

THE  
DELAFIELD-HARTLAND  
WATER POLLUTION  
CONTROL COMMISSION  
DO ORDAIN AS FOLLOWS:

SEWER USE AND USER  
CHARGE ORDINANCE

AMENDED: NOVEMBER 20, 2012

EFFECTIVE: JANUARY 01, 2013

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# Sewer Use and User Charge Ordinance

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# 1 Purpose

It is the purpose of this Ordinance to:

- (1) Establish rules regulating connections to the Wastewater Facilities.
- (2) Establish rules regulating Sewer construction.
- (3) Establish rules regulating discharge of Domestic Wastewater to the Wastewater Facilities.
- (4) Establish rules regulating discharge of Industrial Wastewater discharge to the Wastewater Facilities.
- (5) Establish rules regulating discharge of Septage and Holding Tank Wastes to the Wastewater Facilities.
- (6) Establish rules prohibiting or limiting discharge of Deleterious Substances to the Wastewater Facilities.
- (7) Establish rules for the management, regulation, protection, and use of the Wastewater Facilities.
- (8) Establish a User Charge system for providing equitable distribution of the costs of construction, administration, operation, and maintenance of the Wastewater Facilities among all Users of the Wastewater Facilities.
- (9) Establish the billing procedures to be used by the Commission.
- (10) Establish rules and regulations regarding provision of Wastewater treatment service to Customers.
- (11) Establish penalties for violation of the rules and regulations of this Ordinance.
- (12) Enable the Commission to comply with administrative provisions, water quality requirements, toxic and Pretreatment Standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal Law.
- (13) Obtain and preserve the maximum public benefit of the Wastewater Facilities by regulating the characteristics of Wastewater discharged into the Wastewater Facilities.

## 2 Definitions

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

- (1) 1978 Agreement: Shall mean the agreement entitled “Wastewater Treatment Services Contract,” dated August 23, 1978, as amended on June 23, 1980, and as further amended from time to time, by and between the City, the Village and the Commission.
- (2) Agreement: Shall mean a contract, including any amendments, supplements, changes, or modifications thereto, between the Commission and a Customer, which provides for Wastewater conveyance and/or treatment services. The term Agreement Shall be synonymous with the term “Wastewater Treatment Service Contract”.
- (3) Biochemical Oxygen Demand (BOD<sub>5</sub>): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five days at 20°C, expressed in milligrams per liter. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (4) Building Drain: Shall mean that part of the lowest horizontal piping, within or below a building or structure, which conveys Wastewater to the Building Sewer. The Building Drain ends and the Building Sewer begin, at a distance of five feet outward from the inner face of the building exterior wall.
- (5) Building Inspector: Shall mean the building inspector of the Municipality with jurisdiction, or said Person’s appointed assistant, agent, or representative, or plumbing inspector where applicable.
- (6) Building Sewer: Shall mean the sewer lateral extension from the Building Drain through the connection to the Sanitary Sewer or other place of disposal.
- (7) City: Shall mean the City of Delafield, a municipal corporation. (Whenever the term “city” is used in the lower case, it shall be construed in the general sense of including all cities.)
- (8) Commission: Shall mean the Delafield-Hartland Water Pollution Control Commission, created pursuant to the Originating Joint Ordinance and the 1978 Agreement.
- (9) Community-Based Residential Facility: Shall mean a place where three or more unrelated adults reside and in which care, treatment, or services above the level of room and board are provided as a primary function of the premises. A Community-Based Residential Facility Shall not include any of the following:
  - A facility owned or operated by a religious order exclusively for care of members of that order.
  - A facility providing care, treatment, or services only for victims of domestic abuse.
  - A shelter for lodging of homeless individuals or families as defined in Section 560.9808 of the Wisconsin Statutes.
  - A lodging place not providing health care or personal care.
- (10) Commercial User: Shall mean any non-residential or non-governmental User whose premises are used primarily for conduct of profit-oriented enterprises and who discharge primarily Domestic Wastewater to the Wastewater Facilities.

This category Shall include, but not be limited to, wholesale or retail trade businesses, financial institutions, insurance agencies, restaurants, bars, hotels, motels, gas stations, convenience stores, grocery stores, car washes, laundromats, and real estate businesses.

- (11) Connection Charge: Shall mean a charge to each Customer for each new User connection to the Sanitary Sewer or for an existing User who increases the volume or strength of their Wastewater discharge to the Sanitary Sewer.
- (12) Condominium: Shall mean a residential unit constituting a part of a devisable real estate parcel where only the structures are devisable and the real estate itself remains one parcel but each separate unit is subject to certain joint agreements and regulations where ownership includes an undivided interest in common facilities. Each unit Shall be a separate “condominium” under this Ordinance.
- (13) Customer: Shall mean any Municipality or political subdivision of the State of Wisconsin, or any other Person which now or hereafter agrees to purchase wastewater collection, treatment and disposal services directly from the Commission.
- (14) Debt Service Cost: Shall mean the annual payment of principal and interest for the retirement of debt issued to finance the cost of capital improvements to the Wastewater Facilities. The Debt Service Cost Shall include administrative costs associated with the debt retirement.
- (15) Deleterious Substances: Shall mean a substance that, alone or in conjunction with other discharged substances, has any of the following impacts:
  - Inhibits or disrupts any Wastewater treatment processes
  - Damages any of the Wastewater Facilities
  - Causes violation of the WPDES permit
  - Interferes with the operation or maintenance of the Wastewater Facilities
  - Creates or constitutes a hazard to humans or the environment
  - Results in a Wastewater treatment sludge characteristics that do not meet regulatory requirements for sludge disposal.
- (16) Domestic User Equivalent (DUE): Shall mean the Wastewater flow equivalent to that discharged by an average Residential User. One (1.00) DUE Shall be defined as 205 gallons per day and 75,000 gallons per year.
- (17) Domestic Wastewater: Shall mean the combination of liquid and water carried wastes and Wastewater discharged from toilets and other sanitary plumbing facilities, which contain no Deleterious Substances, which contain no prohibited substances, and for which five-day Biochemical Oxygen Demand (BOD<sub>5</sub>), total suspended solids (TSS), total kjeldahl nitrogen (TKN), and total phosphorus concentrations, do not exceed the following levels:
  - BOD<sub>5</sub> concentration less than or equal to 200 mg/l;
  - TSS concentration less than or equal to 250 mg/l;
  - TKN concentration less than or equal to 20 mg/l as N;
  - Total Phosphorus concentration less than or equal to 6 mg/l as P.
- (18) Easement: Shall mean the acquired right for the specified use of land owned by others.
- (19) Engineer: Shall mean a Person who is licensed as a professional engineer by the State of Wisconsin and whose license is in good standing with the State of Wisconsin.

- (20) Fats, Oils, and Grease : Shall mean a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (21) Floatable Oil: Shall mean fat, oil, 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 to be free of Floatable Oil if it is properly pretreated to the extent that it does not result in increased maintenance requirements for the Wastewater Facilities.
- (22) Garbage: Shall mean solid waste or residue resulting from the handling, preparation, cooking, and serving of food or from the handling, storage, and sale of food products or produce.
- (23) Governmental User: Shall mean any User whose premises are used for the conduct of legislative, judicial, administrative, or regulatory activities of any federal, state, local, or international units of government. This does not include government owned or operated businesses or any Users which meet the requirements of this Ordinance for classification as a Significant Industrial User.
- (24) Hauled Waste: Shall mean Septage, Holding Tank Wastes, landfill leachate, or any other Wastewater or wastes hauled by truck and requiring treatment.
- (25) Holding Tank Wastes: Shall mean the liquid and solids from residential holding tanks. This term does not include wastes from grease traps. See also, “Septage”.
- (26) Industrial User: Shall mean any non-Governmental, non-Residential, non-Institutional, or non-Commercial User of the Wastewater Facilities which discharges Industrial Wastewater to the Wastewater Facilities. Industrial Users Shall include, but not be limited to, those types of industries identified in Divisions A, B, D, E, and I of the *Standard Industrial Classification Manual* and those industries subject to categorical Pretreatment standards set forth in Chapters NR 221 to 297 of the *Wisconsin Administrative Code*. See also “Significant Industrial User”.
- (27) Industrial Wastewater: Shall mean any trade or process Wastewater generated by an industrial process including, but not limited to, those categories identified in Divisions A, B, D, E, and I of the *Standard Industrial Classification Manual*, and as distinct from Domestic Wastewater
- (28) Infiltration: Shall mean the water entering Sanitary Sewer and Building Sewers from the soil through defective pipe joints, broken or cracked pipes, improper connections, manhole walls, or other defects.
- (29) Inflow: Shall mean the water discharged into Sanitary Sewer and Building Sewers from such sources as, but not limited to, downspouts, roof leaders, cellar and yard area drains, foundation drains, commercial and industrial non-contact cooling water discharges, drains from springs and swampy areas, manhole covers, and cross connections between Storm Sewers and Sanitary Sewers.
- (30) Institutional User: Shall mean not-for-profit facilities, which are not engaged in retail trade or in manufacturing, which discharge primarily Domestic Wastewater, including, but not limited to, schools, hospitals, churches, religious facilities, clubs, and fraternities.
- (31) Interceptor Sewer: Shall mean a Sewer which receives Wastewater flow from a number of transverse Sewers and conveys the said Wastewater toward the Wastewater Treatment Plant.

- (32) Load: Shall mean the mass of a contaminant discharged to the Sanitary Sewer; calculated as the Wastewater flow in millions of gallons per day times the concentration of the contaminant in the Wastewater in milligrams per liter times 8.34 pounds per gallon.
- (33) Local Wastewater Collection System: Shall mean all Wastewater collection and transmission facilities, owned, operated, and maintained by a Customer, which are connected to, or which under the conditions of the Agreement with the Commission May be required to be connected to, the Wastewater Facilities owned, operated, and maintained by the Commission.
- (34) Manager: Shall mean the individual appointed as the General Manager of the Commission, from time to time.
- (35) May: Shall mean permissive. See also "Shall".
- (36) Municipality: Shall mean any city, town, village, county, utility district, town sanitary district, metropolitan sewerage district, or lake district. Unless otherwise explicitly stated or implied, the term Municipality, in the context of this Ordinance, Shall refer to a municipality that is served by the Commission.
- (37) Natural Outlet: Shall mean any outlet into a watercourse, pool, ditch, wetland, lake, river, stream, creek, or other body of surface water or groundwater.
- (38) Operation and Maintenance (O&M) Cost: Shall mean all costs associated with the administration, operation, and maintenance of the Wastewater Facilities. The Operation and Maintenance Cost Shall include the Replacement Cost.
- (39) Ordinance: Shall mean a statute or regulation enacted by a governing body or by the Commission.
- (40) Originating Joint Ordinance: Shall mean the "Ordinance to Create the Delafield-Hartland Water Pollution Control Commission and to Contractually Establish a Treatment Plant and Operation Thereof" effective December 23, 1971, as amended and supplemented by the City of Delafield Ordinance No. 82.04, adopted on January 19, 1977 and by the Village of Hartland Ordinance No. 284, adopted on January 27, 1977.
- (41) Person: Shall mean any Customer, User, individual, firm, limited liability company, corporation, association, joint venture, trust, estate, governmental entity, or any other legal entity.
- (42) pH: Shall mean the negative logarithm of the hydrogen ion concentration in moles per liter of solution. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (43) Pollutant: Shall mean any dredged spoil, solid waste, incinerator residue, Wastewater, Garbage, refuse, oil, solvent, flammables, Toxic Substances, Wastewater sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, commercial, municipal, and agricultural waste.
- (44) Pretreatment: Shall mean reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to, or in lieu of, discharging such Pollutants into the Wastewater Facilities.
- (45) Pretreatment Program: Shall mean a program administered by the Commission that meets the criteria established in Chapter NR 211 of the *Wisconsin Administrative Code* and which has been approved by the DNR in accordance with the provisions of Chapter NR 211 of the *Wisconsin Administrative Code*

- (46) Pretreatment Standard: Shall mean any regulation which applies to Industrial Users and which contains Pollutant discharge limits promulgated by the WDNR in accordance with Chapter 283 of the *Wisconsin Statutes*. This term Shall include both prohibited discharge standards set forth in or established under NR 211 and categorical Pretreatment Standards set forth in NR 211 and in NR 221 through NR 297 of the *Wisconsin Administrative Code*.
- (47) Properly Shredded Garbage: Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public Sanitary Sewers, with no particle greater than one-half inch in any dimension.
- (48) Private Wastewater Facilities: Shall mean privately owned and operated facilities designed for the purpose of on-site conveyance, treatment, and disposal of Wastewater. This term Shall include, but not be limited to, septic tank/effluent absorption area systems.
- (49) Replacement Costs: Shall mean expenditures for purchasing and installing equipment, accessories, or appurtenances which are required to be replaced during the service life of the Wastewater Facilities in order to maintain the capacity and performance for which the Wastewater Facilities were designed and constructed.
- (50) Replacement Fund: An account into which funds for the Replacement Costs are deposited in accordance with Chapter NR 162 of the Wisconsin Administrative Code. Funds collected for Replacement Costs, Shall be separately accounted for and Shall not be utilized for any other purposes than Replacement Costs.
- (51) Residential User: Shall mean any single family household as well as any Users whose facilities are capable of providing Persons with at least one bedroom for overnight stay. In determining whether a User is residential, the Customer Shall, at the time of issuance of an Occupancy Permit therefore, make a visual inspection and determine whether the facilities are capable of providing sleeping facilities. In determining the number of DUEs to be applied to a User, the Customer Shall place emphasis on access provided between rooms and especially bedrooms. Rooming houses and boarding houses Shall be treated as Commercial Users and assigned DUEs as a hotel per Schedule A (0.25 DUE per bedroom but no less than 1.00 DUE per unit).
- (52) Sanitary Sewer: Shall mean the Sewers which convey Wastewater from Residential, Commercial, Industrial, Institutional, and Governmental Users, together with Inflow and Infiltration that are not intentionally admitted. Unless otherwise indicated, in the context of this Ordinance, the term Sanitary Sewer Shall refer to public Sanitary Sewers owned and operated by the Commission or a Customer of the Commission.
- (53) Sanitary Sewer Extension: Shall mean any addition of Sanitary Sewer or related facilities to a Wastewater Collection System. An Extension is intended to include any action that will result in additional Users being served by the Commission Wastewater Collection System.
- (54) Sanitary Sewer Service Area: Shall mean all areas, as delineated by the Commission, and as approved by the Southeastern Wisconsin Regional Planning Commission, which are presently served, or are anticipated to be served in the future, by the Commission.

- (55) Septage: Shall mean the liquid or solids from septic tanks, chemical toilets, campers, privies, dosing chambers, seepage beds, seepage pits, or seepage trenches. Septage does not include waste from a grease trap or grease interceptor. See also, “Holding Tank Wastes”.
- (56) Sewage: Shall be synonymous with “Wastewater”
- (57) Sewer: Shall mean a pipe or conduit designed to convey Wastewater or drainage water.
- (58) Sewerage: Is a comprehensive term, including all constructions for collection, transportation, pumping, treatment, and final disposition of sewage.
- (59) Shall: Shall mean mandatory. See also “May”.
- (60) Significant Industrial User: Shall mean an Industrial User which meets one or more of the following conditions:
- Any Industrial User of the Wastewater Facilities which discharges more than 18,750 gallons per day (gpd) of Wastewater, excluding Domestic Wastewater, non-contact cooling, and boiler blowdown Wastewater.
  - Any Industrial User that discharges a process waste stream which makes up 5% or more of the average dry weather hydraulic capacity, or more than 5% of the BOD<sub>5</sub>, TSS, TKN, or Total Phosphorus treating capacity, of the Wastewater Treatment Plant;
  - Any centralized waste treater;
  - Any Industrial User subject to categorical Pretreatment Standards in Chapters NR 221 to 297 of the *Wisconsin Administrative Code*.
  - Any User of the Wastewater Facilities which discharges Wastewater to the Wastewater Facilities which contains Toxic Substances or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the Wastewater Treatment Plant, or injure or interfere with any Wastewater Treatment Plant process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the Wastewater Facilities.
  - Any Industrial User that is required to file effluent reports for discharge to the Wastewater Facilities as required by Chapter NR 101 of the *Wisconsin Administrative Code* and Section 283 of the *Wisconsin Statutes*.
- (61) Slug: Shall mean:
- Discharge of any water or Wastewater, for any duration, during which the rate of flow or the concentration of any constituent increases to such magnitude so as to adversely affect the operation of the Wastewater Facilities or the ability of the Wastewater Treatment Plant to meet the requirements of the WPDES permit; or
  - Discharge of any water or Wastewater, which in concentration of any given constituent or in quantity of flow, exceeds for any period longer than fifteen (15) minutes, more than five (5) times the twenty four (24) hour average flow or constituent concentration.
- (62) Standard Industrial Classification Manual: Shall mean the reference document published by the United States Office of Management and Budget, latest edition.

- (63) Standard Methods: Shall mean *Standard Methods for the Examination of Water and Wastewater* as published by American Public Health Association, American Water Works Association, and the Water Environment Federation, latest edition.
- (64) Storm Sewer: Shall mean a Sewer designed to convey storm water, surface water, and drainage. Excludes all Wastewater but May include non-contact cooling water.
- (65) Total Kjeldahl Nitrogen (TKN): Shall mean the total of organic and ammonia nitrogen present in a Wastewater sample. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (66) Total Nitrogen: Shall mean the total of organic, ammonia, nitrate, and nitrite nitrogen present in a Wastewater sample. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (67) Total Phosphorus: Shall mean total phosphorus in Wastewater which May be present in any of three principle forms: orthophosphate, polyphosphate, and organic phosphate. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (68) Total Suspended Solids (TSS): Shall mean solids that either float on the surface of, or are in suspension in, water, Wastewater, or other liquids, and that are removable by laboratory filtering. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (69) Toxic Substance: Shall mean those Pollutants or combination of Pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of the best available scientific information, cause death, disease, behavioral abnormalities, cancer, genetic mutations, or physiological malfunctions in such organisms or their offspring. Toxic Substances Shall include, but not be limited to, those toxic Pollutants listed in Chapter NR 215 of the *Wisconsin Administrative Code*.
- (70) User: Shall mean any Residential, Commercial, Institutional, Governmental, Industrial, or other Person which discharges Wastewater to the Wastewater Facilities, including any Wastewater Hauler or Special User as defined in Section 13.4 below.
- (71) User Charge: Shall mean a charge levied on Users of the Wastewater Facilities and Shall include the Debt Service Cost, the Operation and Maintenance Cost, and the Replacement Cost.
- (72) Unaltered Water: Shall mean waters which are not changed chemically or physically as a result of use.
- (73) Unpolluted Water: Shall mean any water substantially free of Pollutants and of such quality that the constituent concentrations in said Unpolluted Water would be equal to or less than the effluent limits for the Wastewater Treatment Plant, that discharge of the said Unpolluted Water would not cause violation of the water quality standards for the receiving body of water, and that the quality of the said Unpolluted Water would not be improved by discharge to the Wastewater Facilities.
- (74) Village: Shall mean the Village of Hartland, a municipal corporation. (Whenever the term “village” is used in the lower case, it shall be construed in the general sense of including all villages.)

