

SEWER USE ORDINANCE
NO. 82-001

WALWORTH COUNTY METROPOLITAN
SEWERAGE DISTRICT

Effective January 1, 2016

Adopted Resolution 2015-05
November 10, 2015

RESOLUTION NO. 2015-05
RESOLUTION TO ADOPT SEWER USE ORDINANCE 82-001 AS
REVISED ON NOVEMBER 10, 2015

WHEREAS, the Walworth County Metropolitan Sewerage District ("WalCoMet) will adopt Ordinance 82-001 as revised on November 10, 2015 (the Ordinance) in the form and substance presented to the Commission of WalCoMet on November 10, 2015 and be hereby approved and adopted in accordance with its terms

BE IF FURTHER RESOLVED, that the Ordinance shall become effective in accordance with the terms as provided for therein.

Adopted this 10th day of November 2015.



Thomas Eck, District Secretary

TABLE OF CONTENTS

ARTICLE I. INTRODUCTION AND GENERAL PROVISIONS 1

 Section 101. Regulation 1

 Section 102. Revenues 1

 Section 103. Authority 1

 Section 104. Superseding Effect 1

Article II. DEFINITIONS 2

Article III. ANNEXATION OF TERRITORY 11

 Section 301. Additions 11

 Section 302. Impositions 12

Article IV. ACCESS TO MUNICIPAL RECORDS AND LANDS 12

 Section 401. Access to Municipal Records 12

 Section 402. Access to Lands 12

Article V. CONNECTION TO DISTRICT INTERCEPTING SEWERS 13

 Section 501. Combined Sewers 13

 Section 502. Sanitary Sewer Connections to District Intercepting Sewers 13

 Section 502.1. Connections by Municipalities. 13

 Section 502.2. Connection of a Building Sewer to a Public Sewer. 13

 Section 502.3. Connection of a Community Sewer to an
 Existing Public Sewer within the District. 14

 Section 503. Prohibited Connections 15

 Section 504. Supervision of Construction of Community and
 Building Sewers 15

 Section 505. Records of Connection to Community Sewers 15

 Section 506. Mandatory Connections. 15

 Section 507. Connection Fee. 16

 Section 508. Disconnect 17

Article VI. USE OF THE PUBLIC SEWERS 17

 Section 601. Prohibition against Unpolluted Water. 17

 Section 602. Limitations on Discharge Characteristics. 17

 Section 603. Discharges from Dental Clinics 18

Section 604. Prohibitions and Limitations.....	19
Section 605. Special Arrangements	22
Article VII. LIMITATIONS ON DISCHARGE OF HOLDING TANK WASTES.....	22
Section 701. Discharge into Community Sewers.	22
Section 702. Discharge at the District's Treatment Facilities.	22
Article VIII. CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS	23
Section 801. Submission of Basic Data	23
Section 802. Extension of Time.....	23
Section 803. Industrial Discharges	23
Section 804. Control Manholes.....	23
Section 805. Measurement of Flow	24
Section 806. Metering of Waste.....	24
Section 807. Waste Sampling	24
Section 808. Pretreatment	24
Section 809. Grease and/or Sand Interceptors	24
Section 810. Analyses.....	25
Section 811. Submission of Information	25
Section 812. District's Right to Assure Compliance.....	25
Section 813. Conflict.	25
Article IX. SEWER SERVICE CHARGES	25
Section 901. General Sewer Service Charges.....	25
Section 902. User Charge Rates.....	26
Section 903. Debt Service Rates.....	26
Section 904. Measurement.....	26
Section 905. Monitoring for Sewer Service Charges.	26
Section 906. Biennial Audit.....	26
Section 907. Charge for Toxic Pollutants.	27
Section 908. Annual Notification.	27
Section 909. Sewer Service Charge Calculations.	27
Section 910. Special Assessments.	27
Section 911. Special Charges.....	27

Article X. MUNICIPAL SERVICE CHARGE RATES TO INDIVIDUAL SEWER SYSTEM USERS	27
Article XI. BILLING AND COLLECTION	28
Section 1101. Billing and Payment.....	28
Section 1102. Delinquent Payments.	28
Section 1103. Alternative Remedies.....	28
Section 1104. Remedies Cumulative.....	28
Article XII. RIGHT OF ENTRY, SAFETY AND IDENTIFICATION	28
Section 1201. Right of Entry.	28
Section 1202. Safety.	28
Section 1203. Identification. Right to Enter Easements.	29
Section 1204. Obstructions Within Public Streets.....	29
Article XIII. ENFORCEMENT AND ABATEMENT	29
Section 1301. Violations Constitute Public Nuisances.	29
Section 1302. Notice of Violation.	30
Section 1303. Special Orders, Appeals Therefrom and Penalties	30
Section 1304. Emergency Actions Regarding Industrial Discharges.	31
Section 1305. Appeals from Determinations of the Administrator.	31
Section 1306. Falsifying of Information or Tampering with Facilities. ...	32
Section 1307. Forfeitures.....	32
Article XIV MISCELLANEOUS	32
Section 1401. Emergency Rules.	32
Section 1402. Superseding Previous Ordinances.....	32
Section 1403. Invalidation Clause.	32
Section 1404. Amendment.....	32
Section 1405. Conflict with District's Ordinance.	32
Section 1406. Effective Date.	32
Section 1407. Date of Enactment.....	32
Article XV. FEES AND CHANGE	33
Section 1501. Fees.	33
Section 1502. Adjustments.	33

Article XVI CLEARWATER SUSTAINABILITY PLANS33
 Section 1601. Infiltration/Inflow33
 Section 1602. Program Submission.34
 Section 1603. CMOM Program Approval.34
 Section 1604. Enforcement.....34

WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT
SEWER USE ORDINANCE

NO. 82-001

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

ARTICLE I.
INTRODUCTION AND GENERAL PROVISIONS

Section 101. Regulation. This Ordinance regulates the use of public and private sewers and drains, disposal of holding tank wastes into the public sewers, and the discharge of waters and wastes into the public sewer systems within the District. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems, and enables the District to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by the State of Wisconsin or the United States of America. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the District interceptor sewer system or collecting systems tributary to that interceptor sewer system.

Section 102. Revenues. This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the District's costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to the authority contained in Section 200.13(13) and Section 66.0821(3) of the Wisconsin Statutes.

Section 103. Authority. This Ordinance is adopted pursuant to and in implementation of Sections 200.11(1)(d) and 200.45(1) of the Wisconsin statutes which gives the District the right to "adopt rules for the supervision, protection, management and use of the systems and facilities operated by the District." If there is any conflict between this Ordinance and any applicable Statute, the Statute shall be controlling.

Section 104. Superseding Effect. This Ordinance shall supersede any previous District Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance; except that this Ordinance shall not supersede or replace the District's Pretreatment Ordinance, No. 2015-001 (the "Pretreatment Ordinance"). The Pretreatment Ordinance shall apply to all matters described therein; and in the event of any conflict between the terms of this Ordinance and the Pretreatment Ordinance, the Pretreatment Ordinance shall control.

ARTICLE II.
DEFINITIONS

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

ADMINISTRATOR shall be the Administrator of the District or other authorized representative of the Commission or District.

APPLICABLE PRETREATMENT STANDARD shall mean the most restrictive provisions contained in any pretreatment limitations or prohibitive standards (enacted by any federal, state or local governmental entity) and incorporated in this Ordinance or the Pretreatment Ordinance, which applicable pretreatment standard shall be complied with by non-domestic wastewater users of the sewerage system.

