

City of Waukesha, Wisconsin

Ordinance No. 1-18

**An Ordinance Repealing and Replacing Chapter 29 of the Waukesha Municipal Code,
Regarding Sanitary Sewer Use and Wastewater Treatment**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Chapter 29 of the Waukesha Municipal Code is repealed and replaced in its entirety with the attached revised Chapter 29, consisting of 73 pages.

Section 2. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall be effective immediately upon its publication.

Passed the 20th day of March, 2018.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk

29.01 Abbreviations and Definitions.

- (a) Abbreviations used in this Chapter, or used in decisions, orders, permits, regulations and rules issued pursuant to this Chapter, have the following meanings:
- (1) BMP – Best Management Practice
 - (2) BMR – Baseline Monitoring Report
 - (3) BOD – Biochemical Oxygen Demand
 - (4) CFR – Code of Federal Regulations
 - (5) CMOM – Capacity Management Operation and Maintenance Program
 - (6) EPA – U.S. Environmental Protection Agency
 - (7) I/I – Infiltration/Inflow
 - (8) IU – Industrial User
 - (9) NAICS – North American Industry Classification System
 - (10) POTW – Publicly Owned Treatment Works
 - (11) SIU – Significant Industrial User.
 - (12) TKN – Total Kjeldahl Nitrogen
 - (13) TSS – Total Suspended Solids
 - (14) USC – United States Code
 - (15) WDNR – Wisconsin Department of Natural Resources
 - (16) WMC – Waukesha Municipal Code
 - (17) WPDES – Wisconsin Pollutant Discharge Elimination System
- (b) Capitalized Terms used in this Chapter, or used in decisions, orders, permits, regulations and rules issued pursuant to this Chapter, have the following meanings:
- (1) **Accidental Discharge.** Unintentional Discharges resulting from Spills, mechanical malfunctions, human error, and other unplanned Discharges which are not part of the normal operating procedures.
 - (2) **Act.** The Clean Water Act, as amended, 33 USC §1251 et seq.

- (3) **Authorized Representative.** A Person eligible to sign and certify reports and submittals required by this Chapter, or to act on behalf of their Facility regarding matters of compliance with this Chapter. An Authorized Representative shall meet the following criteria:
- (A) If the User is a corporation, the following are considered Authorized Representatives.
 - (B) A president, secretary, treasurer, vice president in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation;
 - (C) The manager of one or more manufacturing Facilities provided the manager is authorized to make decisions which govern the operation of the Facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the preparation and submittal of reports, and where authority to sign documents has been delegated to the manager according to the corporation's procedures;
 - (D) A representative of a Person described in subsection (b)(3)(B) or (b)(3)(C) if the representative has been authorized according to par. (b)(3)(F).
 - (E) A general partner or proprietor, if the Industrial User is a partnership or proprietorship, respectively; or
 - (F) A representative to whom authority has been delegated, if such representative is responsible for (i) the overall operation of the Facility from which the Discharge into the System originates, or (ii) the overall environmental matters for the Facility, such as a corporate environmental officer. Initially and as circumstances change, a written delegation of authority shall be submitted to the Control Authority.
- (4) **Baseline Monitoring Report (BMR).** A report prepared by an Industrial User containing the information required by 40 CFR §403.12, Wis. Admin. Code NR 211.15(1), and this Chapter, used to establish the Discharge status and classification of the User's Facility.
- (5) **Batch Discharge.** A planned, sporadic, non-continuous Discharge.
- (6) **Best Management Practices (BMP).** Maintenance or operating procedures, schedules of activities, prohibited practices, treatment requirements, or other management practices implemented to comply with

this Chapter, and to control site runoff, Spillage or leaks, Sludge or Waste disposal, or Drainage from raw materials storage areas.

- (7) **Biochemical Oxygen Demand, BOD.** The quantity of organic matter oxidized in 5 days at 20°C, expressed in Milligrams Per Liter. Quantitative determination of BOD shall be made in accordance with procedures as prescribed in 40 CFR Part 136 or such other methods as EPA may approve.
- (8) **Biosolids.** A solid by-product of Wastewater treatment removed from Wastewater at the Plant and applied on WDNR-approved land-spreading sites.
- (9) **Brine.** A heavily-saturated salt solution containing chloride.
- (10) **Bypass.** The intentional diversion of Wastewater from any portion of an Industrial User's treatment Facility.
- (11) **Capacity Management Operation and Maintenance Program (CMOM).** A program required by the EPA and WDNR that the City has developed for the purpose of properly maintaining, operating and managing the City's Sanitary Sewer System.
- (12) **Categorical.** A User or Process Wastewater that is subject to a Federal Categorical Pretreatment Standard.
- (13) **Chemical Toilet.** Any portable or permanently-installed sanitation apparatus or System which utilizes a tank for toilet Waste retention and into which a Chemical Toilet Additive is added.
- (14) **Chemical Toilet Additive.** Any chemical substance, biological agent, or other material or formulation thereof, which is employed for the primary purpose of controlling Waste decomposition and odors in a Chemical Toilet, Holding Tank or any tank in which Chemical Toilet Wastes are held, collected or transported. The term "Chemical Toilet Additive" includes, but is not limited to, a chemical substance, biological agent or other material which is a deodorant, bactericide, bacteriostat, microbicide, chemical reactant, surfactant or enzymatic agent.
- (15) **Chlorine Requirement.** The amount of chlorine in Milligrams Per liter which shall be added to Wastewater to produce a specified residual chlorine content in accordance with procedures set forth in 40 CFR Part 136 or equivalent methods approved by EPA.
- (16) **City.** The City of Waukesha, or its authorized agents.

- (17) **Class 1 User.** A User who Discharges Wastewater with concentrations of BOD, TSS, Phosphorus, and TKN at or below the strength of Domestic Wastewater.
- (18) **Class 2 User.** A User who Discharges Wastewater with concentrations of BOD, TSS, Phosphorus, and TKN greater than Domestic Wastewater.
- (19) **Clear Water.** Wastewater other than Groundwater or Stormwater, having minimal Pollutants, including but not limited to Noncontact Cooling Water and condensate.
- (20) **Collection System.** The City's Sanitary Sewer System, including Sanitary Sewers, force mains, pump stations, manholes, and associated equipment.
- (21) **Common Council.** The City of Waukesha Common Council.
- (22) **Connection.** Each physical Connection to the public sewer, including any Private Sewer System that connects to the public sewer.
- (23) **Connection Charge.** A one-time fee for each new Connection to the System.
- (24) **Consistent Removal.** A reduction achieved by the Plant in the amount of a Pollutant or alteration of the nature of a Pollutant in the influent to the Plant to a less toxic or harmless state in the Effluent in samples collected and measured according to the procedures set forth in 40 CFR §403.7.
- (25) **Contaminate (Sludge).** To cause Sludge to become toxic or to otherwise interfere with the City's sludge or Biosolids management program. The term includes prevention of Sludge or Biosolids use or disposal by the City in accordance with §405 of the Act or any criteria, guidelines, or regulations developed pursuant to the Toxic Substances Control Act (TSCA), Resource Conservation and Recovery Act (RCRA), or more stringent State criteria (including those contained in any State Sludge or Biosolids management plan prepared pursuant to Title IV of RCRA) applicable to the methods of disposal or use employed by the City.
- (26) **Control Authority.** The City of Waukesha Department of Public Works.
- (27) **Cooling Water, Non-Contact.** Water used for cooling that does not directly contact any raw material, intermediate product, Waste product, or finished product.
- (28) **Costs, Capital.** The cost of acquiring, purchasing, leasing, planning, designing, constructing, extending and improving all or any part of the sewerage System and paying principal, interest or premiums on any indebtedness incurred for these purposes.

- (29) **Costs, Operation and Maintenance.** All Costs associated with the Operation and Maintenance of the Wastewater System, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of the Wastewater System.
- (30) **Department.** The City of Waukesha Department of Public Works.
- (31) **Director.** The City of Waukesha Director of Public Works.
- (32) **Discharge.** The intentional or accidental depositing of any solid, liquid, or gaseous substance into the System or into a Natural Outlet. Also refers to the actual substance so deposited.
- (33) **Disposer.** A Person engaged in servicing or hauling septage or other Hauled Waste and possessing a license issued under §281.48(3)(a), Wis. Stats.
- (34) **Drain, Building.** Horizontal piping within or under a building, installed below the lowest fixture or the lowest floor level from which fixtures can drain by gravity to the Building Sewer.
- (35) **Drain, Storm.** An entry point into a Storm Sewer.
- (36) **Effluent.** Liquid Discharged from a Wastewater treatment Facility, process, Pretreatment System, or Permitted Industrial User's Facility.
- (37) **Enforcement Response Guidance Plan.** The City of Waukesha Enforcement Response Guidance Plan published and amended from time to time by the Control Authority.
- (38) **Environmental Protection Agency, EPA.** The United States Environmental Protection Agency.
- (39) **Existing Source.** Any building, structure, Facility, or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced prior to the publication of proposed Pretreatment standards under §307(c) of the Act which shall be applicable to such source.
- (40) **Facility or Facilities.** An Industrial User's place of business, Wastewater Pretreatment System; or access points, structures and equipment used for Monitoring.
- (41) **Federal Categorical Pretreatment Standards.** Any regulation containing Pollutant Discharge limits applying to a specific category of Industrial Users, promulgated by the EPA in accordance with §307(b) and (c) of the Act.

- (42) **Fixed Charge.** A fixed amount, independent of volume of Wastewater, included in each sewer bill to cover administrative costs and the costs of treating Wastewater that is not attributable to individual Users, such as Infiltration of Groundwater.
- (43) **Flow Composite Sample, FC.** A combination of individual samples of equal volume taken at equal increments of flow without consideration of the time between individual samples.
- (44) **Garbage.** Solid food Wastes from the Domestic and Commercial preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.
- (45) **Generator.** Any Person or User whose act or process produces Waste.
- (46) **Grab Sample.** A sample taken on a one-time basis without consideration for flow or time.
- (47) **Groundwater.** Water naturally present underground.
- (48) **Hauled Waste.** Wastewater or other Waste Discharged to the System from a tank truck or other conveyance.
- (49) **Hazardous Material, Hazardous Waste.** Any material meeting the definition of Hazardous Waste as specified in 40 CFR 261 Subpart C.
- (50) **Holding Tank.** A watertight receptacle for the collection and holding of Wastewater.
- (51) **Indirect Discharge.** Any Discharge treated by the POTW rather than Discharged directly to a Natural Outlet.
- (52) **Industrial User Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment standards at the Industrial User's Pretreatment Facility, because of factors beyond the reasonable control of the User. An Industrial User Upset does not include noncompliance to the extent caused by operational error, improperly-designed treatment Facilities, inadequate treatment Facilities, lack of preventive maintenance, or careless or improper operation.
- (53) **Infiltration.** As defined in Wis. Admin. Code NR 110.03(16), water other than Wastewater that enters a sewerage System (including sewer service Connections) from the ground through such sources as defective pipes, pipe joints, Connections, or manholes. Infiltration does not include, and is distinguished from, Inflow.
- (54) **Inflow.** As defined in NR 110.03(17), water other than Wastewater that enters a sewerage System (including sewer service Connections) from

sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross Connections between Storm Sewers and Sanitary Sewers, catch basins, cooling towers, Storm Waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.

- (55) **Injure (the System).** To damage or destroy structures, equipment, processes, or any appurtenances thereof which are part of the System; to cause a Plant Upset; to obstruct or interfere with the flow of Wastewater anywhere in the System; or to cause a violation of the City's WPDES Permit.
- (56) **Inside User.** A User whose service address is located within the corporate limits of the City of Waukesha.
- (57) **Intentional Discharge.** A willful Discharge, irrespective of whether or not the consequences of such Discharge were known or anticipated by the Discharger.
- (58) **Interference.** The inhibition or disruption of the City's Collection System, treatment process or operations by a Discharge, including a Discharge which, alone or in conjunction with the Discharge or Discharges from other sources, causes or may cause a violation, or increases the magnitude or duration of a violation, of any requirement of the City's WPDES Permit, including the impairment of the use or disposal of the Plant's Sludge or Biosolids under Wis. Admin. Code Ch. NR 204, the rendering of any products of the Plant to be unsuitable for reuse or reclamation, or limits the options for disposal of Biosolids.
- (59) **Meter Equivalent.** The equivalent water supply meter size and quantity for a property that does not have a water meter. The Meter Equivalent shall be determined by assuming the User is within the City and served by the City's Water Utility, and shall be the size and the quantity of the water meter or meters that would then serve the property. The determination of Meter Equivalent shall be made by the Control Authority.
- (60) **Monitoring.** The periodic sampling and analysis of a User's Wastewater Discharge.
- (61) **Monitoring Manhole.** A manhole provided by a User for purposes of Monitoring.
- (62) **Municipality.** Any city, village, town or county in this State.
- (63) **Natural Outlet.** Any outlet, including Storm Sewers and combined sewer overflows, into a water course, pond, ditch, lake, or other body of surface water or Groundwater.

- (64) **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 §307(c) of the Act which shall be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
- (A) The building, structure, Facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, Facility or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
 - (C) The production or Wastewater generating 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 Facility and the extent to which the new Facility is engaged in the same general type of activity as the Existing Source may be considered.
- (65) **Outside User.** A User whose service address is located outside the corporate limits of the City of Waukesha.
- (66) **Pass-Through.** A Discharge which exits the Plant into the waters of the State in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the City's WPDES Permit (including an increase in the magnitude or duration of the violation) or causes or contributes to water quality problems in the Receiving Stream.
- (67) **Pass-Through Outfall.** A point of Discharge into the Sanitary Sewer, Storm Sewer, or Natural Outlet.
- (68) **Permit.** A permit issued by the Control Authority to Waste Disposers or Industrial Users.
- (69) **Permitted User.** A User who has been issued a Hauled Waste Disposer Discharge Permit or an Industrial Wastewater Permit by the Control Authority.
- (70) **Person.** Any legal entity having capacity to act or enter into contract, including but not limited to an individual, corporation, limited-liability company, limited partnership, general partnership, municipality, government subdivision, firm, company, association, society, institution, or enterprise.