- (75) Wastewater: Shall mean the liquid and water carried wastes discharged from any Residential, Commercial, Governmental, Institutional, Industrial, or Outside User into the Wastewater Facilities, together with any Infiltration or Inflow that May enter the Wastewater Collection System, but which is not intentionally admitted. See also “Domestic Wastewater” and “Industrial Wastewater”.
- (76) Wastewater Collection System: Shall mean the system of Interceptor Sewers, pump stations, force mains, and other related facilities, owned, maintained, and operated by the Commission and designed to convey Wastewater to the Wastewater Treatment Plant.
- (77) Wastewater Facilities: Shall mean the Wastewater Collection System and the Wastewater Treatment Plant. Unless otherwise explicitly stated or implied in this Ordinance, the terms “discharge to the Wastewater Facilities”, “connection to the Wastewater Facilities”, or terms with similar meaning or intent, Shall refer to discharge to or connection to the Local Wastewater Collection System, the Interceptor Sewer, and/or the Wastewater Treatment Plant.
- (78) Wastewater Treatment Plant: Shall mean the equipment, devices, structures, and other facilities which are used for treating Wastewater and which are owned, operated, and maintained by the Commission.
- (79) Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (80) Water Meter: Shall mean any device approved by a Customer of the Commission that will accurately measure and record the inflow of water from a source into a governmental, industrial, institutional, or commercial User’s facility. Water meters Shall be installed and maintained at all times and Shall comply with American Water Works Standard C700, latest edition. Water meters Shall be owned and maintained by the Customer.
- (81) WDNR: Shall mean the State of Wisconsin Department of Natural Resources.
- (82) Wisconsin Administrative Code: Shall mean the published rules of executive agencies having rule-making authority for the State of Wisconsin, latest edition
- (83) WPDES: Shall mean Wisconsin Pollutant Discharge Elimination System permit as issued by the Wisconsin Department of Natural Resources.

Additional definitions are set forth below.

### 3 Validity, Conflicts and Severability

#### 3.1 Previous Ordinances Superseded

This Sewer Use Ordinance Shall supersede and replace in its entirety any previous Commission Ordinance, rules, or regulations; and Shall repeal all parts thereof that May be inconsistent with this Sewer Use Ordinance.

#### 3.2 Conflicts with State and Federal Rules

If there is any conflict between this Sewer Use Ordinance and any applicable State or Federal statutes or regulations, then the statutes or regulations of the State or Federal Government Shall be controlling.

#### 3.3 Conflicts with Customer Rules

If there is any conflict between this Ordinance and any ordinance, rule or regulation for any Customer, then this Ordinance Shall be controlling.

#### 3.4 Severability

If any provision, paragraph, section, subsection, sentence, clause, phrase, or part of the Ordinance is invalidated, for any reason, by any court or competent jurisdiction, the remaining provisions, paragraphs, sections, subsections, sentences, clauses, phrases, and parts of this Ordinance Shall continue in full force and effect. Severability is expressly implied.

#### 3.5 Emergency Rule

Nothing contained in this Ordinance Shall be construed as prohibiting the Commission from adopting a temporary emergency rule in order to preserve the public health, safety, and welfare.

#### 3.6 Construction, Interpretation and Application

Notwithstanding any other provision of this Ordinance to the contrary, nothing contained herein shall in any way adversely affect, amend, modify, change or repeal any provision(s) of the Originating Joint Ordinance and/or the 1978 Agreement. The governance and authority of the Commission, in as far as the City and Village are concerned, shall be determined exclusively in accordance with the Originating Joint Ordinance, the 1978 Agreement and applicable provisions of Wisconsin law in effect from time to time. In the event any provision of this Ordinance as applied to the City and/or the Village, should conflict with any provision of the Originating Joint Ordinance, the 1978 Agreement or applicable Wisconsin law, then the provision of this Ordinance shall not be given any effect.

## 4 Authority, Management, Operation, Maintenance, and Control

### 4.1 Authority to Construct Wastewater Facilities

The Commission Shall have the power to construct Wastewater Facilities for public use and generally to do all such work as May be found necessary or convenient in the management of its Wastewater Facilities, in accordance with the Wisconsin Statutes.

### 4.2 Authority to Purchase Property

The Commission Shall have authority to purchase and acquire for the Commission all real and personal property which May be necessary for construction of the Wastewater Facilities, or for any repair, remodeling, or additions thereto, in accordance with the Wisconsin Statutes.

### 4.3 Management, Operation, Maintenance, and Control of Wastewater Facilities

The management, operation, maintenance, and control of the Commission Wastewater Facilities Shall be vested in the Commission. All records, minutes, and written proceedings thereof and all financial records Shall be kept by the Commission Finance Director. All costs associated with the management, operation, maintenance, and control of the Wastewater Facilities Shall be recovered by the Commission through the User Charge fees with the exception of any cost associated with damage to the Wastewater Facilities as a result of carelessness or negligence on the part of the User, a tenant of the User, or an agent of the User. The costs for any such damage Shall be paid for by the User, his tenant, the agent of the User, or other Person or entity causing the damage.

### 4.4 Management, Operation, Maintenance, and Control of Local Wastewater Collection Systems

Unless otherwise indicated in this Ordinance, or in the Agreements between a Customer and the Commission, Customers Shall be responsible for the management, operation, maintenance, and control of their respective Local Wastewater Collection Systems and for transport of said wastewater to the Commission Wastewater Facilities. Unless otherwise indicated in the Agreements between the Customer and the Commission, the Customer Shall be responsible for all facilities up to the point of connection with the Commission Wastewater Facilities.

## 5 Customer Agreements

### 5.1 Authority To Establish Agreements

- (1) The Commission Shall have the authority to establish Agreements with Customers located in the Sanitary Sewer Service Area, in accordance with the Wisconsin Statutes, for the purpose of providing Wastewater treatment service to such Customers.
- (2) Nothing in this Ordinance Shall prohibit the Commission from providing wastewater service to Users outside of the Municipal boundaries of any Customer, under mutually agreeable conditions, and provided the property of the said User is located within the Commission's Sewer Service Area.
- (3) All such Agreements established pursuant to this section Shall be in accordance with the provisions and constraints set forth in the 1978 Agreement, the Originating Joint Ordinance and Wisconsin law.

### 5.2 General Conditions of Agreements

In addition to any rules, regulations, limitations, conditions, charges, or other provisions set forth in the Agreements between the Customer and the Commission, the following general conditions Shall apply in all cases where the Commission provides wastewater conveyance and/or treatment services to a Customer:

- (1) Agreements with Customers Shall not be made unless the Commission determines that adequate excess treatment capacity exists to provide service to the said Customer, or unless the said Customer agrees to pay all costs associated with upgrading the Wastewater Facilities to provide the additional capacity required.
- (2) The Agreements Shall establish the allowable wastewater flows, Loads, and Wastewater characteristics which the Customer will be allowed to discharge to the Wastewater Facilities; Shall establish other conditions and limitations as required to protect the Wastewater Facilities and the proper operation thereof; Shall establish the period of time for which the Agreement will be valid; and Shall establish penalties for violation of any of the provisions of the Agreement.
- (3) Under all Agreements, the Customer Shall pay a fair and equitable portion of the Wastewater Facilities Debt Service Costs, Operation and Maintenance Costs, and Replacement Costs.
- (4) The Agreements Shall assure continued Customer participation in the Debt Service Cost over the life of the agreement. Should the Customer eliminate its discharge, the Commission, at its option, May, in its sole discretion, elect to assign to another Customer that portion of the design capacity of the Wastewater Facilities and Debt Service Cost thereby relieving the Customer of continued financial participation.
- (5) In addition to any rules, regulations, requirements, restrictions, or provisions provided in the Agreements between the Customer and the Commission, the Customers Shall be subject to the rules and regulations provided in this Sewer Use Ordinance, as applicable, and as May be amended or modified from time to time.
- (6) Each Customer shall secure passage within the jurisdiction served by it of a Sewer Ordinance substantially in the form attached as Exhibit 1; and such ordinance shall be so adopted on or before June 30, 2007.

- (7) The method of connection of the Customer's Local Wastewater Collection System to the Commission Wastewater Facilities Shall be as specified by the Commission.
- (8) For all Customers, facilities Shall be provided to allow flow measurement and sampling of the Wastewater discharged by the Customer to the Commission Wastewater Facilities. The construction, operation, and monitoring requirements for said facilities Shall be consistent with the requirements of Section 9.7 (Control Manholes, Flow Monitoring, and Wastewater Sampling) of this Ordinance. The costs for installation, operation, and maintenance of said facilities Shall be borne in entirety by the Customer. Plans and specifications for said facilities Shall be submitted to the Commission for review and approval.
- (9) All Customers Shall limit expansion and growth as required to maintain their wastewater discharge within the flow and/or Load allocations stated in their Agreements with the Commission. Any Customer which exceeds its allocated flows and/or Load capacity Shall be subject to fines, penalties, and surcharges as stated in their Agreements with the Commission, or, where the Agreements do not specify fines, penalties and surcharges, as provided for in this Ordinance.
- (10) Customers Shall maintain, inspect, and repair their Local Wastewater Collection Systems as required to limit infiltration and inflow to non-excessive levels. Infiltration Shall be considered excessive if the highest average flow, for the Customer, recorded over a 14 day period, under seasonal high groundwater and dry weather conditions, exceeds 120 gallons per capita per day or the equivalent thereof. Combined inflow and infiltration Shall be considered excessive if the maximum day flow for the Customer exceeds 205 gal per capita per day or the equivalent thereof. The Commission May impose fines, penalties, and surcharges for excessive infiltration and/or excess infiltration and inflow; said charges Shall be in addition to the User Charge applied to the Customer.
- (11) In the event that the Wastewater Facilities need to be upgraded at any time in the future, all Customers Shall be required to pay a fair and equitable share of the costs of such upgrades.
- (12) No Customer Shall allow an Industrial User to connect to their Local Wastewater Collection System without written approval from the Commission. The requirements of Section 9 (Control Of Industrial Wastewater Discharged To Wastewater Facilities) of this Ordinance Shall apply to all Industrial Users discharging to the Commission Wastewater Facilities, either directly or indirectly, through the Local Wastewater Collection System of a Customer or Municipality.
- (13) No Customer Shall allow Septage, Holding Tank Waste, or other hauled wastes to be discharged into their Local Wastewater Collection System without written permission from the Commission.
- (14) No Customer Shall accept Wastewater from any User located outside of the service area for the said Customer as defined in the Agreements with the Commission.
- (15) Extension, modification, or alteration of a Municipality's or a Customer's Local Wastewater Collection System Shall not be allowed without approval from the Commission. Proposals for all extensions, modifications, or alterations to a Customer's Local Wastewater Collection Systems Shall be submitted to the Commission for review and approval. Where said proposals for extension, modification, or alteration are approved by the Commission, plans and specifications Shall be submitted to the Commission for review and approval.

Submittal requirements Shall be in accordance with the requirements set by the Commission.

- (16) Customers Shall not expand their sanitary sewer service areas without approval from the Commission. The Customer Shall submit a proposal for expansion of the sanitary sewer service area to the Commission for review and approval. The proposal Shall include sufficient information to verify that the additional flow from the said expansion will not result in exceedance of the Customers flow allocation as defined in the Agreement with the Commission. In addition, Commission approval of any sanitary sewer service area expansion Shall be contingent on approval of the expansion by the Southeastern Wisconsin Regional Planning Commission.
- (17) Nothing in this Ordinance, or any Agreements between the Commission and a Customer, Shall be construed as granting the Customer ownership of any part of the Commission Wastewater Facilities or a voice in the government of the Wastewater Facilities, with the exceptions of the Village and the City, which parties created the Commission through the Originating Joint Ordinance and in the 1978 Agreement.
- (18) In the event that Wastewater from an Customer's wastewater collection system results in odor nuisance in, or corrosion of, the Commission's Wastewater Facilities, then the Commission May, upon reasonable notice, require the Customer to install facilities to remedy the problem, or the Commission May install said facilities and charge the cost to the Customer.
- (19) The provisions of this Section 5.2 shall have no application to the City or Village when acting pursuant to the 1978 Agreement and the Originating Joint Ordinance.

## 6 Use of the Wastewater Facilities

### 6.1 User Rules and Regulations

The rules and regulations as set forth in this Ordinance Shall be considered a part of a contract with every Person who discharges wastewaters, either directly or indirectly, to the Wastewater Facilities and every such Person, by making such discharge, Shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Commission May hereafter adopt, are violated by any Person, the said Person Shall be subject the penalties, fines, and actions as provided for under this Ordinance.

### 6.2 General Prohibitions

It Shall be unlawful to discharge to any Natural Outlet within any area served by the Commission, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of all local, State, and Federal authorities having jurisdiction over said discharges.

### 6.3 Prohibitions on Storm Drainage and Groundwater

No Person Shall discharge or cause to be discharged any Unpolluted Waters including, but not limited to, storm water, groundwater, roof runoff, basement sump pump discharge, foundation drain discharge, subsurface drainage, or cooling water to the Wastewater Facilities, or to any Local Collection Systems served by the Commission, except storm water runoff from limited areas, which storm water May be polluted at times, May be discharged to the Wastewater Collection System by permission of the Commission. Such approval will be considered by the Commission only when no reasonable alternate method of disposal is available. Applicable charges and limitations for such discharge to the Wastewater Collection System Shall be determined by the Commission. Any User determined to be discharging Unpolluted Waters to the Wastewater Collection System, without written approval from the Commission, Shall be issued a notice to permanently disconnect and abandon any piping or facilities which enable such discharge at such time or times and subject to such conditions as the Commission May determine. Failure to disconnect after such notice Shall authorize the Commission to have the piping and facilities disconnected and assess the costs of such disconnection against the property involved. The Commission Shall have the alternative right, at the end of such notice, to institute action for violation of this Ordinance including assessment of fines and penalties.

### 6.4 Storm Sewers

Storm water and all other Unpolluted Water Shall be discharged to such Sewers as are specifically designated as Storm Sewers or to a Natural Outlet approved by the Municipality and other applicable regulatory agencies with authority over such discharges. Unpolluted industrial cooling water or process waters May be discharged, with approval from the Municipality and other applicable regulatory agencies with authority over such discharges, to a Storm Sewer, or Natural Outlet.

### 6.5 Prohibited Discharges

No Person Shall discharge or cause to be discharged any of the following described substances into the Wastewater Collection System and/or the Wastewater Treatment Plant:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans, flora, or fauna, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Treatment Plant.
- (3) Any substances having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel operating the Wastewater Facilities.
- (4) Any solid or viscous substances, in quantities, of such character, or of such size, as to cause partial or total obstruction of the Sanitary Sewer, or to cause interference with the proper operation of the Wastewater Facilities such as, but not limited to, ashes, bones, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, diapers, rags, wipes, improperly shredded Garbage, whole blood, paunch manure, hair and fleshings, entrails, disposable dishes, cups, milk containers, and similar materials, either whole or ground by Garbage grinders.
- (5) Any noxious or malodorous solids, liquids, or gases which, either singly or by interaction with other wastes, are capable of creating a public nuisance, or hazard to life, or are, or May be, sufficient to prevent entry into the Sanitary Sewer for maintenance and repair work.
- (6) Any solids in size, in any dimension, of greater than one half inch.
- (7) Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the Wastewater Facilities in a quantity that May pose a hazard to the health and safety of Wastewater Facilities workers.
- (8) Any substances which May cause the Wastewater Treatment Plant to violate the WPDES permit effluent limits or which May cause the sludge produced by the Wastewater Treatment Plant to be in non-compliance with sludge use or disposal criteria.
- (9) Any animal excrement or wastes.

## 6.6 Limitations on Discharge Characteristics

The following described substances, materials, liquids, Wastewater, waters, or wastes Shall be limited to discharges to the Wastewater Facilities, to concentrations or quantities which will not harm or interfere with the proper operation of the Sanitary Sewer, Interceptor Sewer, or the Wastewater Treatment Plant processes or equipment, will not have an adverse effect on the Wastewater Treatment Plant receiving stream, will not cause the Wastewater Treatment Plant to violate any conditions of the WPDES discharge permit, will not have an adverse effect on the Commission's sludge management program, will not endanger Person or property, and will not constitute a public nuisance. The Commission May set limitations more restrictive than those indicated below, if, in the opinion of the Commission, more restrictive limitations are necessary to meet the said objectives. In forming an opinion as to the need for more restrictive limitations, the Commission will give consideration to such factors as the quantity of waste in relation to flows and velocities in the Sanitary Sewer, materials of construction of the Sanitary Sewer, the capacity of the Wastewater Treatment Plant, the ability of the Wastewater Treatment Plant

processes to treat the wastes, potential negative impacts of the waste on the performance of the Wastewater Treatment Plant or on the characteristics of the Wastewater Treatment Plant effluent or sludge, and other pertinent factors as applicable. The following limitations apply to all Users of the Wastewater Facilities:

- (1) Any liquid having a temperature higher than 150°F.
- (2) Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- (3) Any Wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which May solidify or become viscous at temperatures between 32°F and 150°F.
- (4) Wastewater containing floatable fats, oils, or grease.
- (5) Any Garbage that has not been properly shredded or solid material having any dimension greater than one-half inch.
- (6) Wastewater containing any Toxic Substances including, but not limited to, those listed in Chapter NR 215 of the *Wisconsin Administrative Code*, in concentrations that exceed levels specified under all applicable State, and Federal regulations.
- (7) Wastewater containing Pollutants at concentrations exceeding applicable Pretreatment Standards as listed in Chapters NR 221 through NR 297 of the *Wisconsin Administrative Code*.
- (8) Wastewater containing any of the following Pollutants in concentrations exceeding the indicated limit, based on a 24-hour, flow proportional, composite sample:
 

- Arsenic, Total	0.23 mg/l
- Cadmium, Total	0.18 mg/l
- Chromium, Total	1.0 mg/l
- Copper, Total	2.40 mg/l
- Cyanide, Total	0.43 mg/l
- Molybdenum, Total	0.4 mg/l
- Mercury, Total	0.003 mg/l
- Nickel, Total	4.0 mg/l
- Selenium, Total	0.5 mg/l
- Silver, Total	0.2 mg/l
- Zinc, Total	2.6 mg/l
- Hexachlorabenzene	0.0016 mg/l
- Iodine, Total	1.0 mg/l
- Phosphorus, Total	6.0 mg/l
- Ammonia-Nitrogen	20.0 mg/l
- Chloride	500 mg/l
- Phenol	0.1 mg/l
- (9) Wastewater containing polychlorinated biphenyls.
- (10) Any substance with objectionable color not removed by the Wastewater Treatment Plant processes, such as, but not limited to, dye wastes and vegetable tanning solution.
- (11) Any radioactive wastes or isotopes of such half-life or concentration as May exceed limits established by all applicable State or Federal Regulations.

