

Title 15**SEWERS AND SEWERAGE****Chapters:****15.04 Sewerage Service Charge****15.08 Sewer Regulations****15.12 Industrial Pretreatment****Chapter 15.04****SEWERAGE SERVICE CHARGE****Sections:****15.04.010 General.****15.04.020 Definitions.****15.04.030 Wastewater service charge.****15.04.035 Wholesale charge.****15.04.040 Charge based upon water consumption.****15.04.050 Meter equipment installation.****15.04.060 Measurement of water consumption not yet determined--Charges.****15.04.070 Sewerage service charge to be based on estimate made by city.****15.04.090 Seasonal water usage--Charges.****15.04.100 Water bill estimate to be used in conjunction with actual readings.****15.04.110 Change of occupancy--Sewer service charge to be based upon consumption by new occupants at former premises.****15.04.120 Billing and collection.****15.04.130 Duties and powers of officials.**

15.04.010 General. Pursuant to the provisions of Wisconsin Statutes, section 66.0821 and other provisions of law, the city establishes a sewerage service charge in an amount required to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system within the city, and for payment of all or part of the principal and interest of any indebtedness incurred thereof, including the replacement of the funds advanced by or paid from the general fund of the city. (Ord. 5418 §1, 1994; Ord. 3574 [part], 1975).

15.04.020 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as follows:

1. "Act" or "the act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

2. "Billable flow" means the water meter readings provided by the municipality obtained by reading the private water meters and including flat rate estimates.

3. "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

4. "Board of health" or "board" means the Eau Claire city-county health department or its authorized deputy, agent or representative.

5. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
6. "City" means the city of Eau Claire, and its authorized and designated officers and employees.
7. "Chemical oxygen demand" means any analytical measurement performed in a controlled environment by which the organic matter content of a sample is determined through the use of a strong chemical oxidant. Quantitative measurements of COD are performed in accordance with 40 CFR Part 136.
8. "Commercial user" means any place of business which discharges sanitary waste, as distinct from industrial wastewater.
9. "Commercial wastewaters" means domestic wastewater emanating from a place of business, as distinguished from industrial wastewater.
10. "DNR" means the state of Wisconsin Department of Natural Resources.
11. "Debt service charge" means a charge levied on users of a sewage treatment plant for the cost of repaying money borrowed to construct said plant.
12. "Domestic wastewater" means water-carried wastes in the amount of approximately one hundred gallons per capita per day containing approximately 250 mg/l BOD₅ and approximately 250 mg/l suspended solids, consistent with that emanating from a typical household.
13. "EPA" means the United States Environmental Protection Agency.
14. "Flow-equalization" means any process utilized to equalize discharge over a period of time sufficiently long to eliminate adverse effects on the wastewater collection and treatment system.
15. "Flow proportional composite sample" is a composite sample consisting of a series of discrete sample aliquots of a wastestream, taken at the same sampling point at intervals in time over the course of a 24-hour period, with the volume of each discrete aliquot proportional to the volume of the wastestream passing the sampling point at each sampling interval.
16. "Garbage" means solid wastes from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage, and sale of produce.
17. "Industrial user" means any user discharging a waterborne trade or process waste.
18. "Industrial wastewater" means the liquid processing wastes from an industrial manufacturing process, trade, or business including, but not limited to all Standard Industrial Classification Manual (published by office of Management and Budget (1972) Class D manufacturers, as distinguished from domestic wastewater. Wastewaters having similar properties are classified as "industrial" even if entering a collector sewer from a commercial establishment.
19. "Interference" means any discharge which alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the POTW and any of its processes or operations, or its sludge use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's WPDES permit (including an increase in the magnitude or duration of a violation) or of the impairment or prevention of sewage sludge use or disposal under Chs. 144 and 147, Wis. Stats.
20. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body or surface of groundwater.
21. "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under sec. 307(c) of the act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

22. "Pass through" means the discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's WPDES permit (including an increase in the magnitude or duration of a violation). A discharger significantly contributes to such a permit violation when it:

a. Discharges a daily pollutant loading in excess of that allowed by a city issued discharge permit, this ordinance, or any state or federal regulation;

b. Discharges wastewater which substantially differs in nature and constituents from the discharger's average discharge;

c. Knows or has reason to know that its discharge alone or in conjunction with the discharges from other dischargers, would result in a permit violation;

d. Knows or has reason to know that the city is, for any reason, violating the final effluent limitations of the city's permit, and that the discharger's discharge, either alone or in conjunction with other discharges, increases the magnitude or duration of the city's violation.

23. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

24. "Plumbing supervisor" means the city plumbing inspector or the authorized deputy, agent, or representative of the plumbing inspector.

25. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

26. "Pretreatment standard" means any pretreatment limit or prohibitive federal, state or local standard contained in this ordinance deemed to be the most restrictive under which Industrial Users will be required to comply.

27. "pH" means the negative logarithm of the hydrogen ion concentration in moles per liter of solution.

28. "POTW" means a publicly owned treatment works as defined by section 212 of the act that is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of liquid nature. This does not include any pipes, sewers, or other conveyances not connected to a facility providing treatment.

29. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.

30. "Public wastewater collection system" means a system of sanitary sewers owned, maintained, operated and controlled by the city.

31. "Replacement costs" means expenditures for obtaining and installing the equipment, accessories, or appurtenances which are necessary during the service life of the sewage treatment plant to maintain the capacity and performance for which such plant was designed and constructed.

32. "Residential user" means a place which is connected to the public wastewater collection system, as distinct from industrial or commercial users.

33. "Sanitary sewer" means a pipe or conduit, owned and maintained by the City, which carries wastewater.

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

35. "Sewage" means wastewater.

36. "Sewer service charge" means a charge levied on users of a sanitary sewer to maintain said sewer in operational condition.

37. "Signatory requirements" means requirements that all reports be signed by the following:

a. By a responsible corporate officer if the User is a corporation. A responsible corporate officer means:

1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or

2) A manager of one or more manufacturing, production, or operation facilities employing more than 250 persons, or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. By a general partner or proprietor if the User is a partnership or sole proprietorship, respectively.

c. By a duly authorized representative of the individual designated in paragraphs (a) or (b) above if:

1) The authorization is made in writing by the individual described in paragraph (a) or (b) above.

2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, or having overall responsibility for environmental matters for the User.

3) The authorization is submitted to the POTW prior to or concurrent with required reports.

38. "Significant industrial user (SIU)" means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

39. "Significant noncompliance (SNC)" is a violation that meets any of the following criteria:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter:

b. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH); or exceed the upper or lower limits of pH by 0.4 standard units or more;

c. Any other violation that the city believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority.

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

f. Failure to provide, within 30 days of the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;
 h. Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program.

40. "Slug" or "slug discharge" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 15.08.070 or any discharge of a nonroutine, episodic nature, including an accidental spill or a noncustomary batch discharge.

41. "Surge" means a quantity of flow discharged from any source which causes the public wastewater collection system to become surcharged at any point.

42. "Total suspended solid (TSS)" means solid or particulate matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that are removable by laboratory filtration as defined under the standards set forth in 40 CFR Part 136.

43. "User charge" means a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement, of such works under sections 204(b)(1)(A) and 201 (h)(2) of the clean water act and section 15.04.030 of this chapter.

44. "User" means any place or establishment which is connected to the public wastewater collection system.

45. "Unaltered water" means waters which are not changed chemically or physically as a result of use.

46. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

47. "Utilities administrator" means the city utilities administrator or the authorized deputy, agent, or representative of the Utilities Administrator.

48. "Wastewater" means a combination of the water-carried wastes from residential users, commercial users, manufacturing facilities, and industrial users; whether treated or untreated, which are contributed to the POTW.

49. "Wastewater treatment plant" means any arrangement of devices and structures used for treating wastewater.

50. "Wastewater treatment system" means the POTW and all publicly-owned pipes, mains, sewers and facilities, and appurtenances for the collection and transportation of wastewater to the POTW.

51. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

52. "Winter quarter", as applied to a lot, parcel of land, building or premises, means the months of November, December and January, the months of December, January and February, or the months of January, February and March, which period is used in computing the water charges upon said lot, parcel of land, building or premises.

53. "WPDES" means the Wisconsin pollution discharge elimination system. (Ord. 5418 §1, 1994; Ord. 5326 §1, 1993; Ord. 4519 §1, 1984; Ord. 4172 §1, 1981).