- (71) **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (72) **Phosphorus.** Total Phosphorus, expressed in mg/l of P.
- (73) **Plant.** The City of Waukesha Clean Water Plant.
- (74) **Plant Upset.** The destruction of, disruption of, or a decrease in the effectiveness and efficiency of the operation of Plant processes.
- (75) **Plumbing Inspector.** The City of Waukesha Plumbing Inspector or authorized agent.
- (76) **Point, Discharge Monitoring.** A point of Discharge into the System where samples, observations, and flow data are collected.
- (77) **Pollutant.** Any foreign material present in water, including but not limited to, dredged soil, solid Waste, incinerator residue, Garbage, wrecked or discarded equipment, rock, sand, Wastewater Sludge, munitions, chemical Wastes, biological materials, odor-producing or color-producing agents or materials, radioactive materials, heat, or Domestic, Industrial or agricultural Waste.
- (78) **Pollutant Discharge Elimination System Permit.** Wisconsin Pollutant Discharge Elimination System Permit.
- (79) **Pollutants, Conventional.** Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), total Phosphorus, and Total Kjeldahl Nitrogen (TKN).
- (80) **Pollutants, Incompatible.** Pollutants that may:
 - (A) Adversely affect or disrupt the quality of Wastewater treatment if Discharged to the Plant;
 - (B) Pass through the Plant and create water quality problems; or
 - (C) Accumulate in the Sludge and restrict options for its disposal.
- (81) **Pretreatment.** The reduction of the amount of Pollutants or the alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of, discharging or otherwise introducing such Pollutants into the System. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except by dilution.
- (82) **Pretreatment Effluent Standard or Standards.** Prohibited Discharge standards, Federal Categorical Pretreatment Standards and local limits.

- (83) **Pretreatment Requirement.** Any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Effluent Standard, imposed on an Industrial User.
- (84) **Prohibited Wastewater.** Wastewater which shall not be Discharged into the System unless and until authorized under the terms of a Permit for Wastewater Discharge issued by the Control Authority.
- (85) **Public Nuisance.** An unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health or safety of the public. The existence of a Public Nuisance is determined by several criteria which include: the location of the property; the degree or character of the injury inflicted or the right impinged upon; the reasonableness of the use of the property; the nature of the activity maintained; the proximity of dwellings to the activity; and the nature of the surrounding neighborhood or community.
- (86) **Publicly-Owned Treatment Works (POTW).** A System of conveyances and treatment for Wastewater. Also refers to the government officials responsible for operation and maintenance of the Collection System or treatment Plant and the administration of the Pretreatment program.
- (87) **RCRA.** The Resource Conservation and Recovery Act (RCRA) is the Solid Waste Disposal Act (SWDA) as amended by the currently published version of RCRA of 1976, 42 USC §6901 et seq., and supplemented by administrative rules found at 40 CFR Parts 260-265.
- (88) **Receiving Stream.** A body or bodies of water into which Plant Effluent is Discharged.
- (89) **Regulated.** For the purposes, “Regulated” shall mean a Discharge that is subject to the requirements , or any State or federal Wastewater standard.
- (90) **Replacement Fund.** Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the System to maintain the capacity and performance for which such works were designed and constructed.
- (91) **Residential Equivalent Connection (REC).** The Wastewater flow to the sewerage System equivalent to that contributed by an average residential family unit, defined as 58,500 gallons per year.
- (92) **Sample Point.** Location where samples of a User’s Wastewater Discharge are to be taken, as designated in the User’s Permit.
- (93) **Septic Tank.** A receptacle component of an onsite Wastewater treatment System which involves a soil absorption field or an alternative absorption System.

- (94) **Sewer, Building.** Building Lateral or Service Pipe; that part of the Collection System not within or under a building which conveys its Discharge to a public sewer or Private Interceptor Main Sewer.
- (95) **Sewer Discharge Meter.** A meter installed in a sewer Discharge pipe that measures the actual Wastewater Discharge volume from one or more Users.
- (96) **Sewer, Interceptor.** A sewer with the primary purpose of transporting Wastewater from collector sewers to the Plant.
- (97) **Sewer, Private.** A sewer that is not part of a municipal sewer System.
- (98) **Sewer, Private Interceptor Main.** A sewer serving 2 or more buildings and not part of a municipal sewer System.
- (99) **Sewer, Public.** A sewer owned and controlled by a public authority, including a sewer that may not have been constructed with City funds.
- (100) **Sewer, Sanitary.** A sewer designed to carry Wastewater.
- (101) **Sewer Service Area.** The area presently served or anticipated to be served by the sewerage System, as defined in the Sanitary Sewer Service Area for the City of Waukesha that is part of the Southeastern Wisconsin Regional Planning Commission Regional Water Quality Management Plan.
- (102) **Sewer, Storm.** A pipe, other than a pipe located inside a building, that carries any of the following: Stormwater, Groundwater or Clear Water.
- (103) **Sewer Utility.** The entire sewage collection and treatment system of the City of Waukesha, including the Collection System, Plant, equipment, and personnel.
- (104) **Significant Load.** A Discharge of high-strength Wastewater, or toxic or incompatible Pollutants in such volume or concentration as to cause a Plant Upset or to cause the Plant to exceed Effluent Discharge limitations.
- (105) **Significant Noncompliance.** A violation of an Industrial Wastewater Permit which meets the following criteria:
 - (A) A Significant Industrial User is in Significant Noncompliance when the Control Authority determines any of the following has occurred:
 1. There is a chronic Permit violation, defined as 66% or more of the measurements for the same Pollutant exceeded any numeric Pretreatment standard or requirement including an

instantaneous limit in a six-month period (any magnitude of exceedance);

2. There is a technical review criteria Permit violation, defined as 33% or more of the measurements for the same Pollutant equaled or exceeded the product of the numeric Pretreatment standard or requirement including an instantaneous limit multiplied by either 1.4 for BOD, Total Suspended Solids, and fats, oil, and grease; 1.2 for all other Pollutants except pH; or exceeded a pH limit by 0.4 standard units. Where a User surcharge System for conventional Pollutants is applied instead of a Discharge limit, exceedances of conventional Pollutant limits are not instances of Significant Noncompliance;
 3. Failure to meet a compliance schedule milestone within 90 days of the milestone date contained in a Permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
 4. Failure to provide, within 45 days from the due date, required reports containing all required Monitoring results and other information, such as BMRs, compliance date reports, periodic compliance reports, or reports on compliance with a compliance schedule; or
 5. Failure to accurately report noncompliance.
- (B)** A Significant or Non-Significant Industrial User is in Significant Noncompliance when the Control Authority determines any of the following has occurred:
1. The Control Authority has reason to believe that the Industrial User has caused, alone or in combination with other Discharges, Interference or Pass-Through (including endangering the health of POTW personnel or the general public);
 2. The Industrial User has Discharged a Pollutant that has caused imminent endangerment to human health/welfare or the environment or resulted in the Control Authority exercising his emergency authority to halt or prevent such a Discharge.
 3. There is any other violation or group of violations, which may include a violation of required Best Management Practices, which the Control Authority considers to be significant.

- (106) **Sludge.** The accumulated solids generated during the biological, physical or chemical treatment, coagulation or sedimentation of water or Wastewater.
- (107) **Slug.** Any non-routine, episodic Discharge, such as a Discharge resulting from a Spill or non-customary Batch Discharge.
- (108) **Source Meter.** A meter that measures the volume of water supplied to a Discharge source.
- (109) **Spill.** See Accidental Discharge.
- (110) **Standard Methods.** The examination and analytical procedures set forth in the most-recently-approved edition of “Standard Methods for the Examination of Water, Wastewater, and Industrial Wastes” published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.
- (111) **State.** The State of Wisconsin or the Wisconsin Department of Natural Resources (WDNR).
- (112) **Stormwater.** Wastewater from a precipitation event.
- (113) **Stormwater Runoff.** That portion of the rainfall or snowmelt that enters the sewers.
- (114) **System.** The City of Waukesha Wastewater Collection System and the Clean Water Plant and all appurtenances thereto. The structures, equipment, and processes required to collect, carry away, receive, and treat Wastewater and dispose of the Effluent.
- (115) **Time Composite Sample, TC.** A combination of individual samples of equal volume taken at equal intervals of time, without consideration of the volume or rate of flow.
- (116) **Total Kjeldahl Nitrogen, TKN.** The sum of organic nitrogen and ammonia in a water body, measured in Milligrams Per Liter (mg/l).
- (117) **Total Suspended Solids, TSS.** Solids that either float on the surface of or are in suspension in water, Wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or such other methods as EPA may approve.
- (118) **Total Toxic Organics, TTO.** The summation of all quantifiable values greater than 0.01 mg/l for the compounds listed in 40 CFR §433.11(e).

- (119) **Unauthorized Connection.** A Connection made without approval from the Plumbing Inspector.
- (120) **Unmetered Quarterly Flat Charge.** The volumetric charge for unmetered Users, determined on the basis of 30,000 gallons of water usage per quarter, regardless of the actual usage.
- (121) **User.** Any Person who Discharges or may Discharge Wastewater directly into the System, or discharges into Sanitary Sewers within a location outside the City where such flows Discharge into the City's Wastewater Collection System, or conveys or causes Wastewater to be conveyed by truck or other portable vessel for Discharge at the Plant or into the Collection System.
- (122) **User Charges.** A charge levied to Users to recover the component of total operation, maintenance and Capital Costs of the sewerage System which relates to Wastewater flow generated by Users of the System. The User charge shall consist of a volumetric charge in terms of dollars per thousand gallons of metered water usage.
- (123) **User Classes.** The type of customers using the System, such as Residential, Commercial, Industrial, and Public.
- (A) Residential User. A User who is an owner or occupant of an individual residence, such as a house, an apartment, or any group of rooms or a single room either occupied as living quarters or intended for occupancy.
 - (B) Non-Residential User. Industrial, Commercial and Public Users, as defined below.
 - (C) Industrial User (IU). Any Non-Residential User that generates Process Wastewater or Discharges Process Wastewater to the System.
 - (D) Significant Industrial User (SIU). A User that meets any of the following criteria:
 - 1. Is Regulated under a Federal Categorical Pretreatment Standard;
 - 2. Discharges an average of 25,000 gallons per day or more of Process Wastewater to the System;
 - 3. Contributes Process Wastewater which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Plant;

4. Has a material in its Discharge included on a list of toxic Pollutants in Wis. Admin. Code Ch. NR 215, promulgated pursuant to §283.21, Wis. Stats.;
 5. Has Wastewater with a reasonable potential as determined by the Control Authority for significant impact, either singularly or in combination with other Wastewater, on the System or the quality of the Plant's Effluent, Sludge or Biosolids;
 6. Is a centralized Waste treater; or
 7. Has a reasonable potential as determined by the Control Authority for adversely affecting the System or operation of the Plant, endangering worker safety, or violating any Pretreatment standard or requirement.
- (E) Non-Significant Industrial User. Any Industrial User that does not meet any of the criteria of a Significant Industrial User.
- (F) Non-Permitted Industrial User. A Non-Significant Industrial User that Discharges less than 1,000 gallons per day of Process Wastewater to the System.
- (G) Zero-Discharge Industrial User. A User generating Process Wastewater who would normally be subject to Categorical Pretreatment Standards under 40 CFR Chapter I, Subpart N but is not Discharging that Process Wastewater to the System. A Zero-Discharge Industrial User is subject to all applicable regulations under local, State, or federal law, and is a Significant Industrial User because it is Regulated under a Federal Categorical Pretreatment Standard.
- (H) Commercial User. Any User that is not a Residential, Industrial or Public User.
- (I) Public User. All institutions which are owned or operated by a federal, State, county, or city agency.
- (J) Waste Disposer. Any Person who hauls or Discharges Hauled Waste to the System.
- (124) **Waste.** Discarded solid or liquid material, other than refuse or solid Waste typically disposed of in a landfill.
- (125) **Waste, Domestic.** Human Waste and other Wastes related to personal or residential sanitation.

- (126) **Waste, Human.** Waste that originates from the human body.
- (127) **Wastewater.** Liquid and water-carried Wastes from Residential, Commercial, Industrial, or Public sources, together with any Groundwater, Stormwater, or Clear Water that may be present.
- (128) **Wastewater Types.** The kinds of Wastewater that may be produced by Users, including but not limited to:
- (A) **Chemical Toilet Waste.** A combination of Human Waste and chemical biological inhibitors from a Chemical Toilet.
 - (B) **Domestic Wastewater.** Wastewater that contains only Domestic Waste.
 - (C) **High-Strength (Class 2) Wastewater.** Wastewater with concentrations of BOD greater than 235 mg/l, TSS greater than 340 mg/l, Total Phosphorus greater than 8 mg/l, and TKN greater than 30 mg/l.
 - (D) **Holding Tank Wastewater.** Scum, liquid, Sludge or other Waste from a Holding Tank.
 - (E) **Industrial Wastewater.** The Wastewater from an Industrial or Commercial process or processes, trade, or business, as distinguished from Sanitary Wastewater, including Cooling Water and the Discharge from Wastewater Pretreatment Facilities.
 - (F) **Municipal Wastewater.** The spent water of a community, consisting of water-carried Wastes from Residences, Commercial buildings, Industrial or Public Facilities, or any combination thereof, together with any Groundwater, Clear Water, and Stormwater Runoff that may be present.
 - (G) **Process Wastewater.** Water which has been utilized in any industrial or commercial operation, and which, during manufacturing or processing, has come into direct contact with or resulted from the production or use of any raw material, intermediate product, finished product, by-product or Waste product.
 - (H) **Sanitary Wastewater.** A combination of liquid and water-carried Wastes originating from toilets or Sanitary plumbing fixtures.
 - (I) **Septic Tank Waste, Septage.** Scum, liquid, Sludge or other Waste from a Septic tank, soil absorption field or any component of an alternative Wastewater System, or from a vault toilet or privy. This does not include the Waste from a grease trap.

- (129) **Water, City.** Potable water supplied by the City of Waukesha Water Utility through the municipal distribution System.
- (130) **Water, Unpolluted.** Any water that does not contain Pollutants.
- (131) **Water Utility.** The Waukesha Water Utility.
- (132) **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 Plant.