- (12) Pollutants which are not treatable by the Wastewater Treatment Plant processes employed, or are untreatable to such a degree that the Wastewater Treatment Plant effluent will not meet the requirements of the WPDES permit.
- (13) Any Pollutants which result in the production of odors, in excess of that associated with Domestic Wastewater, either directly or indirectly by interaction with other Pollutants
- (14) Volumes or concentrations of wastes constituting a Slug.
- (15) Any Pollutants which, by interaction with other Pollutants present in the Wastewater in the Sanitary Sewer, form suspended solids which interfere with the operation of the Wastewater Facilities, increase the maintenance requirements of the Wastewater Facilities, or create a condition deleterious to the Wastewater Facilities structures or processes.

Determination of the concentration of Wastewater Pollutants in a Users discharge Shall be based on a twenty-four (24) flow proportional composite sample.

The Commission May alter, amend, or modify the limitations indicated above if it determined it is necessary to do so to meet the objectives of this Ordinance or to comply with all applicable State and Federal regulations.

#### 6.7 Alternatives to Acceptance of Wastewater

If any User proposes a discharge to the Wastewater Facilities, containing any substances, materials, liquids, Wastewater, waters, or wastes in excess of any of the limitations listed in this Ordinance, the User Shall submit, to the Commission, in writing, a request to allow exceedance of the limitations as set forth in this Ordinance. The Commission, or its agent, Shall evaluate the request based on information which Shall be provided by the User, including the proposed discharge flows and characteristics. The cost for the Commission to evaluate the potential effects of the proposed discharge on the Wastewater Facilities Shall be borne in entirety by the proposed discharger. Upon completion of its evaluation, the Commission May, in exercise of reasonable discretion:

- (1) Reject the waste;
- (2) Require Pretreatment of the waste;
- (3) Control the quantities and rates of discharge of the waste;
- (4) Recover the costs of handling and treating such wastes from the User discharging the waste.

In all cases where the Commission allows discharge of said Wastewater to the Wastewater Facilities, the Commission Shall apply surcharges, as applicable, to recover any additional costs associated with conveyance and treatment of the Wastewater, beyond that required for Domestic Wastewater.

#### 6.8 Accidental Discharge of Prohibited Wastes

Any Person who accidentally discharges into the Wastewater Facilities any wastes or Wastewater prohibited under this Ordinance Shall immediately report such a discharge to the Commission and the Municipality wherein the discharge occurs; and Shall report the location of the discharge, the time thereof, the volume thereof, and the type of waste or Wastewater so discharged. Within fourteen (14) days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence Shall be

submitted to the Commission. Such reporting Shall not relieve the Person causing the accidental discharge from any penalties imposed by this Ordinance. Where the Commission deems necessary, Users Shall provide facilities to prevent accidental discharges or spills of wastes or Wastewater prohibited under this Ordinance.

#### 6.9 Disposal of Wastes at Unauthorized Locations

No Person Shall dispose of any Wastewater, waters, or wastes, including, but not limited to, Septage, Holding Tank Wastes, and other hauled wastes, into any manhole, lift station wet well, or any other location in the Local Wastewater Collection System or the Wastewater Facilities, without written permission from the Commission.

#### 6.10 User to Allow Wastewater Sampling

The Commission May sample, or cause to be sampled, wastewater discharged by any User when, in the opinion of the Commission, there is reason to believe that the User May be discharging Wastewater containing any substances, or having any characteristics, in excess of those allowed under the requirements of this Ordinance. The User Shall grant the Commission, or its authorized representative, access to the User's facilities for the purpose of collecting such samples. If the User is found to be discharging Wastewater which is in violation of any provision of this Ordinance, then the User Shall pay the costs of the collection and analysis of the samples and Shall additionally be subject to any fines or penalties as provided for in this Ordinance.

#### 6.11 When Meters Are Required

- (1) The Commission May require Institutional, Governmental, Commercial, and Industrial Users to install metering equipment, including water flow meters or wastewater flow meters, for the purpose of more accurately determining the volume of Wastewater discharged to the Wastewater Facilities, whenever any of the following exist:
  - The Commission believes that the discharge flow from a User May significantly exceed the flow expected for that User based on the number of DUEs assigned to that User consistent with the DUE determination calculated under this Ordinance (Schedule A);
  - The User discharges Industrial Wastewater to the Wastewater Collection System;
  - The Commission believes that a User May discharge more than one (1.00) DUE of Wastewater;
  - The User discharges Wastewater with BOD5, TSS, TKN, or Total Phosphorus concentrations greater than the concentration limits for Domestic Wastewater as defined in this Ordinance.

- (2) Where water meters are required to be installed by the Commission, the water meters shall be furnished by the Municipality and installed by a licensed plumber while a representative of the Municipality is present to observe and inspect said installation. All costs for the installation of the water meters shall be at the expense of the User requiring the water meter. Meters shall be calibrated every two years or more frequently if required by the Municipality, with the cost of the calibration being borne by the User. Where water enters the User's premises from more than one source, water flow meters shall be installed at each source. The Municipality shall provide water meter readings to the Commission for the subject property on a quarterly basis with the readings being provided no later than 30 days after the end of the quarter. Water Usage shall be the measure for determining the monthly User Charge fees and surcharge fees where applicable. The initial assignment of DUEs to such User, the initial monthly User Charges and the initial Connection Charges shall be based upon reasonable estimates prepared by the Commission, subject to adjustment as herein provided. In the event that, after a period of one year (which year shall be determined as beginning on the July 1 immediately following the date that the water meter is installed), the water meter readings indicate that the water consumption at the Property is in excess of the original estimate, the Commission shall give to the User an Initial Notice thereof, as provided for in Section 18.12.4(3) below. If the said User's average Wastewater discharge continues at such increased amount for the second twelve month period following the date of expiration of the first twelve months, then the said User shall be (i) billed additional Connection Charge(s) based on such increased flows and (ii) billed prospectively an increased User Charge, based on the difference in the DUE values before and after the meter was installed. In such event, the Commission shall issue a Final Notice to the User as provided for in Section 18.12.4(3) below and Sections 18.12.4(5) and 18.12.6 below shall be applicable thereto.
- (3) In the event that a User, who is required by the Commission or a Municipality to install a water meter for the purposes of determining the volume of Wastewater discharged to the Wastewater Facilities, produces evidence satisfactory to the Municipality and Commission that a significant percentage of the total annual volume of metered water used is not discharged to the Sanitary Sewer, the User may be permitted to have an exemption water meter(s) installed. Said meter(s) shall be furnished by the Municipality. All costs shall be at the expense of the User requiring the meter(s), including installation and piping revisions required to insure that any water not reaching the sanitary sewer is metered by the exemption meter. The Municipality may establish charges for each size meter to compensate for furnishing, reading and servicing the meter. The amount of exemption water metered shall be subtracted from the total amount of water used by the User to determine the applicable User Charge fee. Regardless of the amount of metered exemption water, no User shall be charged for less than one (1.00) DUE for each single Building Sewer connected to a Sanitary Sewer, unless the Commission determines otherwise.

- (4) The Commission May require Industrial Users to install Wastewater flow meters on the User's Building Sewer in accordance with the requirements of Sections 9.6 and 9.7 of this Ordinance. In such cases, the Wastewater flow meter readings Shall be used as the measure for determining the monthly User Charge fees.

#### 6.12 Increased Discharges

- (1) Any Commercial, Industrial, Governmental or Institutional User planning a facility expansion, production increase, or process modification which May, or will, result in new or increased Wastewater discharge to the Wastewater Facilities, Shall submit a request for new or increased discharge to the Commission, in writing, prior to making any such modifications. The request Shall provide a detailed description of the proposed changes along with an estimate of the impact of the changes on Wastewater flows and Loads. The Commission, or its Engineer, Shall evaluate the request. Upon completion of its' evaluation, the Commission May, in exercise of reasonable discretion:
  - Reject the request
  - Approve the request as submitted
  - Approve the request with limitations

In all cases, the User Charge fee to the User Shall be increased by an amount as determined by the Commission in accordance with the provisions of this Ordinance.

#### 6.13 Grease, Oil, and Sand Interceptors

- (1) Grease and oil separators and sand interceptors Shall be provided, at User's cost, when in the opinion of the Commission or the Municipality, they are necessary for the proper handling of liquid wastes containing grease or oil, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors and separators Shall not be required for private living quarters or dwelling units.
- (2) All separators and interceptors Shall be of the type and capacity approved by the WDNR and/or the Wisconsin Department of Commerce, and Shall be located as to be readily and easily accessible for cleaning and inspection. Plans, specifications, and other pertinent information for all grease and oil separators and sand interceptors Shall be submitted to the Commission and Municipality for review prior to installation. No equipment Shall be installed until approval has been issued by the Commission and the Municipality. The introduction of grease or fat emulsifiers into a grease separator is prohibited.
- (3) Grease and oil separators and sand interceptors Shall be checked, cleaned out, and maintained on an annual basis or more often as required to ensure proper operation. The User Shall maintain a detailed log book clearly indicating the dates on which the facilities were checked, cleaned out, and maintained, the work which was done, the name of the Person performing the work, and any observations made. Log book records Shall be maintained for period of not less than three years and Shall be available for inspection by the Commission and the

Municipality. Failure to maintain a log book Shall be considered to be a violation of this Ordinance and Shall be subject to the fines and penalties stated herein.

- (4) In maintaining these grease and oil interceptors and sand separators, the User Shall be responsible for proper removal and disposal by appropriate means of the captured material and Shall maintain records of the dates and means of disposal of the captured materials, including the name of the Person or firm who disposed of the captured materials. Disposal of the captured materials performed by the User, the Owners personnel, or by a licensed waste disposal firm Shall be in accordance with applicable Local, State, and Federal Regulations. Disposal records Shall be maintained for period of not less than three years and Shall be available for inspection by the Commission and the Municipality. Failure to maintain disposal records Shall be considered to be a violation of this Ordinance and Shall be subject to the fines and penalties stated herein.
- (5) Interceptors and separators Shall, at a minimum, be cleaned out once per year. More frequent cleaning Shall be performed as required to ensure proper operation of the systems. Failure to install, or properly operate, clean out, and maintain, grease and oil separators or sand interceptors, as required by this Ordinance, Shall be a violation of this Ordinance and the User Shall be subject to the fines and penalties stated herein. Additionally, any User failing to install, or properly operate, clean out, and maintain, grease and oil separators or sand interceptors, as required by this Ordinance, Shall be liable for the costs of cleaning any downstream Sewers which are impacted by the said discharge. It is the responsibility of the User to request a determination from the Commission regarding the need for grease and oil separators or sand interceptors prior to initiating discharge of any Wastewater containing grease, oil, or sand.
- (6) The Commission shall enforce the provisions of this Section 6.13 directly against the User in question.

#### 6.14 Special Arrangements

- (1) No statement contained in this Ordinance Shall be construed as prohibiting any special agreement between the Commission and any Person whereby a Wastewater of unusual strength or character May be admitted to the Wastewater Facilities, either before or after Pretreatment, provided such discharge will not harm or interfere with the proper operation of the Sanitary Sewer, the Interceptor Sewer, or the Wastewater Treatment Plant processes or equipment; will not cause the effluent from the Wastewater Treatment Plant to be in violation of the WPDES permit; will not have an adverse effect on the Wastewater Treatment Plant receiving stream; will not have an adverse effect on the Commission's sludge management program; will not endanger Person or property; and will not constitute a public nuisance; and that no extra costs are incurred by the Commission without recompense by the Person; and that all rates and provisions set forth in this Ordinance are adhered to.
- (2) Where a Person seeks to discharge into a Sanitary Sewer, wastewater of unusual

strength or charge as determined by the Manager, and where said discharge would not otherwise constitute Industrial Wastewater, then in such event, such Person Shall as a condition precedent to any such discharge, obtain from the Commission a special agreement authorizing such wastewater discharge. The special agreement Shall contain such terms and provisions as the Commission May determine, including such provisions of Section 9 and 10 hereof as the Commission May deem should be applicable to the wastewater discharge in question.

#### 6.15 WPDES Permit Compliance

No Person Shall cause or permit any discharge to the Wastewater Facilities which May result, directly or indirectly, in any violation of the Wastewater Treatment Plant WPDES permit.

## 7 Connection of Building Sewers to the Sanitary Sewer

### 7.1 Connection Required Where Available

- (1) The owners of all houses, buildings, or other structures used for, or useable for, human habitation, or for the conduct of any trade, business, or industry, located within the municipal boundaries of any Municipality served by the Commission and abutting on any street, alley, or right-of-way in which there is located a Sanitary Sewer, are required at the owners' or User's expense to install suitable toilet facilities therein, and connect such facilities directly to the Sanitary Sewer, in accordance with the provisions of this Ordinance, within 365 days after the Sanitary Sewer is accessible thereto and notification is given to make such connection. The Municipality Shall provide official notification to such Users and/or owners of the requirement to make connection to the Sanitary Sewer. If the User and/or owner fails to have the connection made, after expiration of the time provided by the notice, the Municipality May bring action against the User and/or owner for violation of this Ordinance or May cause connection to be made by a licensed plumber, under the direction of the Municipality, and charge the cost of such connection as a special tax against the property. This Ordinance ordains that the requirement to connect to the Sanitary Sewer is necessary for the preservation of the public health, comfort, and safety.
- (2) The City and the Village may by adoption of ordinances, exempt structures from the requirements of Section 7.1(1) above.

### 7.2 Service Not Available

- (1) Where Sanitary Sewer service is not reasonably available within any municipal boundaries of any Municipality served by the Commission, the owners of such properties May install Private Wastewater Facilities with written permission from the Municipality. A written request Shall be submitted to the Municipality requesting permission to install Private Wastewater Facilities. Where approval is granted by the Municipality, the type, capacity, location, and layout of the Private Wastewater Facilities Shall comply with Chapter Comm 83 of the *Wisconsin Administrative Code*. Any Person planning to construct Private Wastewater Facilities Shall obtain all applicable permits from local, Town, County, and/or State agencies having jurisdiction over installation of said facilities. In all cases, the required permits Shall be obtained prior to the start of construction of said facilities.
- (2) If, at any time, the Sanitary Sewer is extended so that it becomes accessible to previously unsewered areas located within the municipal boundaries of a Municipality served by the Commission, all Persons with Private Wastewater Facilities Shall be required to abandon the said facilities and install a Building Sewer to provide connection to the Sanitary Sewer. Abandonment of the Private Wastewater Facilities Shall include removal and disposal of all Wastewater and sludge from the facilities, in accordance with applicable Local and State regulations, and backfilling of the facilities with clean earth fill or completely removing the facilities. The Municipality Shall provide written notification of the

requirement to connect to the Sanitary Sewer. The Person Shall have up to 365 days from the date of notification to have the said connection installed. This provision Shall apply in all cases except as noted under specific provisions incorporated in an Agreement between the Commission and a Customer.

- (3) Except as noted above, it Shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Wastewater within the Sewer Service Area of the Commission.

### 7.3 Separate Building Sewers

Every house or building Shall be separately and independently connected to the Sanitary Sewer except as allowed under Chapter Comm 82 of the Wisconsin Administrative Code.

### 7.4 New Connections Only If Capacity Available

New connections to the Wastewater Facilities or to Local Wastewater Collection Systems Shall only be permitted if there is sufficient capacity in the down stream facilities to adequately transport and treat the additional Wastewater anticipated to be received from such connections.

### 7.5 Use of Old Building Sewers

Old Building Sewers May be used in connection with new buildings or structures only when they are found, through examination and testing, to be free of defects and damage and to meet all other requirements of this Ordinance. Televising of old Building Sewers Shall be required to demonstrate that the pipe and joints are in good condition and are free of defects. The televising tape Shall be provided to the Municipality for review. The owner of the said Building Sewer Shall submit a request for review, in writing, to the Municipality. The costs for any and all examinations and tests, as required by the Municipality, Shall be paid by the owner of the said Building Sewer. The old Building Sewer May not be reused in connection with a new building or structure without written approval from the Municipality.

### 7.6 Work Authorized

No Person Shall alter, disturb, modify, uncover, or make any connections with or opening into any Local Wastewater Collection System without first obtaining written permission from the Municipality and without satisfying all requirements of this Ordinance. No Person Shall alter, disturb, modify, uncover, or make any connections with or opening into the Interceptor Sewer without first obtaining written permission from the Commission and without satisfying all requirements of this Ordinance.

### 7.7 License

All Persons performing work on a Local Wastewater Collection System or the Interceptor Sewer, including installation of Building Sewers, Shall hold a valid license with the State of Wisconsin and said license Shall be in good standing with the State of Wisconsin.

## 7.8 Building Sewer Permits

A Building Sewer permit Shall be applied for, paid for, and received before the commencement of any Building Sewer installation work. There Shall be two classes of Building Sewer Permits as follows:

- (1) Class 1: Applies to Residential, Commercial, Institutional, and Governmental Users
- (2) Class 2: Applies to Industrial Users

In all cases, the Owner of the Property on which the Building Sewer is to be installed, or the said Owner's agent, Shall complete and submit a Building Sewer permit application to the Municipality with jurisdiction of the area where the Building Sewer is to be constructed. Standardized permit application forms Shall be provided by the said Municipality, with such forms being approved by the Commission. The permit application form Shall be accompanied by any plans, specifications, and other information as considered pertinent in the judgment of the Municipality and/or the Commission. The Building Sewer permit application fee Shall be as set by the Municipality with payment required at the time the application is submitted to the Municipality for review. It Shall be unlawful to install a Building Sewer without first submitting a Building Sewer permit application and obtaining written verification from the Municipality of approval of said application. Each separate building located on any parcel of real estate Shall be served by a separate Building Sewer, unless the Commission by resolution determines otherwise.