15.04.030 Wastewater service charge. A. For municipalities subscribing to wastewater treatment service, the municipality shall charge all users of the wastewater collection system and wastewater treatment facility based on actual use or estimates of use. The service charge shall consist of charges for plant operation and maintenance, replacement and debt service. Applicable charges shall be computed and levied as follows:

1. The plant operation and maintenance charge shall be computed by dividing the estimated annual cost for plant operation and maintenance by the estimated flow to be received at the treatment facility;

2. The replacement charge shall be computed by dividing the estimated annual cost for replacement of equipment by the estimated flow to be received at the facility;

3. The debt service charge shall be computed by dividing the annual debt service of all outstanding loans for the wastewater treatment plant by the estimated flow to be received at the facility;

4. The collection system maintenance charge shall be computed by dividing the estimated operation and maintenance cost by the estimated flow to the collection system;

5. A surcharge shall be levied on all users for plant operation and maintenance whose wastewater exceeds the normal concentrations of domestic wastewater. For purposes of this calculation, normal concentrations of domestic wastewater means that which contains a maximum concentration of BOD₅ and suspended solids of 250 mg/l each. All users shall pay, as a minimum, the same rate per volume as that paid by residential users. An additional charge shall be paid by each user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge disposal of the treatment works.

B. For users within the city, the City shall charge all users of the wastewater collection system and wastewater treatment facility based on actual use or estimates of use. The service charge shall consist of charges for plant operation and maintenance, replacement, debt service charge, and collection system maintenance, plus any applicable surcharge. Applicable charges shall be computed and levied as follows.

1. The operation and maintenance charge shall be computed by dividing the estimated annual cost for wastewater treatment by the billable flow.

2. The replacement charge shall be computed by dividing the estimated annual cost for replacement of treatment works equipment by the billable flow.

3. The debt service charge shall be computed by dividing the annual debt service of all outstanding loans for the wastewater treatment plant by the billable flow.

4. The collection system maintenance charge shall be computed by dividing the estimated cost by the billable flow.

5. A surcharge shall be levied on all users for plant operation and maintenance whose wastewater exceeds the normal concentrations of domestic wastewater. For purposes of this calculation, normal concentrations of domestic wastewater means that which contains a maximum concentration of BOD₅ and suspended solids of 250 mg/l each. All users shall pay, as a minimum, the same rate per volume as that paid by residential users. An additional charge shall be paid by each user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge disposal of the treatment works.

6. Billing. Billing intervals shall be quarterly or as may be otherwise established by the city council. Each user shall be notified, at least annually, in conjunction with a regular bill, of the total charge portion attributable to operation and maintenance costs for wastewater treatment service.

7. Wastewater Charges. Charges under this chapter shall be as stated in the City of Eau Claire Schedule of Fees and Licenses.

8. Surcharge. The amount of surcharge for BOD or suspended solids, or both, shall be determined based on the following formula with a rate as stated in the City of Eau Claire Schedule of Fees and Licenses.

$$C_s = 8.34 V_u [B_c B + S_c S] \text{ where:}$$

C_s = amount of surcharge, always greater than zero

V_u = wastewater volume, in million gallons, for billing period

B_c = Rate/# BOD₅

B = BOD₅ discharge, minus 250 mg/1 (always zero or positive)

S_c = Rate/# suspended solids

S = suspended solids discharged, minus 250 mg/1 (always zero or positive).

9. Charges for waste hauled to the POTW shall be as stated in the City of Eau Claire Schedule of Fees and Licenses.

The charge for wastes other than septage or holding tank wastes shall be based upon the charge imposed in this section and any surcharge imposed plus any additional charge. An additional charge shall be imposed to cover the labor and overhead costs of the city in excess of the normal and usual costs which are required in connection with the administration of the disposal of such wastes.

10. Audits.

a. The city shall maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The city shall cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and shall supply this audit report to authorized public officials on request.

b. An audit of the user charge system established hereunder shall be made, biennially, by a recognized independent certified public accountant or by the city professional staff to assure the following:

- 1) Proportionate distribution of operation and maintenance costs among users;
- 2) Generation of sufficient revenue from the user charge system to defray total costs of operation and maintenance; and
- 3) Application of excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and recommendation of an adjustment of the rate accordingly.

11. Pretreatment standards. The pretreatment standards issued under section 307(b) of the act and 40 CFR 403 are adopted and incorporated herein and made a part hereof by reference as if fully set forth herein. (Ord. 7425 §18, 2021; Ord. 7399, 2020; Ord. 7347, 2019; Ord. 7301, 2018; Ord. 7256, 2017; Ord. 7208, 2016; Ord. 7162, 2015; Ord. 7110, 2014; Ord. 7072, 2013; Ord. 7023, 2012; Ord. 6987, 2011; Ord. 6899, 2009; Ord. 6860, 2008; Ord. 6800, 2007; Ord. 6462, 2003; Ord. 5774, 1997; Ord. 5668, 1996; Ord. 5557, 1995; Ord. 5461, 1994; Ord. 5418 §1, 1994; Ord. 5372, 1993; Ord. 5350, 1993; Ord. 5326 §2, 1993; Ord. 5288, 1992; Ord. 5197, 1991; Ord. 5111, 1990; Ord. 4943, 1989; Ord. 4530 §1, 1985; Ord. 4300, 1982; Ord. 4172 §3, 1981).

15.04.035 Wholesale charge. A. A wholesale sewer usage charge shall be applied only to those accounts that have verified leaks in their water system. The volume of wasted water shall be the leak multiplied by the wholesale rate for sewer and this shall be added to the customer's regular sewer usage to determine a quarterly billing. The wholesale rate for sewer usage shall be the current sewer use charge per 100 cu. ft. minus the allocation for the collection system maintenance charge.

B. Residential customers who have a verified leak in their water system will receive the adjustment only during the winter quarter. The other quarters shall have a ceiling pursuant to section 15.04.040.

C. Commercial, industrial and public accounts that have a verified leak in their water system may apply for an adjustment in any quarter.

D. This section shall be applicable to any billings submitted subsequent to January 1, 1985. (Ord. 5418 §1, 1994; Ord. 4581, 1985).

15.04.040 Charge based upon water consumption. A. The wastewater service charge shall be based upon and determined by the volume of water provided to the user as measured by water meters provided and installed by the city, except as otherwise provided in this chapter.

B. The wastewater service charge for single-family residences, two-family residences, and churches shall be not exceed the volume of water provided to the user during the winter quarter ending in that same year, provided that such volume of use is based upon an actual meter reading. Where no actual meter reading exists for the winter quarter, the wastewater service charge shall be based upon the actual water usage for each current billing quarter. The winter quarter charge for residential and church customers shall apply until a new winter quarter rate is established. (Ord. 7038 §1, 2012; Ord. 6212 §7, 2001; Ord. 5418 §1, 1994; 5169 §1, 1991; Ord. 4740 §1, 1987; Ord. 4292, 1982; Ord. 4265 §2, 1982; Ord. 4172 §2 [part]).

15.04.050 Meter equipment installation. In the event any lot, parcel of land, building or premises discharging sewage into the sanitary sewer system of the city is not supplied with water from a municipal system and does not have a water meter to measure such water supply, the owner or occupant of any such property shall install, or allow to be installed, all at the expense of the owner or occupant, such necessary metering equipment, approved by the city, to measure all water consumed upon the premises. Until such installation is made and water measurement for the winter quarter applicable to said premises can be obtained, the sewerage service charge herein imposed shall be the average rate charged for sewerage service for all like customers within a similar classification within the city for the same quarterly billing period. Upon and after installation of such water measuring device, the sewerage service charge established hereby shall be based upon the quantity of water measured by such measuring device. The city shall have the right to enter upon and inspect any premises subject to this chapter and to inspect any meters installed hereunder to determine compliance with the provisions of this chapter. (Ord. 5418 §1, 1994; Ord. 4172 §2 [part], 1981).

15.04.060 Measurement of water consumption not yet determined--Charges. The sewerage service charge for any residential lot, parcel of land, building or premises which begins receiving municipal sewer service after the end of the immediately previous winter quarter applicable thereto and where there exists no adequate measure of water consumed thereon for such period, or for which there is no measurement of the previous winter quarter water consumption charges shall be based on rates as stated in the City of Eau Claire Schedule of Fees and Licenses for each one hundred cubic feet of the average residential water consumption throughout the city as computed over the three immediately previous winter quarters, which shall then be deemed to be the "winter quarter" under Section 15.04.040, for each quarterly billing period until a winter quarter charge is established. (Ord. 7425 §19, 2021; Ord. 5418 §1, 1994; Ord. 4439, 1984; Ord. 4172 §2 [part], 1981).