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with 40 CFR Part 136, or as EPA otherwise determines.

BUILDING SEWER shall mean a sanitary sewer which begins at the immediate outside of the foundation wall of any building or structure being served, and ends at its connection with a community sewer or interceptor. The repair and maintenance of a building sewer shall be the responsibility of the person or property owner who discharges wastewater into such sewer.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with 40 CFR Part 136, or as EPA otherwise determines.

CAPITAL COST PERCENTAGES shall be the percentages of total capital costs, of the District's wastewater collection and treatment facilities that are attributable to each wastewater parameter.

CHLORINE REQUIREMENT shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce residual chlorine the quality of effluent as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

COMBINED SEWER shall mean a sewer designed to receive or receiving both wastewater and storm or surface water.

COMMERCIAL USER shall mean a person owning or operating retail or wholesale business(es), trade(s) or establishment(s), which person discharges only Domestic Wastewater from such businesses into a public sewer. Any user not falling within the definition of a Residential User, Industrial User, or Institutional User shall be a Commercial User.

COMMISSION shall mean the Commission of the District as defined and with such powers as set forth in Section 200.09 of the Wisconsin Statutes, as amended from time to time

COMMISSIONERS shall mean the Commissioners of the District.

COMMUNITY or **MUNICIPALITY** shall mean any county, city, village, town, town utility district, town sanitary district, state agency or federal agency that is served by the District and which is billed directly by the District for such sewerage service.

COMMUNITY SEWER shall mean any sanitary sewer owned and/or operated by any Municipality, which sewer is tributary to an intercepting sewer or treatment facility owned or operated by the District.

COMPATIBLE POLLUTANT shall mean biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit issued to the District for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

CONNECTION FEE shall mean the fee computed in accordance with the provisions of Article V, Section 507 hereof.

CUSTOMER UNIT shall mean a unit intended for single family dwelling purposes. A customer unit shall be defined as a single family residence, an apartment, a residential condominium unit or a manufactured home. For purposes of determining the number of equivalent customer units in the District for nonresidential uses, the following ratios are hereby established:

Water Meter Size	Customer units
5/8"	1.0
3/4"	1.0
1"	2.5
1 1/4"	3.5
1 1/2"	5.0
2"	8.0
3"	16.0
4"	25.0
6"	50.0
8"	80.0
10"	115.0
12"	160.0

Non-residential uses are defined as Commercial, Institutional and Industrial uses, including but not limited to nursing homes, assisted living complexes, travel trailer parks, hospitals, hotels,

motels and similar uses. The term “mixed use” means a combination of residential and non-residential uses.

In the event that a parcel is the subject of a “mixed use,” the customer unit count for that customer shall be calculated as:

$$A + B = C$$

Where:

A = the total number of customer units for the residential units;

B = total equivalent Customer Units (as determined by the meter size) for the non-residential units– If “B” is a negative number is should be considered as zero in the formula.

C = total number of Customer Units

Where a customer does not have a water meter(s) for measuring the customer's water consumption, the Administrator shall estimate the number and size of water meters that would otherwise be required to serve the parcel, based on standard engineering practices; and the customer units shall then be determined based on this estimate. Customer Units shall be determined for each new customer or for existing customers that may modify the existing meter size.

DEBT SERVICE COSTS shall include principal and interest payments with respect to all indebtedness or obligations issued or incurred or to be issued or to be incurred by the District. Such costs include without limitation, depreciation payments that may be required pursuant to the terms of any such indebtedness or obligation.

DISTRICT shall mean the Walworth County Metropolitan Sewerage District (WalCoMet), a regional sewerage district governed by the Commission.

DISTRICT WASTEWATER COLLECTION FACILITIES (or District Wastewater Collection System) shall mean the District's interceptor sewers, force mains, and lift stations.

DNR means Wisconsin Department of Natural Resources.

DOMESTIC WASTEWATER or **SANITARY SEWAGE** shall mean a combination of liquid and water carried wastes and wastewater discharged from toilets, conveniences, or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in Article VI of this Ordinance and which contain no substances prohibited by the terms of this Ordinance.

EASEMENT shall mean an acquired legal right for the specified use of land owned by others.

EPA means the federal Environmental Protection Agency.

EXCESS CAPACITY DEBT SERVICE shall mean that portion of the District's long-term debt incurred in connection with the construction and replacement of the District sewerage facilities (including but not limited to its Wastewater Collection Facilities and Wastewater Treatment Plant), as allocated by the Commission to facilities that provide capacity for future growth within the District and its service territory.

FEDERAL ACT shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Chapter 147, Wisconsin Statutes, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 147, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

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

FLOW PROPORTIONAL SAMPLE or **COMPOSITE SAMPLE** shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said waste.

GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage or sale of food products and produce.

GROUND GARBAGE shall mean garbage that has been shredded to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

HOLDING TANK WASTE shall mean the scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and other temporary holding facilities; and shall include wastes from a soil absorption field. Such term is synonymous with the term "septage." The term does not include the waste from a grease trap.

INCOMPATIBLE POLLUTANTS shall mean any pollutant which is not a compatible pollutant.

INDUSTRIAL USER shall mean any person who makes, causes, or permits an Industrial Discharge into the District's Wastewater Facilities.

INDUSTRIAL DISCHARGE or **INDUSTRIAL WASTE** shall mean any water borne solids, liquids or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including but not limited to cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage, i.e., Domestic Wastewater.

INSTITUTIONAL USER shall mean any user who is exempt from the payment of income taxes under applicable provisions of the Internal Revenue Code, as amended from time to time; and further, who is exempt from the payment of ad valorem property taxes with respect to the premises served by a public sewer, under applicable provisions of the Wisconsin statutes, as amended from time to time.

INTERCEPTING SEWER or **INTERCEPTOR** shall mean any sanitary sewer owned or operated by the District.

INTERFERENCE shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts wastewater treatment processes or operations or the sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
 - Section 405 of the Clean Water Act
 - The Solid Waste Disposal Act (including the Resource Conservation and Recovery Act)
 - The Clean Air Act
 - The Toxic Substances Control Act, and
 - The Marine Protection Research and Sanctuaries Act

LICENSED DISPOSER or **LICENSED HAULER** shall mean a person holding a license under 281.48(3)(a), Wisconsin Statutes.

MAY is permissive.

MUNICIPAL APPROVING AUTHORITY shall mean the Municipal Engineer, Public Works Director, Administrator or other designated representative of a Municipality.

MUNICIPAL WASTEWATER COLLECTION FACILITIES (or Municipal Wastewater Collection System) shall mean the municipal sewer systems, structures, equipment, lift stations, and processes required to collect and carry away wastewater. These municipal wastewater collection facilities, which are owned, operated, and maintained by the municipalities, extend to a point of connection to an Interceptor Sewer or to the District Wastewater Facilities. Such term includes by definition a community sewer and a public sewer.

MUNICIPALITY or **COMMUNITY** shall mean any county, city, village, town, town sanitary district, town utility district, state agency, or federal agency that is served by the District and which is billed directly by the District for such sewer service.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U.S. Environmental Protection Agency in accordance with 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

NEW SOURCE shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated provided that:

- (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.

NITROGEN shall mean Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.

OPERATION AND MAINTENANCE EXPENSES shall include all costs and expenses incurred in connection with the operation and maintenance of the District's wastewater collection and treatment facilities, including replacement costs, and administration costs, all as determined from time to time by the District in accordance with generally accepted accounting principles.

PASS THROUGH shall mean a discharge which exits the wastewater treatment plant into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's WPDES permit including an increase in the magnitude or duration of a violation.