## 7.9 Building Sewer Costs

All costs and expenses associated with installation and connection of the said Building Sewer Shall be borne in entirety by the owner of the property on which the Building Sewer is to be installed on. The said owner Shall indemnify the Municipality and the Commission from any loss or damage that May be directly or indirectly occasioned by the installation and connection of the said Building Sewer.

## 7.10 Excavation Permits and Requirements

The following requirements Shall apply to all excavations in any street, alley, or other public way to install or repair any Building Sewer or associated facility:

- (1) Streets, sidewalks, parkways, and other public property disturbed in the course of excavation work Shall be restored in a manner satisfactory to the Municipality. If the restoration work is not performed in a manner satisfactory to the Municipality, the Municipality May bring action against the property owner for violation of this Ordinance or May cause the restoration to be made in an acceptable manner by another party, under the direction of the Municipality, and charge the cost of such restoration as a special tax against the property.
- (2) All excavations for Building Sewer installation Shall be adequately guarded with barricades and lights so as to minimize the hazard to the public welfare and safety.
- (3) Except upon application made with written permission of the Municipality, ample width of roadway Shall be maintained at all times for the continuous safe use and passage of one lane of traffic. Flagpersons Shall be provided when the amount of traffic on the street requires it as determined by the Municipality. The traveled portion of the street Shall be kept free from machinery, tools, excavated materials,

or other obstruction at all times. All asphaltic concrete and portland cement surfaces shall be saw cut at right angles or parallel to the centerline of the road.

## 7.11 Building Sewer Construction

Building Sewer construction standards and requirements shall include the following:

- (1) All Building Sewers extending to within five feet of the outside foundation walls or any building shall consist of schedule 40 PVC pipe with a minimum soil coverage of four feet and conforming to the standards established in Chapters Comm 82 and Comm 84 of the *Wisconsin Administrative Code*.
- (2) All Building Drains inside the building and to a point five feet of the outside foundation walls of any building shall consist of schedule 40 PVC Pipe with adequately sealed joints and conforming to the standards established in Chapters Comm 82 and Comm 84 of the *Wisconsin Administrative Code*.
- (3) No Person shall install any Building Sewer pipe that is cracked, damaged, or of an inferior grade or quality.
- (4) The size, slope, alignment, materials for construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Chapters Comm 82 and Comm 84 of the *Wisconsin Administrative Code*. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in *Gravity Sanitary Sewer Design and Construction* (MOP FD5), as published by the American Society of Civil Engineers (ASCE) and Water Environment Federation (WEF), latest edition, shall apply.
- (5) Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Sanitary Sewer, Wastewater carried by such a Building Drain shall be lifted and discharged to the Building Sewer by facilities conforming to Comm 82 *Wisconsin Administrative Code*.
- (6) All Building Sewer connections to the existing Sanitary Sewer shall be made with a saddle wye fitting set upon a carefully cut opening centered on the upper quadrant of the Sanitary Sewer Main and securely strapped on stainless steel straps or with solvent welded joints in the case of plastic pipe. Where approved by the Commission, connections to the Sewer Main using cut-in wyes or tees may be allowed.
- (7) The Person applying for the Building Sewer permit shall notify the Municipality when the Building Sewer is ready for inspection and connection to the Sanitary Sewer. The connection shall be made in the presence of the Municipality Building Inspector or an authorized representative thereof.
- (8) No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps, swimming pool drains, groundwater drains, or other sources of surface runoff, groundwater, or Unpolluted Water to a Building Sewer or Building Drain which in turn is connected directly or indirectly to a Sanitary Sewer. Where possible, and where approved by applicable governmental agencies, said waters shall be discharged to a Storm Sewer. Where it is determined that a User has a connection which allows discharge of surface runoff, groundwater, or Unpolluted Water to the Sanitary Sewer, the Municipality

Shall issue a notice of violation to the said User. The User will have fourteen (14) days to have the said connection permanently removed. Failure to have the said connection removed after such notice Shall authorize the Municipality to cause removal of the connection and assess the costs of such removal against the property. The Municipality May, alternatively, institute action for violation of this Ordinance.

- (9) The provisions of (1) through (8) shall first apply to the construction of Building Sewers (or replacements thereof, either in whole or in part), occurring on and after the effective date of this Ordinance.

#### 7.12 Maintenance of Building Sewers

Each User Shall maintain the Building Sewer, from the said Users' structure to the connection at the Sanitary Sewer, or the equivalent thereof, including all piping and ancillary facilities. All Building Drains and Building Sewers Shall be maintained free of defective conditions, including, but not limited to, cleaning or clearing the Building Drain and Building Sewer by rodding or flushing, by and at the expense of the User or occupant of the property.

#### 7.13 Adoption of Other Rules

There is hereby adopted all the rules and regulations of the State of Wisconsin Department of Commerce and Department of Natural Resources insofar as the same are applicable to the Wastewater Facilities and Local Wastewater Collection Systems.

#### 7.14 Tapping the Sanitary Sewer and Interceptor Sewer

- (1) No Person, except those having written permission from the Municipality, Shall be permitted under any circumstances to tap the Sanitary Sewer. The kind and size of the connection with the Sanitary Sewer Shall be as specified in the Building Sewer permit from the Municipality.
- (2) No Person, except those having written permission from the Commission, Shall be permitted under any circumstances to tap the Interceptor Sewer. The kind and size of the connection with the Interceptor Sewer Shall be as specified by the Commission.

#### 7.15 Commission Not Liable for Damages

The Commission Shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage, or freezing of any Building Sewers or Building Drains; nor from any damage arising from repairing Local Wastewater Collection Systems or the Wastewater Facilities, making connections or extensions or any other work that May be deemed necessary.

#### 7.16 Right to Temporarily Discontinue Service

The Commission reserves the right to cut off the Sanitary Sewer service at any time for the purpose of repairs, or any other necessary purpose, and permit granted or regulation to the contrary notwithstanding. Whenever it Shall become necessary to shut off the Sanitary Sewer service, the Commission Shall, if practicable, give a 48-hour notice to each and every User affected.

## 8 Sanitary Sewer Extensions For Subdivisions And Commercial Developments

### 8.1 Initial Submittals and General Requirements

Prior to the design and construction of a Sanitary Sewer Extension, the Person (herein the “Developer” for purposes of this Section 8) requesting the Sanitary Sewer Extension must submit to the Municipality and to the Commission an approved final plat or certified survey for lands to be sewerred, if such plat or map is required by the Municipality. Plats and certified surveys must be accompanied by a certification from appropriate governmental officials stating that the land is zoned for the proposed use. All sanitary sewer extensions to serve lands/developments shall be consistent with the duly adopted regional plan of the Southeastern Regional Planning Commission (“SEWRPC”), as amended from time to time, and shall serve lands/developments that are located within the Commission’s Sewer Service Area as determined from time to time by SEWRPC. The Commission may require written evidence of such consistency and that the proposed extension is located within the Commission’s Sewer Service Area as a condition of any approval of a sanitary sewer extension.

### 8.2 Down Stream Capacity

Sanitary Sewer Extension requests May be considered by the Municipality and the Commission only if all downstream sewers, interceptors, lift stations, force mains, and treatment facilities have sufficient excess capacity to accommodate the Wastewater flows and Loads anticipated to be generated by the proposed Sanitary Sewer Extension. The Commission reserves the right to reject the application for a Sanitary Sewer Extension if insufficient capacity exists in the downstream Wastewater Facilities. Evaluation of the capacity of the downstream Wastewater Facilities will be conducted by the Commission Manager, or the Commission’s Engineer, at the expense of the Developer.

### 8.3 Sanitary Sewer Extension Design

The Developer May select an Engineer to design all proposed Sanitary Sewer Extensions. The resulting construction plans and specifications Shall be reviewed and approved by the Municipality and the Commission prior to submittal to the WDNR. All plans Shall conform to the standards of the WDNR and such additional requirements and standards that the Municipality and the Commission May establish. All costs for the design of the Sanitary Sewer Extensions, including review of the plans and specifications by the Municipality and the Commission, Shall be borne by the Developer.

### 8.4 Sanitary Sewer Extension Costs

All costs and expenses incident to the design, construction, and installation of the Sanitary Sewer Extension, including, but not limited to, engineering, construction, legal, permits and other fees related to the project or associated with the connection or hookup to the Local Wastewater Collection System or the Wastewater Facilities, Shall be borne by the Person requesting the extension.

## 8.5 Easements

The Developer requesting the Sanitary Sewer Extension Shall assist in securing all required utility easements, the location and width of which Shall be determined by the Municipality. The Municipality Shall be named as the grantee in all such easements. All completed easements Shall be submitted to the Municipality for its review and approval, and Shall be recorded at the appropriate county's Register of Deeds Office, the cost of such recording to be charged to the Developer.

## 8.6 Special Agreements

The Developer requesting the Sanitary Sewer Extension Shall also execute all other special agreements deemed necessary by the Municipality or the Commission.

## 8.7 Building Sewers

The project as approved must include the installation of Building Sewers, extending from the connection at the Sanitary Sewer to the lot line of each lot as shown on the approved final plat or certified survey map. This Shall be included in the Developer's costs and made a part of the proposed project.

## 8.8 License, Bonds, and Insurance

All Persons performing work on the Wastewater Collection System, including installation of Sanitary Sewer Extensions, Shall hold a valid license with the State of Wisconsin and said license Shall be in good standing with the State of Wisconsin. All Persons, except Municipalities, performing work on the Local Wastewater Collection System, including installation of Sanitary Sewer Extensions, Shall provide a bond to guarantee performance and Shall maintain liability insurance, the values of which Shall be determined by the Municipality. All certificates of insurance Shall name the Municipality as a co-insured party. No work May be conducted prior to submittal to, and approval by, the Municipality and the Commission, of the required bond and insurance.

## 8.9 Construction Inspection

During the construction of any Sanitary Sewer Extension which the Municipality and Commission have approved, the Municipality, or a representative thereof, will inspect the same to see that said work is being constructed in accordance with the approved plans and specifications. Failure to make such inspections Shall not nullify the right of the Municipality to require reconstruction should non-adherence to approved plans and specifications be subsequently discovered. All costs associated with inspection of the Sanitary Sewer Extension construction Shall be borne by the Developer.

## 8.10 Record Drawings

Following completion of Sanitary Sewer Extension construction, complete and accurate record drawings Shall be prepared and submitted to the Municipality as required by such Municipality. The Engineer selected by the Developer Shall prepare the record drawings. The contractor who performed the work Shall keep detailed records of all record drawing information as required by

the project specifications and Shall submit such information to the Engineer for use in preparation of the record drawings. The record drawings Shall be submitted to the Municipality for review and approval. Lateral cards Shall be prepared and submitted to the Municipality for every Building Sewer installed. The format and details of all lateral cards Shall comply with the standards established by the Municipality.

#### 8.11 Application of Section 20

Any Sewer Extension hereunder is also subject to the requirements of Section 20, below.

## 9 Control of Industrial Wastewater Discharged to Wastewater Facilities

### 9.1 Submission of Data

- (1) Within three (3) months after enactment of this Ordinance, the Commission or a Customer, May require that any User discharging Industrial Wastewater to the Wastewater Facilities prepare and file with the Commission or Customer a report that Shall include pertinent data relating to the quantity and characteristics of the Wastewater discharged to the Wastewater Facilities. Copies of all such reports, whether required by the Commission or the Customer, Shall be provided to the Commission for review.
- (2) The Commission or a Customer May require that any Industrial User desiring to make a new connection to the Wastewater Facilities System for the purpose of discharging Industrial Wastewater, or proposing to increase its current discharge flows or Loads, prepare and file with the Commission or Customer a report that Shall include actual or predicted data relating to the quantity and characteristics of the Wastewater to be discharged along with information relating to general processes used at the facility, the types and quantities of chemicals and additives used at the facility, and other such information as deemed necessary for the Commission or Customer to fully assess the potential impacts of said discharge on the Wastewater Facilities. All Users proposing to make a new connection or proposing to increase its current discharge flows or Loads, Shall, in writing, request that the Commission and Customer make a determination whether submittal of a report is required. Copies of all such reports, whether required by the Commission or the Customer, Shall be provided to the Commission for review.
- (3) The Commission Shall provide Users with a form detailing the specific information that Shall be submitted under Sections 9.1(1) and 9.1(2). This information Shall include, but not be limited to, the following:
  - Average day, peak day, and peak hour Wastewater flows
  - Average day and peak day Wastewater BOD<sub>5</sub>, TSS, TKN, Ammonia, and Phosphorus Loads
  - Chemical analysis of Wastewater including concentrations of any parameters prohibited or limited under this Ordinance
  - Information on raw materials, processes, and products as May affect the Wastewater characteristics
  - Information on quantity and use of oils, solvents, cleaning chemicals, chemical additives, Toxic Substances, and other substances used at the facility, which could enter the Wastewater either intentionally or accidentally.
  - A general process flow diagram showing the processes used at the facility and the flow of water and wastewater throughout the facilities.

- A plan of the User's facilities showing floor drains, chemical storage areas, sewers, and pretreatment facilities.
  - Detailed description and design information of any pretreatment facilities.
  - Detailed description and design information regarding all facilities installed to prevent and/or control the accidental introduction of oils, solvents, cleaning chemicals, chemical additives, Toxic Substances, and other substances into the Wastewater discharged to the Wastewater Facilities.
- (4) No User Shall be required to submit detailed information regarding proprietary processes. However, in all cases, the User Shall provide sufficient information for the Commission to fully evaluate the likely chemical and physical characteristics of the Wastewater to be discharged from the User's facility and to assess any potential impacts of said discharge on the Wastewater Facilities.

## 9.2 Acceptance of Wastewater

- (1) The Commission Shall not allow discharge into the Wastewater Facilities of any Wastewater which is not in compliance with the rules and regulations stated in Section 6 (Use of Wastewater Facilities) of this Ordinance.
- (2) In addition to any other requirements set forth in this Ordinance, the Commission Shall have the right to prohibit the discharge of any Industrial Wastewater into the Wastewater Facilities, which, in the opinion of the Commission, due to the volume or strength of the discharge, May interfere with the effective operation of the Wastewater Facilities, May pass through the Wastewater Facilities insufficiently treated, May cause the Wastewater Treatment Plant to violate any conditions of the WPDES discharge permit, May prevent the Wastewater Treatment Plant from meeting operational goals or effluent quality goals, or which May impair the use or disposal of the Wastewater Treatment Plant sludge.
- (3) Prior to allowing new or increased Industrial Wastewater discharges to the Wastewater Facilities, the Commission and Municipality Shall determine if sufficient capacity is available in the downstream Local Wastewater Collection System, Interceptor Sewer, and Wastewater Treatment Plant to provide proper conveyance and treatment of the proposed Wastewater. New or increased discharges Shall not be allowed if it is determined that insufficient capacity is available in the downstream Local Wastewater Collection System, Interceptor Sewer, or Wastewater Treatment Plant. No new or increased discharges Shall be allowed without written authorization from the Commission.
- (4) In making its determination to accept, or not accept, said Industrial Wastewater discharge, the Commission Shall evaluate the information provided by the User in accordance with Section 9.1 of this Ordinance. The Commission Shall give consideration to available Wastewater Facilities capacity and to potential adverse impacts of said discharge on the Wastewater Facilities. The Commission May conduct the said evaluation itself or the Commission May contract with an

Engineer to conduct the evaluation. In either case, the Commission May bill the said User for any costs associated with the evaluation.

- (5) Upon completion of its evaluation, the Commission May, in exercise of reasonable discretion:
  - (a) Reject the new or increased discharge if (i) it is determined that insufficient capacity is available in the downstream Local Wastewater Collection System, Interceptor Sewer, or Wastewater Treatment Plant, (ii) the new or increased discharge is not in compliance with the rules and regulations stated in Section 6 (Use of Wastewater Facilities) of this Ordinance, or (iii) the new or increased discharge would interfere with the operation of the Wastewater Facilities, pass through the Wastewater Facilities insufficiently treated, cause the Wastewater Treatment Plant to violate any conditions of the WPDES discharge permit, prevent the Wastewater Treatment Plant from meeting operational goals or effluent quality goals, or impair the use or disposal of the Wastewater Treatment Plant sludge; or
  - (b) Require Pretreatment of the Wastewater discharged to meet any of the requirements set forth in this Ordinance; or
  - (c) Control the quantities and rates of the Wastewater discharged to meet any of the requirements set forth in this Ordinance.

In all cases where the Commission allows discharge of said Industrial Wastewater to the Wastewater Facilities, the Commission Shall apply surcharges, as applicable, to recover any additional costs associated with conveyance and treatment of the Wastewater, beyond that required for Domestic Wastewater.

### 9.3 Industrial Service Agreements

- (1) The Commission May require that a service agreement be executed between the Commission and an Industrial User under the following conditions:
  - (a) If the Industrial User meets any of the criteria for a Significant Industrial User as defined in this Ordinance; or
  - (b) If, in the opinion of the Commission, the Industrial Wastewater May consistently, or at times, contain any substances which could potentially impair or interfere with operation of the Local Wastewater Collection System or the Wastewater Facilities.
- (2) The service agreement Shall establish the allowable flows, Loads, and Wastewater characteristics which the User Shall be allowed to discharge to the Wastewater Facilities, Shall establish other conditions and limitations as required to protect the Wastewater Facilities and the proper operation thereof, Shall establish the period of time for which the agreement will be valid, and Shall establish penalties for violation of any of the provisions of the service agreement. Unless specifically noted to the contrary in the service agreement between the Commission and the Industrial User, all rules and regulations of this Ordinance Shall apply to all said Industrial Users.

- (3) The service agreement Shall assure continued participation in capital improvement costs by the Industrial User over the life of the agreement. Should the Industrial User eliminate its discharge, the Commission, at its option, May elect to assign to another User that portion of the design capacity of the Wastewater Treatment Plant and associated capital improvement costs thereby relieving the Industrial User of continued financial participation.
- (4) Industrial Users Shall, in all cases, submit written notification to the Commission in the event that the property covered under an agreement with the Commission is sold to another Person.
- (5) In the event that an Industrial User sells the property covered under a agreement with the Commission, to another Person, then the agreement between the Commission and the Original Outside User Shall be transferable to the Person purchasing the said property provided that the use of the property or facilities will remain substantially the same. The Person purchasing the property Shall be bound by the conditions of the agreement. In the event that the use of the property is changed by the Person purchasing the property, such that the quantity or characteristics of the wastewater discharged will be changed, then the Commission May require that a new agreement be executed.
- (6) Nothing in the Ordinance, or in any agreement between the Commission and an Industrial User, Shall be construed as granting the Industrial User ownership of any part of the Commission Wastewater Facilities or a voice in the government of the Wastewater Facilities.
- (7) The service agreement Shall contain such additional terms and provisions as the Commission May, from time to time, determine. No Industrial User Shall acquire any vested right or privilege by entering into an agreement with the Commission under this Section 9.3. Any such agreement is terminable by the Commission summarily for any violation of the terms or conditions of such agreement.
- (8) The Industrial User Shall pay to the Commission an annual fee of \$500.00 for the issuance of the agreement provided for herein, as well as reimburse the Commission for all costs and expenses incurred (including, but not limited to, reasonable attorney and engineering fees) in drafting and negotiating the agreements described herein. Such annual fees May be adjusted annually by the Commission by adoption of a resolution to such effect.
- (9) In addition to all other penalties provided for in this Ordinance, a violation of any term or condition of the agreement issued under this Section 9.3 by the Industrial User Shall result in a forfeiture of \$1,000 per day for each day such violation continues. Such forfeiture is in addition to any damages sustained as a result of such violation.