29.02 Declaration of Public Utility.

The City of Waukesha Common Council declares that the Sewer Utility of the City of Waukesha is a public utility pursuant to Wis. Stats. §66.0621(1)(b). The Sewer Utility is not a public service subject to regulation by the Wisconsin Public Service Commission, except for rate review pursuant to Wis. Stats. §66.0821(5).

29.03 Applicability and Purpose.

- (a) This Chapter, and all permits, regulations, rules, decisions, rates, and orders issued pursuant to it, shall apply to:
 - (1) All Persons residing or located within the corporate limit of the City;
 - (2) All Persons that are Connected to, or Discharge into, the System, including such Persons within the City Sewer Service Area;
 - (3) All Persons that Discharge Hauled Waste into the System.

- (b) This Chapter regulates the use of public and private Sanitary Sewers and Drains and the Discharge of waters and Wastes into the City of Waukesha Sanitary Sewer System or into a System connected to the City's System. Its goal is to preserve and obtain the maximum public use of the System for Utility customers. Its objectives are to enable the City to comply with all applicable State and federal laws and administrative provisions; prevent the introduction of Clear Water into the System; prevent the introduction of Wastewater or Pollutants into the System that may interfere with its operation or use or disposal of municipal Biosolids, Pass Through the Plant inadequately treated into receiving waters, or pose a danger to Sewer Utility personnel or the public; and provide for fees and charges that will result in the equitable distribution of the Costs of Operation, Maintenance and improvement of the sewerage System. It provides for the management of the Sewer Utility, provides for Wastewater treatment service charges, sets requirements for Connections to Sanitary Sewers within the City, sets uniform requirements for Discharges into the System, provides for the issuing of Permits to certain Users, sets requirements for User reporting, provides for Monitoring, compliance and enforcement activities, and establishes administrative review and appeal procedures.

29.04 [Reserved]

29.05 Management

- (a) The Sewer Utility shall be operated and managed by the Control Authority, pursuant to the policies and procedures established by the Board of Public Works and as approved by the Common Council. All records of the Sewer Utility shall be kept by the Control Authority at the Plant or other officially-designated place.
- (b) The rules, regulations and rates hereinafter and by resolution set forth shall be considered part of the regulations applicable to every individual or entity connected to the System and all Persons discharging Wastes to the sewerage System. Such rules, regulations and rates may be changed from time to time as determined by the Control Authority and approved by the Common Council and the right is reserved to make special rates and contracts in all proper cases.
- (c) A proportionate distribution of Operation, Maintenance and Replacement Costs shall be maintained among User Classes. Users shall be notified at least annually of the Sewer service charges associated with the sewerage System.
- (d) The Sewer Utility shall have the full authority provided in Wis. Stats. §66.0821 with respect to financing methods, sewerage service charges, and other matters dealt with therein, and shall have authority to charge reasonable rates for services.

29.06 Use of Public Sewers.

- (a) **City Acceptance of Waste.** If any waters or Wastes are proposed to be Discharged to the public Sewers and are in violation of the regulations in, or outside the parameters of, WMC §29.08 the Control Authority may, in the exercise of reasonable discretion:
 - (1) Reject the Wastes;
 - (2) Require Pretreatment to comply with Pretreatment Standards;
 - (3) Control the quantities and rates of Discharge;
 - (4) Recover the increased costs of handling and treating such Wastes from the Person discharging the Wastes or
 - (5) Any combination of the preceding.

- (b) **Intermunicipal Connections.** Prior to the Connection of a Sewer Interceptor from another Municipality to the City's System, a written agreement shall be prepared by the Control Authority and approved by the Common Council. The agreement shall include procedures for notification of Connections, the means of metering and sampling the Interceptor, inspection for Unauthorized Connections, Monitoring and control of Infiltration and Inflow, prevention and abatement of negative impacts on the City's System, maintenance, System extensions, and billing. Rates, fees, and assessments shall be published and amended from time to time by the Board of Public Works, and shall reflect the Outside User Charges set forth in WMC §29.12(d), unless otherwise agreed by contract between the User and the City. All extraterritorial Users shall be subject to the requirements, including Permit requirements for Industrial Users and other Users or User Classes as determined by the Control Authority.

- (c) **Required Connections.** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public Sanitary Sewer, may be ordered by the Control Authority or Plumbing Inspector at the owner's expense to install and connect suitable toilet fixtures therein and to connect such fixtures directly with the proper public Sewer in accordance with the provisions, within 90 days after the date of the order. Such order shall be in writing and delivered personally or by First-Class US Mail, postage prepaid, to the owner or the owner's designated agent. If the owner fails to honor the order, the City shall make the Connection and charge the cost thereof against the owner, including the cost of permanent restoration of the right-of-way. The City's expense in doing so shall be a special charge against the property on which the connected building is situated.

- (d) **Permit Required.** No User shall make a Connection to the public Sewer without first obtaining a plumbing permit as required by the Waukesha Municipal Code. Any User who makes a Connection to the public Sewer without first obtaining a Permit may be assessed penalties as set forth in WMC §29.13(c) and (d). The User may also be liable for User Charges and interest thereon, for up to six years prior to the date the Control Authority became aware of the illegal Connection, as well as any costs or damages incurred by the City as a result of the illicit Connection. The amount of Sewer usage for purposes of assessing User Charges shall be determined as set forth in WMC §29.11(e) and (f).
- (e) **User Use Only.** No User shall allow other Persons to connect to or Permit other uses to be made of the sewerage System through the User's Building Sewer without approval from the Control Authority.
- (f) **No Connection of Unpolluted Water Source.** No Person shall make Connection of a source of Unpolluted Water to a Building Sewer or Building Drain which is connected directly or indirectly to a Public Sanitary Sewer.
- (g) **Prohibited Connections.**
 - (1) The Connection of an Unpolluted Water source to the Sanitary Sewer System is prohibited, excepting legal Connections of footing and foundation drains installed prior to 1954.
 - (2) When existing buildings are altered by additions that include new footing/foundation drains, existing drains shall also be properly connected to a code compliant Unpolluted Water Discharge system.
 - (3) Infiltration and Inflow and the illegal Discharge of Unpolluted Water into the Sanitary Sewer System shall be eliminated. The Control Authority shall make such inspections as are necessary to determine where illegal Unpolluted Water Connections or Infiltration and Inflow exists. Upon determining that an illegal Unpolluted Water Connection or Infiltration/Inflow exists, the Control Authority shall issue appropriate orders to abate, correct or eliminate such Connection or Infiltration and Inflow within a reasonable time, not to exceed 90 days. This order shall be sent to the User by certified mail at the address shown on the tax roll.
- (h) **Foundation Drains.**
 - (1) In any area served by Sanitary Sewers, and excepting legal Connections of footing and foundation drains installed prior to 1954, foundation Drain sump pumps shall Discharge to surface Drainage, a Storm Sewer, the waters of the State, a Stormwater detention or retention basin, or any other location that is approved by the Control Authority and is not a Sanitary Sewer or tributary to a Sanitary Sewer.

- (2) Foundation Drain sump pumps shall Discharge through a verifiable external pipe, excepting legal Connections of footing/foundation drains installed prior to 1954.
- (i) **Privately-Owned Submerged Manholes.** If a privately-owned Sanitary Sewer manhole is submerged for significant periods by Stormwater Runoff, the manhole shall have a solid and non-vented water-tight cover and the portion subject to freeze and thaw cycles shall be sealed to effectively prevent Infiltration and Inflow. The manhole frame and cover shall be secured in a manner that prevents removal.
- (j) **Draining Surface Water to Sanitary Sewers.** No public safety official, other agent of a governmental unit, or any other Person may open a Sanitary Sewer manhole cover in a flooded street or take any other action that Drains flooded areas into Sanitary Sewers.
- (k) **Alternative Disposal Prohibited.** No Person shall install or maintain any privy or privy vault, or install any Septic Tank, Holding Tank, cesspool or other structure intended to be used for the storage or disposal of Domestic Wastewater if a public Sewer is available. At the time of construction, new buildings with Building Sewers shall connect to the public sewerage System where public Sewer service is available. Within the Sewer Service Area or in any area under jurisdiction of the City, no Person shall Discharge Domestic Wastewater to any Natural Outlet.
- (l) **Responsibility for Maintenance of Private Sewers and Building Sewers.**
 - (1) All Private Sewers and Building Sewers from the point of Connection, including the connecting device, to the public Sewer main, including those located in the public right-of-way or easements and all fixtures throughout the premises served, shall be maintained in compliance with this Chapter and other Chapters of the Waukesha Municipal Code by, and at the expense of, the owner of the property served. No claim shall be made against the City or its agents or employees by reasons of the breaking, clogging, stoppage or freezing of any Building Sewer, nor from any damage arising from repairing mains, making Connections or extensions or any other work that may be deemed necessary by the Control Authority absent of gross negligence of the City, its agents or employees. The Control Authority may cut off the service at any time for the purpose of repairs or any other necessary purpose, any Permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the Sewer service within an area of the City, the Control Authority shall, if practicable, give notice to each affected User.
 - (2) Upon notification to the User(s) by the Control Authority of maintenance problems which require correction, the specified corrective actions shall be performed by the User(s) within a reasonable time frame as determined

by the Control Authority. The City shall be authorized to perform corrective actions identified in the notification if the required corrections are not made by the User(s) within the specified time period. The costs and expenses of such corrective actions shall be entered on the tax roll as a special charge against the User(s), and collected with any other taxes levied thereon for the year in which the work is completed.

- (3) Privately-owned Collection System components shall be considered jointly and equally owned by all Users connected to the affected private System for the purposes of corrective actions and emergency repairs conducted by the City.

(m) Emergency Repairs, Right of Entry, Inspection and Safety.

- (1) **Emergency Repairs.** The City shall be authorized to perform emergency repairs to Private Sewers. The costs and expenses of such repairs shall be entered on the tax roll as a special charge against the User(s), and collected with any other taxes levied thereon for the year in which the work is completed.

- (2) **Right of Entry.** Employees of the Department bearing Department-issued credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation and testing, all in accordance with the provisions and §196.171, Wis. Stats. Should the owner or occupant of the premises refuse voluntary access to the premises, the Control Authority is authorized to seek a special inspection warrant under Wis. Stats. §66.0119.

- (3) **Inspection.** The Control Authority may inspect the Building Sewer, Building Drain, or plumbing fixtures of any User as necessary to determine compliance with the requirements. The User shall allow the Control Authority reasonable access to enter upon the premises for the purposes of inspection, testing, sampling, or records examination.

- (4) **Safety.** While performing the necessary work on private premises referred to in this Chapter, the duly-authorized City employees shall observe all reasonable safety rules applicable to the premises established by the User.

- (n) **Damage or Tampering with the System.** No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the System. Any Persons violating this provision shall be subject to the penalties imposed in the Enforcement Response Guidance Plan as well as any applicable civil penalties or actions.

- (o) **Falsification of Information and Records.** No Person shall knowingly make any false statement, representation, record, report, plan or other document filed

with the Control Authority. Any Person who violates this provision shall be subject to the penalties imposed in the Enforcement Response Guidance Plan as well as any applicable civil penalties or actions.

- (p) **Appeals.** Appeals of decisions of the Control Authority under this section may be made to the Administrative Review Appeals Board, pursuant to WMC §2.11. Appeals under this chapter are not subject to Chapter 68 of the Wisconsin Statutes.

29.07 Building Sewer and Private Sewer Construction

- (a) **Excavations.** No Person shall uncover any public Sewer or appurtenance thereto without first obtaining a written Permit from the Control Authority. Excavation requirements in any easement area or public right-of-way shall be as specified by the Control Authority, and shall include permanent restoration of the easement area or right-of-way.
- (b) **Cost of Sewer Connection.** All costs and expenses of the installation and Connection of the Building Sewer shall be paid 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.
- (c) **Re-Use of Existing Building Sewers.** Existing Building Sewers may be reused in connection with new buildings only when they are determined by the Department to be constructed of PVC, HDPE, or other material acceptable to the Department, and are in a condition acceptable to the Department.
- (d) **Conformity with Plumbing Code.** The size, slope, alignment, and materials of construction of the Building Sewer; the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench; and the Connection of the Building Sewer to the System shall all conform to the requirements of the State and Municipal Plumbing Code and other applicable rules and regulations of the City. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.
- (e) **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 Wastewater carried by such Building Drain shall be lifted by a means approved by the Plumbing Inspector and Discharged to the Building Sewer.
- (f) **Inspection of Connection.** The applicant for the Building Sewer Permit shall notify the Plumbing Inspector when the Building Sewer is ready for inspection and Connection to the Public Sewer. The Connection shall be made under the supervision of the Plumbing Inspector.

29.08 Discharge Regulations.

- (a) **General Prohibitions.** These general prohibitions apply to all Users of the System whether or not the User is subject to Federal Categorical Pretreatment Standards or any other federal, State, or local Pretreatment Standards or requirements.
- (1) **Interference or Pass-Through.** No User shall Discharge, or cause to be contributed, directly or indirectly, to the System, any Pollutant or Wastewater which will cause Interference or Pass-Through.
 - (2) **Unpolluted Water.** No Person shall Discharge, or cause to be Discharged, any Stormwater, Groundwater, Clear Water, Inflow, Infiltration or other Unpolluted Water to any Sanitary Sewer. Polluted Stormwater, Groundwater, or Clear Water may be Discharged to the Sanitary Sewer only by permission of the Control Authority. Unpolluted Water, other than that exempted under WMC §29.06(g)(1) and (h)(1), shall be Discharged, on approval of the State, to a Storm Sewer or Natural Outlet.
 - (3) **Wastes with Potential to Cause Violation of WPDES Permit.** No Person shall Discharge any Waste, Wastewater, Incompatible Pollutant or Significant Load which could cause the Plant to be in violation of any of the requirements of the WPDES Permit.
 - (4) **Wastewater Exceeding Available Capacity.** No Person shall connect to or Discharge to the Collection System unless there is adequate capacity available in all downstream components of the sewerage System, as determined by the Control Authority.
 - (5) **Storage of Prohibited Wastes.** Waters or Wastes prohibited by this Section shall not be processed or stored in any way that might allow their Discharge to the System.
- (b) **Prohibited Pollutants.** Except as hereinafter provided, no Person shall Discharge, or cause to be Discharged, any of the following described waters or Wastes to the System:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to the System or its operation. Substances exhibiting ignitability are prohibited. Ignitability means the quality of a substance with a closed-cup flashpoint of less than 140°F (60°C) as determined using the test methods specified in 40 CFR §261.21.