PERSON shall mean any individual, firm, Municipality, company, partnership, association, cooperative, public or private corporation, society, institution, enterprise, governmental agency, or other entity.

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

PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.

PRIVATE SEWER shall mean a sewer serving two or more buildings and not directly controlled by a public authority.

PROPERLY SHREDDED GARBAGE shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

PUBLIC NUISANCE or **NUISANCE** shall mean any source of filth or cause of sickness as defined in 254.59 Wisconsin Statutes. Any violation of this Ordinance shall also be considered a public nuisance pursuant to Section 823.02, Wis. Stats.

PUBLIC SEWER shall mean a sewer owned and maintained by a Municipality, governmental agency or public utility.

PUBLIC SEWERAGE SYSTEM shall mean all structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served, and excepting building sewers.

RECEIVING WATERS shall mean the body or bodies of water to which the treated water from the District's wastewater treatment plant is discharged.

REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the District's wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance expenses include replacement costs.

REPRESENTATIVE SAMPLE shall mean a sample of the appropriate wastewater stream collected using 24-hour flow proportional composite sampling techniques where feasible. If an industrial process does not operate for 24 hours per day, the sample shall be collected during the time the process is discharging wastewater. Samples to be analyzed for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics shall be grab samples. An industrial user may use another sampling method if it demonstrates and certifies to the District's satisfaction that it is more representative than flow proportional sampling.

RESIDENTIAL USER shall mean any person who makes, causes, or permits a discharge of Domestic Wastewater into a public sewer, from a single family residence, an apartment, a residential condominium unit or a manufactured home or any other similar structure; provided such structures are not subject to non-residential uses as defined for purposes of "Customer Units."

RESPONSIBLE CORPORATE OFFICER shall mean:

- (a) A president, secretary, treasurer, or vice president of a corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for a corporation, or
- (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, or
- (c) A general partner or proprietor of a partnership or sole proprietorship, respectively, or
- (d) A member/manager of a limited liability company.

SANITARY SEWAGE (or **DOMESTIC WASTEWATER**) shall mean a combination of liquid and water carried wastes and wastewater discharged from toilets, conveniences, or sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in Article VI hereof, and which contain no substances prohibited by the terms of this ordinance.

SANITARY SEWERS shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, or institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE is the spent water of a Municipality. The preferred term is “wastewater.”

SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE CHARGE is the charge levied upon municipalities or other customers who use the District's wastewater collection and treatment facilities. Such charge shall raise sufficient revenues for the recurrent operation and maintenance expenses, debt service costs, and other expenses or obligations of the District.

SHALL is mandatory.

SIGNIFICANT INDUSTRIAL USER shall mean:

- (a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater treatment plant (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

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

SLUG LOAD or **SLUG DISCHARGE** shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates conditions in this Ordinance, or WPDES Permit conditions or the District's Pretreatment Ordinance.

STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, as amended from time to time.

STORM DRAIN (sometimes termed "Storm Sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

STORM WATER RUNOFF shall mean that portion of the rainfall or other surface water that is drained into the sewers.

SUSPENDED SOLIDS (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or as EPA otherwise determines.

TIME PROPORTIONATE SAMPLE shall mean a sample consisting of equal portions of waste taken at regular time intervals.

TOTAL KJELDAHL NITROGEN (TKN) shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

TOTAL PHOSPHORUS (TP) shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

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

USER shall mean any person who discharges, or causes to be discharged domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.

USER CHARGE or **USER CHARGE SYSTEM** shall mean the charges levied on the municipalities and/or users of the Wastewater Collection and Treatment Facilities for the user's proportionate share of the cost of operation and maintenance (including replacement) of such facilities. The user charge is a component of the Sewer Service Charge.

WALCOMET PRETREATMENT ORDINANCE shall mean the ordinance adopted by the District and approved by the Wisconsin Department of Natural Resources to monitor and regulate the volume and concentrations of discharges from industrial users.

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

WASTEWATER FACILITIES shall mean the District's structures, equipment and processes which are designed to collect, carry and treat domestic wastewater and industrial discharges.

WASTEWATER PARAMETERS shall include volume, BOD, suspended solids, total Kjeldahl nitrogen, total phosphorus, customer units, and such additional parameters as may from time to time be determined by the Commission of the District.

WASTEWATER TREATMENT PLANT shall mean the District's arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with "wastewater treatment." or wastewater treatment works or "water pollution control works."

WPDES PERMIT shall mean the District's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 283 of the Wisconsin Statutes.

ARTICLE III. ANNEXATION OF TERRITORY

301. Additions.

- (a) Territory may be added to the District in accordance with the provisions of Section 200.15(1), Wisconsin Statutes, as amended from time to time; and such

territory shall be so added effective upon receipt of official notice from the city or village that the municipal annexation has occurred.

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

Section 302. Impositions. Territory which is added to the District in accordance with the provisions of Section 200.15, Wisconsin Statutes, as amended from time to time, shall be subject to such connection charges and annexation fees as the Commission may from time to time determine. Such connection charges and annexation fees shall be billed to and paid by the Municipality in which the added territory is located, at such time or times as the Commission may determine. Further, the Commission may impose upon such added territory reasonable requirements as to participation in the cost of existing or proposed District facilities.

ARTICLE IV. ACCESS TO MUNICIPAL RECORDS AND LANDS

Section 401. Access to Municipal Records. The Administrator, acting on behalf of the Commission, shall have access to all sewerage records of any Municipality located in the District. Upon request of the Administrator, each Municipality within the District shall submit to the District copies of any and all plans of any municipal wastewater collection facility, or any portion thereof, which plans may be in the possession of the Municipality. The Administrator may enter upon any land in any Municipality within the District for the purpose of making surveys or examinations, all as provided in Section 200.11(3) of the Wisconsin Statutes.

Section 402. Access to Lands. Upon request of the Commission, each Municipality within the District shall provide the Administrator with an accurate real estate description of their respective corporate limits and a map thereof. Thereafter, whenever territory becomes annexed for municipal purposes to a City or Village, such Municipality shall provide to the Administrator the following:

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

ARTICLE V.
CONNECTION TO DISTRICT INTERCEPTING SEWERS

Section 501. Combined Sewers. No combined sewers shall be connected, directly or indirectly, with the District's wastewater collection facilities.

Section 502. Sanitary Sewer Connections to District Intercepting Sewers. New connections to the wastewater collection and treatment facilities will be allowed only if there is available capacity in all downstream wastewater collection and treatment facilities.

Section 502.1. Connections by Municipalities.

- (a) Any Municipality desiring to connect any sewer directly with any intercepting sewer of the District shall make application to the Commission for permission to make such connection.
- (b) Prior to permitting such connection, the Commission shall investigate the sewerage system for which such connection is requested. If the Commission finds such system to be in satisfactory condition and of adequate capacity it may grant a permit for such connection, subject to such conditions as it may require. If the Commission finds such system to be defective in operation, construction, design or maintenance, the Commission will so notify the applicant and will advise it that upon the completion of certain alterations, new construction or changes in supervision or operation, a permit may be granted.

Section 502.2. Connection of a Building Sewer to a Public Sewer.