#### 9.4 Pretreatment Requirements

- (1) All Industrial Users subject to Pretreatment Standards, as established by the WDNR, Shall provide Pretreatment of Wastewater discharged to the Wastewater Facilities in accordance with the requirements as set forth in Chapters NR 211 and NR 221 through NR 297 of the *Wisconsin Administrative Code*. The Commission Shall not allow discharge of any Wastewater, into the Wastewater Collection System, from any Industrial User not in compliance with applicable Pretreatment Standards.
- (2) Any User discharging Industrial Wastewater to the Wastewater Collection System May be required to provide Pretreatment of the Wastewater if, in the opinion of the Commission, the strength, characteristics, or flow rate of the Wastewater discharge could interfere with, or impair operation of, the Wastewater Facilities.
- (3) All costs associated with the design, construction, operation, and maintenance of Pretreatment facilities Shall be paid for by the User.
- (4) Plans, specifications, and other pertinent information for all Pretreatment systems Shall be submitted to the Commission for review prior to installation. No Pretreatment systems Shall be installed until approval has been issued by the Commission. The cost for review of the plans and specifications, by the Commission or the Commission's Engineer, Shall be borne by the Industrial User.
- (5) Where applicable, plans, specifications, and other pertinent information Shall be submitted for review and approval to the WDNR or other regulatory agencies with applicable review authority. No Pretreatment systems Shall be installed until approval has been issued by all applicable regulatory agencies.
- (6) Pretreatment facilities Shall be operated by qualified personnel with experience in the operation and maintenance of the types of facilities installed. The Pretreatment facilities Shall be properly operated and maintained in order to ensure that a consistent, reliable, effective level of treatment is maintained at all times.
- (7) All costs associated with the construction, operation, and maintenance of the Pretreatment facilities Shall be separate from, and in addition to, the User Charge and the Connection Charge.
- (8) Separate Building Sewers Shall be provided for discharge of Industrial Wastewater subject to Pretreatment Standards; combined discharge of said Industrial Wastewater with sanitary wastewater or other wastewater, through a common Building Sewer, Shall not be allowed.

#### 9.5 Dilution of Discharge

Dilution of Wastewater for purposes of reducing the Pollutant characteristics or concentrations to meet the limitations established in this Ordinance, or in any service agreement between the

Commission and any User, is prohibited, except in cases where such dilution is authorized by an applicable Pretreatment Standard.

#### 9.6 Requirement for Monitoring of Industrial Wastewater Discharge

- (1) Wastewater flow and sampling facilities May be required, at the discretion of the Commission, for any Industrial User.
- (2) Wastewater flow and sampling facilities Shall be required for all Significant Industrial Users.

#### 9.7 Control Manholes, Flow Monitoring, and Wastewater Sampling

- (1) Industrial Users, where required by the Commission, Shall install one or more control manholes to facilitate observation, flow measurement, and sampling of Wastewater discharged by the User to the Wastewater Facilities.
- (2) All Wastewater flow discharged from the User's facility to the Wastewater Collection System Shall flow through the control manhole(s).
- (3) The control manhole facilities Shall consist of a manhole constructed in-line with the Industrial User's Building Sewer, a flow meter, and a separate structure housing a flow recording device and an automatic Wastewater sampler. The flow recording device Shall be designed to provide instantaneous and totalized flow readings and Shall be designed to provide accurate readings in the flow range anticipated. The sampler Shall be designed to provide automatic, flow and time proportional sampling of Wastewater.
- (4) The design, operation, and maintenance of all control manholes, flow monitoring facilities, and wastewater sampling facilities Shall be in accordance with the requirements of this Ordinance as well as in accordance with any other rules and regulations established by the WDNR or any other agencies with applicable regulatory authority.
- (5) Plans and specifications for the control manhole facilities, including the manhole structure, flow meter, flow recorder, Wastewater sampler, and any other required equipment or structures, Shall be prepared and sealed by an Engineer licensed in the State of Wisconsin. The plans and specifications Shall be approved by the Commission, the Municipality, and the WDNR prior to starting construction.
- (6) All costs for construction of the control manhole facilities, including, but not limited to, design, permitting, construction, and regulatory review, Shall be paid for by the Industrial User.
- (7) All costs associated with the operation and maintenance of the control manhole facilities, including collection, recording, and submittal of Wastewater flow and sample analysis data, Shall be paid for by the Industrial User.
- (8) All costs associated with the collection and analysis of Wastewater samples Shall be paid for by the Industrial User.

- (9) The Industrial User Shall record totalized Wastewater flow for each day of the week. Less frequent recording of flows May be allowed by the Commission on a case by case basis. Where required by the Commission, a flow chart recorder Shall be provided to record instantaneous flow as a function of time. All flow monitoring information Shall be compiled into a report and submitted to the Commission on a monthly basis, or at a longer time interval if approved by the Commission.
- (10) All flow metering devices Shall be calibrated by a factory authorized technician on an annual basis. A copy of the field calibration report Shall be submitted to the Commission.
- (11) The Commission Shall determine the level of Wastewater analysis, including the parameters which Shall be tested for and the frequency of sampling, which will be required for each Industrial User on a case by case basis. Sample collection, preservation, and analysis Shall be in accordance with the requirements of Chapters NR 218 and NR 219 of the *Wisconsin Administrative Code* and Shall be performed by a laboratory certified for the applicable analysis by the State of Wisconsin. All Wastewater analysis data Shall be compiled into a report and submitted to the Commission on a monthly basis, or at a longer time interval if approved by the Commission. Copies of all sample analyses issued by the testing laboratory Shall be included along with the report.
- (12) Changes to the quantity or characteristics of the Wastewater discharged to the Wastewater Facilities are subject to review and approval by the Commission in accordance with the provisions of this Ordinance.
- (13) The Industrial User Shall grant the Commission access to the control manhole and all associated flow metering and Wastewater sampling equipment, at all times. The said facilities Shall be located in an area accessible to the Commission at all times.
- (14) The Commission May require that all sample collection, sample analysis, and flow recording activities be conducted by Commission personnel, or an authorized agent of the Commission. In this case, the Commission Shall submit a bill to the User for said services on a monthly basis.
- (15) All costs associated with the construction and operation of the control manholes, flow monitoring facilities, and wastewater sampling facilities Shall be separate from, and in addition to, the User Charge and the Connection Charge.

## 9.8 Emergency Actions Regarding Industrial Users

- (1) The Commission May suspend Wastewater service to any Industrial User whenever, in the opinion of the Commission, any of the following conditions exist:

- A discharge presents an imminent or substantial danger to the public health, safety, or welfare.
  - A discharge presents a substantial danger to the environment.
  - A discharge is resulting in interference with, or impairment of, the Wastewater Facilities.
  - A discharge is in violation of any Pretreatment standard or requirement.
- (2) The Commission will notify such a User in the event of a determination to suspend Wastewater service and such User Shall cease all discharges immediately upon receipt of such notice.

## 10 Septage, Holding Tank Waste, and Other Hauled Wastes

### 10.1 Acceptance of Septage, Holding Tank Waste, or Other Hauled Wastes

- (1) Septage, holding tank waste, or any other hauled wastes, herein generally referred to as “hauled wastes”, Shall only be discharged to the Wastewater Facilities when an application for hauled waste disposal has been filed with the Commission and the Commission has approved said application and issued a permit for hauled waste disposal to the applicant. The Commission Shall have the right to refuse discharge of hauled wastes to the Wastewater Facilities and to deny any and all applications for such discharge.
- (2) Hauled wastes Shall only be discharged to the Wastewater Facilities at the Wastewater Treatment Plant into the specific facilities designated for said wastes. It Shall be unlawful to discharge hauled wastes into any Local Wastewater Collection System, into the Interceptor Sewer, or at any location other than the Wastewater Treatment Plant, unless written permission to the contrary is obtained from the Commission in advance.

### 10.2 Application for Disposal Permits

- (1) Between November 1<sup>st</sup> and December 1<sup>st</sup> of every year, any licensed hauler wishing to discharge to the Wastewater Facilities Shall file an application with the Commission. Application forms will be available from the Commission Office. The application Shall state truly and fully the anticipated type, frequency, quantity, quality, and origin of generated waste to be disposed of in the Wastewater Facilities.
- (2) A non-refundable application filing fee, the amount as determined by the Commission and subject to periodic revision, Shall be submitted with the Application. Applications filed without the required fee will not be reviewed by the Commission.
- (3) The Commission will review all properly submitted applications by December 15<sup>th</sup> of each year and will notify the applicant of approval or denial of the application. Approved applicants will be issued a permit for disposal. The Commission May include such limitations and conditions as it deems necessary on any permit granted.

### 10.3 Hauler Requirements, Prohibitions, and Limitations

- (1) Permits Shall be non-transferable except in case of replacement of the disposal unit for which a permit Shall have been originally issued. The term of the permit Shall not exceed one year.
- (2) All haulers permitted by the Commission Shall agree to carry public liability insurance in an amount not less than \$1,000,000 to protect any and all Persons or property from injury and/or damage caused in any way or manner by any act, or

failure to act, by any of his employees. Endorsements evidencing such insurance to be in full force and effect Shall be furnished to the Commission. Said endorsement Shall name the Commission as an additional insured and Shall contain the following language: “Should any of the above-described policies be canceled, materially changed or renewal refused before the expiration date thereof, the issuing company will mail 30-days written notice to the Delafield-Hartland Water Pollution Control Commission”.

- (3) All haulers permitted by the Commission Shall agree to indemnify and save harmless the Commission from any and all liability and claims for damage arising out of or resulting from work and labor performed.
- (4) All haulers Shall be in conformance with the rules and regulations stated in Chapters NR 113 and NR 114 of the Wisconsin Administrative Code regarding business licensure and operator certification.
- (5) The locations where hauled wastes will be discharged into the Wastewater Facilities, the time of day when such discharge will be allowed, and the maximum volume and strength of hauled waste which May be discharged to the Wastewater Facilities, will be as designated by the Commission. Failure to comply with these conditions Shall be cause for suspension or revocation of the permit.
- (6) Any wastes discharged into the treatment system Shall be of domestic origin and Shall comply with the rules and regulations of this Ordinance as well as any and all other applicable rules and regulations of the Commission. A hauler Shall not discharge any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids or other Deleterious Substances into the Wastewater Facilities nor allow any earth, sand, gravel, stones, or other solid material to pass into any part of the Wastewater Facilities.
- (7) Hauled waste discharge forms Shall be fully completed by all permitted haulers each time they discharge to the Wastewater Facilities. The completed and signed forms Shall be submitted to the Commission at the time of discharge to the Wastewater Facilities. Hauled waste discharge forms will be furnished by the Commission and will include the following:
  - Name, address, and telephone number of the hauler
  - License number
  - Type of hauled waste
  - Location, date, and time of discharge to the Wastewater Facilities
  - Name, address, and phone number of hauled waste generator
  - Driver’s initials and sample numbers
  - Other information deemed necessary by the Manager
- (8) All permits issued by the Commission for hauled waste disposal will have the condition that any time the Wastewater Facilities has operational problems, maintenance problems, or threat of WPDES permit violations that are directly or indirectly related to hauled waste disposal, the Commission May immediately

restrict hauled waste disposal until such time as corrective action or mitigative measures have been taken.

- (9) Any hauler permitted by the Commission, found to be in violation of any rules and regulations of this Ordinance or of any conditions or limitations of the Commission approval for hauled waste disposal, or of any and all other applicable rules and regulations of the Commission, May have their permit immediately suspended or revoked. This suspension or revocation Shall be made in writing and Shall state the reason for suspending or revoking the permit. The Commission May additionally levy fines against the hauler as allowed under the penalty provision of this Ordinance.
- (10) Charges for hauled waste disposal Shall be as indicated by the Commission. Such charges are subject to periodic revision by the Commission; and Shall be determined as provided for in Section 281.49(10), Stats. Disposal privileges Shall be suspended or revoked by the Commission if bills are not paid within 30 days from the time the bill is issued by the Commission; or if the holder of any permit issued under Section 10.3 hereof violates any term or provision of such permit or this Ordinance. In the event the Commission determines to increase any charges for hauled waste disposal, the Commission Shall notify each licensed disposer holding permit under this Section 10.3, at least 60 days prior to imposing the increased disposal charge. The notice Shall also include a description of how the increased charges are determined. In the event hauled wastes contain wastewaters other than Domestic Wastewater, the charges for hauled wastes Shall also include surcharges for excess BOD, TSS, TKNK and Total Phosphorus, in an amount equal to 2.0 times the sewer rates applicable thereto. If the Commission has not set a rate for any of the said parameters, the Manager Shall for the foregoing purpose.
- (11) Any licensed disposer as defined in Section 281.49(1)(b), Stats., May seek review of a charge imposed on such licensed disposer pursuant to Section 10.3(10), above, by making an appeal to the Commission as provided in Section 14, below, except that:
- Any written request must be submitted to the Commission within 30 days after date of the invoice for such charges.
  - All charges must be paid in full pending the appeal, and cannot be withheld. If not so paid, the appeal Shall be dismissed.
  - The appellant Shall have the burden of proof that such charge is not reasonable.

Once the Commission makes its determination on such review, the appellant May seek review pursuant to the provisions of Section 66.0821(5), Stats., by appealing the same to the Wisconsin Public Sewer Commission within 30 days after date of such determination.

- (12) Only licensed disposers as defined in Section 281.49(1)(b), Stats., May seek a review of charges imposed by the Commission, in accordance with the provisions of Section 66.0821(5), Stats.

## 11 Right of Entry, Safety, and Identification

### 11.1 Right of Entry

Any duly authorized representative of the Commission bearing proper credentials and identification Shall be permitted to enter a User's premises for the purpose of observation, verification, measurement, sampling, and testing in accordance with the provisions of this Ordinance and applicable State Statutes. Duly authorized representatives Shall have no authority to inquire into any process beyond that point having a direct bearing on the characteristics and source of Wastewater being discharged to the Wastewater Facilities.

### 11.2 Safety

While performing necessary work, as referred to in Section 11.1 of this Ordinance, on any User's property, all duly authorized representatives of the Commission Shall observe all safety rules applicable to the premises as established by the User. The Commission Shall indemnify the User against loss or damage to its property by the acts or omissions of its duly authorized representatives and against liability claims and demands for personal injury or property damage asserted against the User and growing out of any said necessary work, except as such May be caused by negligence or failure of the User to maintain safe conditions.

### 11.3 Right to Enter Easements

Any duly authorized representative of the Commission bearing proper credentials and identification Shall be permitted to enter all private properties through which the Commission or a Municipality holds an Easement for the purpose of, but not limited to, inspection, observation, verification, measurement, sampling, repair, and maintenance of any portion of the Wastewater Facilities lying within said Easement, all subject to the terms, if any, of the Easement.

## 12 Damaging or Tampering with the Wastewater Facilities

### 12.1 Willful, Negligent, or Malicious Damage or Tampering

No Person Shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Wastewater Facilities.

### 12.2 Liability for Damages

Any Person who intentionally, negligently, or accidentally violates any provisions of this Ordinance Shall become liable to the Commission for any expense, loss or damage occasioned by reason of such violation which the Commission suffers as a result thereof. This Section Shall be applicable whether or not a written notice of the violation was given and without consideration for any penalties which May be imposed for a violation of this Ordinance.

## 13 Violations, Enforcement and Abatement

### 13.1 Violations and Enforcement

- (1) Any violation by any Person of the provisions of this Ordinance or any other rule, regulation or special order promulgated by the Commission or any permit or agreement issued or entered into with the Commission Shall constitute a public nuisance. As such a public nuisance, the same Shall be enjoined and this Ordinance, rule or special order Shall be enforced, all as provided for in Section 823.02, Stats., as amended from time to time.
- (2) Any Person found in violation of this Ordinance or any other rule, regulation or order of the Commission or any permit or agreement issued or entered into with the Commission Shall pay to the Commission such damages, losses or expenses as May be sustained by the Commission as a result of the violation, together with such costs as May be collectible by law.
- (3) The Commission May proceed to enforce this Ordinance or any other rule or regulation promulgated by it, or any permit or agreement, by the commencement of an action for enforcement. Any remedy or right of the Commission, 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.

### 13.2 Notice of Violation

Any Person found by the Commission or the Manager 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. Each day in which any violation is continued after the aforesaid notice Shall be deemed a separate violation and no further notice is required. The Commission Shall have the right to remove or close Wastewater Facilities connections, or require a Municipality to remove or close any Local Wastewater Collection System connections, if the User refuses to correct any violation to the satisfaction of the Commission. The costs for removing or closing the connection, as well as the costs for restoring the connection, Shall be a debt to the Commission or the Municipality as the case May be. Sanitary Sewer connections Shall not be restored until all charges and penalties, including the costs for removing or closing the connection and the costs for restoring the connection, have been paid in full.

### 13.3 Accidental Discharge

Any Person found to be responsible for an accidental discharge of Deleterious Substances to the Wastewater Collection System, as prohibited under the provisions of this Ordinance, in addition to any required forfeiture, Shall pay the amount to cover any damages to the Wastewater Facilities. The Commission May levy a minimum forfeiture of not less than \$100 and not more than \$10,000 for an accidental discharge that is reported immediately or a forfeiture of not less than \$1,000 and not more than \$20,000 for an accidental discharge that is not reported. The amount of the forfeiture Shall be determined by the Commission on a case by case basis and Shall take into account all information deemed relevant by the Commission including, but not limited to, the risks posed to the public health, safety, and welfare by the discharge, the risks

posed to the environment by the discharge, the risks posed to Wastewater Facilities workers by the discharge, any determined adverse impacts on the Wastewater Facilities, and previous violations.