15.04.070 Sewerage service charge to be based on estimate made by city. Any industry, business or residence which during any calendar year produces a substantial volume of sewage which does not reach the city wastewater treatment plant, and where it is determined to the satisfaction of the city that the water consumed upon the premises during such period of time does not bear a reasonable relationship to the amount of sewage discharged to and reaching the wastewater treatment plant from such industry, business or residence, the sewerage service charge for the industry, business or residence shall be based upon an estimate made by the city, in such manner and by such methods as are reasonably practicable and accurate, of the amount of sewage which reaches the wastewater treatment plant, including a reasonable and appropriate meter charge, as determined by the city. In this section, "substantial volume of sewage" means an amount of sewage discharged from the premises over a period of time which is equal in volume to ninety-five percent or less of the volume of water consumed on the premises over the same period of time as measured by water meters. (Ord. 5418 §1, 1994; Ord. 4172 §2 [part], 1981).

15.04.090 Seasonal water usage--Charges. The sewerage service charge for any lot, parcel of land, building or premises, the water usage upon which is seasonal in nature, shall be based upon, and shall be equal to, the actual water usage upon such lot, parcel of land, building or premises for each current billing quarter. Residential customers with seasonal water usage during the winter quarter shall have their sewerage service charge based on actual meter readings provided by the customer and prorated to a full quarter for subsequent billing. (Ord. 5418 §1, 1994; Ord. 5294, 1993; Ord. 4740 §2, 1987; Ord. 4673 §1, 1986; Ord. 4172 §2 [part], 1981).

15.04.100 Water bill estimate to be used in conjunction with actual readings. In those instances where an estimate of the water bill is made for the winter quarter upon which the sewer service charge is based, such estimate shall be based upon the consumption billed during the same quarter from the previous year. If the billing quarter from the previous year is also based on an estimate, the sewer service charge shall be computed by the city based upon the best available information which reasonably and accurately reflects, insofar as practicable, the indicated sewage discharge from the premises, or from similar premises within the city, as shown by other available data. (Ord. 5418 §1, 1994; Ord. 4740 §3, 1987; Ord. 4172 §2 [part], 1981).

15.04.110 Change of occupancy--Sewer service charge to be based upon consumption of new occupants at former premises. After notice to the City, upon a change of occupancy of any residential premises following any winter quarter, of a disparity between the sewer charges applicable to the old and new premises, the city shall have the authority to base the sewer service charge upon the consumption of the new occupant or occupants at the premises which they previously occupied within the city. If no such information exists upon which to base a service charge following a change of occupancy, the sewer service charge upon the new premises shall be based upon and measured by the actual amount of water consumed upon the premises up to a maximum of 3000 cubic feet per quarter. Any such sewer service rate, when established hereunder, shall be in effect only until the following winter quarter. (Ord. 5418 §1, 1994; Ord. 5133, 1991; Ord. 4172 §2 [part], 1981).

15.04.120 Billing and collection. A. Bills for sewerage service shall be mailed to the recipient designated by the owner of the property to which the bill relates, provided that such mailing shall not relieve the owner of rental property from liability for the charges in the event payment is not made. The owner of any property which is occupied by tenants shall have the right to examine the appropriate records of the city to determine whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which the records are kept during normal business hours.

B. A late payment charge of 3 percent will be added to bills not paid within 20 days of issuance in the same manner as water service charges under the provision of Chapter PSC 185 and the provisions of Title 14 of this code.

C. All sewerage service charges shall be taxed and collected and shall be a lien upon the property served in the same manner as water service charges are taxed and collected under the provisions of Wisconsin Statutes, section 66.0809, and the provisions of title 14 of this code. (Ord. 7425 §20, 2001; Ord. 6212 §8, 2001; Ord. 5418 §1, 1994; Ord. 5169 §2, 1991; Ord. 4172 §4, [part], 1981; Ord. 4042 §4, 1979).

15.04.130 Duties and powers of officials. The city council and officers of the city, including the officials in charge of the management of the sewerage system, shall be governed in the discharge of their powers and duties by the provisions of Wisconsin Statutes, sections 66.069(1) and 66.076, which provisions are adopted and made a part of this chapter by reference. (Ord. 5418 §1, 1994; Ord. 4172 §4, [part], 1981; Ord. 3574 [part], 1975).

Chapter 15.08

SEWER REGULATIONS

Sections:

15.08.010	Administrative code definitions.
15.08.020	Definitions.
15.08.030	Plumbing Code.
15.08.033	Inspections--Procedure.
15.08.037	Power to deem unsafe.
15.08.040	Connection to sanitary sewer.
15.08.045	Service outside corporate limits.
15.08.050	Private sewage disposal.
15.08.055	Disposal-Septage and holding tank waste.
15.08.060	Building sewers and connections.
15.08.070	General discharge prohibitions.
15.08.080	Damage to system or plant.
15.08.090	Powers and authority of plumbing supervisor and superintendent.
15.08.100	Penalty.

15.08.010 Administrative Code definitions. The definitions contained in section COMM 82.11 of the Wisconsin Administrative Code are adopted by reference to the extent that they do not conflict with specific definitions contained in section 15.08.020. (Ord. 6167 §1, 2001; Ord. 5418 §2, 1994; Ord. 4545 §1, 1985; Ord. 4475 §1, 1984; Ord. 4173 §3 [part], 1981).

15.08.020 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as contained in section 15.04.020, the "definitions" section of chapter 15.04. (Ord. 5418 §2, 1994; Ord. 4173 §3 [part], 1981).

15.08.030 Plumbing code. A. Adoption by reference. The provisions and regulations contained in chapter 145, Wisconsin Statutes, "plumbing and fire protection systems", and in the Wisconsin State Plumbing Code, Wisconsin Administrative Code chapters COMM 82, 83 and 84, adopted by the state department of commerce are adopted by reference and shall extend to and govern all plumbing in the city.

B. Plumbing supervisor. The city council shall appoint a plumbing supervisor pursuant to Wisconsin Statutes. Such plumbing supervisor shall be a citizen of the United States and shall be a licensed plumber who shall have the necessary ability to supervise the installation, alteration, maintenance or replacement of all plumbing in the city of Eau Claire. The plumbing supervisor shall serve during good behavior and satisfactory service. The plumbing supervisor shall not engage in the business of plumbing or be interested directly or indirectly with any person or in any firm or corporation engaged in such business. The plumbing supervisor, under the direction of the administrator of inspection services, shall have control of the supervision and inspection of plumbing within the city and shall faithfully enforce all laws, ordinances and rules in relation thereto. The plumbing supervisor shall determine that the construction, reconstruction and alteration of all plumbing hereafter installed in all of the buildings in the city shall conform with the state laws and city ordinances and the rules and regulations of the state department of commerce, and make all inspections required.

C. Applications--Permits--Report. The inspection services division shall prepare suitable forms for applications and permits required, maintain a proper daily record of all of the office transactions and file a monthly and annual report covering the same with the city council. Applications for permits shall state the property owner's name and address. The application also shall state fully all the purposes for which the service is to be used, and such other particulars which are essential to the enforcement of this chapter and are required by the plumbing supervisor.

D. Permit--Fees.

1. No plumbing shall be done in the city, except in case of repairing leaks or stoppages, without a prior permit having been issued by the city and the payment of the proper fees as hereinafter provided. Before the issuance of such permit, the supervisor shall approve the application so filed and issue to the applicant a statement showing the fees to be paid for such permit. This statement shall be filed with the city treasurer, and the fees shall be paid to the treasurer, who shall issue a receipt therefor. Upon presentation to the plumbing supervisor of said receipt showing the payment of all permit fees, the permit shall be issued for the work set forth in the application. The applicant shall be responsible for paying the applicable street opening fee established under section 13.10.070 and for complying with all other applicable requirements of chapter 13.