- (a) Connections to Interceptors. No connections of a building sewer or other private sewer directly to an intercepting sewer of the District shall be made, unless special circumstances or conditions require such connection. Applications for permission to connect a building sewer directly to an intercepting sewer shall be made in writing to the Administrator by a master plumber licensed by the Department of Safety and Professional Services of the State of Wisconsin and authorized by the owner or operator of the premises for which such connection is desired. There shall be two (2) classes of connection permits: 1) Residential 2) Commercial or Industrial. The application shall include a statement giving the exact location of the premises, the purposes for which the connection is to be used, the time when the work is to be done, the special circumstances or conditions requiring such direct connection, and such other information that may be required by the Administrator. The application shall constitute an agreement by the owner and said licensed master plumber that they will be bound by and subject to the rules and regulations of the Commission; and that they will pay a connection fee, determined under Section 507 hereof. A non-refundable permit fee in such amount as the Commission may from time to time determine, for a residential, commercial user or an industrial user shall be paid to the District upon filing the application. The Commission shall then determine whether or not to approve such connection. Upon approval of said application, the Commission will

issue a permit granting the right to make the connection, specifying special conditions which must be met prior to connection, and such additional conditions as it may require. No work of laying the building sewer shall be commenced or continued without the required connection permit being on the premises and in the hands of the licensed master plumber or one employed by him. Each building sewer to be connected to an intercepting sewer shall be inspected by the Administrator or his representative at the time of the connection. A permit to connect to an intercepting sewer shall be valid for a period of nine months, unless extended by the Administrator. If no construction is commenced during the term of the permit, the Applicant must subsequently re-apply.

- (b) Connections to Community Sewers. Applications for permission to connect a building sewer to a community sewer shall be made to the Municipality in which the connection is being made. No building sewer shall be connected to a community sewer unless the community sewer is adequately sized to transport the additional flow. At the time of connection, each building sewer shall be inspected by a competent supervisor or inspector of the Municipality in which the connection is being made. The applicant shall pay said Municipality the fees prescribed by it, together with any connection fee required under Section 507 hereof. Copies of all commercial and industrial waste discharge permit applications shall be provided to the Administrator; and such applications must first be approved by the Commission prior to connection to any community sewer, subject to such conditions as it may require.

Section 502.3. Connection of a Community Sewer to an Existing Public Sewer within the District.

- (a) Application by a Municipality for permission to connect any public sewer to an existing public sewer contributory to the District's wastewater collection facilities shall be made in writing to the Commission. The application shall describe the location of the requested connection, the character of the wastewater to be transmitted and shall include a statement that the design, construction, operation and maintenance of the system shall be subject to the rules and regulations of the Commission. Connections will be allowed only when the capacity of downstream collection and treatment facilities is adequate.
- (b) Said application shall be accompanied by such number of sets of plans and specifications for the connecting system as the Administrator may require. The plans and specifications shall be prepared by a professional engineer and shall conform to state and local plumbing codes and the requirements of the DNR. Said plans and specifications upon being approved by the Commission within a reasonable period of time after submitting such application, shall be transmitted by the Applicant to the DNR, and any other government agency having appropriate jurisdiction thereof. Upon receiving the approval of the DNR and any such governmental agency, the Applicant shall provide the District with one (1) set of plans and specifications, together with evidence of approvals by the DNR and any such governmental agencies. All elevations given on plans submitted to

the commission shall be based on National Geodetic Survey datum and all bearings shown shall be referred to the true north and south meridian. Every plan submitted shall bear a sign showing the direction of the true north in relation to the plan. No connection shall be made until the same has been approved by the Commission and any other governmental body having jurisdiction thereof, and subject to such conditions as they may require. Any connection once approved; shall be made within the time period established by the Commission; and if not so made, the approval shall terminate and the applicant must reapply.

Section 503. Prohibited Connections.

- (a) No connection shall be made to any municipal wastewater collection facility if the connection pipe is carrying any contents from a septic tank, unless said septic tank is serving as a pretreatment unit process which has been required pursuant to the District's Pretreatment Ordinance.
- (b) No connections shall be made to any sanitary sewer within the District if the connection pipe is carrying flow from a building foundation drain.

Section 504. Supervision of Construction of Community and Building Sewers. Every Municipality shall require that construction of community sewers within its jurisdiction be under the direction of a licensed professional engineer. Such engineer shall keep accurate records of the location, depth and length of sewers built and the location of the laterals. Upon acceptance of the construction covered by the plans and specifications for community sewers, the Municipality shall furnish to the District a complete set of correct plans of the system as built. All building sewers within the Municipality served by the District shall be constructed and inspected as required by the applicable provisions of the Wisconsin Administrative Code as amended from time to time.

Section 505. Records of Connection to Community Sewers. Records of building sewer connections to community sewers shall be kept by the Municipality in which such connections are made; and information regarding the same shall be furnished to the District on an annual basis on or before January 31, of each calendar year, or at more frequent times as the Administrator may determine. The information to be furnished shall consist of the number of connections for the reporting period, the size of such connections, the nature or character of the user, any wastewater discharges, and such additional information as the Administrator determines.

Section 506. Mandatory Connections.

- (a) Each Municipality shall require every owner of a parcel of land within its corporate limits to connect to a public sewer whenever the following conditions are met:
 - (1) The parcel of land is adjacent to a public sewer;

(2) There is located upon such parcel a building or other structure used or useable for human habitation or occupancy or for the conduct of any trade, business or industry; and

(3) Such building or structure is being served by a private sewage disposal system or treatment works. Such connection shall be made no later than twelve (12) months after the installation of the public sewer adjoining such parcel, or such later time as the District may determine. This Section 506 shall not be construed as requiring an owner of any land to connect to a public sewer whenever the following conditions exist:

- (i) There is located on said parcel a wastewater treatment process which treats wastewater generated from the conduct of any trade, business or industry; and
- (ii) The owner or operator of said wastewater treatment process holds a WPDES Permit issued by the DNR, permitting discharge of effluent to a receiving body other than a public sewer.

The foregoing exception shall only apply to those persons holding a WPDES Permit as of the date of enactment of this Ordinance; and to no other persons.

Section 507. Connection Fee. Each Municipality shall pay a “connection fee” to the District for each building sewer connection made to a municipal wastewater collection facility.

Such connection fee shall be paid to the District by the Municipality in which the connection is made no later than thirty (30) days after the connection is completed. The connection fee is a charge to recover a proportionate share of the Excess Capacity Debt Service costs of the District attributable to the person requesting the sewer connection. The connection fee for single customer units shall be determined pursuant to the following formula:

$$C = D + [P \times (1 + R)]$$

Where C = Current Connection Charge for a Single Customer Unit

D = Current Year’s Excess Capacity Debt Service for a Single Customer Unit

P = Previous Year’s Connection Charge for Single Customer Unit

R = Rate of Earnings on District Investments during the Previous Year
Expressed as a Decimal.

For purposes of the foregoing formula, the Administrator shall determine the number of Customer Units attributable to the person requesting the building sewer connection. Where the number of Customer Units exceeds 1.0, "C" shall be multiplied by the number of Customer Units for purposes of determining the Connection Fee. For purposes of the foregoing formula, "D" shall be equal to the current year’s Excess Capacity Debt Service costs for a single customer unit, subject to change by the District as the District's Excess Capacity Debt Service costs change. The District reserves the right to adjust "R" annually for purposes of applying the foregoing formula. Such adjustment shall be made no later than January 1, of each calendar year.

This Section shall apply to all connections by persons who connect to a municipal wastewater collection facility.