#### 13.4 Administrative Enforcement

The Manager May invoke the following administrative enforcement remedies in the circumstances described in this subsection. By virtue of any Industrial User having an agreement to discharge Industrial Wastes or any User having a special agreement under Section 6.14(2), above (the “Special User”) or any licensed disposer (the “Wastewater Hauler”) holding a permit issued pursuant to this Ordinance, such Industrial User, Wastewater Hauler, or Special User (herein collectively “Permittee” in the singular or “Permittees” in the plural) Shall be deemed to have irrevocably agreed to the following administrative remedies, procedures and fines for violations of this Ordinance or the permit and/or agreements so issued.

- (1) Notice of Violation (NOV). Whenever the Manager finds that any Permittee has violated or is violating any State or Federal requirement or this Ordinance, its permit or its agreement is otherwise in noncompliance thereunder, the Manager or his agent May send, deliver or serve upon said Permittee a written Notice of Violation (“NOV”). Within 14 days of the receipt of the notice, the User Shall provide a written explanation of the violation or non-compliance and offer a plan for the satisfactory correction and prevention thereof which plan Shall include specific required actions. The explanation and plan Shall be submitted to the Manager or his agent. Submission of this explanation and plan in no way relieves the User of liability for any violations or non-compliance occurring before or after receipt of the NOV.
- (2) Consent Agreement. The Manager is hereby empowered to enter into Consent Agreements on behalf of the Commission with all such Permittees, to assure voluntary compliance, with the terms of this Ordinance and the Wastewater Discharge Permit or agreement issued to such Permittee. Such agreement May include compliance schedules, administrative fines, stipulated fines, and/or remedial actions.
- (3) Emergency Situations.
  - (a) The Manager May temporarily suspend the Permit of a Wastewater Hauler and/or deny sewerage service to any other Permittee whenever such suspension is necessary in order to stop an actual or threatened discharge, presenting or causing an imminent or substantial endangerment to the health or welfare of Persons, the public sewerage system, or the environment.
  - (b) Any Permittee notified of a temporary suspension of its service Shall immediately stop or eliminate its contribution to the public sewerage system. In the event a Permittee fails to immediately comply with the foregoing action, the Manager Shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or

minimize damage to the public sewerage system, its receiving stream or endangerment to any individuals. The Manager Shall allow the Permittee to recommence its discharge when the endangerment has passed.

- (c) A Permittee which is responsible, in whole or in part, for imminent endangerment Shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences to the Manager.
- (4) Nature of Actions. Nothing contained in subsections (1) through (3) hereof, or elsewhere in this Section, Shall be deemed to provide exclusive remedies for violations of this Ordinance or any permit or agreement issued hereunder, and all remedies contained in this Ordinance or as provided for by law are distinct, separate and cumulative. Further, all such remedies May be pursued individually, collectively or concurrently.

### 13.5 Revocation of Permit

In lieu of any administrative enforcement under Section 13.4 hereof or in addition thereto, any Permittee who violates the conditions of its permit or agreement issued hereunder May have its permit or agreement summarily revoked and terminated by the Commission. Any Permittee does not acquire any vested right or privilege by being issued such a Permit or agreement. Permittees Shall be notified of the termination of their agreements and/or Permits.

### 13.6 Falsification of Information or Tampering with Facilities

No Person Shall knowingly make any false statements, representations, record, report, plan, or other document filed with the Commission, or falsify, tamper with, or knowingly render inaccurate any flow metering device, collected sample, or methods required under this Ordinance. The Commission May levy a forfeiture of not less \$100 and not more than \$10,000 for each violation of this provision, together with the costs of prosecution. The amount of the forfeiture Shall be determined by the Commission on a case by case basis and Shall take into account all information deemed relevant by the Commission including, but not limited to, the type of violation, potential consequences of the violation, potential impacts of the violation on the Wastewater Facilities, and previous violations. Criminal Action May also be taken against any Person violating this provision as allowed by law.

### 13.7 Additional Penalties For Exceeding Agreement Wastewater Limits

Industrial Users and Special Users with executed agreements with the Commission, Shall control their Wastewater discharge, at all times, such that the Wastewater flows, Loads, and characteristic limits stated in the agreement are not exceeded. Failure to comply with the Wastewater flows, Loads, and characteristic limits stated in the agreement Shall be a violation of this Ordinance. In the event that any limit on Wastewater flow, Loads, or characteristics, as stated in the agreement, is exceeded, the following Shall apply:

- Said User Shall take immediate action to bring the Wastewater discharge within the limits set in the agreement.

- Said User Shall submit, to the Commission, a written statement describing the cause of the violation and describing all actions being taken to reduce the Wastewater flows, Loads, or characteristics to below the limits specified in the agreement.
- The Commission Shall apply surcharge costs for the additional flows and/or Loads discharged above the agreement limits.
- Where the current agreement between the Commission and such User specifies penalties for violations of the agreement, then said penalties Shall apply.
- Where the current agreement between such User and the Commission does not specify penalties, then the Commission May levy a forfeiture of not less than \$150 and not more than \$10,000 for each limit violation and for each day that a limit violation occurs.
- In the event that said violation results in damage to, impairment of, or interference with, the Wastewater Facilities, then such User, in addition to any surcharge costs or penalties, Shall be liable to the Commission for any expense, loss, or damage occasioned by reason of such violation which the Commission suffers as a result thereof.

### 13.8 Judicial Remedies

If any Person discharges sewage, industrial wastes, hazardous wastes, or other wastes into the Wastewater Facilities contrary to the provisions of this Ordinance or any Permit or any other agreement issued hereunder, the Commission May commence an action for appropriate legal and/or equitable relief in the Circuit Court of Waukesha County, Wisconsin, or in any other court of competent jurisdiction, which action May include the following requested relief:

- (1) Injunctive Relief. Wherever a User has violated or continues to violate the provisions of this Ordinance, an agreement or order issued hereunder, such violation creates a public nuisance under Section 823.02, Stats., and the Commission May obtain an injunction restraining or compelling activities of the Industrial User.
- (2) Civil Penalties.
  - (a) Any Person violating any provision of this Ordinance, who continues such violation after notice as provided for in Section 13.2 above, Shall forfeit to the Commission the sum of \$500 for each violation, in addition to all other penalties provided for herein. Each day or any part thereof during which such violation continues Shall be considered as a separate violation for purposes hereof.
  - (b) Any Person using the Commission's sewerage system without a Permit or special agreement for a use for which such a permit or agreement May be issued hereunder, or continuing to use the Wastewater Facilities after notice of termination or revocation of such permit or agreement, Shall forfeit to the Commission the sum of \$500.00 for each violation, in addition to all other penalties provided for herein. Each day or any part thereof during which such violation continues Shall be considered as a separate violation for purposes hereof.

- (c) Any Industrial User who has violated or continues to violate this Ordinance or a Permit or special agreement issued hereunder, Shall forfeit not less than \$500 nor more than \$10,000 for each day of violation, which sum Shall include all administrative fines that May be levied pursuant to Section 13.4 hereof. In addition, there Shall be assessed as an additional penalty all of the total costs incurred by the Commission relative to the investigation, including monitoring, which led to the establishment of the violation.
- (d) Any Industrial User who violates or continues to violate this Ordinance or its special agreement issued hereunder Shall reimburse the Commission for all damages sustained by the Commission as a result of such violation, including, but not limited to, damages to the Wastewater Facilities, in addition to all other penalties imposed hereunder. Further, the Commission Shall be entitled to receive for any Industrial User who violates this Ordinance or its special agreement issued hereunder, the Commission's reasonable attorney's fees, court costs, and any other applicable expenses associated with its enforcement activities.

### 13.9 Protecting Informants

- (1) If the Commission receives a request under Ch. 19 of the Wisconsin Statutes, as amended, for records that indicate, either explicitly or implicitly, the identity of an informant, then the Custodian of Records May deny access to the records upon finding that:
  - (a) The Commission made a pledge of confidentiality to the informant;
  - (b) The pledge of confidentiality was made to obtain information from the informant for the Commission's law enforcement activities;
  - (c) The pledge of confidentiality was necessary to obtain the information from the informant; and
  - (d) Disclosure of the informant's identity would harm the Commission's present or future law enforcement activities more than disclosure would benefit the public.
- (2) If the Custodian of Records denies access to the records, then the Custodian of Records Shall provide to the requestor specific reasons for denial.

### 13.10 Hazardous Waste Notification

The discharge of listed or characteristic hazardous waste is specifically prohibited by Section 6 hereof. If a User violates this Ordinance and discharges such hazardous waste in violation thereof, this section applies, in addition to all other remedies provided for herein.

- (1) Any User, except as specified in Subsection (d) below, which discharges to the public sewerage system any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261, Shall notify the Commission, the EPA Regional Waste Management Manager, and the DNR, in writing, of such discharge.
- (2) All hazardous waste notifications Shall include:
  - (a) The name of the hazardous waste as set forth in 40 CFR 261.
  - (b) The EPA hazardous waste number.
  - (c) The type of discharge (batch, continuous, or other).
  - (d) A certification that the User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (3) Hazardous waste notifications Shall be submitted no later than the effective date of this Ordinance, except that User's commencing the discharge of hazardous wastes after the effective date of this Ordinance Shall report any discharge of hazardous waste immediately.
- (4) Users are exempt from the hazardous waste notification requirement for pollutants already reported under 40 CFR 403.12(b), (d) and (e), (Reporting Requirements for Categorical Users).

### 13.11 Annual Publication of Industrial Users in Significant Noncompliance

The Manager Shall publish, at least annually in the official newspaper of the Commission, a description of those Industrial Users which are found to be in significant noncompliance or any permit, special agreement, or order issued hereunder, during the period since the previous publication.

### 13.12 Appeals from Determinations of the Manager

- (1) Any Person having a substantial interest which is adversely affected by an administrative determination of the Manager May have such determination reviewed as provided for herein. Only administrative determinations described in Sec. 68.02, Stats., are subject to review. Such Person Shall make written request to the Manager within 30 days of the administrative action complained of. The request for review Shall state the grounds upon which such Person contends that the determination should be modified or reversed. Upon receipt of such request, the Manager Shall review the determination in accordance with the requirements of Sec. 68.09, Stats., as amended from time to time.

- (2) If such Person desires to appeal from the final determination of the Manager under Section 13.13(1), such Person Shall file with the Commission a written notice of appeal therefrom. Such notice must be filed within thirty (30) days of the Manager'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 Secs. 68.11 and 68.12, Stats., except as otherwise provided for herein.
  
- (3) Any appeal to the Commission under Section 13.13(2) Shall be accompanied by an appeal fee of \$250. 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.

## 14 Appeals

### 14.1 Right of Appeal

Any Customer, User, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Commission interpreting or implementing the provisions of this Ordinance or in any permit issued herein, May file with the Commission a written request for reconsideration within 14 days setting forth in detail the facts supporting the User's request for reconsideration. The Commission Shall render a decision on the request for reconsideration to the Customer, User, permit applicant, or permit holder in writing within 14 days of receipt of request.

### 14.2 Appeal Fee

A fee of \$250 Shall accompany any appeal to the Commission for a ruling. This fee May be refunded if the appeal is sustained in favor of the appellant.

### 14.3 Appeal Hearing

The written appeal Shall be heard by the Commission within forty five days from the date of the filing. The Commission Shall make a final ruling on the appeal within sixty days from the date of the filing.

## 15 Audit, Notification, Records

### 15.1 Audit

An audit of the Commission's financial standing Shall be made on an annual basis. The audit will be used to assess the adequacy of the then existing User Charge rates and said rates Shall be adjusted if necessary to provide sufficient revenues to adequately finance the Commission's operation in accordance with the original intent of the rate structure. The annual audit Shall also be used to ensure that each Customer, User, or other customer of the Commission is charged in proportion to the cost of providing service to the said Customer, User, or other customer of the Commission.

### 15.2 Notification

The Commission Shall notify the Users annually of the User Charge rates. Notifications Shall be sent to the Users in conjunction with a regular bill.

### 15.3 Records

The Commission Shall maintain records regarding the administration, construction, modification, financing, and operation and maintenance of the Wastewater Facilities in accordance with all applicable State and Federal rules and regulations.

### 15.4 Public Access to Records

- (1) The Commission will allow any Person to inspect or receive copies of records unless specifically exempt by law as outlined under Wisconsin Statute 19.35 and Chapter NR 22.16 of the Wisconsin Administrative Code.
- (2) The Commission will respond to all record requests as soon as practicable, and without delay, either providing access to records or providing copies of records, or notifying the requestor of the Commission's determination to deny the request, either wholly or in part, and the reason for the denial.
- (3) Where a request for review of records is approved by the Commission, review of records Shall be allowed at the Commission offices during normal business hours. Removal of original records from the Commission offices is prohibited.

When a request is made for copies of records, all such copies Shall be made by the Commission and provided to the requestor. Persons requesting copies Shall be charged for the actual cost to the Commission to locate, copy, and mail said records. Payment of charges Shall be made before the copies are provided to the requestor. If providing a copy of a record is in the best interest of the Commission, or if there is, or will be, a direct benefit to the Commission, charges May be waived.

## 16 Access to Municipal Records

### 16.1 Access to Records

The Commission, or its duly authorized agent, Shall have access to all sewerage records of any Municipality served by the Commission. Upon request of the Commission or its duly authorized agent, each Municipality served by the Commission Shall submit to the Commission copies of any public sewerage system, or any portion thereof, as May be located therein. In such event, the Commission shall reimburse the Municipality for the reasonable cost of locating and copying in the manner provided for in Section 19.35(3), Wis. Stats.

### 16.2 Real Estate Descriptions

Upon request of the Commission, each Municipality served by the Commission Shall provide the Commission with an accurate real estate description of their respective corporate limits and a map thereof. In such event, the Commission shall reimburse the Municipality for the reasonable cost of locating and copying in the manner provided for in Section 19.35(3), Wis. Stats.

## 17 Municipal Service Charge Rates for Individual Sewer System Users

Each Municipality served by the Commission Shall adopt and maintain in effect rates and rules associated with sewer service charge rates for individual sewer system Users in compliance with Section 281.57(8)(c), Stats., and any administrative rules promulgated thereunder.

## 18 Sewer Service Charges and Fees

### 18.1 User Charges

User Charges to each Customer Shall be based on wastewater parameters established from time to time by the Commission. The User Charges Shall consist of the sum of the Commission's Debt Service Costs, Operations and Maintenance Costs and Replacement Costs.

### 18.2 User Charge Rates

The Commission Shall determine, from time to time, User Charge rates based on the Commission's annual operations and maintenance expense (including replacement costs), the annual administrative budget, the quantity and quality of wastewater received at the Commission's Wastewater Treatment Plant, and such additional rate parameters as the Commission May from time to time determine. Such rates Shall reflect the unit costs for administration and for transporting and treating the quantity and quality of wastewater discharged to the Commission's Wastewater Facilities.

### 18.3 Debt Service Rates

The Commission Shall determine debt service rates based on the Commission's annual Debt Service Costs, and/or capital improvement budget, the quantity of wastewater received at the Commission's Wastewater Treatment Plant, and such additional rate parameters the Commission May from time to time determine. Such rates Shall reflect the unit costs for construction of facilities funded with the indebtedness being retired, and for capital improvement projects funded directly from revenues raised by the Commission from other sources.

### 18.4 Measurement

The unit of volume measurement for wastewater discharged into the Commission's wastewater collection and treatment facilities Shall be gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameter Shall be pounds.

### 18.5 Annual Review

The Commission's User Charges Shall be reviewed at least annually by the Commission for purposes of establishing appropriate rates so as to generate sufficient revenues to pay for the debt service, administrative, and the operation and maintenance expenses (including replacement costs) of the Commission's Wastewater Facilities.

### 18.6 Amount of User Charges

- (1) User Charges to each User will be based on each User's Domestic User Equivalent (DUE) value with DUEs determined as follows:
  - (a) A single family residence Shall equal one DUE.
  - (b) A duplex housing unit Shall equal two DUEs.

- (c) Multi-family housing units Shall be charged for one DUE for each separate apartment.
- (d) Multi-use building, such as a mixture of a commercial establishment with a residence or apartments, Shall be charged a minimum of one DUE for each separate commercial user and residence/apartment. Should there be an incidental commercial use combined with a residence, with no significant additional flow being generated by the commercial use, there would not be an additional charge for the commercial use. Should there be multiple offices or shops in one building, the DUE value will be determined based on estimated flow from all of the offices and shops. In the event the volume of flow generated by the commercial portion of the multi-use building is such that it cannot accurately be estimated under this paragraph, then in that event the Commission Shall have the right to require a separate water meter connection for the commercial user in accordance with Section 6.11 of this Ordinance.
- (e) Commercial, public, or industrial Users Shall be charged on the basis of their metered flow divided by the average flow per residential customer. The average residential flow Shall be assumed to equal 75,000 gallons per year (205 gallons per day). DUEs Shall be rounded upward to the nearest 0.25 DUE. One (1.00) DUE will equal 75,000 gallons per year and the minimum value for any User Shall be one (1.00) DUE. If commercial or industrial User obtains all or any part of their water from sources other than a public water utility, all or any part of which is discharged into the public sewers, the User Shall be required to have a water meter or meters installed for the purpose of determining the volume of water obtained from these other sources as provided in accordance with Section 6.11 of this Ordinance. Should the Municipality and the Commission determine that the water usage is too small to justify a meter, the Municipality Shall have the authority to waive this requirement and a rate Shall be established based on estimated water usage and the provisions in this Ordinance. Schedule A, provided as an attachment to this Ordinance, Shall be used as the basis for such rates. The water meters Shall be furnished and installed by the Municipalities. All costs in connection with the water meter installation Shall be at the expense of the User. The Municipality May charge for each meter to compensate for furnishing, reading and servicing the meter.

(2) Customer monthly charges Shall be as follows for each DUE value:

Operation and Maintenance (includes Equipment Replacement)	Debt Service	Total Monthly Charge
\$9.60	\$5.90	\$15.50

The foregoing charges may be periodically changed by resolution adopted by the Commission from time to time.