2. The schedule of fees to be paid shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

3. Except for water heaters, no fee or charge shall be imposed for the installation or replacement of existing fixtures with no alteration to existing waste or water piping. The applicable fee shall be doubled for work which is commenced without obtaining a permit therefor in advance. A plumbing permit shall have lapsed and be void unless work authorized by such permit is commenced within six months from the date of issuance thereof. Permits may be renewed at a fee as stated in the City of Eau Claire Fees and Licenses Schedule within six months from the date of lapse. A permit shall expire if work on a project is ceased for a period of twelve months or if thirty-six months has elapsed since permit issuance. Expired permits may be reissued at the regular permit fee. All code and ordinance requirements in effect at the time of renewal or reissuance shall apply to the project.

4. No person shall interfere in any way with the work of the plumbing supervisor, or permit any plumbing to be used until it has been inspected and approved by said supervisor, unless special permission therefor is given by the city council.

5. Plan examination and approval service shall be provided by the inspection services division for the following types of buildings or additions and alterations to these buildings located within the corporate limits of the city, in accordance with the provisions of section 145.02(3)(g) of the Wisconsin Statutes, and section COMM 82.20(2) of the Wisconsin Administrative Code. Plan submittal is required when such plumbing installation involves 11 or more plumbing fixtures.

- a. Theaters and assembly halls;
- b. Schools and other places of instruction, except state-owned schools;
- c. Apartment buildings, hotels, resorts and places of detention;
- d. Factories, offices and mercantile buildings.

6. Before performing the plumbing plan examination and approval service for the above-classified buildings, the owner or his agent shall pay to the city treasurer the same fees as set forth in section COMM 2.64 of the Wisconsin Administrative Code.

7. After written approval is granted, no plan or specifications of any plumbing system shall be changed without the written consent of the city building inspection division and the architect, engineer, designer or master plumber responsible for the design.

E. Plumbing Inspection. The plumber in charge or the owner shall make such arrangements as will permit ready access to all parts of the building and the easy inspection of the plumbing work. The plumber shall notify the plumbing supervisor when work is ready for final inspection. The plumbing supervisor shall apply a sticker or tag to approved installations when the plumber or permittee is not present. Whenever it is determined that the plumbing in any building is contrary to the ordinances of the city, or is of faulty construction and liable to breed disease or sickness, or is a menace to health, the plumbing supervisor shall direct such changes as are necessary to put the same in proper sanitary condition and shall fix a reasonable time for doing the same. Any person refusing to comply therewith shall be guilty of a violation of this chapter. Each day or part thereof that such violation continues shall constitute a separate offense. The plumbing supervisor shall, by permission of the owner or occupant, or by due process of law consistent with the provisions of Wisconsin Statutes s. 66.0119, enter during reasonable hours any building or premises to make an inspection of and to require the production of a permit where there is reasonable cause to believe that work is being done or has been performed in violation of this chapter. No person shall refuse to permit such entry in the case of an emergency, or in any other case after a valid special inspection warrant has been duly issued therefor under Wisconsin Statutes s. 66.0119, nor shall any person interfere with said inspector in the performance of his or her duties. (Ord. 6363 §35, 2002; Ord. 6238 §1, 2001; Ord. 6167 §2, 2001; Ord. 5484 §6, 1995; Ord. 5438 §§1 & 2, 1994; Ord. 5418 §2, 1994; Ord. 5268, 1992; Ord. 4789 §17, 1987; Ord. 4545 §2, 1985; Ord. 4475, §§2, 3, 4, 1984; Ord. 4263 §1, 1982; Ord. 4211 §1 1981; Ord. 4173 §3 [part], 1981).

15.08.033 Inspections--Procedure. In any new building, addition, or alteration, immediately upon completion of those portions of the installation that are thereafter to be concealed or covered, the plumbing contractor or homeowner shall notify the plumbing supervisor, giving the location of the work and the portions of the installation ready for inspection, and it shall be unlawful for any person, firm, or corporation to apply wall or ceiling coverings or cover up any plumbing work before such work has been inspected and due notice has been given that the work has been approved. The plumbing supervisor shall have the right and authority to order the removal of all such coverings that may have been placed over such work before same has been inspected. The plumbing supervisor shall make such inspection within 2 working days after notice, excepting Sundays and holidays. Final inspection on new installations shall be made upon completion of such work. Inspection of replacement or conversion work shall be made upon completion of such work. Upon inspection or reinspection of a plumbing system, any defects or code violations that require repair to assure safe operation shall be rectified before the system is placed in use. (Ord. 6167 §3, 2001).

15.08.037 Power to deem unsafe. A system or any part thereof that is found to be unsafe to life or property shall be deemed unsafe and shall not be restored to use until such system has been made safe and approved. (Ord. 6167 §4, 2001).

15.08.040 Connection to sanitary sewer. A. The owner of any house, building or property used for human occupancy, employment, recreation, or other similar purpose, situated within the jurisdiction of the city, wherein sanitary sewer service is readily available, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the public wastewater collection system in accordance with the provisions of this chapter, within one (1) year after the date sanitary sewer is deemed available by the director of community services or designee. Such time may be extended upon specific written authorization from the director of community services or designee in the event of unfavorable weather conditions, except when an imminent health hazard exists.

B. If any person fails to connect to the sanitary sewer collection system within the time contained in the city code or in the manner prescribed by the plumbing code for more than 10 days after notice in writing, the city may cause connection to be made, and the expense thereof assessed as a special tax against the property in accordance with Wisconsin Statutes s. 281.45. The owner may, within 30 days after completion of the work, file a written option with the city clerk stating that he or she cannot pay the amount in one sum and asking that it be levied in not to exceed five (5) equal annual installments, and the amount shall be collected with interest at a rate of 6% per year from the completion of the work. The unpaid balance of the special tax shall be placed as a special tax lien on the property.

C. No sewer service shall pass under or through a building to serve another building.

D. It is unlawful for any person to place, deposit or permit to be deposited any wastewater on the ground surface of any public or private property within the jurisdiction of the city except as authorized by the DNR or other governmental agency having jurisdiction thereof or the health department.

E. It is unlawful to discharge any wastewater to any natural outlet except as authorized by the DNR.

F. Except as provided in section 15.08.050, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. (Ord. 7202, 2016; Ord. 6739, 2006; Ord. 5418 §2, 1994; Ord. 4173 §3 [part], 1981).

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15.08.045 Service outside corporate limits. A. The city does herewith limit its extension of sewer service as provided in this section. Only in exceptional cases and when authorized by the city council may sewer service be furnished to properties located outside of the corporate limits of the city.

B. The territory to which sewer service outside the corporate limits of the city shall be limited shall be as follows:

1. The territory described as the sewer service area in the wastewater service agreement between city of Eau Claire, city of Altoona and Washington heights sanitary district, dated November 17, 1977, as amended, a copy of which is on file in the office of the city clerk and open to public inspection during normal business hours.

2. All lands located in the North 660 feet of the NE-1/4 of the NW-1/4 of the SW-1/4 of Section 33, Township 27 North, Range 9 West, shall be deemed to be immediately abutting any easement granted for interceptor sewer purposes across said lands and thus eligible for sewer service under the wastewater service agreement, as amended, described in paragraph 1. of this subsection.

3. Parcels of land located in the town of Union and immediately abutting the described portions of the following streets: Sherman Creek Road, from the city limits to Kernan Court; Kernan Court, from Sherman Creek Road to Cameron Street; Cameron Street, from Kernan Court to Dorret Road; Dorret Road, from Cameron Street to Vine Street; and Frank Street, from Preston Road to Dorret Road.

C. The rendering of such service as provided in this section shall not be deemed to be holding out or an offer by the city to furnish sewer service beyond its corporate limits.

D. All persons receiving sewer service as provided in this section shall fully comply with all the requirements as to plumbing, safeguarding and use applicable to users of sewer service within the city limits. Mains or services laid and the installation thereof outside the city limits shall be in accordance with the specifications of and under the supervision of the city utilities division and be approved thereby. Maintenance of such mains or services shall conform to general city requirements.

E. Customers receiving sewer service in accordance with the provisions of this section shall be subject to the sewerage service charge and any other fee or charge imposed for sewer service by the city council. (Ord. 5643, 1996; Ord. 5418 §2, 1994; Ord. 4403, 1983).

15.08.050 Private sewage disposal. A. Where a sanitary sewer is not available, the building sewer shall be connected to a private sewage system complying with the provisions of this section and chapter ILHR 83, Wisconsin Administrative Code.

B. A permit for a private sewage system shall not become effective until the installation is completed and approved by the city.