- (2) Wastewater with heat in amounts which will inhibit biological activity in the Plant resulting in Interference, or which causes the temperature at the introduction into the Plant to exceed 104°F (40°C) unless the State, upon request of the Control Authority, approves alternate temperature limits.
- (3) Any waters or Waste containing toxic or poisonous solids, liquids, gases, vapors, fumes, elements, compounds, ions or other substances in sufficient quantity, either singly or by interaction with other Wastes, to Injure or interfere with any Waste treatment process or the System, cause acute worker health or safety problems, or constitute a hazard to humans or aquatic life in the receiving waters or Wastewater treatment System.
- (4) Any waters or Wastes having a pH lower than 5.00 or greater than 10.00 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the City. An upper range pH variance may be granted by the Control Authority per WMC §29.08(d)(2).
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other Interference with the proper operation of the System, such as, but not limited to, non-dispersibles, grease, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tacks, plastics, wood, food Waste that has not been properly ground, whole blood, paunch manure, hair and fleshing, entrails, disposable dishes, cups, milk containers, etc., either whole or shredded. Properly ground food Waste has been ground to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public Sewers with no particle greater than one-half inch in any dimension.
- (6) Any RCRA-classified Hazardous Waste.
- (7) Wastewater containing more than 100 mg/l of oil and grease of mineral origin, or Wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral or non-mineral oil origin in amounts that will cause Interference or Pass-Through.
- (8) Sludges, screenings, or other solid residues from the Pretreatment of Industrial Wastes.
- (9) Any waters or Wastes containing or releasing odor-producing substances which, either singly or by interaction with other Wastes, are sufficient to create a Public Nuisance or exceed limits established by the Control Authority.
- (10) Any water or Wastes which, by interaction with other water or Wastes in the System, release obnoxious gases, form Suspended Solids which

interfere with the System, or create a condition deleterious to structures and treatment processes.

- (11) Any radioactive Wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State or federal regulations.
- (12) Materials which exert or cause:
 - (A) Unusual BOD, chemical oxygen demand, or Chlorine Requirements in such quantities as to constitute a Significant Load on the Plant.
 - (B) An unusual concentration 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).
 - (C) Excessive discoloration such as, but not limited to, dye Wastes and vegetable tanning solutions.
 - (D) Excessive foaming in the Collection System or Plant.
- (c) **Best Management Practices.** The Control Authority may develop Best Management Practices to implement the prohibitions, and such BMPs shall be considered specific prohibited Discharge standards.
- (d) **Local Limits.** The following substances or characteristics shall be limited in Discharges to the System to concentrations, quantities or ranges which will not harm the System or treatment processes, have any adverse effect on the Receiving Stream, or otherwise endanger human health or public property. The Federal Categorical Pretreatment Standard, if more stringent than the limitations imposed under this Chapter for sources in that subcategory shall supersede the limitations imposed under this Chapter and shall be enforceable under this Chapter. The Control Authority may set limitations different from those established in federal regulations, if different limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability of the Discharge, the Control Authority shall 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 Sewers, the Wastewater treatment process employed, capacity of the Plant, degree of treatability of the Waste in the Plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of Waste or Wastewaters Discharged to the Sanitary Sewer which shall not be violated are as follows:
 - (1) **Specific Pollutant Effluent Limitations.** No Industrial User shall exceed the Discharge limits established by federal law or this Chapter for cadmium, chromium, copper, lead, nickel, silver, zinc, Total Toxic Organics, cyanide, pH, or oil and grease. The following local Discharge limitations are in effect for Industrial Users of the System. Other Users or

User Classes may also be subject to these limitations as determined by the Control Authority.

Parameter	Daily Maximum
Cadmium (T).....	0.69 mg/l
Chromium (T).....	2.77 mg/l
Copper (T).....	2.00 mg/l
Lead (T)	5.00 mg/l
Nickel (T).....	1.67 mg/l
Silver (T).....	5.00 mg/l
Zinc (T).....	2.61 mg/l
Cyanide (T).....	1.20 mg/l
pH (range)	5.00 - 10.00 s.u.
Oil & Grease (Hydrocarbon)	100.00 mg/l

- (A) The limits as listed above apply to each Facility’s Outfall(s) to the Sanitary Sewer System.
 - (B) The effective date of the above limits shall be the date of adoption, and the limits shall replace former limits.
 - (C) The limits apply to the total form of each metal and cyanide.
 - (D) The oil and grease value shall be determined by using the method for the hydrocarbon fraction. This method only applies when the parameter limitation is based on a local limit.
 - (E) If a User’s Permit contains any combination of federal, State or local limits, the most stringent limit shall apply.
- (2) **Upper-Range pH Variance.** The Control Authority may grant, on a case-by-case basis, an upper-range variance to the pH limitations listed in WMC §29.08(d)(1). Wastewater with a pH greater than 10.00, but less than 12.50, may be Discharged to the System under the following conditions:
- (A) The User shall apply to the Control Authority for an upper-range pH variance. Application forms shall be provided upon request.

The Control Authority may deny an application if any condition of the WMC is not met.

- (B) Only Users holding a current and unexpired Industrial Wastewater Permit may be granted an upper range pH variance. The User's Permit shall be modified by the Control Authority to incorporate any granted pH variance and associated conditions. Any granted pH variance may be rescinded based on an evaluation of the Monitoring results by the Control Authority.
- (C) Granting of this variance shall in no way relieve the User of any liability for the integrity of the System, and repair of any undue damage to or deterioration of the System resulting from the Discharger's Wastewater shall be the financial responsibility of the User.
- (D) At no time shall the pH of the Discharge from any User exceed 12.49.
- (E) The Control Authority may randomly monitor the pH of the User's Discharge.
- (F) The Wastewater Collection System may be inspected by the Control Authority prior to granting a variance to document the background condition of the Sewer. The Control Authority may randomly inspect or televise the Sanitary Sewer downstream from the Point that a User's Discharge enters the Sewer. Results of the inspection shall be compared against past records to determine if there are any detrimental impacts to the Collection System or Plant associated with the Discharge of high range pH Wastewater. If evidence suggests that damage may have occurred, or is occurring, the upper-range pH variance may be rescinded.
- (G) The Control Authority may not grant a variance to those Users who have a Federal Categorical Pretreatment Standard for pH which is more stringent than the proposed variance, or if the variance may result in Pass-Through or Interference at the Plant.

(e) **Pretreatment Regulations.**

(1) **Categorical Pretreatment Standards.**

- (A) **Existing Sources.** Industrial Users shall comply with any applicable Categorical Pretreatment Standard within 3 years from the date that the Categorical Standard is effective unless a shorter compliance date is specified in the standard.

- (B) **New Sources.** New Industrial Users shall install and have in operation all of the pollution control equipment required to meet the applicable Pretreatment Standards before beginning Discharge. Within the shortest feasible time, not to exceed 90 days, new Industrial Users shall meet all applicable Pretreatment Standards.
 - (C) **Applicability.** Limits in a Categorical Pretreatment Standard apply to the Effluent from the process Regulated by the Standard regardless of the site of Effluent Discharge.
 - (D) **Combined Wastestreams.** When a Categorical Wastewater is mixed before treatment with other Wastewater, the Control Authority may calculate alternative limits for the combined wastestream using the formula contained in Wis. Admin. Code NR 211.12.
- (2) **Pretreatment Facilities.** Where, in the opinion of the Control Authority, it is necessary to modify or eliminate Wastes that are harmful to the structure, processes, or operation of the System, the Control Authority may require the Industrial User to provide such preliminary treatment or processing Facilities as may be necessary, to render the Wastes acceptable for Discharge to the System. The costs of providing such Facilities shall be paid for by the User. Detailed plans and specifications for the Pretreatment Facilities and operating procedures shall be submitted to the Control Authority and WDNR for review and approval before commencement of construction of any Facility. The review of such plans and operating procedures shall in no way relieve the Discharger from the responsibility of modifying the Facility as necessary to produce an Effluent in compliance with the provisions.
- (3) **No Dilution.** No User shall increase the use of Process Water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other limitation developed by the City or State.
- (4) **Mass Limitations.** The Control Authority may impose mass limitations, in accordance with 40 CFR §403.6, on Users who are suspected of using dilution to meet applicable City, State, or federal Pretreatment Requirements or, in other cases, where the imposition of mass limitations are appropriate. In such cases, the report required by WMC §29.10(b)(3) shall indicate the mass of Pollutants Regulated by Categorical Pretreatment Standards or Pretreatment Requirements 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 Control Authority, of

Pollutants contained therein which are limited by the applicable City, State, or Federal Pretreatment Standards or Pretreatment Requirements.

- (5) **Flow Equalization.** The Control Authority may require any Industrial User discharging into the System to install and maintain suitable storage and flow-control structures to ensure equalization of flow. An Industrial Wastewater Permit may be issued under WMC §29.10 solely for Flow Equalization.
- (f) **Accidental and Slug Discharges.**
- (1) Each User shall, if required by the Control Authority, provide protection from Accidental and Slug Discharges of prohibited or Regulated materials or substances established by this Chapter.
 - (2) Users may be restricted from introducing Pollutants into the System until an Accidental Slug Discharge evaluation has been completed by the Control Authority and protection procedures, if required, have been approved.
 - (3) The Control Authority shall evaluate whether each significant Industrial User needs an Accidental Discharge/Slug control plan. However, the Control Authority may require any User to develop, submit for approval, and implement such a plan. An Accidental Discharge/Slug control plan shall address, at a minimum, the following:
 - (A) Description of Discharge practices, including non-routine Batch Discharges;
 - (B) Description of stored chemicals, including container size, total volume on site, transport paths through the Facility, and storage locations.
 - (C) Procedures for immediately notifying the Control Authority of any Accidental or Slug Discharge, as required by WMC §29.10(d)(2); and
 - (D) Procedures to prevent adverse impact from any Accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of Facility site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants or solvents, and measures and equipment for emergency response.
 - (4) Where ordered by the Control Authority, Facilities, equipment, or devices to prevent Slugs or Accidental Discharge of prohibited materials shall be provided, installed, and maintained at each Discharger's expense.

Detailed plans and specifications showing Facilities and operating procedures to provide this protection shall be submitted to the Control Authority and WDNR for review, and shall be approved by the Control Authority before construction of the Facility. The review and approval process for such plans and operating procedures by the Control Authority and WDNR shall not relieve the Discharger from the responsibility to take action in a timely manner as necessary to meet the requirements. The Control Authority may order the permanent or temporary sealing of floor Drains, pipes, catch basins, or other conveyance structures to achieve compliance with this Section.

- (5) All Dischargers shall notify the Control Authority immediately of the occurrence of an Accidental or Slug Discharge in accordance with WMC §29.10(d)(2), or of any changes at the Facility affecting the potential for a Slug Discharge and the need for a Slug control plan. The Discharger of any Accidental or Slug Discharge shall be liable to the City for any expense, loss, damage, or additional sampling, analytical, or treatment charges in addition to the amount of any fines imposed by the City under local, State, or federal law.
- (6) All Users shall immediately report the Discharge of any Slug or Accidental Discharge which could violate prohibitive Discharge standards, whether a violation exists or not.
- (7) Signs shall be permanently posted in conspicuous places on each Discharger's premises, advising employees to call the Control Authority if an Accidental or Slug Discharge occurs. Employers shall instruct all employees who may cause or discover such a Discharge with respect to emergency notification procedures.

(g) Bypasses.

- (1) A Permitted Industrial User may allow any Bypass of Regulated Process Wastewater under the following conditions:
 - (A) The Bypass does not cause the User to violate Pretreatment Standards or requirements and the Bypass is for essential maintenance to assure efficient operation;
 - (B) The User follows the notification procedures of WMC §29.10(d)(2).
- (2) Bypasses which may cause a violation of Pretreatment Standards or requirements are prohibited unless all of the following conditions exist:
 - (A) The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the

Pretreatment Facilities which caused 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.

- (B) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment Facilities, retention of untreated Wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance.
- (C) The notification procedures of WMC §29.10(d)(2) are followed.
- (3) The Control Authority may require sampling and analysis of the Bypass, and may apply a strength surcharge in accordance with WMC §29.12(c)(3).

(h) Mercury Minimization Program.

- (1) **Dental Offices.** This Section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics, then this Section does not apply.
 - (A) All owners and operators of dental offices that remove or place amalgam fillings shall comply with the following Waste Management Practices:
 1. No Person shall rinse chairside traps, vacuum screens, or amalgam separator equipment in a sink or other Connection to the Sanitary Sewer.
 2. Owners and operators of dental offices shall ensure that all staff members who handle amalgam Waste are trained in the proper handling, management and disposal of mercury-containing material.
 3. Amalgam Waste shall be stored and managed in accordance with the instructions of the recycler of such materials.
 4. Bleach and other Chlorine-containing disinfectants shall not be used to disinfect the vacuum line System.

5. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.
- (B)** All owners and operators of dental offices that remove or place amalgam fillings shall comply with the following:
1. Every existing or new vacuum System where amalgam is replaced or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum System.
 2. Proof of certification and installation records shall be submitted to the Control Authority within 30 days of installation for New Sources.
 3. Amalgam separator installation, certification, and maintenance records shall be maintained for a minimum of 5 years and shall be made available to the Control Authority for inspection and copying upon request.
 4. From contractors used to remove amalgam Waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam Waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of 5 years. Dental offices shall make these records available to the Control Authority for inspection and copying upon request.
 5. Annually, on or before January 31, each dental office shall submit a report to the Control Authority that lists the volume or mass of amalgam Waste shipped, the name and address of the destination, and the name and address of the contractor(s) used to remove amalgam Waste the previous calendar year. The report shall also set forth all maintenance performed on the amalgam separator within the previous calendar year, including inspections, cleaning, repairs and other maintenance. The Control Authority shall provide forms for reporting the information required by this paragraph.
 6. Dental offices shall Permit the Control Authority to inspect the vacuum System, amalgam separator, and amalgam

Waste storage areas if requested. Inspections shall occur during the normal operating schedule of the dental office according to appointments made in advance, as long as this advance notice does not impede enforcement of this Section.