Section 508. Disconnect. If the District receives a written notice from a Community that a structure has been disconnected from a public sewer, the District shall, as of the first day of the calendar month following receipt of the notice, reduce the Community's customer unit total by the number of customer units in question. For the purpose of this section, a structure is considered disconnected when the structure cannot physically discharge wastewater to the public sanitary sewer due to a casualty, destruction or demolition, for a period of twelve (12) consecutive calendar months or such longer time as the Commission may by resolution determine. If an existing structure or replacement structure providing for the same use seeks to reconnect to a public sewer within the ten year period following the date of the notice of disconnect given to the District, then in such event, the Community shall pay to the District, an adjusted connection fee equal to the difference between the connection fee in effect for the calendar year within which the structure is reconnected and the connection fee in effect for the calendar year within which the notice of disconnect was received, together with an administrative reconnection fee of \$75.00 as provided for in Section 1502 below. The administrative reconnection fee may be increased from time to time by resolution of the Commission. Any existing or replacement structure that has been disconnected for ten years or more after the date of the notice of disconnect, which subsequently reconnects to the public sewer, shall pay the connection fee in effect for the calendar year within which the reconnection occurs, without credit or any further adjustment.

ARTICLE VI. USE OF THE PUBLIC SEWERS

Section 601. Prohibition against Unpolluted Water. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, surface water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

Section 602 Limitations on Discharge Characteristics.

- (a) General Limitations on Discharge Characteristics. Discharge to the public sewerage system of substances, materials, waters or waste shall be limited to concentrations or quantities, which will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not have an adverse effect on the District's sludge management program; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a public nuisance.
- (b) Limitations Related to the District's WPDES Permit. No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES permit and any modification or re-issuance thereof.

- (c) Limitations Superseded. Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the Federal standards (if more stringent than the limitations imposed under this Ordinance) shall immediately supersede the limitations imposed under this Ordinance; and each Industrial User shall comply with the applicable Federal standards. The District shall notify all affected users of the applicable requirements using the procedures specified in 40 CFR 403.12.
- (d) No Dilution of Industrial Discharges. Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to meet the limitations established in this Article or meet or exceed the Applicable Pretreatment Standards as contained in the Pretreatment Ordinance, is prohibited. In accordance with 40 CFR 403.6(d), the District may impose mass limitations on industrial users which the Administrator suspects are using dilution to meet applicable pretreatment standards or requirements, or in cases where the imposition of mass limitations is appropriate.
- (e) Best Management Practices. In accordance with NR 211, Wis. Admin. Code, the District may require dischargers to follow best management practices (BMPs) developed or cited by the District for the discharge of any constituents, substances, materials, waters, or waste where the District determines that following these BMPs is necessary to meet the objectives of this Ordinance or the conditions of the District's WPDES permit.

Section 603. Discharges from Dental Clinics.

- (a) This section applies to discharges from dental clinics where amalgam is placed or removed. For the purpose of this section, a dental clinic is a non-mobile facility dedicated to the examination and treatment of patients by health care professional specializing in the care of teeth, gums and other oral tissue. This section does not apply to orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, prosthodontics or other practices that do not place or remove amalgam, or which are identified by the District as de-minimus contributors.
- (b) Dental clinics that place or remove amalgam shall implement best management practices for amalgam as established by the Wisconsin Dental Association.
- (c) Dental clinics shall install, operate and maintain an amalgam separator meeting the criteria of the International Standards Organization (ISO 11143) for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- (d) When a dental clinic is implementing the requirements in (b) and (c) above, then any numerical discharge limit for mercury established in this chapter does not apply.

- (e) Dental clinics will annually submit reporting information to the District using forms provided by the District. Reporting information may include:
 - (1) Certification that the amalgam separator is operated and maintained in accordance with instructions provided by the manufacturer.
 - (2) Certification that best management practices for amalgam as established by the Wisconsin Dental Association are being implemented.
 - (3) Any other information deemed relevant by the District.
- (f) Dental clinics shall obtain recycling records for each shipment showing the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental clinics shall maintain these records for a minimum of two years. Dental clinics shall make these records available to the District for inspection and copying upon request by the District.
- (g) Dental clinics shall allow the District to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the District to determine compliance with this section. Inspections shall occur during the normal operating hours of the dental clinic.

Section 604. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas or other pollutants which could create an explosion or fire hazard in the wastewater collection and treatment facilities.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, .or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.
- (c) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (d) Any waters or wastes having a pH in excess of 9.0.
- (e) Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

The following described substances, materials, waters or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Administrator may set limitations more stringent than these established below if, in his opinion, such more severe limitations are necessary to meet the above objectives; and may exercise such authority as is conferred by Article VIII, Section 803 hereof. In forming opinions as to the acceptability, the Administrator will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Waste or waste waters discharged to the sanitary sewers shall not exceed the following limitations: Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

- (1) Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- (2) Wastewater containing floatable oils, fat or grease.
- (3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (4) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that any such material received in the composite wastewater in concentration that exceeds levels specified by federal, state, or local authorities, including but not limited to the levels specified in 30 CFR Part 413, as amended from time to time.
- (5) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Administrator or limits established by any federal or state statute, rule or regulation.
- (6) Wastewater containing any leachates from any landfill or industrial or commercial process, unless allowed by a permit issued by the District.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrator in compliance with applicable state or federal regulations.
- (8) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater

treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (9) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
 - (10) Materials which exert or cause:
 - (i). Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (ii) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (iii) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - (11) Incompatible pollutants in excess of the allowed limits as determined by state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency and as contained in 40 CFR 403, as amended from time to time.
- (f) No person shall discharge wastes to a community or intercepting sewer which cause, or are capable of causing either alone or in combination with other substances:
- (1) A fire or explosion hazard including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21;
 - (2) Obstruction of flow or damage to the wastewater facilities;
 - (3) Danger to life or safety or welfare of any persons;
 - (4) Air pollution as defined in Section 285.01(3), Wisconsin Statutes, as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder. This shall include pollutants which result in the presence of toxic gases, vapors, or fumes within the sewer system or the treatment plant in a quantity that may cause acute worker health and safety problems.
 - (5) Prevention of effective maintenance or operation of the wastewater facilities;

- (6) Any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
- (7) A detrimental environmental impact, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
- (8) Any sanitary sewer or the District's wastewater facilities to be overloaded;
- (9) In the opinion of the Administrator, excessive District collection and treatment costs, or use of a disproportionate share of the District's facilities
- (10) Violation of the District's WPDES permit.

Section 605. Special Arrangements. No statement contained in this Article or elsewhere in this ordinance shall be construed as prohibiting any special agreement between the Administrator and any Municipality or person whereby waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment; provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the District or Municipality without recompense by the person; and further provided that all rates and provisions set forth in this ordinance are recognized and adhered to.

ARTICLE VII. LIMITATIONS ON DISCHARGE OF HOLDING TANK WASTES

Section 701. Discharge into Community Sewers. No person shall discharge any holding tank wastes directly into a manhole or other opening in a community sewer. Notwithstanding anything to the contrary contained in this Section, the Administrator may direct that such discharge be made pursuant to Section 702 hereof and Section 3.4 of the Pretreatment Ordinance 2015 – 001, "Hauled Wastewater."

Section 702. Discharge at the District's Treatment Facilities. Discharge of holding tank wastes may be allowed at the District's Wastewater Treatment Facility in such manner and at such place designated by the Administrator only when, in the judgment of the Administrator, the waste is of such unusual character or strength that rapid discharge into the sewerage system would have detrimental effects on the wastewater collection facilities. Any person desiring to discharge such wastes at the District's treatment facility shall first make application to the Commission for a permit to discharge. The person making the discharge shall pay the District all applicable fees and sewer service charges, based on the characteristics of the discharge.