C. At such time as a sanitary sewer becomes available to a property served by a private sewage system, as provided in section 15.08.040, a direct connection shall be made to the sanitary sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage facilities shall be abandoned in accordance with section ILHR 83.03, Wisconsin Administrative Code, within sixty days of said connections unless special permission is granted by the board of health for a time extension due to the inclement weather conditions.

D. The owner shall operate and maintain the private sewage system in accordance with chapter ILHR 83, Wisconsin Administrative Code, at no expense to the city. (Ord. 5418 §2, 1994; Ord. 4474 §5, 1984; Ord. 4173 §3 [part], 1981).

15.08.055 Disposal--Septage and holding tank waste. The purpose of this section is to permit the disposal and treatment of a limited amount of septage and holding tank waste emanating from properties where facilities discharging septage and holding tank waste are essential to the appropriate use of the property, and where discharge to the wastewater treatment plant is an absolute necessity.

A. The city shall accept and treat septage or holding tank waste at the wastewater treatment plant from a licensed disposer holding a permit under subsection B. In this section, "licensed disposer" means a person licensed under s. 146.20, Wis. Stats.

B. No person shall discharge septage or holding tank waste to the wastewater treatment plant without having a current valid permit to make such discharge. An application shall be made to the director of community services on forms directed by the director. The permit shall be issued, without charge, by the director of community services or designee. All permits shall expire on June 30 of each year.

C. A person receiving a permit under this section shall comply with all provisions of this title and ss. 144.08 and 146.20, Wis. Stats., and ch. NR 113, Wisconsin Administrative Code. Failure to comply with such provisions may result in suspension or revocation of the permit. Chapter 68, Wis. Stats., shall apply to any such suspension or revocation.

D. The city is not required to accept sewage from a permittee if:

1. Treatment of the septage would cause the sewage system to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders;

2. The septage is not compatible with the sewage system;

3. The permittee has not applied for and received approval to dispose of septage in the sewage system or fails to comply with the disposal plan of the city adopted under subsection I;

4. The permittee fails to comply with septage disposal rules promulgated by the city.

E. If the city can accept some, but not all, of the septage offered for disposal, the city may accept septage which is generated within the sewage service area before accepting septage which is generated outside the sewage service area.

F. The city may impose reasonable terms and conditions for septage disposal including:

1. Specific quantities, locations, times and methods for discharge of septage into the sewage system;

2. Requirements to report the source and amount of septage placed in the sewage system;

3. Requirements to analyze septage characteristics under subsection H.

G. All persons discharging septage or holding tank waste pursuant to this section shall pay the discharge fee as stated in the City of Eau Claire Schedule of Fees and Licenses. Failure to pay such fee shall subject the permittee to revocation or suspension as provided herein.

H. The city may require the permittee to analyze representative samples of septage placed in the sewage system, except for septage from exclusively residential sources. Such analysis shall determine the characteristics of the septage and the compatibility of the septage with the municipal sewage system.

I. The city shall prepare a disposal plan for each permittee. The disposal plan shall consist of the approved application and all terms and conditions imposed on the permittee.

J. Nothing in this section shall be deemed to be or considered to constitute a holding out or offer by the city to furnish sewer service beyond its corporate limits. (Ord. 7202, 2016; Ord. 5418 §2, 1994; Ord. 5326 §3, 1993).

15.08.060 Building sewers and connections. A. There shall be two classes of building sewer permits:

1. For establishments producing only domestic wastewaters including residences, institutions, public facilities, and commercial establishments; and

2. For service to establishments producing industrial wastewater.

In either case, the owner or owner's representative shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city.

B. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall by application indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

C. A separate and independent building sewer shall be provided for each building having plumbing facilities in accordance with chapter ILHR 82, Wisconsin Administrative Code.

D. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test, to the satisfaction of the city, to meet all requirements of this chapter.

E. 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 chapter ILHR 82, Wisconsin Administrative Code.

F. No person shall make, permit or maintain the connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer, unless the DNR or other governmental agency having jurisdiction thereof, by official action, does not permit the discharge of such surface runoff or groundwater into an available storm sewer.

G. The city shall keep a record of all connections, and shall make maps showing location of same, and the position of all building sewers, connections, junctions, and other necessary data.

H. Whenever it is necessary to disturb a building sewer in actual use, the same shall not be obstructed or disconnected without special permission of the city. It shall be unlawful to make any new connections with, or extensions to, any existing building sewer without permission of the plumbing supervisor.

I. In all cases where the course of any building sewer is obstructed by pipes, conduits, or other obstruction, the question of passing over or under such obstruction or of the raising or lowering thereof so as to permit the construction and installation of the building sewer, or the alteration or removal of the obstruction, shall be determined by the city.

J. No person shall permit any earth, sand or other solid material to enter into any sanitary sewer during the progress of any work in laying building sewers, making alterations, extensions or repairs to the same, or in connecting such building sewers with the sanitary sewers in the city. (Ord. 5418 §2, 1994; Ord. 4475 §§5, 6, 1984; Ord. 4173 §3 [part], 1981).

15.08.070 General Discharge Prohibitions. A. No user shall discharge or cause or permit to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or any other unaltered water to any sanitary sewer, unless the DNR or other governmental agency having jurisdiction thereof, by official action does not permit the discharge of such surface runoff or groundwater into an available storm sewer.

B. The city may refuse to accept any or all industrial wastewaters from an industry, or combination of industries as necessary to insure adequate wastewater treatment and proper operation of the public wastewater collection system.

C. No user shall discharge or cause or permit to be discharged any of the following pollutants, substances, or wastewater into the public wastewater collection system:

1. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive substances;

2. a. Pollutants which, by reason of their nature or quantity, may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees or 60 degrees using the test methods specified in 40 CFR 261.21;

b. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

3. Wastewater having corrosive properties capable of causing damage or creating a hazard to structures, equipment or personnel of the wastewater treatment plant;

4. Unground garbage, fluids or solid substances in such quantities or of such size or configuration as to cause obstruction to the flow in sanitary sewers, or other interference with the proper operation of the wastewater treatment plant such as but not limited to, disposable diapers, sanitary napkins, pads, packaging, ashes, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, and milk containers, which are either whole or ground by garbage grinders.

D. No user shall discharge or cause to be discharged into the public wastewater collection system the following specifically described substances, materials, fluids, or solids which may harm sanitary sewers, wastewater treatment processes and equipment, have an adverse effect on the receiving stream, or otherwise endanger health and safety, public property, or constitute a nuisance, without the specific written permission of the city. Such permission is subject to termination at any time upon written notice. In forming the opinion as to the acceptability of these wastes, the city shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, the materials of construction of the sanitary sewers, the nature of the wastewater treatment plant process, the capacity of the wastewater treatment plant, and any other pertinent factors. The substances prohibited are:

1. Any fluid having a temperature higher than 150° F (65.5° C) at the discharge point to the public wastewater collection system;

2. a. Any liquid containing fats, wax, grease, or oils of animal or vegetable origin, whether emulsified or not, in a combined concentration exceeding 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F (0° C) and 150° F (65.5° C);

b. Any liquid containing fats, wax, grease, or oils, of petroleum or mineral origin, whether emulsified or not, in a combined concentration exceeding 100 mg/l, measured on an average daily basis, or containing substances which may solidify or become viscous at temperatures between 32° F, (0° C) and 150° F (65.5° C);

c. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

d. Noxious or malodorous liquids, solids, 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 safe entry into the wastewater treatment system for the purpose of monitoring, maintenance, or repair.

3. Any garbage that has not been properly shredded, or solid material having any dimension greater than one-half inch. The installation and operation of any residential garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the plumbing supervisor;

4. Any fluid or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substances which exceed the pretreatment limitations established for such materials by the EPA. Refer to local limits in sec. 15.12.020 B of this chapter;

5. Any fluid or solid containing phenols or other taste-producing or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, or exceeding limits established by the state, federal, or other public agencies having jurisdiction for such discharge to the receiving waters;

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations;

7. Any liquid having a pH lower than 6.0 or in excess of 10.5;

8. Materials which exert or cause:

a. Concentrations of inert suspended solids such as, but not limited to, fullers earth, clays, lime slurries, and lime residues, or of dissolved solids, which are detrimental to the treatment processes,

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

c. BOD₅, chemical oxygen demand or chlorine requirements in quantities in excess of that found in domestic sewage,

d. Unusual volume of flow or concentration of wastes constituting slugs or surges;

9. Fluids or solids containing substances which are not treatable by the wastewater treatment processes employed.

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

E. If any wastewater is discharged, or is proposed to be discharged to the public wastewater collection system which contains the substances or possesses the characteristics enumerated in subsections C or D of this section, or which, in the judgment of the city, may affect the wastewater treatment works' ability to meet the WPDES permit requirements, or which otherwise creates a hazard to life or constitutes a public nuisance, the city may in writing require any or all of the following:

1. Rejection of the wastes;
2. Pretreatment to an acceptable condition prior to discharge to the sanitary sewers;
3. Flow equalization of the rate of discharge;
4. Payment to cover the added cost of handling and treating the wastes.