- (C) If a dental office is implementing the Management Practices required by subsection (h)(1)(A) above and is properly operating and maintaining the amalgam separator required by subsection (h)(1)(B) above, then with regard to mercury it shall not be subject to the regulatory procedures and requirements as set forth elsewhere in this Chapter. Failure to comply with subsections (h)(1)(A) and (h)(1)(B) may result in the dental office being required to obtain an Industrial Wastewater Permit in accordance with WMC §29.10.
 - (D) All dental offices that generate amalgam Wastes shall comply with all State and federal regulations as they now exist or may be enacted in the future regarding the disposal of amalgam Wastes.
- (2) **Other Facilities.** This Section applies to all other Facilities having the potential to Discharge mercury or mercury-containing material to the System or indirectly through Hauled Waste.
- (A) Facilities include:
 1. Medical Facilities, including all hospitals, clinics and veterinary Facilities that have laboratories.
 2. School Facilities, including all public and private schools with science laboratories, including middle schools, high schools, technical schools, colleges and universities, but not elementary schools.
 3. Industrial Facilities, including all Industrial Users that historically or consistently Discharge mercury into the System and Industrial Users with the potential for mercury in their Wastewater.
 - (B) The Control Authority shall identify and notify the Facilities to be Regulated under this subsection (h)(2).
 - (C) All Facilities Regulated under this subsection (h)(2) shall implement Best Management Practices as established by the Wisconsin Department of Natural Resources (DNR) and the City of Waukesha. Within 3 months of notification, Facilities identified under subsection (h)(2)(B) above shall submit a report to the Control Authority that identifies the Management Practices already

implemented, and lists the anticipated dates for implementing the other Management Practices listed on the report.

- (D) Facilities identified under subsection (h)(2)(B) above shall submit a certification report within 6 months of submittal of the report required under (h)(2)(C) above.
- (E) The Control Authority shall provide forms for reporting the information required by subsections (h)(2)(C) and (h)(2)(D) above.
- (F) If a User Regulated under this Section is implementing the Management Practices required by subsections (h)(2)(C) and (h)(2)(D) above, then with regard to mercury it shall not be subject to the regulatory procedures and requirements as set forth elsewhere in this Chapter. Failure to comply with subsections (h)(2)(C) and (h)(2)(D) may result in the User being required to obtain an Industrial Wastewater Permit in accordance with WMC §29.10.

(i) Chloride Source Reduction Program.

- (1) **Authority.** The City is authorized to develop and enforce specific standards or requirements to regulate the Discharge of chloride from Industrial, Residential and Commercial sources pursuant to Wis. Admin. Code NR 106.92.
- (2) **Source Reduction.**
 - (A) **Water Softeners.** All Residential, Commercial and Industrial Users installing new or replacement ion-exchange water softeners used primarily for water hardness reduction that, during regeneration, Discharge a Brine solution shall install a high-efficiency demand-initiated regeneration-type softener equipped with a water meter or a sensor.
 - (B) **Significant Sources.** All significant chloride sources such as Commercial, Industrial, and other high-volume water Users as designated by the Control Authority shall evaluate their water treatment Systems with regard to softened water requirements, and where feasible upgrade current water softeners by adding a Brine reclamation System. This requirement shall also apply to new significant sources.
 - (C) **Hauled Waste.** Acceptance of any significant hauled chloride sources such as Brine from salt storage structures or areas may be restricted or denied at the discretion of the Control Authority.

- (j) **Grease, Oil and Sand Interceptors or Traps.** Grease, oil, and sand interceptors or traps shall be provided when, as required by State or local plumbing code or the Plumbing Inspector, they are necessary for the proper handling of liquid Wastes containing oil or grease in amounts that exceed the Discharge limits or prohibitions or have the potential to cause Interference, or any flammable Wastes, sand, or other prohibited Wastes except that such interceptors or traps shall not be required for single-family private living quarters. All interceptors and traps shall conform to Wisconsin Plumbing Code and be of a type and capacity approved by the Plumbing Inspector and shall be readily and easily accessible for cleaning and inspection. The Control Authority reserves the right to inspect all sand and grease interceptors and traps to ensure proper maintenance and effective operation. All sand and grease interceptors and traps shall be maintained by the User to be in continuous, efficient operation at all times. Noncompliance, including failure to clean or maintain interceptors or traps in a timely manner in response to a written directive from the Control Authority, may subject the User to penalties, fines, or other enforcement actions in accordance with WMC §29.13 and the Enforcement Response Guidance Plan. In the maintaining of these interceptors and traps, the User shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain for at least 3 years records of the dates and means of disposal which are subject to review by the Control Authority. Any removal and hauling of the collected materials not performed by the User's personnel shall be performed by currently-licensed Waste-disposal firms. Maintenance records shall be submitted to the Control Authority upon request.

- (k) **Temporary Discharge of Contaminated Excavation Water and Groundwater.**
 - (1) **Approval Required.** Written authorization from the Control Authority shall be required prior to the Discharge of any contaminated excavation water or Groundwater to the Sanitary Sewer. Discharges shall meet the local limits and prohibitions listed in WMC §29.08 and shall not be a RCRA Hazardous Waste as defined in 40 CFR Part 261 Subpart C. The Discharge of contaminated Groundwater or excavation water shall be Regulated by procedures published by the Department of Public Works.
 - (2) **Request.** Prior to the planned Discharge, the Discharger shall make a written request to the Control Authority.
 - (3) **Fees.** An initial deposit may be required prior to commencing the Discharge. After the Discharge is complete, the Discharger shall provide the Control Authority with an estimate of the total gallons Discharged. The Control Authority shall return the deposit, minus an administrative fee and a treatment fee per 1,000 gallons Discharged. A Fee Schedule shall be published by the Department of Public Works in accordance with WMC §29.12.

- (1) **Temporary Discharge of Outdoor Vehicle, Equipment, and Pavement Wash Water.** The Discharge of outdoor vehicle, equipment, and pavement wash water from Commercial Users shall be Regulated by procedures published by the Department of Public Works. A Fee Schedule shall be published by the Department of Public Works in accordance with WMC §29.12.

29.09 Hauled Waste Acceptance

- (a) **Permit Required.** (Am. #25-96) No Person shall Discharge any trucked or Hauled Waste unless approved by the Control Authority and discharged at Discharge Points designated by the Control Authority. All Waste Disposers discharging to the System shall possess a Hauled Waste Disposer Discharge Permit prior to discharging any Hauled Waste to the System.
- (b) **License Required.** All Waste Disposers shall be licensed as required in Ch. 281.48(3), Wis. Stats.
- (c) **Limitations on Hauled Waste.**
 - (1) The Control Authority shall only accept Hauled Waste of Domestic, Industrial, or other conditionally-approved origin. Leachate from a landfill shall be considered an Industrial Wastewater. The Generator of the leachate shall be issued an Industrial Wastewater Permit before the leachate is accepted at the Plant. All Hauled Waste Discharged by Waste Disposers shall meet Discharge conditions and prohibitions applicable to these Discharges as established in this Chapter and 40 CFR Part 403.
 - (2) Each Hauled Waste Disposer's Discharge Permit shall be issued subject to the condition that at any time the Plant has operational or maintenance problems, or threat of a WPDES Permit violation directly or indirectly related to Hauled Waste Discharges, the Control Authority may immediately restrict or discontinue Hauled Waste acceptance.
- (d) **Permit Process.**
 - (1) (Am. #25-96) Each Waste Disposer applying to Discharge to the Plant shall pay a nonrefundable Permit fee and submit a Hauled Waste Disposer Discharge Permit Application on a form provided by the Control Authority. The Control Authority shall evaluate the application and make a determination as to the acceptability of the Waste or any special Permit conditions or limitations pertaining to the Waste.
 - (2) An application to renew a Hauled Waste Disposer Discharge Permit shall be due June 15 of each year. No Permit once issued shall be assignable or transferable by the Person or business receiving the same. All such Permits shall be valid for a period of one year or the remaining portion thereof, beginning on July 1, and expiring on June 30 of each year. No holder of any Permit shall acquire any vested right or privilege by reason thereof.
- (e) **Truck Registration.** Each truck of a Permitted Waste Disposer shall be registered with the Control Authority. Registered trucks shall be issued identification stickers and numbers which shall be clearly displayed on the rear end and both sides. Any unregistered truck or registered truck without

- identification stickers and numbers shall not be allowed to Discharge until properly registered and labeled.
- (f) **Rules and Regulations.** Each Waste Disposer and each driver/pumper working for a Waste Disposer shall follow all rules, regulations, and procedures of the Plant and the Hauled Waste procedures published by the Department of Public Works.
 - (g) **Discharge Times and Locations.** Specific hours and Points of Discharge shall be set by the Control Authority. Waste Disposers shall not Discharge to any other site nor at any other hour than those specifically identified by the Control Authority under the terms of the Disposer's Permit, unless allowed temporarily by the Control Authority under special circumstances.
 - (h) **Sampling and Reporting.**
 - (1) Waste Disposers shall characterize the Hauled Waste that they discharge to the Plant as Holding or Septic Tank Waste of Domestic origin, Chemical Toilet Waste, or Industrial Waste, including leachate. Any other Hauled Waste, including Industrial, Commercial, or Public Wastewater not on the Control Authority's list of approved sources shall be reported to the Control Authority by the Waste Disposer, and approval from the Control Authority shall be obtained prior to Discharge.
 - (2) Waste Disposers shall provide a manifest for each load Discharged to the System that includes, at a minimum, the name of the Waste Disposer, Permit number, truck and driver identification, names and addresses of sources of Waste and volume and characteristics of the Waste. The manifest shall be signed by the driver. The Disposer shall also collect a representative sample of each load midway through the Discharge, using a sample container provided by the Control Authority and labeling the container with the corresponding manifest number. The Control Authority may require analysis of any load at the expense of the Waste Disposer. The Control Authority may indicate on the Permit the chemical parameters to be reported and the frequency that any particular Waste is to be characterized. At its discretion the Control Authority may conduct random analyses of Hauled Waste to determine compliance with this Chapter or to measure the strength or characteristics of a Hauled Waste. The Control Authority may also conduct random spontaneous inspections of each driver's log books.
 - (i) **Use and Maintenance of System.** All Waste Disposers shall remove all rags and foreign materials from the septage-receiving bar screens and clean up all Spills, overflows, or deposits on the ground resulting from their activity at the Plant or other location within the System. The Disposer shall notify Plant personnel immediately of any Spill, overflow or deposit which the Disposer is incapable of cleaning up. Additional expense may be charged to the Disposer for cleanup,

disposal, or any damage occurring as a result of the Disposer's activity at the Plant or other location within the System.

- (j) **Charges.** Waste Disposers shall pay all applicable Sewer service charges based on the characteristics of the Discharge. Waste Disposers shall pay an annual per-truck Permit application fee in accordance with WMC §29.12(f) prior to obtaining a Discharge Permit. Each truckload may be considered "maximum capacity" for the purpose of calculating charges. Maximum capacity shall be based on the stated capacity of the truck. Service charge rates shall be set on an annual basis in accordance with WMC §29.12 and shall be billed in accordance with WMC §29.11. The City may directly bill the Generator rather than the Waste Disposer for all charges.

- (k) **Suspension or Revocation.** Failure to fulfill any of the requirements or the Hauled Waste procedures published by the Department of Public Works may subject the Waste Disposer to penalties, forfeitures, or other enforcement actions as provided in the Municipal Code, including the suspension or revocation of Discharge privileges or Permits.

29.10 Industrial Wastewater Permits

(a) Requirement of Permit.

(1) Users That Need Permits. An Industrial Wastewater Permit shall be required for the following Users:

(A) Significant Industrial Users.

(B) At the discretion of the Control Authority, any other Industrial User may also be required to obtain an Industrial Wastewater Permit, including Generators of Hauled Waste or Users within another Municipality.

(C) An Industrial Wastewater Permit shall be issued to all Zero-Discharge Industrial Users.

(2) Permit Application. New or existing Users who are required by the Control Authority to obtain a Permit shall complete and file with the Control Authority a Permit application in the form prescribed by the Control Authority. Permit applicants shall also submit a Baseline Monitoring Report pursuant to WMC §29.10(b)(1). No Permit shall be issued unless and until the application form is submitted.

(3) Permit Modifications.

(A) The Control Authority may modify any Permit to reflect changes in federal, State, or local law, to incorporate the terms of an order, or to reflect changed circumstances.

(B) The Permits of Industrial Users subject to Federal Categorical Pretreatment Standards or Pretreatment Requirements shall be revised within 9 months of the promulgation of such standards or requirements to require compliance within the time frame prescribed by the standards or requirements.

(C) Permitted Industrial Users desiring to increase their Discharge volume, make new Connections to the System or change their Wastewater characteristics shall apply for a modified Permit by filing with the Control Authority a report detailing the proposed changes. This report shall be submitted at least 90 days prior to implementation of the proposed changes.

(4) Permit Elements. In addition to the conditions of the Permit, Permitted Industrial Users shall be expressly subject to all provisions and all other applicable regulations, User Charges, and fees established by the City. Permits shall, where applicable, contain the following:

- (A) Effluent limits, including Best Management Practices, based on Prohibited Discharge standards, Categorical Pretreatment Standards, State law, and this Chapter.
- (B) Limits on the average and maximum rate and time of Discharge or requirements for flow regulation and equalization.
- (C) Mass limitations, as determined in accordance with WMC §29.08(e)(4), if applicable.
- (D) Requirements for installation, operation, and maintenance of Pretreatment Facilities.
- (E) Specifications for Monitoring programs which may include sampling locations, frequency, and method of sampling, number, types, and standards for analyses, and reporting schedule.
- (F) Compliance schedules.
- (G) Requirements for submission of technical or Discharge reports.
- (H) Requirements for maintaining and retaining Facility records relating to Wastewater Discharge as specified by the Control Authority, but in no case less than 3 years, and affording Control Authority access thereto.
- (I) Requirements for notification to and acceptance by the Control Authority of any new introduction of Wastewater constituents or of any substantial change in the volume or character of the Wastewater constituents being introduced into the System.
- (J) Requirements to prevent or control Slug or Accidental Discharges, if determined by the Control Authority to be necessary.
- (K) Requirements for notification of Slug or Accidental Discharges and reporting of Permit violations.
- (L) Requirements for installation and inspection of a Monitoring Manhole or structure containing flow-measuring, recording, and sampling equipment to assure compliance with this Chapter. Maintenance of Monitoring Manholes, structures or equipment, including flumes or weirs, is the responsibility of the User.
- (M) Statement of duration.
- (N) Statement that the Permit is nontransferable without, at a minimum, prior notification to and approval from the Control Authority.