18.7 Industrial and Commercial Charges for Other Than Domestic Wastewater

- (1) Charges for Wastewater other than Domestic Wastewater Shall be based on flow, BOD<sub>5</sub>, TSS, Phosphorus and such other constituents as determined by the Commission which affect the cost of collection and treatment.
- (2) All Users discharging Wastewater to the Wastewater Facilities are subject to a surcharge, in addition to any other User Charge, if their wastewater has a concentration greater than Domestic Wastewater concentrations (see Section 2, "Definitions"). The volume of flow used for computing Wastewater surcharges Shall be the metered or estimated water usage, subject to adjustments as otherwise herein provided, or the actual volume of Wastewater as determined by an Industrial Wastewater metering installation. The amount of surcharge Shall reflect the cost incurred by the Commission in removing BOD<sub>5</sub>, TSS, Phosphorus, and other pertinent constituents.
- (3) The rates of surcharge for each of the aforementioned constituents Shall be at the prevailing rate of the time. Said prevailing rates at this time are as follows:

SURCHARGE RATES			Operation and Maintenance	Equipment Replacement	Debt Service	Total Surcharge
For BOD <sub>5</sub> (in excess of 200 mg/L)			\$0.219/lb.	\$0.065/lb.	\$0.039/lb.	\$0.323/lb.
For Suspended Solids (in excess of 250 mg/L)			\$0.165/lb.	\$0.100/lb.	\$0.068/lb.	\$0.333/lb.
For Phosphorus (in excess of 6 mg/L)			\$1.716/lb.	\$0.627/lb.	\$0.638/lb.	\$2.981/lb.

The foregoing rates of surcharge may be periodically changed by resolution duly adopted by the Commission from time to time.

- (4) In addition to the above surcharges, the Commission's costs for sampling and analyses of commercial and industrial Wastewater, where applicable, Shall be charged to the User.
- (5) Where Industrial Wastewater is of such a strength or magnitude or is delivered over such a period of time that the above surcharges do not reflect the actual cost of treatment to the Commission, the Commission reserves the right to establish a special charge for handling the Wastewater. That portion of the charge related to capital investment Shall be based on the design capacity required for the particular Wastewater. In no event Shall the charges be less than those charges determined by applying the above surcharge.

18.8 Excess Flow Charges

Any Customers discharging flows exceeding 120 gallons per capita per day (gpd), under dry weather and high groundwater conditions, and after adjustment for any significant large Users, Shall be charged an excess flow charge. Charges Shall be based on metered flows and the prevailing rate at the time. The prevailing rate at this time is as follows:

EXCESS FLOW CHARGES	Operation and Maintenance (Per Million Gallons)	Equipment Replacement (Per Million Gallons)	Debt Service (Per Million Gallons)	Total Charge (Per Million Gallons)
For Volume (in excess of 120 gpd)	\$ 559/mgal.	\$ 177/mgal.	\$ 313/mgal.	\$1,049/mgal.

This charge Shall be billed to the Customer on a quarterly basis along with the User Charges. The foregoing charges may be periodically changed by resolution duly adopted by the Commission from time to time.

18.9 Standby User Charge

Customers Shall be charged full User Charges for any Users not connected to the Wastewater Facilities. Each Customer Shall report on a monthly basis the total number of DUEs generated by Users connected to that Customer's Local Wastewater Collection System, or in a standby User status.

18.10 Industrial Wastewater Pretreatment

In the event the Commission provides Pretreatment of Industrial Wastewater, the entire cost of such Pretreatment Shall be charged to the User producing the Industrial Wastewater. The costs Shall include, but not be limited to, capital expenditures, operation and maintenance expenses, labor, chemicals, heat, and power.

18.11 Equipment Replacement Fund Account

The annual equipment replacement revenues Shall be maintained in a separate account to be used solely for the purpose of purchasing replacement parts and/or equipment.

18.12 Connection Charge

18.12.1 Introduction

- (1) It is the policy of the Commission that (i) new Users and (ii) existing Users who substantially increase their wastewater discharges into the sewerage system, within the geographic territory served by the Commission, reasonably participate in the cost of the Commission's existing Wastewater Facilities at the time their lands actually receive Sanitary Sewer service or at the time of the substantial increase, as the case may be. Wastewater Facilities are generally defined as all Interceptors and related facilities such as manholes and appurtenances, pumping

stations, force mains and the Wastewater Treatment Plant. In determining what constitutes reasonable participation toward such cost, the Commission Shall be guided by the principle that the area to be served Shall bear its proportionate share of such costs. The costs of the Wastewater Facilities in which such Users are required to participate are:

- (a) Costs reasonably and necessary incurred to construct the Wastewater Facilities to serve the new areas or increased discharges; and
- (b) Costs of providing excess capacity in the Wastewater Facilities until such time as the future Users in the new areas connect to the Sanitary Sewer system or such time as the existing User substantially increases wastewater discharges.

Wastewater Facilities have a significant physical life. This requires that they be constructed of sufficient capacity to serve present Users and future Users. It is economical to construct Wastewater Facilities with excess capacity. Therefore, it is reasonable that future Users, as well as present Users, pay the total cost of the Wastewater Facilities that serve them. The investment in excess capacity is made for the future and/or for the User's benefit; and is not available for other uses by the Commission. Because future Users make no payment until they connect to the Sanitary Sewer, only a part of the total cost of the Wastewater Facilities can be collected when said facilities are first placed in service. Accordingly, the cost to be recovered at the time of initial construction of the Wastewater Facilities should be recovered through a "Connection Charge."

- (2) This Connection Charge is enacted pursuant to Section 66.0821(4), Stats.

#### 18.12.2 Amount of Connection Charge

- (1) In the year 2005, the Commission completed a significant and substantial expansion of the Wastewater Facilities in order to accommodate improved service to the areas it services and to accommodate growth and development therein. The Commission elects to impose a Connection Charge by adopting the "cost of plant methodology." Therefore, effective as of February 1, 2006, a Connection Charge is hereby established to be in the amount of \$3,657 per DUE. This Connection Charge Shall be adjusted annually, commencing on January 1, 2007 and each calendar year thereafter; and the payment thereof is a condition precedent to the provision of Sanitary Sewer service to the property in question.
- (2) Connection Charges Shall be determined as of the calendar year within which (i) a building permit or use permit is issued by the Customer relative to the property and building sewer in question (or) a final determination that an existing User has substantially increased its wastewater discharge and has been issued a Final Notice under Section 18.12.4(3) below. In the event any such building permit or use permit expires in accordance with its terms, with no building sewer being so connected, then in such event, any Connection Charge attributable thereto Shall be determined as of the calendar year within which the earlier occurs of: (i) the

actual connection of the building sewer or (ii) the issuance of a renewal or replacement building permit or user permit.

- (3) Where a User makes Industrial Wastewater discharges that are subject to the provisions of Section 9 of this Ordinance, the Commission shall have the right and option to impose an Industrial Discharge Fee directly upon such User in order to fairly and equitably recover capital costs associated with treating such Industrial Wastewaters. Such Industrial Discharge Fee shall be in addition to the Connection Charges provided for in Section 18.12.2(1) above.

### 18.12.3 Annual Adjustment to Connection Charge

Effective January 1, 2007 and each calendar year thereafter, the Connection Charge Shall be annually adjusted based upon changes to the “Engineering News Record Construction Cost Index” (the “Index”), which Index most closely reflects construction costs of the Wastewater Facilities. The adjustment Shall reflect changes to the Index during the period of July 1 through June 30 of each year. The Connection Charge Shall be increased or decreased annually by the percentage increase or decrease (rounded) in the Index, determined as of June of each year commencing with the year 2006. By way of example only, if the Index in June of 2005 was 7629.95 and the Index for June 2006 is 8010.00, the changes in the Index represent a percentage increase of 5.0% for the twelve month period of time (June 2005 to June 2006). Accordingly, the Connection Charge would be increased by \$183.00 (rounded) for an adjusted Connection Charge of \$3,840.00, rounded, for the year 2007. The Commission Shall notify all Municipalities no later than November 1 of each calendar year (commencing on November 1, 2006) of the adjusted Connection Charge to become effective as of January 1 of the succeeding year. The Connection Charge Shall be in the amount so determined for the calendar year within which a permit is issued by the Customer to allow for the User Building Sewer to be connected to the Sanitary Sewer. Notwithstanding anything to the contrary contained in this Ordinance, the Commission may by resolution duly adopted on or before December 31<sup>st</sup> of any year, elect not to adjust the Connection Charge for the succeeding calendar year whenever the Commission determines that the public interest will be served thereby.

### 18.12.4 Administration of Connection Charge

In collecting the Connection Charges, the following Shall apply:

- (1) Direct Charge to Users. The Connection Charge is not a charge against the Customer, but is a charge directed to (i) a new User making a connection of a Building Sewer to a public sewer or (ii) an existing User who has substantially increased its wastewater discharge(s) into the public sewerage system, where the wastewater is ultimately treated at the Wastewater Facilities. Notwithstanding the foregoing, however, the Customer wherein such User(s) is/are located, shall assist the Commission in collecting the applicable Connection Charge from the User in question. Collection and payment of such Connection Charges shall be made in accordance with Section 18.12.6 below. For purposes of Section 18.12, the term “User” means the fee simple owner (or its equivalent) of the subject real property owned by the new User or existing User, as the case may be.

- (2) New Users. On or before the date of issuance of a building permit or plumbing permit for the construction of a new structure which will be connected to a Building Sewer that discharges into a public sewer, the Customer shall advise the Commission of (i) the parcel identification information where the connection is to occur; (ii) the name, address and contact information of the new User; (iii) whether or not the new User will also be served by a public water supply system; (iv) the number of DUEs applicable to the new User, which determination shall be made in accordance with Section 18.12.4(6) below; and (v) any additional information the Commission or its designee may reasonably require. Upon receipt of such information, the Commission shall issue an invoice to the new User for the Connection Charge due the Commission. At said time, the new User shall also be provided with a copy of this Section 18.12.4 dealing with a right to appeal. The Customer shall collect the Connection Charge as a condition precedent to the issuance of a building or plumbing permit; and in no event later than the issuance of an occupancy permit for the structure in question.
- (3) Existing User's Increase in Wastewater Discharges. A Connection Charge is also applicable to existing Users who substantially increase their wastewater discharges to the Wastewater Facilities. For existing Users, an additional Connection Charge is due when the average daily flow from such User increases by one (1.00) DUE or more over an average twenty-four (24) month period, the first twelve months of which is determined on a July 1 through June 30 time period. Within sixty (60) days following the end of the first twelve (12) month period, the Commission Shall notify in writing (the "Initial Notice") the User and the Customer wherein the User is located that the average daily flow from such existing User exceeds the foregoing baseline. The Initial Notice shall advise the User and Customer of the excess wastewater discharge, the potential number of additional DUEs that may be assigned as a result of such excess, and the anticipated amount of the additional Connection Charges associated therewith and to become due to the Commission if the User does not reduce such discharges. The existing User shall then have the succeeding July 1 through June 30 time period of twelve (12) calendar months within which to take action and/or reduce the excess discharges. If the wastewater discharge is not subsequently reduced during the said second twelve month period of time, then the Commission Shall notify the User and Customer in writing of the additional DUEs that are due. Such notice (the "Final Notice") shall advise of the number of additional DUEs that have been assigned; the additional Connection Charges due to the Commission as a result thereof; and that the User has the right to appeal the determination of the additional DUEs that have been so assigned. The Final Notice shall include a copy of said section and an invoice for the Connection Charges due; and such notice shall be given within sixty (60) days following the end of the expiration of the second twelve (12) month time period.
- (4) Appeal by New User. A new User who disputes (i) the determination of DUEs applicable to such User or (ii) the determination of the Commission's Connection Charge, shall within sixty (60) days following the date of the Commission's

invoice described in Section 18.12.4(2) above, file a written appeal with the Commission specifying the nature of the dispute. No appeal may be taken unless the Connection Charge is paid in accordance with the invoice. If an appeal is so made, the Commission shall hold a hearing in accordance with Section 18.12.4(5). If an appeal is made after expiration of the sixty (60) day period, it shall be summarily dismissed as being untimely.

- (5) Appeal by Existing User. An existing User Shall have the right to appeal a determination of additional DUEs made under Section 18.12.4(3) above, as follows:
- (a) Within sixty (60) days after the date of mailing of the Final Notice by the Commission that additional Connection Charges are due as a result of additional DUEs resulting from increased flows, the said User Shall file a written appeal with the Commission which Shall (i) request a reconsideration of the DUE determination and (ii) specify the grounds or reasons therefore. Any request made after the expiration of the aforesaid sixty (60) day period, Shall be summarily denied as being untimely.
  - (b) No appeal Shall be taken unless the additional Connection Charges are timely paid within sixty (60) days after the mailing of the Final Notice by the Commission.
  - (c) If a timely appeal is taken, then the Commission Shall hold a hearing at which time the said User may present evidence and reasons in support of the appeal. The Commission Shall within sixty (60) days after such hearing, render its decision, to the User, unless a longer period of time is granted by the User. If the appeal is based upon the claim that excess wastewater discharges are the result of a water leak or faulty meters, the User shall have the burden of proof to show (i) good cause why the leak or faulty meter could not have been remedied within the 24 month period described in Section 18.12.4(3) above; and (ii) that the water resulting from the leak did not subsequently, either in whole or in part, enter the public sewerage system.
  - (d) The decision of the Commission shall be in writing and mailed to the User and Customer in question. If the Commission redetermines the assignment of DUEs to such User and/or the amount of the associated Connection Charges based upon the evidence presented at the hearing, it shall order the refund of any Connection Charges previously paid which are found to be unsubstantiated. Such refund shall be without interest thereon.
  - (e) The User may appeal from the written decision of the Commission by filing a petition for review within sixty (60) days after date of mailing of the decision, with the Wisconsin Public Service Commission pursuant to Section 66.0821(5) of the Wisconsin Statutes, as amended.

- (6) DUEs Determination. DUEs Shall be determined for all uses in accordance with the ordinances of the Commission in effect from time to time. Attached hereto and incorporated herein is Schedule A, which is a conversion schedule for determining DUEs applicable to various types of properties and uses thereof; and Shall be used by the Commission for purposes of determining applicable DUEs, either for new Users or Users who increase their wastewater discharges. Once a Connection Charge has been finally determined and paid, and following expiration of all applicable time periods within which an appeal may be taken, the Connection Charge shall not be subject to refund, even if the user/property in question changes its use in such a manner that fewer DUEs are applicable thereto. Under no circumstance Shall there ever be less than one (1.00) DUE for each Building Sewer connected to a Sanitary Sewer, unless the Commission by resolution determines otherwise. The Commission May at any time require a User to install appropriate meters to determine whether or not increased wastewater flows have or are occurring relative to the property in question.

#### 18.12.5 Transition

- (1) Prior to the effective date of this Section 18 (i.e., February 1, 2006), the Connection Charge per single DUE was in the sum of \$1,700. Due to a substantial expansion of the Wastewater Facilities owned and operated by the Commission, the Commission has determined to increase such Connection Charge as provided for in this Section 18.12 for the reasons set forth in Section 18.12.1 above. In recognition that each of the Customers served by the Commission has previously approved as of January 31, 2006, various real estate development projects within each of their respective jurisdictions and that the substantial increase in Connection Charge as otherwise provided for herein could significantly and adversely affect such developments, the Commission has determined that the implementation of the increased fee be phased in over a transitional period of time. Therefore, and notwithstanding anything to the contrary contained in this Section 18.12, the Connection Charge per DUE Shall be in the sum of \$1,700 per DUE for those Building Sewer connections occurring on properties that satisfy all of the following conditions (herein the “Conditions Precedent”), to-wit:
  - (a) Each Customer Shall reasonably identify, by means of a resolution adopted by its appropriate governing body (i.e., city council, village board or town board), the properties that have been previously approved for development as of January 31, 2006, by such Customers. Such resolution Shall (i) identify the plat(s), certified survey map(s) or named property(ies) comprising the approved development project(s); and (ii) identify the total number of DUEs applicable to each identified project. Any such resolution must be adopted by the appropriate governing body of each Customer on or before May 31, 2006 and a certified copy thereof, delivered to the Commission on or before said date. Any property(ies) not so identified in such a duly adopted and delivered resolution, Shall not be entitled to the benefit of the reduced Connection Charge of \$1,700 per DUE as provided for in this Section 18.12.5. At the time each Municipality issues a building permit or use permit as described in

Section 18.12.2 above, for a Building Sewer connection of a property that has been identified in the foregoing resolution, such Municipality Shall provide to the Commission the following information: (i) the name and the date of approval of the plat, certified survey map or approved development project wherein the property is located; (ii) the total number of DUEs applicable to the property; (iii) the lot or tax key parcel number of the property; and (iv) the name, address and telephone number of the developer of the property.

- (b) The actual Building Sewer for the subject property Shall be connected to a public sewer on or before December 31, 2007.

Provided the Conditions Precedent are satisfied in full, the Connection Charge resulting from the connection of a Building Sewer for each property in question Shall equal the sum of \$1,700 per DUE.

- (2) The Commission reserves the right to amend, alter or revoke this Section 18.12.5 or any portion hereof at any time and for any reason, subject to the prior approval of the Village of Hartland and the City of Delafield. No Person Shall, by virtue of the enactment of this Section 18.12.5, acquire any vested right or privilege hereunder with respect to the subject matter of this Ordinance.

#### 18.12.6 Payment of Connection Charge

All Connection Charges due the Commission under Section 18.12.4 shall be paid by the User (i) in accordance with an invoice issued therefore by the Commission and (ii) directly to the Customer wherein the User is located, as collection agent for the Commission. Copies of all invoices to the User shall be contemporaneously given to the Customer in question. For new Users, the Connection Charges Shall be paid by the Customer to the Commission by the end of the calendar month following the month within which a certificate of occupancy is issued for the structure whose Building Sewer has been connected to a public sewer conveying wastewater to the Commission's Wastewater Facilities, except as otherwise provided for herein. For an existing User, payment shall be made in accordance with the Final Notice issued by the Commission pursuant to Section 18.12.4(3) above. A penalty of 1.5% per month Shall be assessed on all Connection Charges not paid when due; and such penalty Shall continue until payment is made in full. The Customer Shall have the right and option to bill or impose any additional Connection Charges, impact fees, hookup fees or other charges in accordance with the Customer's ordinances. For purposes of this Ordinance, Connection Charges are deemed to be a debt due the Commission from the User. If the User shall fail to pay the Connection Charge, the same shall be considered as a delinquent sewer service charge which shall be collected and taxed and shall be a lien upon the User's real property, together with all improvements thereon, all as provided for in Section 66.0821(4)(d), Wis. Stats., as amended from time to time. In such event, the Customer shall place such delinquency on the tax roll, collect the same in the manner provided for by law, and pay over to the Commission the amount thereof once so collected. In determining Connection Charges, the Commission May rely upon User Reports, information provided by the Customer in accordance with Section 402 of the Wastewater Treatment Service Contract, or any other information reasonably available to the Commission. The determination of Connection Charges by the Commission Shall be final, subject to any appeal provided for herein.