ARTICLE VIII.
CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS

Section 801. Submission of Basic Data. The Administrator may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Administrator, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. Such report shall be in the form of the annual NR 101 "Effluent Reporting Form," as provided for in NR 101 of the Wisconsin Administrative Code, as amended from time to time; and shall contain such additional information as the Administrator may require. Such person shall also file a copy of such report with the appropriate Municipal Approving Authority.

Section 802. Extension of Time. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with any time schedule imposed under Section 801, a request for extension of time may be presented to the Administrator for consideration. In such event, the Administrator may grant an extension of time, subject to such conditions as it may require.

Section 803. Industrial Discharges. If any industrial wastes are discharged or are proposed to be discharged to the public sewers, which wastes contain substances or possess the characteristics described in Article VI hereof, and which, in the judgment of the Administrator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Administrator may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers in accordance with the Pretreatment Ordinance,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Article IX hereof.

Section 804. Control Manholes. Each person discharging industrial wastes into a sanitary sewer shall, at the discretion of the Administrator or the Municipal Approving Authority, construct and maintain one or more control manholes or access point to facilitate observation, measurement and sampling of industrial wastes. Control manholes or access facilities shall be located and built in a manner acceptable to the Administrator and the Municipal Approving Authority. If measure devices are to be permanently installed, they shall be of a type acceptable to the Administrator and the Municipal Approving Authority. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at his expense, and shall be maintained by him so as to be in a safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Administrator and the Municipal Approving

Authority prior to the beginning of construction. All control manholes shall be constructed and installed in accordance with the most current approved construction standards of the District.

Section 805. Measurement of Flow. The volume of flow used for computing industrial sewer service charges shall be the metered water consumption of the person as shown in the records of water meter readings maintained by the appropriate Administrator or the Municipal Approving Authority except as noted in Section 806.

Section 806. Metering of Waste. Devices for measuring the volume of wastewater discharged by any person may be required by the Administrator or the Municipal Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person making the discharge. Following approval and installation, such meters may not be removed without the consent of the Administrator and the Municipal Approving Authority.

Section 807. Waste Sampling. Industrial wastes discharged into the sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes as required by the Pretreatment Ordinance by the Administrator or the Municipal Approving Authority. Samples shall be collected in such a manner and at such times as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Administrator or the Municipal Approving Authority. Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Administrator and the Municipal Approving Authority. Access to sampling locations shall be granted to the Administrator and the Municipal Approving Authority or their duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

Section 808. Pretreatment. Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, whenever the Administrator determines it to be necessary to protect the District's wastewater collection and treatment facilities or to prevent discharge of incompatible pollutants. In that event, such person shall provide at his expense such preliminary treatment or processing facilities as may be determined necessary by the Administrator to render his wastes acceptable for admission to the sanitary sewers, all pursuant to the Pretreatment Ordinance.

Section 809. Grease and/or Sand Interceptors. All municipalities served by the District shall require the installation of grease, oil, and sand interceptors when, in the opinion of the Administrator, such interceptors are necessary for the proper handling of liquid wastes containing floatable oil or grease in amounts in excess of the limitations as specified in Section 604, Article VI hereof, or any flammable wastes, sand, or other harmful ingredients. However, such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by the Administrator, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the Municipalities or other owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates

and means of disposal. Such records shall be submitted upon request to the Administrator. Disposal of the collected materials must be in accordance with applicable DNR rules and regulations. An annual report including inventory, inspections and maintenance records of the interceptors shall be submitted by the municipal approving authority to the District by January 31 for the preceding year.

Section 810. Analyses. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of water and wastewater," and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Administrator or the Municipal Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent. The Administrator or the Municipal Approving Authority may also make its own analyses on the wastes, and this determination shall be binding as a basis for sewer service charges.

Section 811. Submission of Information. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Administrator prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

Section 812. District's Right to Assure Compliance. If the Municipal Approving Authority does not satisfactorily implement any portion of Articles V, VI, VII, or VIII the Administrator reserves the right to assure compliance of Articles VI, VII, or VIII at the expense of the Municipality. The District's right to assure compliance is intended to help ensure that no wastewaters are discharged to the public sewers which could have harmful effects on the District's wastewater collection and treatment facilities or receiving waters or which could create a hazard to life, health, or constitute a public nuisance.

Section 813. Conflict. In the event of a conflict between the provisions of this Article VIII and the Pretreatment Ordinance, the Pretreatment Ordinance shall control. This Article is intended to supplement the Pretreatment Ordinance.

ARTICLE IX. SEWER SERVICE CHARGES

Section 901. General Sewer Service Charges. Sewer Service Charges to each Municipality shall be based on wastewater parameters established from time to time by the Commission. The sewer service charge rates shall consist of the sum of the District's user charge rates and the District's debt service rates. Service charges to the individual sewer system users within each Municipality in the District shall be determined such that each recipient of sewerage service within the District's service area will pay its proportionate share of the costs of administration, operation, maintenance and debt service of all waste treatment service provided by the District

and by the Municipality through whom the individual user is serviced. In determining sewer service charges to the individual sewer system users with each Municipality, each such Municipality shall establish such user charge rates or user charge system for such classification of users as it may determine to be appropriate; provided however, that each such user charge system requires each class of users to pay its proportionate share of the costs and expenses identified in the preceding sentence.

Section 902. User Charge Rates. The District shall determine from time to time user charge rates, based on the District's annual operations and maintenance expense, the annual administrative budget, the quantity and quality of wastewater received at the District's Wastewater Treatment Facility. Such rates shall reflect the unit costs for transporting and treating the quantity and quality of wastewater discharged to the District wastewater collection and treatment facilities.

Section 903. Debt Service Rates. The District shall determine debt service rates based on the District's annual debt service, the quantity and quality of wastewater received at the District's wastewater treatment plant, and the total number of Customer units, as determined by the Administrator. Such rates shall reflect the unit costs for construction of facilities funded with the indebtedness being retired.

Section 904. Measurement. The unit of volume measurement for wastewater discharged into the District's wastewater collection and treatment facilities shall be 1000 gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be avoirdupois pounds.

Section 905. Monitoring for Sewer Service Charges. The District shall assess sewer service charges to each Municipality based on the monitoring of the wastewater parameters with respect to volume, strength and such other wastewater parameters, at such locations and in such manner as the Commission may determine.

Section 906. Biennial Audit. The District shall review, at least every two years, the wastewater contribution of the municipalities, the operation and maintenance expense of the wastewater collection and treatment facilities, and the sewer service charge system. The District shall revise the sewer service charge system to accomplish the following:

- (a) Maintain a proportionate distribution of administrative, debt, operation and maintenance expenses among the municipalities; and
- (b) Generate sufficient revenues to pay for the debt service, administrative, and the operation and maintenance expenses (including replacement costs) of the District's wastewater collection and treatment facilities.
- (c) Apply any excess revenues collected from any Municipality to the costs of operation and maintenance attributable to that Municipality for the next succeeding year and adjust the rate accordingly.

Section 907. Charge for Toxic Pollutants. Any person which discharges toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the District wastewater treatment facility shall pay for such increased costs, as may be determined by the Commission.

Section 908. Annual Notification. The District shall at least annually notify each Municipality of the unit costs for administration expenses, debt service costs, and operation and maintenance expenses.

