. (3) and/or sub. (4) and/or sub. (5) above.

(7) ANNUAL PUBLICATION. A list of the users which were in significant noncompliance with applicable pretreatment requirements during the previous 12 months shall be published annually in a newspaper of general circulation that provides meaningful public notice in the area served by the POTW. Significant noncompliance means a violation or violations meeting one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6-month period exceed (by any magnitude) any numeric pretreatment standard or requirement including an instantaneous limit for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6-month period equaled or exceeded the product of the numeric pretreatment standard or requirement including an instantaneous 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), or exceeded a pH limit by 0.4 standard pH units.

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference, pass through, or endangerment of the health of POTW personnel or the general public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 13.29 to halt or prevent such a discharge.

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(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 45 days after the due date, any required report containing all required monitoring results and other information, such as base line monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of required best management practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(8) BYPASS.

(a) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this subsection.

(b) Notice.

1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Sewer Utility Manager at least 10 days before the date of the bypass, if possible.

2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Approving Authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(c) Prohibition of Bypass.

1. Bypass that results in a violation of any pretreatment standard or requirement is prohibited, and the City may take enforcement action against an industrial user for a bypass, unless;

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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b. No feasible alternatives to the bypass existed, 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 that occurred during normal periods of equipment downtime or preventive maintenance; and

c. The industrial user submitted notices as required under paragraph (b) of this subsection.

2. The Approving Authority may approve an anticipated bypass, after considering its adverse effects, if the Approving Authority determines that it will meet the three conditions listed in paragraph (c) 1 of this section.

(9) HAZARDOUS WASTE DISCHARGE.

(a) The industrial user shall notify, in writing, the City, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid Waste Management authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under state or federal law. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimate of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this subsection. Industrial users who commence discharging after the effective date of this subsection shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 13.26(10). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(b) Dischargers are exempt from the requirements of paragraph (a) of this subsection during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Region V Waste Management Division Director, and DNR Bureau of Solid Waste Management of the discharge of the substance within 90 days of the effective date of the new regulations.

(d) In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce to the extent economically practical the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

13.30 PENALTIES.

(1) CIVIL PENALTIES. Any user who is found to have violated an order of the Board of Public Works or who willfully or negligently failed to comply with any provision of this subchapter and orders, rules, regulations and permits issued hereunder shall be subject to a forfeiture of not less than \$200 nor more than \$1,000 for each offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this subchapter or the orders, rules, regulations and permits issued hereunder. In default of payment of such forfeiture and costs, said violator may be imprisoned for a period not to exceed 90 days.

(2) COST 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 City POTW 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. Any refusal to pay the assessed costs shall constitute a violation of this subchapter.

(3) 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, sample or method required under this subchapter shall, upon conviction, forfeit not less than \$200 nor more than \$1,000. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this subchapter or the orders, rules, regulations and permits issued hereunder. In default of payment of such costs, said violator may be imprisoned for a period not to exceed 90 days.