If the city requires the pretreatment or equalization of waste flows, plans and specifications in connection therewith shall be submitted by the User to the city engineer for review and approval prior to construction.

F. Grease and oil separators and sand interceptors shall be provided by restaurants, car washes, and service stations or when, in the opinion of the city, they are necessary for the proper handling of liquids containing grease in excessive amounts, flammable fluids, sand, or other harmful ingredients, except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity approved by the city shall be located as to be readily and easily accessible for cleaning and inspection. The owner thereof shall clean and maintain the separators and interceptors as required to eliminate the discharge of any grease, oil, sand, or flammable fluids to the sanitary sewer. The owner shall maintain a record, for review by the city, of all maintenance and inspection of the system and shall assist the city, as required, in evaluating the system.

G. Where pretreatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the owner at his expense. The owner shall maintain a record, for review by the city, of all maintenance and inspection of the system and shall assist the city, as may be required in evaluating the system.

H. The owner of any industry discharging industrial wastewaters in excess of ten thousand gallons but less than fifty thousand gallons per average work day on a monthly basis, or which, in the judgment of the city, discharges a toxic material, or which, in the judgment of the city has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment plant or the quality of its effluent in a degree sufficient to require sampling only, or as required by section H62.04(4)(i), Wisconsin Administrative Code, shall install or utilize a suitable sampling manhole in accordance with said section.

1. An existing manhole may be utilized for sampling purposes if, upon examination by the City, it is found to comply with the sampling requirements, is located a point immediately prior to the sanitary sewer, and is readily accessible.

2. The manhole shall be maintained by the owner so as to be safe and accessible at all times. If any such manhole is required to be located within any public right-of-way, an encroachment shall be granted pursuant to section 66.045, Wisconsin Statutes, and chapter 13.24 of the Eau Claire municipal code, subject to all terms and conditions contained therein.

3. The manhole shall be installed within twelve months from the effective date of this chapter, or in the case of a new facility, prior to the initial discharge of wastewater from the facility. Such time limit may be extended by the city if the city determines that installation would be facilitated thereby or if the installation cannot be made due to Acts of God, strikes, delays due to contractors, suppliers or subcontractors or other circumstances or conditions beyond the control of the industry increases so as to bring it under the requirements of this subsection, the manhole shall be installed within twelve months from the date that such increased discharge was predicted or was predictable, but no later than twelve months from the date of the actual increased discharge.

4. If there is more than one point of industrial wastewater discharge from an industry to a sanitary sewer, the city may authorize, if practicable, the installation of one or more sampling manholes at an appropriate location or locations which will provide accurate information from which the quantity and quality of the industrial wastewater from the industry can be reasonably determined.

I. As a basis for user charges and discharge control, the owner of any industry discharging industrial wastewater greater than fifty thousand gallons per average work day on a monthly basis, or which in the judgment of the city discharges a toxic material, or a material which has a significant impact either singularly or in combination with other contributing industries on the wastewater treatment plant or the quality of its effluent, shall install one or more sampling stations to monitor all wastewater discharged.

1. The sampling station shall consist of a manhole on the discharge line from the industry with a continuous volume measuring device and housing continuous volume recording instruments and an automatic flow proportional composite sampler housed at a different location. The sampler shall automatically, in proportion to volume, continuously collect representative samples of wastewater discharge.

2. If any such sampling station, or portion thereof, is required to be located within any public right-of-way, an encroachment shall be granted pursuant to section 66.045, Wisconsin Statutes, and chapter 13.24 of the Eau Claire municipal code, subject to all terms and conditions contained therein.

3. If there is more than one point of industrial wastewater discharge from an industry to a sanitary sewer, the city may authorize, if practicable, the installation of one or more sampling stations at an appropriate location or locations which will provide an accurate composite sample from such wastewater discharge points.

4. The owner shall record volume and operate the automatic sampler on such occasions and in the manner as deemed necessary by the city to determine a representative discharge. Prior to installation, detailed construction plans and specifications shall be submitted to the city for review and approval. The owner shall design, construct, operate and maintain the sampling station. The sampling station shall be maintained by the owner so as to be safe and accessible at all times. The frequency of sampling and testing of the wastewater shall be determined by the city. If a relationship can be established between production and wastewater discharge quantity or quality, or both, the city may allow this information to be submitted in lieu of the sampling station information.

5. The owner shall design, construct, operate and maintain the sampling station at the owner's expense. The owner shall record, sample, test and analyze the wastewater at the owner's expense and report the results monthly to the city. If requested by the industry, the city will test and analyze the wastewater at the owner's expense. The cost thereof shall be based on the current prevailing hourly wage rate and established charges and shall include the additional amount of ten percent of such costs to cover costs of administration.

6. The city may request a split sample from the industry. A split sample shall not relieve the industry from its required testing and analysis.

7. The special control manhole and required equipment shall be installed and in operation within twelve months from the effective date of the ordinance codified in this chapter, or in the case of a new facility, prior to the initial discharge of wastewater from the facility. This time limit may be extended by the city if the city determines that installation would be facilitated thereby or if the installation cannot be made due to acts of God, strikes, delays due to contractors, suppliers or subcontractors or other circumstances or conditions beyond the control of the industry. If the industrial wastewater discharge of an industry increases so as to bring it under the requirements of this subsection, the sampling station shall be installed within twelve months from the date that such increased discharge was predicted or was predictable, but no later than twelve months from the date of the actual increased discharge.

J. All measurements, tests, and analyses of the characteristics of pollutants, substances, or wastewater to which reference is made in this section shall be determined in accordance with 40 CFR part 136, or such other methods as the EPA administrator may approve. The control manhole or sampling station shall be deemed to be the most representative location in the wastewater flow system of the premises. (Ord. 5418 §2, 1994; Ord. 4173 §3 [part], 1981).

15.08.080 Damage to system or plant. No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public wastewater collection system or wastewater treatment plant. (Ord. 5418 §2, 1994; Ord. 4173 §3 [part], 1981)).

15.08.090 Powers and authority of Plumbing Supervisor and Utilities Administrator. A. The plumbing supervisor and utilities administrator and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this title. The plumbing supervisor and utilities administrator shall have no authority to inquire into any industrial or commercial processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other similar processes, beyond that information having a direct bearing as determined by the plumbing supervisor and utilities administrator, on the kind and source of discharge to the sanitary sewers or wastewater treatment facilities. All such information so obtained shall be maintained as confidential information, to the extent permitted by law, except as otherwise authorized by the industry involved, to the extent permitted by Law.

B. While performing the necessary work on private properties referred to in subsection A of this section, the plumbing supervisor and utilities administrator or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company shall provide any required special safety equipment for the temporary use and protection of city inspectors during inspections. The company shall be held harmless for injury or death to the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or other fault of the company or the failure of the company to maintain a safe place as required by law.

C. For purposes of enforcing this title, the plumbing supervisor and utilities administrator and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties for the purposes such as, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater collection system. All entry and subsequent work, if any, shall be done in full accord with the terms of this title. (Ord. 5418 §2, 1994; Ord. 4519 §2, 1984; Ord. 4173 §3 [part], 1981).

15.08.100 Penalty. Any person who violates any provision of this chapter shall, upon conviction, forfeit not less than \$50 nor more than \$1,000 for each such offense. Each day, or part thereof, during which any such violation continues shall be deemed to constitute a separate offense. (Ord. 5418 §2, 1994; Ord. 4173 §3 [part], 1981).