Section 909. Sewer Service Charge Calculations. Service charges for each of the municipalities shall be calculated based on the quantity and quality of the wastewater contributed by such Municipality as determined by the District, on Customer units and on such additional wastewater parameters as may be established by the Commission from time to time by resolution duly adopted. Without intending to limit the generality of the foregoing, wastewater parameters may be added or removed from time to time, whenever the Commission determines that the best interests of the District will be served thereby. Historically, the Commission has directed the preparation of updated Sewer Service Charge Reports and Connection Fee Reports to assist it in establishing rates for each succeeding calendar year, which reports reflect the results of the adoption of the District's annual budget. The Commission shall continue to do so on a periodic basis. Any public hearing on the adoption of the District's budget shall allow for public comment on any proposed sewer service charge and for connection fee adjustment implementing any proposed budget.

Section 910. Special Assessments. Nothing contained in this Ordinance shall prohibit or preclude the Commission from levying, from time to time, special assessments as provided for in Section 200.13(1), Stats. as amended from time to time.

Section 911. Special Charges. Whenever any user discharges wastes into any public sewerage system which cause physical damage to the District's wastewater facilities and/or which cause the District to incur unusual additional costs, the District may assess a special charge against such user for the work required to repair the facilities and/or to recover the unusual additional costs. Special charges shall be in addition to the service charges specified herein; and shall be billed directly to the user.

ARTICLE X.

MUNICIPAL SERVICE CHARGE RATES TO INDIVIDUAL SEWER SYSTEM USERS

Service charges to the individual sewer system users within the corporate limits of a Municipality, and served by the Municipality shall be determined such that each such user or other persons within the respective Municipalities will pay their proportionate share of the costs of administration, operation, maintenance and debt service of all waste treatment services provided by the District and by the Municipality through whom the individual user or other person is served or benefited. In determining sewer service charges to the individual sewer system users within each Municipality, each such Municipality may establish such user charge rates or user charge systems for such classification of users as it may determine to be appropriate; provided however, that each such user charge system requires each class of users to

pay its proportionate share of the costs and expenses identified in the preceding sentence and provided the requirements of Sec. 281.58(14)(b), Wis. Stats. are satisfied.

ARTICLE XI.
BILLING AND COLLECTION

Section 1101. Billing and Payment. Sewer service charges shall be billed to each Municipality on a monthly basis, on or before the tenth day of each month, unless circumstances require a delayed billing. Such charges shall be payable by the Municipality on or before the twentieth day of the same month, unless the District has extended the time for payment.

Section 1102. Delinquent Payments. Sewer service charges, connection fees or other charges due from any Municipality shall be deemed to be a debt due to the District from that Municipality; and shall be deemed to be delinquent if not paid in accordance with the provisions of this ordinance. Interest shall be paid on any such amounts that have been delinquent for a period of thirty days at the rate of eighteen (18%) percent per annum. If such sewer service charges, connection fees or other charges remain delinquent for thirty (30) days, the Commission may, on behalf of the District, commence an action in a court of competent jurisdiction, and recover from such Municipality the amount of such delinquency, damages, if any, sustained by the District as a result of the Municipality's failure to pay, and such costs and expenses as may be allowed by law. Any Municipality which receives sewerage service without paying sewer service charges when due shall be deemed to have waived any statutory or ordinance requirement that the District first file with such Municipality notice of claim and a claim for monies due, as a condition precedent to the commencement of any such action.

Section 1103. Alternative Remedies. As an alternative to collection of delinquent sewer service charges, connection fees or other charges as provided in Section 1102 hereof, the District may require any such Municipality to levy and collect such charges and fees in the manner provided for in Sections 66.0821(4) and (7) and Section 260.13(3)(b), of the Wisconsin Statutes, as amended from time to time.

Section 1104. Remedies Cumulative. All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or afforded by law or equity; and may be exercised by the District concurrently, independently, or successively.

ARTICLE XII.
RIGHT OF ENTRY, SAFETY AND IDENTIFICATION

Section 1201. Right of Entry. The District, the Administrator or other duly authorized employees of the District and municipalities, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Ordinance.

Section 1202. Safety. While performing the necessary work on private premises referred to in Section 1201, the duly authorized District and municipal employees shall observe all safety rules applicable to the premises established by the person.

Section 1203. Identification. Right to Enter Easements. The District, the Administrator or other duly authorized employees of the District and municipalities, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District and/or Municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

Section 1204. Obstructions Within Public Streets.

- (a) The District may enter upon any state, county, or municipal street, road, or alley or any public highway for the purpose of installing, maintaining, and operating its sewerage system; and it may construct in any such street, road, or alley or public highway necessary facilities without a permit or payment of a charge. Whenever the work is to be done in a state, county or municipal highway, the public authority having control thereof shall be duly notified, and the highway shall be restored to as good a condition as existed before the commencement of the work with all costs incident thereto borne by the District.
- (b) All persons, firms, or corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over or under the public lands, avenues, streets, alleys or highways which block or impede the progress of District facilities when in the course of construction, establishment, or repair shall upon reasonable notice by the District, promptly so shift, adjust, accommodate, or remove the same at the cost and expense of such persons, firms, or corporations, as fully to meet the exigency occurring such notice.
- (c) Any person, firm, or corporation who shall fail to comply with the provisions of this Section 1204(b) or who shall fail to comply with any Special Order issued pursuant to this Ordinance, which order requires compliance with Section 11.3(b) above, shall be subject to the forfeitures set forth below, in addition to all penalties and costs imposed under this Ordinance. Each day that a failure to comply shall continue after issuance of the notice or Special Order, as the case may be, shall constitute a separate violation.

ARTICLE XIII.
ENFORCEMENT AND ABATEMENT

Section 1301. Violations Constitute Public Nuisances.

- (a) Any violation by any person of the provisions of this ordinance or any other rule, regulation or special order promulgated by the Commission or District shall constitute a public nuisance, pursuant to the authority and provisions of Section 200.11(1)(d), Wis. Stats. As such a public nuisance, the same shall be enjoined and this ordinance, rule, regulation or special order shall be enforced, all as provided for in Section 823.02, Wis. Stats., as amended from time to time.

- (b) Any person found in violation of this ordinance or any other rule, regulation, or special order, shall pay to the District such damages, losses or expenses as may be sustained by the District as a result of the violation, together with such costs as may be collectible by law.
- (c) The Commission may proceed to enforce this ordinance or any other rule or regulation promulgated by it, by the commencement of an action for enforcement under Section 823.02, Stats., or by the issuance of a special order under Section 1303 hereof. Any remedy or right of the District as provided for in this Ordinance with respect to violations hereof or of any other rule, regulation, or special order, are deemed to be cumulative, and in addition to those provided for by any other law.

Section 1302. Notice of Violation. Any person found by the Commission or the Administrator to be in violation of any provision of this ordinance or any rule or regulation promulgated by the Commission, shall be given written notice stating the nature of the violation. In the event, the commission determines to issue a special order under Section 1303 hereof for the remedy of such violation; the Special Order shall contain the notice of violation.

Section 1303. Special Orders, Appeals Therefrom and Penalties.