- (O) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements.
 - (P) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Chapter.
- (5) **Permit Duration, Renewal and Fees.** Permits shall continue in effect for a period not to exceed five years, subject to modification, suspension, or revocation as provided in this Chapter. Each Permit shall indicate a specific expiration date and may be renewed. Permittees shall be subject to an annual Permit fee as established in WMC §29.12(f). The annual Permit fee shall be billed effective January 1 for the year. The terms and conditions of the Permit may be subject to modification by the Control Authority. The Permitted Industrial User shall be informed of any proposed changes in the Permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.
- (6) **Permit Transfer.** Permits are issued to a specific User for a specific operation. Permits shall not be reassigned or transferred or sold to a new owner, operator or User, different premises, or a new or changed operation without the approval of the Control Authority. Any succeeding owner, operator, or User shall comply with the terms and conditions of the existing Permit. Where the Permit transfer involves only a change in the owner, operator or User without any process modifications that may impact the Wastewater Discharge, the Permit may be transferred without changing any of the Permit conditions. In this case, the current or future owner, operator or User shall submit to the Control Authority notification that describes the anticipated transaction, identifies the transfer date, indicates that the new owner, operator or User has no immediate intent to change the Facility operations in a manner that would alter the volume or characteristics of the Process Wastewater Discharge, and indicates that the new owner, operator or User shall abide by all terms and conditions set forth in the Permit. The new owner, operator or User shall notify the Control Authority at least two weeks in advance of any process modifications that may impact the Wastewater Discharge, and may be required to submit a modified Permit application.
- (7) **Facility Decommissioning, Vacating of Premises, and Discontinuance of Service.** Whenever the premises of a Permitted Industrial User connected to the System are to be vacated, upon becoming aware of a decision to vacate or to discontinue service, the User shall notify the Control Authority orally or in writing within 24 hours and shall submit a written closure plan within 5 business days in accordance with the terms of the Permit. The User shall be liable for any damage, contamination, or other detrimental effects to the System resulting from site work or from the introduction of prohibited Pollutants into the System.

(8) Suspension or Revocation. Any Permitted Industrial User who violates the conditions of the Permit or this Chapter or applicable State or federal regulations may be subject to having his or her Permit modified, suspended or revoked in accordance with the Enforcement Response Guidance Plan.

(b) Reporting Requirements. Any User holding an Industrial Wastewater Permit under this Section shall comply with the reporting requirements of the Permit. Any User whose Permit contains production-based limits shall submit all applicable production data needed to calculate both the limits and compliance with the limits. In addition to the reports required by the Permit, the Control Authority may require the User to provide the following additional reports:

(1) Baseline Monitoring Report. New Sources shall submit a BMR at least 90 days prior to the projected date of first Discharge. New or Existing Sources designated by the Control Authority shall submit a new or updated BMR within 90 days of notification. Where an Existing Source becomes Regulated by any Federal Categorical Pretreatment Standard the User shall submit a BMR to the Control Authority within 180 days of the promulgation of the Standard. The BMR shall contain the information listed below. New Users shall submit estimates for subsections (b)(1)(D) through (b)(1)(G) where actual data are not yet available.

(A) The name, address, and location of the User and the name of the owner or operator.

(B) The nature and average rate of production and the SIC or NAICS code.

(C) A list of environmental control Permits held by or for the User.

(D) The nature and concentration of Pollutants in the Discharge, including, but not limited to, those mentioned in WMC §29.08 , as determined by analysis performed by a State certified or registered laboratory in accordance with procedures established by EPA and contained in 40 CFR Part 136, as amended by Wis. Admin. Code Ch. NR 219, or other methods approved by the WDNR. The User shall identify the Pretreatment Standards applicable to each Regulated process. Where data are required to be submitted, the Permitted Industrial User shall:

1. Submit the results of sampling and analysis identifying the nature and concentration of Regulated Pollutants in the Discharge from each Regulated process. Both daily maximum and average concentrations shall be reported where possible. The samples shall be representative of daily operations. Where the Control Authority or a

Pretreatment standard requires compliance with a Best Management Practice or a pollution prevention alternative, the User shall submit documentation needed to determine the compliance status of the User.

2. When sampling for pH, cyanide, total phenol, oil and grease, sulfide, and volatile organics, collect a minimum of 4 Grab Samples. For all other Pollutants, 24-hour composite samples shall be obtained through Flow-Proportional composite sampling techniques unless time-proportional or Grab Sampling is authorized by the Control Authority. Where alternative sampling is authorized by the Control Authority, the samples shall be representative of the Discharge and the decision to allow alternative methods shall be documented in the User's file. Multiple Grab Samples collected during a 24-hour period may be composited prior to analysis provided appropriate protocols specified in NR 219 and in EPA and WDNR guidance are followed. Samples for cyanide, total phenols and sulfides may be composited in the laboratory or in the field. Samples for volatile organics and oil and grease may be composited in the laboratory. Other samples may be composited using approved methodologies as authorized by the Control Authority.
3. Take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Section. Sampling shall be performed during full Facility production when substances subject to regulation, including those in Batch or periodic Discharges, are likely to be present in maximum concentrations or quantities for the reporting period.
4. Take samples immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the Regulated process if no Pretreatment exists. If other Wastewaters are mixed with Categorical Wastewater prior to Pretreatment, the Permitted Industrial User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of Wis. Admin. Code NR 211.12. Where an alternative concentration or mass limit has been calculated in accordance with NR 211.12, this adjusted limit along with the supporting data shall be submitted to the Control Authority.
5. The report shall indicate the time, date, and place of sampling, method of analysis, and shall certify that

sampling and analysis are representative of normal work cycles and expected Pollutant Discharges to the POTW.

- (E) The time and duration of Discharges.
 - (F) The average daily and instantaneous peak Wastewater flow rates from Regulated processes and other Wastewater sources as necessary to allow use of the combined wastestream formula, including daily, monthly, and seasonal variations, if any.
 - (G) The nature and concentration of any Pollutants or materials prohibited by this Chapter in the Discharge, together with a statement regarding whether or not compliance is being achieved with this Chapter on a consistent basis and, if not, whether additional operation and maintenance activities or additional Pretreatment are required for the User to comply with this Chapter. The statement shall be reviewed by an Authorized Representative of the Permitted Industrial User and certified by a qualified professional.
 - (H) Site plans, floor plans, mechanical and plumbing plans, and details to show all Sewers, Sewer Connections, floor Drains, Process Wastewater sources, points of Process Wastewater Discharge to the POTW, inspection manholes, and Sample Points.
 - (I) A description of activities, Facilities, and processes on the premises, including types of products produced, treated, or serviced.
 - (J) A description of all materials which are or may be Discharged to the System.
 - (K) The type and amount of raw materials utilized (average and maximum per day).
 - (L) The number of employees and hours of operation of Facility and proposed or actual hours of operation of Pretreatment System.
 - (M) Any other information as determined by the Control Authority to be necessary to evaluate the Permit application. The Control Authority shall evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority may issue a Permit subject to the terms and conditions provided herein.
- (2) **Compliance Date Report.** Within 90 days after the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a New Source, within 90 days following commencement of the

Discharge of Wastewater into the City's Wastewater Collection System or Plant, all Permitted Industrial Users shall submit to the Control Authority a report indicating the nature and concentration of all Pollutants in the Discharge from the Regulated process which are limited by Categorical Pretreatment Standards and Pretreatment Requirements, and the average and maximum daily flow for these process units in the User's Facility which are limited by such Categorical Pretreatment Standards and Pretreatment Requirements. The report shall state whether the applicable Categorical Pretreatment Standards and Pretreatment Requirements are being met on a consistent basis and, if not, what additional operation and maintenance or Pretreatment is necessary to bring the User into compliance with any applicable Categorical Pretreatment Standards and Pretreatment Requirements. This statement shall be signed by an Authorized Representative of the User and where required, certified by a registered professional qualified to certify the report.

(3) Periodic Compliance Report.

- (A)** Industrial Users shall be required by Permit to self-monitor Regulated Discharges in the first and third quarter of each year. These Users shall, if required by their Permit, submit a report that shall be due April 30 and October 31. The report shall include all data for the first or third quarter self-Monitoring event(s). Where the User's Permit requires more frequent Monitoring, or where a Batch Discharge is not Discharged during the first or third quarter, the report shall be due 30 days after sample collection. Where a Pretreatment standard, a local limit, or the Control Authority requires compliance with Best Management Practices or a pollution prevention alternative, the User shall submit documentation needed to determine the compliance status of the User. The Control Authority may also require more detailed reporting of flows.
- (B)** For all Wastes subject to Federal Categorical Pretreatment Standards that have been shipped off-site for disposal, all Categorical Users shall submit a report listing the category, manufacturing process, volume, and destination of such Wastes. The report shall be due semi-annually by January 31 and July 31 for Wastes hauled during the previous semi-annual period.
- (C)** All Monitoring results obtained by the Permitted Industrial User shall be contained in the reports required by this Section and shall be certified as to their validity by an Authorized Representative of the User.
- (D)** If a User monitors any Pollutant more frequently than required by the Control Authority using procedures prescribed in WMC

§29.10(c)(3), the results of such Monitoring shall be submitted to the Control Authority within 30 days after sample collection.

- (E) Zero-Discharge Industrial Users shall submit a statement of Zero-Discharge to the Control Authority for the periods January 1 through June 30 and July 1 through December 31 of each year. These statements shall be due April 30 and October 31 of each year.
- (4) **Notification of Violation and Resampling.** If sampling performed by the User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis for the parameter(s) in violation and submit the results of this analysis to the Control Authority within 30 days after becoming aware of the violation. Should the violation place the User in Significant Noncompliance, the User shall be subject to a Monitoring schedule as determined by the Control Authority. Where the Control Authority has performed the original sampling and analysis in lieu of the User, the Control Authority shall perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis.
- (5) **Pretreatment Compliance Schedule.** Where additional Pretreatment or operation and maintenance activities are required to comply with this Chapter, the Permitted Industrial User shall provide a declaration of the shortest schedule by which the User shall provide such additional Pretreatment or implementation of additional operational and maintenance activities. The schedule shall be such that compliance with applicable Federal Categorical Pretreatment Standards is achieved within three years of the promulgation of such standards. For proposed new Dischargers and modifications to existing Discharges, the compliance date shall be the date on which the new or modified Discharge is initiated. For Existing Sources, compliance with new local limits shall be as soon as possible, but not to exceed 18 months from the effective date. The completion date shall not be later than the compliance date established for a particular Federal Categorical Pretreatment Standard.
 - (A) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to comply with the requirements, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Chapter.

- (B) Under no circumstance shall the Control Authority allow a time increment for any single step directed toward compliance which exceeds nine months.
 - (C) Not later than 14 days following each milestone date in the schedule or the final date for compliance, the User shall submit a written progress report to the Control Authority. This report shall include a statement as to whether or not the User complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the project to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Control Authority.
- (6) **Other Reports.** In addition to the reports required by this Section, the Control Authority may require that Users submit other reports, Management Plans, or other information where the Control Authority finds that such a requirement is necessary to fulfill the Control Authority's responsibilities under this Chapter or any other federal, State, or local law.
- (7) **Records Retention.** All Permitted Industrial Users shall retain and preserve for no less than 3 years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to Monitoring, sampling, and chemical analyses made by or on behalf of the User in Connection with their Discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. All data on Discharges to the System shall be submitted to the Control Authority, and can be used in enforcement actions.
- (8) **Confidential Information.**
- (A) Information and data furnished to the Control Authority with respect to the nature and frequency of Discharge shall be available to the public or governmental agencies without restriction unless the Person discharging specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information. A request for confidentiality shall be made by the Discharger at the time of submitting such information to the Control Authority. When requested by the Person furnishing the report, the portions of a report which may disclose trade secrets

or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, WPDES Permit or 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.

(B) Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency by the Control Authority until and unless a 10-day notification is given to the Permitted Industrial User.

(9) **Signatory Requirements.** All Industrial Wastewater Permit applications and Permitted Industrial User reports shall contain the following certification statement and be signed by an Authorized Representative of the User. "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."

(c) **Monitoring, Analysis, Measurement and Sampling.**

(1) **Monitoring Facilities.**

(A) Where determined necessary by the Control Authority, each Person discharging Regulated Wastes into the System shall construct and maintain one or more Monitoring Manholes or access points to facilitate observation, measurement, and sampling of the Regulated Wastes including Domestic Wastewater.

(B) Monitoring Manholes or Facilities shall be located and constructed in a manner acceptable to the Control Authority. Measuring devices shall be of a type acceptable to the Control Authority. Users shall submit to the Control Authority plans and specifications for construction or modification of Monitoring Facilities at least 30 days before the proposed commencement of construction or modification. If a User constructs or modifies

Monitoring Facilities before Control Authority approval or without an inspection by the Control Authority during construction and the Control Authority determines that the Monitoring Facilities are unacceptable, then the User shall reconstruct or modify the Monitoring Facilities according to the requirements of the Control Authority.