Chapter 15.12

INDUSTRIAL PRETREATMENT

Sections:

15.12.010	General.
15.12.020	Pretreatment standards.
15.12.030	Charges to industry.
15.12.040	Accidental discharges.
15.12.050	Bypass
15.12.060	Notice of intent.
15.12.070	Wastewater discharge permits.
15.12.080	Permit application and issuance.
15.12.090	Permit modifications.
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15.12.120	Entry of premises.
15.12.130	Confidentiality.
15.12.140	Enforcement.
15.12.150	Penalty.

15.12.010 General. The objectives of this chapter are: A. To prevent the introduction of pollutants into the city's wastewater system that could interfere with the operation of the system or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the city's wastewater system that could pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and

D. To provide for equitable distribution of the costs of the city's wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the city wastewater system through the issuance of permits to certain non-domestic users, and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.020 Pretreatment standards. A. The pretreatment standards issued under section 307(b) of the act and 40 CFR 403 are adopted and incorporated herein and made a part hereof by reference as if fully set forth herein. Any federal, state, or local pretreatment standard is enforceable through this chapter. The city reserves the right to revise this chapter as needed to meet the objectives of the federal pretreatment program.

B. Local limits are required for each POTW to control industrial discharges of cadmium, chromium, copper, nickel, zinc, cyanide, mercury, lead, silver, oil and grease, and pH. The following limits are herein established:

<u>Parameter</u>	<u>Limits (mg/l)</u>
Cadmium	1.3
Chromium	18.0
Copper	2.5
Nickel	10.5
Zinc	4.7
Cyanide	2.0
Mercury	0.008
Lead	1.0
Silver	14.0
Oil & grease	100.0
pH	6-10.5 pH units

Limits for these parameters, with the exception of oil and grease, and pH, may also be expressed in lbs/day. These limits are based on the total city wide allocation to industries. The total lbs/day from all industries may not exceed the following:

<u>Parameter</u>	<u>Limits (lbs/day)</u>
Cadmium	0.308
Chromium	36.9
Copper	3.34
Nickel	21.88
Zinc	9.46
Cyanide	4.29
Mercury	0.007
Lead	0.80
Silver	0.296

C. No discharger shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city may impose mass limitations on industrial users which are suspected of using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

D. Whenever a conflict exists between any of the standards, requirements or limitations established by federal regulations, state regulations or regulations of the City, the most stringent of those regulations shall be met by all dischargers.

E. In addition to the general prohibited discharge standards established in section 15.08.070 of this chapter, no person shall discharge or cause to be discharged or deposited any wastewaters or effluent which do not conform to the pretreatment standards established by the EPA or the DNR. Pretreatment limits shall minimally include applicable national categorical pretreatment standards for new and existing sources set out in 40 CFR, subchapter N, parts 401 through 471 inclusive. No wastewater, or effluent including domestic, commercial and industrial waste, shall contain any substance which is in violation of any state, federal, or local pretreatment or other discharge standard.

1. Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is otherwise specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users.

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

2. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration.

The city shall calculate equivalent mass-per-day limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. New sources shall use projected production in place of actual production.

The city shall calculate equivalent concentration limits by dividing the mass limitations in the standard by average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

The same production of flow figure shall be used in calculating maximum daily discharge limitations and maximum monthly average, or 4-day average, limitations.

Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits shall notify the city within two (2) business days after the user has a reasonable basis to know that the production level will significantly change.

F. Variance: Upon request of a user, the city may approve a variance only of the oil and grease, and pH limits set forth in this chapter of the ordinance. The user must demonstrate that a thorough examination of available waste treatment technologies has been undertaken and that the cost of achieving compliance with a standard or standards is prohibitive. In addition a variance shall only be allowed after the city has established that such variance will not adversely impact wastewater treatment operations, sludge disposal, collection system operations, or result in a discharge in excess of limits established for the city in its WPDES permit. If the user violates any of these criteria, the city has the authority to revoke any variance previously granted and recover, from the user, any costs incurred. Also, if the user is subject to federal categorical limits, the variance granted shall be no less stringent than the limit or limits established by the EPA for said categorical user. Furthermore, the length of the variance will be specified in a wastewater discharge permit issued to the user by the city and reviewed upon reapplication and expiration of said permit. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.030 Charges to industry. For industrial users discharging to the POTW, the city shall charge for costs of operating the industrial pretreatment program. Fees will be charged to each industry to cover the actual cost of sampling and testing industrial wastewater to assure compliance with this chapter plus the costs incurred by the city in administering the program. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.040 Accidental discharges. A. Each industrial discharger shall provide protection from the accidental discharge of prohibited or regulated materials or substances established by this ordinance, including, but not limited to, slug discharges. Where necessary, facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at the discharger's expense. Users shall notify the utilities administrator, 8:00 a.m. to 5:00 p.m. (Monday through Friday, except holidays) or the wastewater treatment plant during non-office hours, immediately upon the occurrence of an accidental discharge of substances prohibited by this chapter, process operational upsets, and periods of noncompliance. The notification shall include location of any discharge, date and time thereof, type of waste, concentration and volume, and corrective actions taken.

B. Within 5 days following an accidental discharge, the discharger shall submit to the city a detailed written report describing the cause of the discharge and measures taken by the user to prevent similar future occurrences. Such report shall be signed by an authorized representative of the discharger.

C. Such written notification shall not relieve the user of any expense, loss, or other liability that may be incurred as a result of damage to the sewerage system, nor shall such notification relieve the User of any fines, civil penalties or other liabilities that may be imposed by this ordinance or other applicable law. Furthermore, such notification does not relieve the user of other reporting requirements that may arise under local, state, or federal laws.

D. Signs shall be permanently posted in conspicuous places on discharger's premises advising employees whom to call in the event of a slug load or accidental discharge. Employers shall instruct employees who may cause or discover such a discharge with respect to an emergency notification procedure.

E. At least once every two (2) years, the city shall evaluate whether each significant industrial user needs a plan to control accidental or slug discharges. The city may require any user to develop, submit for approval, and implement such a plan. Alternatively, the city may develop such a plan for any user. A plan to control accidental or slug discharges shall contain the following information:

1. A description of discharge practices, including nonroutine batch discharges;
2. A description of stored chemicals;
3. Procedures for immediately notifying the City of any accidental or slug discharge, as required by section 15.12.040 of this ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.050 Bypass. A. Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to subsections B and C.

B. Notice.

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

2. An industrial user shall orally notify the city of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact times and dates, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

C. Prohibition of bypass.

1. Bypass is prohibited and the city may take enforcement action against an industrial user for a bypass, unless:

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

b. There were no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance;

c. The industrial user submitted notices as required by subsection B of this section.

2. The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the 3 conditions listed in subsection C. 1. (Ord. 5418 §3, 1994).

15.12.060 Notice of Intent. A. All dischargers of industrial wastewater as specified herein shall file a written notice of intent to the city at least 90 days prior to commencing discharge into the wastewater treatment system.

B. The notice of intent shall be submitted in writing to the city and shall contain such information as required to allow the city to evaluate the effect of the proposed discharge on its facilities and operations and to assure compliance with this chapter. The notice of intent shall be signed by an authorized representative of the user and the user must receive written approval from the city prior to commencing discharge. The city may deny or condition new or increased levels of pollutants, or changes in the nature of the pollutants to the POTW by industrial users where such levels do not meet applicable pretreatment standards or where such contributions would cause the POTW to violate its WPDES permit.

C. The following users shall submit a notice of intent under this section:

1. Dischargers purchasing an existing facility from which a regulated discharge into the city sewerage system is proposed.
2. Dischargers constructing a new facility from which a regulated discharge into the city sewerage system is proposed.
3. Currently non-regulated dischargers proposing to discharge a regulated discharge.
4. Dischargers planning to alter or change the activity at their facility in a manner that would significantly increase or decrease the volume or alter the content of any existing source of industrial wastewater discharge into the authority sewerage system. Significant increase or decrease shall be defined as a 50 percent increase or decrease in the volume of industrial wastewater discharged by a user currently discharging 100,000 gallons per day or less. For dischargers currently discharging industrial wastewater in excess of 100,000 gallons, a 30 percent increase or decrease in volume is significant. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.070 Wastewater discharge permits. All industrial dischargers that are regulated by federal pretreatment requirements or in the opinion of the city may have a substantial impact on the POTW treatment processes shall obtain a wastewater discharge permit. New industries shall obtain the permit prior to connection to the POTW. Existing industries shall obtain a permit within 90 days after the effective date of this chapter. A non-regulated industry shall obtain a permit within 6 months of the promulgation of federal or local standards with which they must comply. The city will act on permit applications within 30 days upon receipt of acceptable information. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.080 Permit application and issuance. A. Existing industrial dischargers shall complete and file with the city a permit application in the form prescribed. The permit application shall be submitted to the city no later than 60 days after the effective date of this chapter.