19 Fees for Services

19.1 Definition of Developer

For purposes of this Section 19, “Developer” means any Person desiring to develop property located within the sewer service area as established from time to time by the applicable regional planning commission, and receive sanitary sewer services through a public sewer which is a tributary to the Commission’s Wastewater Facilities.

19.2 Purpose

From time to time, the Commission receives inquiries, directly or indirectly, from various Developers, concerning the development of projects within the sewer service area of the Commission and the availability of and connection to public sewerage facilities that will serve such developments. It is the policy of the Commission that all of the foregoing inquiries be first directed to the Municipality within which the contemplated development or connection is to occur for appropriate response. If the Developer nevertheless requests that the Commission provide a response, the Commission may elect to do so. It is recognized that the provision of such information by the Commission May be time intensive; and May require that the Commission utilize the services of its attorneys, engineers, accountants and other outside consultants (collectively, the “Consultants”) to provide the information requested or needed by the Developer making the inquiry. It is unfair for the Commission to pay for the costs and fees of its Consultants in so responding to these development inquiries. Accordingly, the intent of this Section is to allow the Commission to charge back to the Developers making such inquiries, the Consultant’s costs and fees (the “Fees”) to be so incurred by the Commission.

19.3 Fees to be Charged Back

The Developer Shall provide all relevant information relating to the proposed development so as to enable the Commission to timely and appropriately respond to its inquiries. As a condition precedent to the response of the Commission, the Commission may require the Developer to enter into a Service Agreement and make a deposit to cover the anticipated amount of the Fees. Once the deposit is exhausted, the Developer shall replace the same. Any deposit amount remaining after payment in full of the Fee shall be returned to the Developer. Any amounts remaining unpaid for 5 days after date of invoice therefore Shall bear interest thereafter at the rate of 1.5% per calendar month until paid. In the event the Commission determines to collect any amounts not so paid, the Developer in question Shall also reimburse the Commission for all reasonable attorneys’ fees and costs so incurred.

19.4 Designation of Consultants

The Commission, the Manager, or any other representative duly authorized by the Commission, May retain the services of any or all of the Consultants in order to respond to a Developer’s inquiries.

19.5 Authority

This Section is enacted pursuant to the authority conferred by Section 66.0628, Stats.

#### 19.6 Severability

The provisions of this Section are several; and if any section hereof is declared to be invalid or unenforceable by a court of competent jurisdiction, such decision Shall not affect the validity or enforceability of any other provision hereof.

#### 19.7 Special Meeting of the Commission

In the event the Commission determines to hold a special meeting for the purpose of considering a matter, as requested by a Person, then, in such event, the Person Shall reimburse the Commission for all reasonable costs and expenses incurred in calling and conducting such special meeting.

#### 19.8 Application

This Section 19 Shall have no application whatsoever if the Person making the inquiry is making an inquiry to examine the records of the Commission pursuant to the provisions of Section 19.31 of the Wisconsin Statutes, et seq., as amended from time to time.

## 20 Control of Municipal Sewerage Service

### 20.1 Sewer Connections

- (1) Every connection made singularly and collectively to a Local Wastewater Collection System (the “Sewerage System”) or an extension thereof Shall be subject to this Ordinance. Any connection made to the Local Wastewater Collection System, other than by a Significant Industrial User, May be made without written connection authorization from the Manager.
- (2) There shall be no direct connections to any Interceptor Sewer owned by the Commission without the Manager’s prior written consent thereto.
- (3) Any Municipality proposing to construct or extend a Sanitary Sewer extension to the Sewerage System Shall not commence construction of any part thereof without first obtaining the Commission’s approval or the approval of the Manager, if such authority has been delegated to the Manager previously. Application for this approval Shall include the following:
  - (a) A statement of the location or locations at which connection to the Sewerage System is desired;
  - (b) Two (2) complete sets of plans and specifications meeting the requirements of this Ordinance along with the completed WDNR forms for sewer extensions and a specification checklist which Shall include the following:
    1. A location map;
    2. Size and type of sewer pipe;
    3. Grades;
    4. Elevations of the inverts at manholes;
    5. Elevations of manhole tops;
    6. Distance between manholes;
    7. Complete details of all appurtenances;
    8. Name of Inspector; and
    9. Approximate start and end dates for construction.
  - (c) A map showing the service area of the Sanitary Sewer Extension proposed to be constructed.

All applications for connection authorization submitted to the Manager Shall first be forwarded to the appropriate local regional planning agency for review and comment.

- (4) Any Municipality applying for construction approval or connection authorization Shall receive a written statement of the Manager approving or denying the request for approval no later than sixty (60) days after receipt of said request. Any approval so granted Shall be conditioned upon:
  - (a) Notification of the construction start date no later than 3 working days prior to the beginning of construction;
  - (b) The receipt of satisfactory results if sewer and manhole leakage tests in accordance with stated specifications provided by the Commission from time to time. Such tests must be performed and results submitted to the Manager prior to connection of the new sewer to the public sewerage system.
  - (c) Such additional terms and conditions as the Manager deems reasonable and appropriate in order to implement the policies contained in this Ordinance.
- (5) Any decision by the Commission approving or denying a request under this Section 20.1, above, Shall be subject to appeal pursuant to Section 14, above, of this Ordinance. The Commission May deny an application for construction approval or connection authorization for the following reasons:
  - (a) The construction plans and specifications are not acceptable to the Commission; or
  - (b) There is not sufficient downstream capacity in the public sewers or at the Community Wastewater Facilities to treat the anticipated wastewater flows; or
  - (c) The area to be served by the extension is not in an approved sewer service area as established by the appropriate regional planning commission; or
  - (d) The sanitary sewer extension would be contrary to the terms of this Ordinance or provisions of applicable law.
- (6) Notwithstanding construction approval or connection authorization, notice Shall be given to Manager at least seventy-two (72) hours before proceeding with any authorized connection to a Commission Interceptor. If the Manager requests, the actual construction or connection Shall be made in the presence of the Commission's Inspector.

## 20.2 Manner of Construction of the Municipal Facility

- (1) Any portion of a Local Wastewater Collection System Shall:
  - (a) Be constructed in accordance with approved plans by the Commission and the DNR;
  - (b) Be inspected during construction by a licensed Professional Engineer or an inspector under the Professional Engineer's direct supervision or other reasonably qualified individual who the Manager has approved;
  - (c) Have sewer and manhole infiltration and inflow tests performed as May be required by the DNR and/or reasonably required by the Manager in accordance with Standard Specifications; and
  - (d) Meet the infiltration and inflow standards prescribed in Section 20.4, below.

All sewer connections Shall be inspected at the time of construction to ensure compliance with generally accepted industry standards.

- (2) The Manager May, at any time, investigate existing or newly-constructed Public Sewers to determine if they comply with the requirements of this Section 20.2. If the Manager decides that any Public Sewer does not meet the requirements of this Section 20.2; then the Manager Shall give notice of any such deficiency to the Municipality owning said Public Sewer. Any Municipality receiving such a notice Shall, at its cost, promptly take all actions necessary to correct any deficiency.

## 20.3 Plans and Constructions

- (1) Design and Specifications. All Sanitary Sewer design plans presented to the Commission must be prepared and sealed by a Professional Engineer registered in Wisconsin. All design plans and specifications Shall be prepared in accordance with the guidelines established by the latest edition of Standard Specifications and appropriate Wisconsin Administrative Codes. Design plans submitted to the Commission Shall be of a size not to exceed 36" long by 24" wide. All elevations given on design plans submitted to the Commission Shall be based upon datum of Waukesha County in reference to the Wastewater Treatment Plant.
- (2) Manhole Construction Connections. Manholes Shall be constructed to prevent intrusion of infiltration and inflow. Manholes located in ditches, gutters or in possible floodplains Shall be flood-proofed per Wisconsin Administrative Code requirements. All other manholes Shall be provided with self-sealing type covers with concealed pickholes. There Shall be no inside drop connection in any manhole except with written authorization from the Manager or except as authorized by the Wisconsin Administrative Code. The Commission Shall own all manholes constructed over an existing Interceptor comprising part of the Commission's Wastewater Collection System.

- (3) Construction, Supervision, Inspection. Every Municipality Shall require that the construction of Sanitary Sewers be under the direct supervision of a licensed Professional Engineer. The licensed Professional Engineer Shall be responsible for reasonable inspection on such construction and Shall keep accurate records of the location, depth and length of the Sanitary Sewers as built and of the location of the wye branches and tees. At the completion of construction, the said Professional Engineer Shall be responsible for the performance of deflection and leakage tests of the new lines and leakage tests of the manholes, and Shall provide the test results to the Manager. The Manager May at any time inspect the construction, replacement or alteration of any Sanitary Sewer by a Municipality. No inspection or lack of inspection by the Manager Shall:
  - (a) Relieve the Municipality or the Professional Engineer and/or contractor of their responsibility for compliance with plans, specifications, codes, and/or this Ordinance; or
  - (b) Affect the Commission's right to deny connection authorization or require reconstruction whenever nonadherence to the approved plans is discovered.

#### 20.4 Infiltration/Inflow

Each Municipality Shall maintain its Local Wastewater Collection System in a manner that meets the following requirements:

- (1) The rate of infiltration/inflow for new construction and existing Local Wastewater Collection Systems Shall not be greater than a 200-gallon per inch-diameter-mile of sewer pipe per day, unless otherwise authorized by the Commission;
- (2) The rate of infiltration/inflow between any two adjacent manholes Shall not be greater than 7.5% of the maximum rate of infiltration set forth in paragraph (1) above for that facility;
- (3) All visible leaks, if any, Shall be repaired; and
- (4) No inflow connections Shall exist.
- (5) If the Commission decides that the requirements of this Section 20.4 are not being satisfied, then the Commission Shall direct that a Sewer System Evaluation Survey ("SSES") be conducted of the said Local Wastewater Collection System or any portion thereof. Upon such direction, the Municipality in question shall retain the services of a qualified engineering firm to conduct the SSES; and the SSES shall be conducted in accordance with generally accepted engineering principles consistently applied and in accordance with applicable provisions of NR 110 of the Wis. Admin. Code. Once completed, the SSES shall be delivered to the Commission for review. Based on the results of the SSES and the comments, if any, of the Commission, the Municipality shall then prepare a plan

of rehabilitation of the Local Wastewater Collection System or the portion thereof, in order to bring the inflow/infiltration into compliance with the approved recommendations in the SSES. Such plan shall be submitted to the Commission for approval (which shall not be unreasonably withheld); and once so approved, shall be implemented by the Municipality with reasonable dispatch.

#### 20.5 Storm and Other Unpolluted Waters

Combined Sewers or Storm Sewers Shall not be connected to the Sewerage System without the Commission's prior approval. Connection of existing or proposed Storm Sewers, catch basins or curb inlets to the Wastewater Facilities is prohibited.

#### 20.6 Records of Sewer Plans

Each Municipality Shall provide to the Manager upon written notification an up to date general sewer plan of its sewerage system. In addition to the sewer plans submitted under Section 20.1, above, each Municipality will submit to the Manager including, but not limited to, plans showing distances between manholes, pipe sizes, and pipe grades. The Commission shall be responsible for all reasonable costs associated with the copying of said plans.

#### 20.7 Information and Reports

- (1) Each Municipality Shall periodically provide to the Commission a report showing the number of individual connections made to the Local Wastewater Collection System during the preceding calendar month, the size of each such connection, the nature of the User, and the actual or anticipated volume of Wastewater discharged through the connection. The report Shall be in such form as required by the Manager. Each Municipality Shall reconcile and adjust their DUE connections made to the Local Wastewater Collection System during the preceding calendar year, to the records of the Commission by March 31 of each year.
- (2) For those Municipalities that are required to report to the Wisconsin Public Service Commission ("PSC") on the number of water meters installed within each such Municipality during any year, the said Municipality shall also file a true and correct copy of such report with the Commission at the same time it files with the PSC.

## 21 Billing Practices and Delinquent Payments

### 21.1 Billing Period

- (1) User Charges Shall be billed by the Commission to the Customers on a monthly basis.
- (2) Where the Commission has a service agreement or contract with an Industrial User or any other User, the charges Shall be billed on a quarterly basis unless otherwise established in the agreement or contract.
- (3) Charges for hauled waste disposal Shall be billed on a monthly basis.

### 21.2 Payment of Sewer Service Charges

User Charges Shall be payable at the Commission Office, or at any other officially designated location, within thirty (30) days of the billing date.

### 21.3 Delinquent Payments

- (1) User Charges, Connection Charges or other charges due from any Customer or User Shall be deemed to be a debt due to the Commission from that Customer or User, and Shall be deemed to be delinquent if not paid in accordance with the provisions of this Ordinance. Interest Shall be paid on any such amounts that have been delinquent at the rate of 1.5% per month until paid. If such User Charges, Connection Charges or other charges remain delinquent for thirty (30) days, the Commission May commence an action in a court of competent jurisdiction, and recover from such Customer or User the amount of such delinquency and any damages sustained by the Commission as a result of the Customer's or User's failure to pay, and together with such collection costs and expenses as May be allowed by law. Any Municipality or User which receives sewerage service without paying User Charges, Connection Charges, or other charges when due Shall be deemed to have waived any statutory or ordinance requirement that the Commission 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.
- (2) Change of ownership or occupancy of premises found delinquent Shall not be cause for reducing or eliminating these penalties.
- (3) Every reasonable care will be exercised by the Commission and Municipalities in the proper delivery of bills. Failure to receive a bill, however, Shall not relieve any Person of the responsibility for payment of User Charges within the prescribed period, nor exempt any Person from any penalty imposed for delinquency in the payment thereof.
- (4) The Commission Shall have the right to remove or close Sanitary Sewer connections, or require the Municipality to remove or close Sanitary Sewer connections, if the User refuses to pay delinquent charges, and to enter on the

User's property for such purpose. The costs for removing or closing the connection, as well as the costs for restoring the connection, Shall be a debt to the Commission or Municipality as applicable. Sanitary Sewer connections Shall not be restored until all charges and penalties, including the costs for removing or closing the connection and the costs for restoring the connection, have been paid in full.

#### 21.4 Alternative Remedies

As an alternative to collection of delinquent User Charges, Connection Charges, or other charges as provided in Section 19.3 hereof, the Commission May require any such Customer to levy and collect User Charges, Connection Charges or other charges in the manner provided for in Section 66.0821(4)(a) and (d), Stats., as amended from time to time.

#### 21.5 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 Commission concurrently, independently, or successively.

## 22 Amendments

This Ordinance or any section hereof May be amended, repealed, recreated or modified in any manner by the Commission and such amendment, repeal, recreation or modification Shall become effective upon its publication. Notwithstanding the foregoing, no such repealer or modification shall affect the rights of the City and/or the Village under the Originating Joint Ordinance and/or the 1978 Agreement.

## 23 Enactment Clause

### 23.1 Date of Effect:

This Ordinance Shall take effect and be in force from and after its adoption and publication as provided for by law.

### 23.2 Date of Enactment:

First passed and adopted by the Delafield-Hartland Water Pollution Control Commission on January 16, 2007. First published and effective on February 27, 2007.

Votes: Ayes 6 Nays 0.

## DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION

By: Richard E. Landwehr, Chairperson

Attest: Rosemary Frick, Finance Director

Adopted: January 16, 2007  
Published: February 27, 2007  
Effective: February 27, 2007

24 Amendment Enactment Clause

24.1 Date of Effect for Amendment No. 112012-02:

This amended Ordinance Shall become effective on January 1, 2013 following the date of its adoption and publication as provided for by law.

24.2 Date of Enactment for Amendment:

Passed and adopted by the Delafield-Hartland Water Pollution Control Commission on the 20<sup>th</sup> day of November 2012.

Votes: Ayes 8 Nays 0.

DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION

By: Michele F. DeYoe, Chairperson

Attest: Rosemary Frick, Finance Director

Published: December 27, 2012

Adopted: November 20, 2012

Effective: January 1, 2013

24.3 List of Prior Amendments:

Ordinance No. 01-2010

Votes: Ayes 8 Nays 0.

By: Michele F. DeYoe, Chairperson

Attest: Rosemary Frick, Finance Director

Published: November 4, 2010

Adopted: November 16, 2010

Effective: January 1, 2011

## Schedule A

## Domestic User Equivalent (DUE) Determination Schedule

Definition: 1.00 DUE = 205 Gallons Per Day = Approximately 75,000 Gallons Per Year

<b><u>Classification</u></b>	<b><u>DUE Value</u></b>
<b>A. Residential:</b>	
Single Family Residence	1.00
Duplex	2.00
Mobile Homes	1.00
Apartment	1.00 per apartment
Condominiums	1.00 per unit
<b>B. Institutional:</b>	
Community Based Residential Facility (CBRF)	0.25 per resident (including support staff)
Church	1.00
Hospital	0.75 per bed
Nursing Home	0.50 per bed
Schools:	
Boarding	0.35 per student
Elementary	0.03 per student
High School	0.04 per student
<b>C. Commercial/Industrial:</b>	
Bar	0.04 per seat
Bowling Alley	0.35 per lane
Restaurant:	
Normal Operation	0.04 per seat
24 Hour Operation	0.06 per seat
Hotel	0.25 per bedroom
Motel	0.20 per bedroom
Garage	1.00 per 4,000 sq. ft. plus carwash (1)
Small Retail Stores and Businesses	1.00 per 3,000 sq. ft.
Service Station:	
Normal Location	1.00 plus carwash (1)
Freeway Location	2.00 plus carwash (1)
Shopping Center	1.00 per 4000 sq. ft. floor space
Supermarket	1.00 per 4000 sq. ft. floor space
Car Wash	Average daily flow in [(gal/day)/205] (1)
Factory	0.08 per employee plus average daily process wastewater in [(gal/day)/205]
Laundromat	Average daily flow in [(gal/day)/205] (2)
<b>D. Other</b>	See note (3)

Attachment to Sewer Use Ordinance  
Schedule A  
Domestic User Equivalent (DUE) Determination Schedule

Definition: 1.00 DUE = 205 Gallons Per Day = Approximately 75,000 Gallons Per Year

**Notes:**

- (1) Car washes to be considered separately upon application based on estimated flows from facilities involved.
- (2) Flow to be estimated based on equipment installed.
- (3) DUEs for User categories not listed in this Schedule Shall be determined by the Commission on a case by case basis.
- (4) All totaled computations Shall be rounded upward to the nearest 0.25 DUE. No classification Shall receive less than 1.00 DUE.
- (5) Special conditions May dictate deviations from the DUE values indicated in this Schedule.
- (6) User Charges for other than Residential Users Shall be based on metered flow where meters are required by the Commission. User DUEs = Metered Flow [(gal/day)/205].