- (C) Monitoring Manholes, Facilities, and related equipment shall be installed by the User Discharging the Waste, at the User's expense, and shall be maintained by the User so as to be in safe condition, accessible and in proper operating condition at all times.
 - (D) Requirements for the installation of Monitoring Facilities and manholes shall be a condition of the User's Permit. The Control Authority may provide general construction detail upon request by the User. Where the User fails to comply with installation requirements on a specified date, the Control Authority shall contract to have the structures installed, and the cost billed to the User.
- (2) **Inspection.** The Control Authority may inspect the Monitoring Facilities of any Permitted Industrial User to determine compliance with the requirements. The User shall allow the Control Authority, the State or EPA and its representatives to enter upon the premises of the User at any time, for the purposes of inspection, sampling, or records examination. The Control Authority shall have the right to set up on the User's property any such additional devices as are necessary to conduct sampling, inspection, compliance Monitoring or metering operations.
- (3) **Sample Collection, Preservation, and Analysis.**
- (A) Sampling shall be conducted at the appropriate sampling location and shall be representative of conditions during the reporting period. When sampling, a minimum of 4 Grab Samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24-hour composite samples shall be obtained through Flow-Proportional composite sampling techniques unless time-proportional or Grab Sampling is authorized by the Control Authority. Where alternative sampling is authorized by the Control Authority, the samples shall be representative of the Discharge and the decision to allow alternative methods shall be documented in the User's file. Multiple Grab Samples collected during a 24-hour period may be composited prior to analysis provided appropriate protocols specified in NR 219 and in EPA and WDNR guidance are followed. Samples for cyanide may be composited in the laboratory or in the field. Samples for volatile organics and oil and

grease may be composited in the laboratory. Other samples may be composited using approved methodologies as authorized by the Control Authority.

- (B)** If a User's Discharge is a Batch or is highly variable and if either Flow-Proportional composite sampling is not the appropriate sample collection technique or is not feasible, then the Control Authority may establish in the User's Permit a sampling protocol necessary to ensure a sample representative of the User's daily Discharge. This sampling protocol may involve Time Composite Sampling, compositing multiple Grab Samples, or other appropriate techniques.
- (C)** The Control Authority may require continuous pH Monitoring when a Categorical Pretreatment Standard includes pH limits or when the Control Authority determines that the pH of a User's Discharge has a potential to be highly variable.
- (D)** 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 are representative of conditions occurring during the reporting period. The frequency and timing of Monitoring shall be prescribed by the Control Authority and shall be determined on a case-by-case basis. Monitoring frequency shall be sufficient so that the Control Authority can assure compliance by a User with applicable Pretreatment Standards and requirements. All analyses for compliance shall be performed by a WDNR-certified laboratory in accordance with procedures established pursuant to §304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto, with any other test procedures approved by EPA, or in accordance with procedures established pursuant to Wis. Admin. Code Ch. NR 219. Where 40 CFR Part 136 does not include sampling or analytical techniques for Pollutants in question, or where EPA determines that the Part 136 sampling or analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Control Authority or State and approved by the EPA.
- (E)** Records of all samples shall include the date, exact place and time of sampling and names of Person(s) taking samples, dates analyses were performed, who performed the analyses, the analytical techniques used, and the results of such analyses.

- (4) **Techniques Used by the Control Authority to Evaluate Compliance.** For evaluating compliance with this Chapter or with any Pretreatment Standard or requirement, the Control Authority may use any sampling location from which samples will either directly or indirectly represent a User's Discharge. If a sampling location includes dilution such as Domestic Wastewater, and if samples at this location violate an applicable limit, then the Control Authority may conclude that Process Wastewater Discharged at an upstream location was the cause of the violation. The Control Authority may use sample collection techniques or analytical methods that bias sample results low as a basis for enforcement action, such as composite samples for Pollutants for which Grab Samples are normally used. The Control Authority may use sampling locations, sample collection techniques, or analytical methods other than those specified in the User's Permit, provided those locations, techniques and methods comply with all applicable State and Federal regulations.
- (5) **Sampling Variance.**
- (A) **Local Limit Variance.** If 75% of the analytical results for a parameter over a two-year period are equal to or less than 10% of the local limit, the Control Authority may grant a sampling variance for that parameter. The Control Authority has the right to require Monitoring for a parameter of concern even if the parameter meets the sampling variance criteria. The sampling variance does not allow the Permittee to exceed those parameters, or any other parameter at any time. The Control Authority may randomly sample for the parameters which have been granted a variance to confirm compliance. The Control Authority has the right to remove the variance at its discretion. No variance may be granted for pH Monitoring. Where 10% of the local limit for an analyte is below the detection limit for the analyte, the Control Authority shall use his or her discretion for granting variances.
- (B) **Categorical Standard Variance.** For a User subject to a Categorical Standard, the Control Authority may authorize a sampling variance for individual Pollutants if the User has demonstrated 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 User. This authorization is subject to the following conditions:
1. The Control Authority may authorize a variance 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.

2. The sampling variance is valid only for the duration of the effective Permit, but in no case longer than 5 years. The User shall submit a new request for the variance before the variance may be granted for each subsequent Permit term.
3. In making a demonstration that a Pollutant is not present, the User shall provide data from at least one sampling of the Facility's Process Wastewater, prior to any Pretreatment, that is representative of all Wastewater from all processes. Non-detectable sample results may only be used 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.
4. Any grant of the Monitoring waiver by the Control Authority shall 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 shall be maintained by the Control Authority for 3 years after expiration of the waiver.
5. Along with a request for a sampling variance and upon approval and revision of the Permit by the Control Authority, the User's Authorized Representative shall certify each request with the statement below, that there has been no increase in the Pollutant in its Discharge due to activities of the User:

Based on my inquiry of the Person or Persons directly responsible for managing compliance with the applicable Pretreatment Standards, 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 Wastewater Discharge due to the activities at the Facility since filing of the last variance request.
6. The Control Authority may sample for the Pollutant(s) for which a variance has been granted at least once during the User's Permit term.
7. In the event that a Pollutant for which a variance has been granted is found to be present or is expected to be present based on changes that occur in the User's operations, the

User shall immediately notify the Control Authority, and shall comply with the Monitoring requirements specified by the pertinent Categorical Standard and the Control Authority.

8. This Section does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

(d) Operating Upsets and Treatment System Bypasses.

- (1) If the User knows in advance of the need for a Bypass, the User shall provide notice to the Control Authority at least 10 days in advance of the Bypass.
- (2) Any User who experiences an Industrial User Upset in operation or an unanticipated Bypass which places that User in a temporary state of noncompliance with this Chapter shall inform the Control Authority thereof within 24 hours of first awareness of the commencement of the Industrial User Upset or Bypass. Where such information is given vocally, a written follow-up report thereof shall be filed by the User with the Control Authority within 5 days. The report shall specify:
 - (A) A description of the nature of the Discharge, the cause thereof, and the Discharge's impact on the User's compliance status.
 - (B) The duration of the Discharge, including exact dates and times of Discharge and, if the Discharge causes noncompliance, the date and time by which compliance is reasonably expected to be achieved.
 - (C) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such a Discharge or other conditions of noncompliance.
- (3) A User who wishes to establish the affirmative defense of Industrial User Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (A) An Industrial User Upset occurred and the User can identify the cause(s) of the Industrial User Upset;
 - (B) The Facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

- (C) The User has submitted the reports as specified in subsection (b) above.
- (4) In any enforcement proceeding, the User seeking to establish the occurrence of an Industrial User Upset shall have the burden of proof.
- (5) The User shall control all Discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its treatment Facility until the Facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment Facility is reduced, lost or fails.

29.11 Financial Management, Metering and Billing

(a) General Policies.

- (1) Annual Budget.** On an annual basis, the Control Authority shall prepare a Sewer Utility budget. The budgeted revenues shall be sufficient to cover projected Operation, Maintenance and replacement Costs of the Sewer Utility.
- (2) Review of User Rates.** A review of the User charge System shall be conducted at least every two years. The purposes of this review shall be to maintain the proportionality between Users and User Classes of the user charge System, and to ensure that adequate revenues are available in the event of increasing Operation, Maintenance, and replacement Costs, and to adhere to debt coverage requirements in connection with a Clean Water Fund Loan Financial Assistance Agreement. The charges established hereunder may be developed using either a utility ratemaking method, which would include Recovery of Operation and Maintenance Costs plus depreciation and a return on investment, or a cash-based ratemaking method, which would include Recovery of Operation and Maintenance Costs, debt service payments, capital outlay, taxes and a deposit to the equipment Replacement Fund.
- (3) Accounts and Funds.** Income and revenues derived by the Sewer Utility shall be placed in an account which is separate and distinct from the General Fund. An equipment replacement reserve fund shall be maintained with the purpose of providing for the replacement of mechanical equipment in order to maintain the capacity and performance for which the System was designed. Other segregated funds, for example, a debt reserve fund, may be established and maintained as necessary.
- (4) Audits.** The Common Council shall cause an annual audit of the financial report of the Sewer Utility to be made, and shall make the audit report available for inspection during regular business hours.

(b) Impact Fee. An Impact Fee shall be imposed upon developers to allocate the costs of required public infrastructure including Sanitary Interceptor Sewers, sewage pumping stations, and sewage force mains in accordance with WMC Chapter 4.

(c) Sewer Connection Charge. All Users making a new Connection to the System shall pay a sewer Connection Charge to the City. The Charge shall be for recovery of the proportionate share of the Capital Costs for excess capacity in the Collection System reserved for new development. The Charge shall be established based upon the size of the water supply meter or Meter Equivalent for the connected property. The Charge shall be proposed by the Board of Public Works to the Common Council, and set by the Common Council. A Connection

Charge Schedule shall be published by the Department of Public Works. The Charge shall be reviewed at least annually, and amended as necessary to reflect costs. The Connection Charge shall be billed by the Water Utility.

- (d) **Sanitary Sewer Assessment Fee.** Property owners shall be charged a fee for the privilege of connecting to any Sanitary Sewer that had previously been constructed at the City's expense and was not charged against the property as a special charge or special assessment. The fee shall be equivalent to the cost of laying and constructing an 8-inch Sanitary Sewer at the then-prevailing price level along the full length of the property frontage where the Connection will be made. The fee shall be paid before the Connection is made.
- (e) **Users Served by Water Utility Meters.** The User charge for each lot, parcel of land, building, or premises having a Connection to the System and being provided with water solely by the Water Utility shall be based on the volume of water used, as measured by the Water Utility meter, except as noted in WMC §29.11(f) and (g), below.
- (f) **Sewer Users Served by Private Wells or Non-City Water Supply.** If any User Discharging Wastewater into the System procures any part or all of its water from sources other than the Water Utility, all or part of which is Discharged into the System, the User may be required to install one or more water meters (Source Meters) for the purpose of determining the volume of water obtained from these other sources. Source Meters shall be installed, owned, and maintained by the User, at the User's sole expense. All Source Meters shall be inspected and certified by the Water Utility or the Control Authority prior to acceptance of the readings. The User shall submit Source Meter readings at the interval specified by the Water Utility.
- (g) **Metering Waste.**
 - (1) Sewer Discharge Meters for measuring the volume of Waste Discharged may be required by the Control Authority if this volume cannot otherwise be determined from the metered water consumption records. Such meters shall be installed, owned and maintained by the User, at the User's sole expense. All Sewer Discharge Meters shall be inspected and certified by the Water Utility or the Control Authority prior to acceptance of the readings. Following certification, such meters shall not be removed without the consent of the Control Authority. Specifications for installation and maintenance of Sewer Discharge Meters shall be set forth in a written agreement or in a Permitted Industrial User's Discharge Permit.
 - (2) Industrial Users subject to Federal Categorical Pretreatment Standards or local Pretreatment Requirements may be required to install metering devices for measuring the Discharge of Industrial Wastes.

(h) Sewer Credits.

- (1) General.** Credit may be given against sewer billing in cases where it is demonstrated to the satisfaction of the Board of Public Works, as provided below, that water usage does not correspond to Wastewater output. This credit is available only to Commercial, Industrial, and Public Users, and only for the uses listed in subsection (2), below.
- (2) Credit Meters.** Commercial, Industrial, and Public Users only may install, at their expense, a credit meter or meters to measure usage of water only for the following uses:

 - (A)** Replenishing evaporative losses from cooling towers, boilers, swimming pools, commercial car washes, and other, similar Commercial and Industrial uses.
 - (B)** Water incorporated into products.
 - (C)** Irrigation of greenhouse, nursery or garden center stock.
 - (D)** Irrigation of athletic fields.
 - (E)** Refilling of Commercial and Public swimming pools and aquatic parks, but only if those Facilities are drained into Storm Sewers and not Sanitary Sewers.

Installation, certification, maintenance and use of credit meters, as well as the application of credits resulting from credit meter readings, shall be according to the Sewer Credit Meter Guidelines published and amended from time to time by the Department of Public Works.

- (3) Phase-Out of Residential Credit Meters.** All credit meter accounts for Residential Users shall terminate as of January 1, 2017, except that credit-meter accounts for Residential Users established between January 1, 2010 and December 31, 2016 shall expire 7 years from the date they are established.
- (4) One-Time Unmetered Credit.** All Users without a credit meter, including Residential Users, may request an adjustment of sewer service charges for special circumstances demonstrated to the satisfaction of the Board of Public Works, such as the filling of a swimming pool or the sprinkling of new landscape as defined in WMC §13.11(3)(c)(2). All adjustment requests and appeals shall be submitted in the form of a letter submitted to the Department of Public Works, and shall be approved or denied by the Board of Public Works, in the Board's sole discretion. Users may receive only one unmetered credit.

- (i) **Method of Billing.** Charges and fees shall be payable to the Water Utility in such manner as may be directed from time to time by the Common Council.
- (j) **Terms of Payment.** Invoices for all charges and fees levied and assessed in accordance with this Chapter shall become due and payable within 30 days after date of issuance. A penalty of 1 percent per month (1½ percent per month for bills generated by the Clerk-Treasurer) shall be added to all bills not paid by the date fixed for final payment.
- (k) **Lien for Charges.** Sewer service charges shall be a lien upon the property serviced pursuant to Wis. Stats. §66.0821(4)(d) and shall be collected in the manner therein provided.
- (l) **Split Payments Prohibited.** No payment shall be acceptable which includes instructions that such payment be applied to either water or Sewer to the partial or total exclusion of the other. Such a payment shall be returned to the payer or property owner or deposited to the Water Utility's account for return by check.
- (m) **Failure to Receive Bill, No Penalty Exemption.** Reasonable care will be exercised in the delivery of Sewer bills. Failure to receive a Sewer bill, however, shall not relieve any Person of the responsibility for payment of Sewer charges within the prescribed period nor shall it exempt any Person from any penalty imposed for delinquency in the payment thereof. In cases where the metered water usage is not available, the Unmetered Quarterly Flat Charge shall apply. Sewer charges and fees may be back-billed up to six years prior to the date the Control Authority became aware of a delinquent payment resulting from bills not received.