- (a) In the event of any violation of the provisions of this ordinance, or any other rule or regulation promulgated by the Commission or District, the Commission may issue a special order in the name of the District directing the person causing the violation to comply with such ordinance, rule or regulation within a specified time. All special orders shall be in writing and shall specifically state what action is required to comply with the order. Service and proof of service of any special order shall be made in the manner provided for service of summons and proof thereof.
- (b) The Administrator of the District is hereby authorized and empowered to issue special orders in the name of the District in an emergency to prevent damage to the District's sewerage system from misuse; or injury to employees of the District; interference with the process of sewage treatment or disposal; or substantial risk to the public health and welfare. Any special order issued by the Administrator is effective and enforceable upon service thereof as provided for in Section 1303(a) above. Such order shall be in writing and shall specifically state what action is required to comply with the order.
- (c) Any person aggrieved by a special order issued by the Commission or Administrator, which order directly affects the rights or duties of the person may secure a review of such order by the Commission. Such review shall be in accordance with the requirements of Section 200.45(2)(b), Wisconsin Statutes, as amended from time to time.
- (d) A person is declared to be creating a public nuisance enjoined under Section 823.02, Wisconsin Statutes, if such person:

- (1) fails to comply with a special order of the Commission or Administrator within the time period specified, or
- (2) fails to comply within 20 days after the determination becomes final, or
- (3) fails to begin in good faith to obey such order.

For each day the failure continues, such person shall forfeit to the District the sum of not less than \$1,000 nor more than \$10,000 per day; and in addition, the District may pursue all remedies provided for in Section 283.91(2) and (5), Wis. Stats., as amended from time to time.

Section 1304. Emergency Actions Regarding Industrial Discharges. The Administrator may suspend the wastewater treatment service to an Industrial User, whenever it appears to the Administrator that an actual or threatened industrial discharge presents or threatens an imminent or substantial danger to the health or welfare of persons; a substantial danger to the environment; an interference with the operation of the District's wastewater treatment plant; or violates any pretreatment limits imposed by the Ordinance. The Administrator shall notify such an Industrial User in the event of a determination to suspend wastewater treatment service hereunder; and such User shall cease all such discharges immediately. Actions of the Administrator under this Section shall be implemented by means of the issuance of a special order under Section 1303(b) hereof.

Section 1305. Appeals from Determinations of the Administrator.

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

Section 1306. Falsifying of Information or Tampering with Facilities. No person shall knowingly make any false statement, representations, record, report, plan or other document filed with the District or falsify, tamper with, or knowingly render inaccurate any metering device or method required under this ordinance. Any person who violates this provision shall be subject to the penalties imposed under this Article.

Section 1307. Forfeitures. If any person fails to comply with this Ordinance, any order of the Administrator, or any permit issued by the District, the District may initiate an action for the civil remedies provided for in Section 283.91(2) or (5), Wis. Stats. The District may recover the maximum forfeitures authorized pursuant to said statutes, in a civil action brought by the Commission in the name of the District. Collected forfeitures shall be passed onto the District's general fund. All forfeitures are in addition to and not a substitute for any damages recoverable by the Commission.

ARTICLE XIV.
MISCELLANEOUS

Section 1401. Emergency Rules. Nothing contained in this ordinance shall be construed as prohibiting the commission or District from adopting any emergency rule, in order to preserve the public health, safety, or welfare. Such emergency rule shall be effective only for the period authorized by Section 200.45(1)(c), Wis. Stats., as amended from time to time.

Section 1402. Superseding Previous Ordinances. This ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections shall supersede all previous regulation of the District which is in conflict herewith.

Section 1403. Invalidation Clause. The invalidity of any Section, clause, sentence, or provision in this Ordinance shall not affect the validity of any other Section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

Section 1404. Amendment. The Commission reserves the right to amend this ordinance in whole or in part whenever it may deem necessary.

Section 1405. Conflict with District's Ordinance. In the event that any provision of this Ordinance is in conflict with the ordinance of any Municipality, the former shall control.

Section 1406. Effective Date. This Ordinance shall take effect and be in force upon its publication in a newspaper of general circulation within the District.

Section 1407. Date of Enactment. Adopted by the Walworth County Metropolitan Sewerage District Commission in the State of Wisconsin, on the ____ day of November, 2015.

ARTICLE XV.
FEES AND CHANGE

Section 1501. Fees. The following administrative fees are hereby established.

Annexation Application Fee:	\$750
Connection or reconnection of a residential or commercial building to a public sewer	\$ 75
Connection of an industrial building to a public sewer	\$100
Waste Hauler Annual Fee	\$750

Section 1502. Adjustments. The Commission of the District may from time to time change the amount of the aforesaid fees by resolution duly adopted.

ARTICLE XVI.
CLEARWATER SUSTAINABILITY PLANS

Section 1601. Infiltration/Inflow.

- (a) Public Policy Considerations. The entry of unpolluted waters, of storm sewer waters and other ground waters into the District’s Wastewater Treatment Plant and Intercepting Sewers and into Municipal Wastewater Collection Facilities is not in the public interest in that it reduces the capacities of these facilities to transmit and treat Wastewaters. It is recognized that given current methods of construction and materials, it is not possible to completely eliminate from Sanitary Sewers the infiltration and inflow of ground water, surface water and other unpolluted waters (herein “I&I”). Nevertheless, it is the stated goal of the District to develop and implement a sustainability plan associated with I&I that will maintain and extend the longevity of the District’s Wastewater Treatment Plant and its Intercepting Sewers, and even continue to reduce the levels of clean water entering the sanitary sewerage system.

- (b) CMOM Program. Each Municipality served by the District shall be required to develop and implement a CMOM (Capacity, Management, Operation and Maintenance) Program relating to its Municipal Wastewater Collection Facilities. Prior to its implementation, any such CMOM Program shall be submitted to the Commission of the District for review and approval. In developing a CMOM Program, each Municipality shall address and include the CMOM components identified by the DNR as set forth in NR 208, Wis. Adm. Code, and publications issued pursuant thereto. Such components shall include, but not be limited to:
 - (1) Statement of Goals
 - (2) Organization
 - (3) Legal Authority
 - (4) Maintenance of Municipal Sewerage Systems

- (5) Design and performance standards of Municipal Sewerage Systems
- (6) Overflow energy response plan
- (7) Capacity Assurance Review
- (8) Annual self-audit
- (9) Annual compliance report

Section 1602. Program Submission. Each Municipality shall prepare a CMOM Program and submit the same to the Commission of the District. The CMOM Program shall be submitted on or before December 31, 2016, unless the Commission determines by resolution to extend the date of submittal. Annual reports, revisions, alterations, modifications, and updates of the CMOM Program are due each year thereafter.

Section 1603. CMOM Program Approval. Once submitted, the CMOM Program or any update, revisions, alteration or modification thereto shall be first reviewed by the Commission of the District. The Commission may approve, approve with conditions or disapprove any CMOM Program, either in whole or in part.

Section 1604. Enforcement. In the event any Municipality shall (i) fail to submit and/or implement an approved CMOM Program; or (ii) fail to satisfy a stated goal or objective in any approved CMOM Program; or (iii) fail to obtain a grade of ____ in any CMAR (Capacity Management Annual Report) as prescribed for in NR 208.06(3), Wis. Adm. Code; or (iv) fail to obtain a grade point average of 2.00-2.99, as stated in NR 208.06(4), Wis. Adm. Code, then in any such events, the Commission may take enforcement action against such Municipality. Such enforcement may include, but not be limited to the following:

- (a) Require the Municipality to submit an “action plan” to address the deficiencies.
- (b) Issue a special order pursuant to Section 200.45(2), Wis. Stats.
- (c) Declare the failure of the Municipality to be a violation of this Ordinance; and invoke any of the remedies provided for in Article XIII above.
- (d) Levy a fine of not less than \$500 for each day a violation/failure continues, with each day constituting a separate violation.
- (e) Exercise any other right or remedy provided for by law or equity.

All enforcement actions may be taken independently or concurrently, and the election of one remedy shall not preclude the other. Any Municipality that is the subject of an enforcement action shall reimburse the District for all enforcement costs so received, including but not limited to reasonable attorney’s fees.