29.12 Sewer Service Charges and Fees

- (a) **Imposition of Sewer Service Charges.** A Sewer Service Charge is imposed upon each User for the construction, reconstruction, improvement, extension, operation, maintenance, repair, and depreciation of the sewerage System, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including the replacement of funds advanced by or paid from the City's general fund.
- (b) **Metered and Unmetered Users.** Users may be metered or unmetered. The Volumetric Charge, defined below, for metered Users shall be determined on the basis of actual water usage. The volumetric charge for unmetered Users shall be determined on the basis of 30,000 gallons of water usage per quarter, regardless of the actual usage (Unmetered Quarterly Flat Charge). Users shall be metered or unmetered only upon determination by the Water Utility or Department of Public Works.
- (c) **Sewer Service Charge Components.** The total Sewer Service Charge to Users shall be composed of the following components:
 - (1) **Fixed Charge.** A fixed amount, independent of volume of Wastewater, included in each sewer bill to cover administrative costs and the costs of treating Wastewater that is not attributable to individual Users, such as Infiltration of Groundwater. The Fixed Charge is not billed to Unmetered Users.
 - (2) **Volumetric Charge.** An amount determined by multiplying the volume of water usage during the billing period by the applicable Rate. The Volumetric Charge for Unmetered Users shall be determined by multiplying the applicable Rate by 30,000 gallons per quarter, regardless of actual volume.
 - (3) **Strength Surcharge.** An additional Volumetric Charge imposed when the strength of the Wastewater Discharged exceeds the limits of the User Class on which the User's Volumetric Charge had been calculated.
- (d) **User Classes.** Users shall be categorized into classes. Class 1 and Class 2 Users are differentiated according to the strength of the Wastewater Discharged, and Inside or Outside Users are differentiated by their locations. Users shall be reclassified where sampling, testing or other reliable means show that the strength of the Wastewater Discharged has fallen within other class parameters, or that the User is no longer Inside or Outside the City limits. Certain Users may be deemed to be Inside Users regardless of their location, by act of the Common Council.
 - (1) **Class 1 Inside.** A Class 1 Inside User is a User located inside the corporate limits of the City that Discharges Wastewater with less than or equal to 235 mg/l of BOD, 340 mg/l of Suspended Solids, 8 mg/l of Phosphorus, and 30 mg/l of TKN.

- (2) **Class 1 Outside.** A Class 1 Outside User is a User located outside the corporate limits of the City that Discharges Wastewater with less than or equal to 235 mg/l of BOD, 340 mg/l of Suspended Solids, 8 mg/l of Phosphorus, and 30 mg/l of TKN.
 - (3) **Class 2 Inside.** A Class 2 Inside User is a User located inside the corporate limits of the City that Discharges Wastewater with greater than 235 mg/l of BOD, 340 mg/l of Suspended Solids, 8 mg/l of Phosphorus, and 30 mg/l of TKN.
 - (4) **Class 2 Outside.** A Class 2 Outside User is a User located outside the corporate limits of the City that Discharges Wastewater with greater than 235 mg/l of BOD, 340 mg/l of Suspended Solids, 8 mg/l of Phosphorus, and 30 mg/l of TKN.
 - (5) **Hauled Waste Disposers.** A Hauled Waste Disposer is a User that Discharges Chemical Toilet, Holding Tank, or Septic Tank Waste to the System.
- (e) **Setting Rates and Charges.** Rates for determination of Volumetric Charges, Fixed Charges, and Strength Surcharges shall be set for each User Class. Rates, Fixed Charges, and Strength Surcharges shall be proposed by the Board of Public Works to the Common Council, and set by the Common Council. A Fee Schedule, containing the Rates, Fixed Charges, and Strength Surcharges shall be published by the Department of Public Works, and all charge calculations shall be based on the Rates shown on the then-current Fee Schedule. The Fee Schedule shall be reviewed at least every two years, and amended as necessary to reflect costs and to comply with applicable State and federal laws. Volumetric Rates shall be per every one thousand gallons of Wastewater Discharged by the User. The volume of flow used for calculating Class 2 surcharges shall be the metered water consumption, the volume of Wastewater measured at a Sample Point, the truck volume, or any combination of these measurements. Class 2 and Hauled Waste rates shall include additional surcharges for BOD, Suspended Solids, TKN and Phosphorus in excess of Class 1 thresholds. Laboratory analyses from the previous calendar year shall be used to calculate a User's Class 2 rates for the current year, except under special circumstances approved by the Control Authority. Hauled Waste rates shall be based on a series of laboratory analyses from which an average strength is calculated for each Waste type. Outside rates shall include an additional debt service charge in addition to that charged to Inside Users.
- (f) **Fees to Permitted Users.** The following fees are imposed on Permitted Users. The fees shall be proposed by the Board of Public Works to the Common Council, and approved by the Common Council. The fees shall be as shown in the Fee Schedule published by the Department. The fees shall be reviewed at least every two years, and amended as necessary to reflect costs and to comply with applicable State and federal laws.

- (1) Hauled Waste Disposers shall pay an annual fee for each registered vehicle.
- (2) Zero-Discharge Industrial Users shall pay an annual Permit fee.
- (3) Each Categorical Sample Point shall be assessed an annual fee.
- (4) Each Sample Point governed by a local limit shall be assessed an annual fee.
- (5) Where a Discharge Monitoring point is governed by both Categorical and local limits, the higher of the two fees will be assessed, but not both.
- (6) Each Permitted User subject to compliance sampling by the Control Authority shall pay applicable fees for each sample collected. For each compliance sampling event, the Control Authority shall charge the permittee a compliance sampling and analytical fee. A list of sampling fees shall be provided to the affected Users annually.

29.13 Enforcement.

- (a) **General.** The Department shall administer and enforce the provisions. Citations for violations may be issued by the Director, designated agents of the Director, or the Police Department, in accordance with WMC §25.08.
- (b) **Procedure.** Violations shall be addressed by the Department using any or all of the following procedures, in the Department's discretion. All procedures and remedies stated in this Chapter are cumulative, not exclusive, and in addition to all other remedies available at law or in equity.
 - (1) **Notice of Violation (NOV).** When a User is in violation, the Department shall serve a Notice of Violation on the User, by First-Class U.S. Mail, postage prepaid, to the User's last-known address. The Notice of Violation shall describe in reasonable detail the circumstances of the violation, the actions required to correct the violation, and the date by which corrective actions must be completed in order to avoid the issuance of a citation.
 - (2) **Citation.** If a User fails to take appropriate, timely corrective action in response to a Notice of Violation, and the violation continues past the date stated in the Notice of Violation, a citation shall be issued to the User, using the form of citation described in WMC §25.08.
- (c) **Penalties.** Users violating this Chapter shall be subject to the penalties specified below, in addition to the maximum municipal court fees assessed under Wis. Stats. §814.65, and all other fees and costs taxable under Wisconsin Statutes Chapter 814.
 - (1) **Accidental Discharge.** For reported Accidental Discharge, a forfeiture of not less than \$50 and not more than \$250. For unreported Accidental Discharge, a forfeiture of not less than \$250 and not more than \$1000.
 - (2) **Connection to the System without Permit.** For Connections to the System without first obtaining a permit to do so, a forfeiture of not less than \$100 and not more than \$500.
 - (3) **Significant Noncompliance.** For Significant Noncompliance, a forfeiture of \$1,000, in the discretion of the Control Authority. If the Significant Noncompliance was the result of Discharge by a Waste Disposer, a forfeiture of \$1,000.00 by both the Waste Disposer and the Waste Generator.
 - (4) **Discharge Causing WPDES Permit Violation.** For Discharge that causes the Plant to be in violation of its WPDES Permit, a forfeiture of \$1000.

- (5) **Required Reports Late or Not Submitted.** For failure to submit any report required by this Chapter within 45 days of its due date, the following forfeitures:

Number of days late	Penalty
46 – 60 days	\$500.00
> 60 days	\$500.00 + \$100.00 per each add'l day

- (6) **Other Violations.** For all violations other than those specified in this subsection (c), the penalty specified in WMC §25.05(1).

- (7) **Each Day of Violation Constitutes a Separate Offense.** For purposes of assessing forfeitures, each day on which a violation exists or continues constitutes a separate offense.

- (d) **Other Remedies.** In addition to the penalties specified above, violations may also be addressed with the following remedies, which are cumulative and not exclusive.

- (1) **Injunction.** Violations that constitute a Public Nuisance shall be subject to the provisions of WMC §12.06. Violations that pose an imminent threat to the health, safety or welfare of the public are public nuisances and shall be subject to actions for ex parte, temporary, and permanent injunction under Wis. Stats. §823.02.

- (2) **Referral to State or Federal Authorities.** Violations may be referred to the District Attorney or U.S. Attorney for civil or criminal prosecution under applicable state and federal laws.

- (3) **Suspension of Service.** Violations that (a) present or threaten a substantial danger to the health or welfare of the public or the environment, (b) may interfere with the operations of the Clean Water Plant, (c) cause Pass-Through, or (d) violate any Pretreatment Standards or requirements imposed by this Chapter, may, in the Department’s sole discretion, result in suspension of the User’s Permit and an order of the Department to the User to cease all Wastewater Discharges immediately. If the User fails to comply voluntarily with the order, the Department may take appropriate action, including installation of a bulkhead to block Discharges from entering the System.

- (4) **Revocation of Permit.** Violations that are significant, dangerous to the public or to the System, repeated, unmitigated, intentional, flagrant, or otherwise show similar indicia of severity justifying revocation of the User’s Permit, in the Department’s discretion, may result in the revocation of the User’s Permit and disconnection of the User’s Facility from the

System. Notice of revocation shall be in writing, delivered by First-Class U.S. Mail, postage prepaid, to the User's last-known address, and by posting at the User's Facility. Upon delivery of notice of revocation, the User shall cease all Discharges of non-Domestic Wastewater immediately.

(e) Costs Incurred by City as a Result of Violation.

- (1) Violations Causing Damage to the System.** Any Person who violates this Chapter, and whose violation causes an obstruction, damage to the System, or any other condition in the System which requires repair, replacement, cleaning, remediation or other responsive action by the City, shall reimburse the City for all expenses incurred as a result thereof. The City shall invoice the Person for the expenses, and the invoice shall be payable 30 days from the date of the invoice.
- (2) Violations Causing a Violation of the City's WPDES Permit.** Any Person who violates this Chapter, and whose violation causes the City to be in violation of the terms of the City's WPDES Permit or any other applicable state or federal law, shall reimburse the City for all expenses incurred as a result thereof. The City shall invoice the Person for the expenses, and the invoice shall be payable 30 days from the date of the invoice.
- (3) Violations Causing Additional Sampling and Analytical Expenses.** Any Person who violates this Chapter, and whose violation causes the City to incur additional sampling or analytical expenses, shall reimburse the City for all expenses incurred as a result thereof. The City shall invoice the Person for the expenses, and the invoice shall be payable 30 days from the date of the invoice.

(f) Miscellaneous Enforcement Provisions.

- (1) Publication of Significantly-Noncompliant Users.** The Department shall publish a list of all Users in Significant Noncompliance for the previous 12 months in a newspaper of general circulation that provides meaningful public notice in the Service Area.
- (2) Surety Bonds and Insurance.** The Department may require a noncompliant User to post a surety bond to secure expenses that the Department might incur in the event of future violations. The amount of the bond shall be in the Department's discretion, but shall be reasonably related to foreseeable expenses. The surety must be listed in the Department of the Treasury's listing of certified companies. The Department may also require a User responsible for a Plant Upset to obtain liability insurance, naming the City as an additional insured, sufficient to cover the cost of restoring the Plant in the event a second

Plant Upset occurs. The limits of coverage shall be in the Department's discretion, but shall be reasonably related to foreseeable expenses.

29.14 Reconsideration and Appeals.

- (a) **Reconsideration of Administrative Decisions.** Any Person to whom an administrative decision under this Chapter is issued by the Department may request, in writing, that the Department reconsider its decision. The request for reconsideration must include a bona fide allegation that the Department's decision was based, in whole or in part, on a mistake of factual circumstances or incorrect application of the law, or that new facts have arisen which may alter the decision. The written request must be served on the Department no later than 10 days after the date of the administrative decision of which reconsideration is sought. Reconsideration shall be in the sole discretion of the Department. Proceedings to enforce the decision shall be stayed pending the Department's response to the request for reconsideration. Violations that continue during the stay shall be subject to enforcement and penalties if the request for reconsideration is denied, or if on reconsideration the Department amends its decision but the amended decision does not excuse the continuing violation.
- (b) **Appeal of Administrative Decisions.** Administrative decisions issued by the Department under this Chapter may be appealed to the City Administrative Review Appeals Board, pursuant to WMC §2.11. Appeals shall be filed, in writing, with the Administrative Review Appeals Board no later than 10 days after the decision is issued by the Control Authority, or, if reconsideration of the decision has been requested pursuant to subsection (a), above, no later than 10 days after a decision on reconsideration has been issued by the Department.
- (c) **Appeal of Permit Terms and Conditions.** Regardless of subsections (a) and (b), above, appeals of the terms and conditions of an issued Permit shall be made to the Administrative Review Appeals Board, pursuant to WMC §2.11, no later than 30 days after the Permit is issued. Requests for reconsideration pursuant to subsection (a), above, may not be made of the terms and conditions of Permits.

29.15 Miscellaneous Provisions.

- (a) This Chapter shall be effective upon its passage and publication.
- (b) If any part is declared by a court having competent jurisdiction to be invalid, then to the extent that the invalid part can be severed from the remainder of the Chapter, it shall be severed, and shall not affect the validity of any other part.
- (c) All references to ordinances, statutes, and regulations include the successors thereto.