B. Proposed new industrial dischargers shall apply at least 90 days prior to connecting to the POTW. Such application will be on the wastewater discharge permit application/notice of intent form provided by the city. These applications shall be sent to WWTP, 1000 Ferry Street, Eau Claire, WI 54703.

C. Industrial dischargers not covered by section 15.12.070 may, in lieu of the permit application, submit an industrial user survey and Wisconsin DNR NR. 101 report form (if available).

D. No discharge permit shall be issued unless and until the discharger provides the following information:

1. The name, address and location of the discharger.
2. The standard industrial classification (SIC) number according to the standard industrial classification manual, bureau of the budget, 1972, as amended.
3. The wastewater constituents and characteristics of the discharger, including, but not limited to, those mentioned in this chapter as determined by chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the EPA and contained in 40 CFR Part 136, as amended.
4. The time and duration of discharge.
5. The average daily wastewater flow rates, in gallons per day, including daily, monthly, and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the utilities administrator due to cost or nonfeasibility.
6. The site plans, floor plans and details to show sewer connections, inspection manholes, sampling chambers, and appurtenances by size, location and elevation.

7. Description of activities, facilities, and plant processes on the premises including all materials (including chemicals used, catalysts, intermediates, and by-products produced, used, or stored on the premises) that are or may be discharged to the sewers.

8. The nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis (where limitations have been set) and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this chapter. Dischargers not in compliance with this chapter shall take the following action:

a. Submit a schedule containing milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, completing construction, and all other acts necessary to achieve compliance with this chapter.

b. Submit plans, specifications and other pertinent information related to pretreatment facilities to the City and DNR for review and approval prior to the start of construction.

c. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the city, including no less than a statement as to whether or not it complied with the increment of progress, the reason for any delay, and if appropriate the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than 9 months elapse between the milestone dates and the corresponding progress reports.

d. Upon completion of pretreatment facilities and commencing with normal operating activities, a discharger shall file with the city a 90 day final compliance report containing discharge data described in sec. 15.12.110(B).

9. Each product produced by type, amount, process or processes, and the rate of production.

10. The type and amount of raw material utilized (averaged and maximum per day).

11. Other information which may be necessary to evaluate the permit application.

12. Number of employees, hours of operation.

13. A list of other environmental control permits.

E. All permit applications for new or modified permits shall be signed by a person who meets the signatory requirements as defined in sec. 15.04.020, no. 36.

F. The city shall evaluate the complete application and data furnished by the discharger and may require additional information. Within 30 days after full evaluation and acceptance of the data furnished, the city shall issue a wastewater discharge permit subject to terms and conditions provided herein.

G. Existing dischargers subject to local discharge limitations shall comply with such limits within 18 months after the effective date of this chapter.

H. If a discharger wishes to appeal or challenge the pretreatment requirements, effluent limitations or conditions imposed by the issued wastewater discharge permit, a petition shall be filed for appeal with the city within 10 days from the issuance date of the permit as provided in sec. 15.12.130 G. of this chapter. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.090 Permit modifications. A. The city reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the city with applicable laws and regulations. Within 9 months of the promulgation of an applicable pretreatment standard, the wastewater discharge permit of each discharger subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.

B. All national categorical pretreatment standards effective before or after the promulgation of this chapter are or shall be adopted by reference by the city as part of this chapter. Where a discharger, subject to an applicable pretreatment standard has not previously submitted an application for a wastewater discharge permit, the discharger shall apply for a wastewater discharge permit from the city within 90 days after the promulgation of an applicable national categorical pretreatment standard. The discharger shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

C. When it can be demonstrated that circumstances exist that would create an unreasonable burden on the industry to comply with the time schedule imposed by section 302 of the act, a request for extension of time may be presented to the city for consideration. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.100 Permit conditions. Wastewater discharge permits shall specify no less than the following:

A. Limits on the average and maximum wastewater constituents and characteristics regulated thereby.

B. Limits on the average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.

C. Requirements for installation and maintenance of inspection and sampling facilities.

D. Industries discharging less than 10,000 gallons per day of wastewater and subject to federal categorical pretreatment standards shall install a suitable sampling manhole as described in section 15.08.070 H. of this title.

E. Specifications for monitoring programs - the city may, under particular circumstances, reasonably require special conditions of a given discharger including but not limited to sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

F. Compliance schedules.

G. Requirements for submittal of special technical reports or discharge reports in addition to those specifically prescribed by this chapter.

H. Requirements for the prompt reporting of changed or new discharges.

I. All wastewater discharge permits shall be issued for not more than 5 years, subject to amendment or revocation as provided in this chapter. A renewal application form will be supplied by the city.

J. Wastewater discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger or transferable to any other location without the prior written approval of the city.

K. Other conditions to ensure compliance with this ordinance.

L. Applicable civil and criminal penalties for violations of pretreatment standards and requirements will apply. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.110 Reporting requirements. A. Baseline monitoring report (BMR). For categorical users only. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submittal under 40 CFR 403.6(a)(4), whichever is later, existing industrial dischargers subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the city a report containing the following information:

1. Identifying information. The name and address of the facility, including the name of the operator and owners.

2. Permits. A list of any environmental control permits held by or for the facility.

3. Description of operations. A brief description of the nature, average rate of production and standard industrial classification of the operation or operations carried out by the industrial user. This description should include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.

4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula of 40 CFR 403.6(e).

5. Measurement of pollutants. The user shall identify the categorical pretreatment standards applicable to each regulated process and shall:

a. Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.

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

c. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

d. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the POTW.

6. Certification. A statement, reviewed by an authorized representative of the industrial user, and certified by a qualified professional, indicating whether categorical pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the categorical pretreatment standards and requirements. A baseline report previously submitted to the DNR under 40 CFR 403.12 may be submitted in lieu of the report required under this subsection and shall constitute compliance of this subsection.

B. Final compliance date report (FCR). Within 90 days following the date for final compliance of the discharger with applicable categorical pretreatment standards set forth in this chapter or 90 days following discharge from a new source, any discharger subject to categorical standards shall submit to the city a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. Where equivalent mass or concentration limits are established by the POTW for a discharger, this report shall contain a reasonable measure of the discharger's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the discharger's actual production during the appropriate sampling period.

C. Periodic compliance reports (PCR). For any discharger subject to an applicable pretreatment standard. After the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge to the city sanitary system, the discharger shall submit to the city no later than July 15 for the period January 1-June 30, and no later than January 15 for the period July 1-December 31, unless required more frequently by the city, a report indicating the nature and concentration of prohibited or regulated substances in the effluent that are limited by the Pretreatment Standards herein. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period required herein. Flows shall be reported on the basis of actual measurement, except, where cost or feasibility considerations justify, the city may accept reports of average and maximum flows estimated by verifiable techniques. The city may authorize the submittal of said reports on months other than those specified above.

1. Periodic compliance reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question or where the city determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated

analytical methods or any other applicable sampling procedures suggested by the city. This sampling and analysis may be performed by the city in lieu of the significant noncategorical industrial users only. Where the city itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.

2. If sampling performed by an industrial user indicates a violation, the user shall notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violation. Resampling is not required if:

a. The city performs sampling at the user's premises at least once per month, or
 b. The city performs sampling at the user's premises between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

3. The reports required in subsection C shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The city shall require that frequency of monitoring necessary to access and assure compliance by industrial users with applicable pretreatment standards and Requirements.

4. If an industrial user subject to the reporting requirements in subsection C monitors any pollutant more frequently than required by the city, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

D. All wastewater discharge permit applications and reports listed in this subsection A through C shall be signed by a person who meets the applicable signatory requirements as defined in sec. 15.04.020 37. and include the certification statement:

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

E. All categorical and non-categorical industrial users shall notify the city immediately of all discharges that could cause problems to the POTW, including any slug load by the Industrial User.

F. All industrial users shall promptly notify the city in advance of any substantial change in the volume or character of pollutants in their discharges.

G. The industrial user shall provide written notification to the city, the EPA region V waste management division director, and DNR bureau of solid and hazardous waste management of any discharge into the POTW of a substance which, if otherwise, disposed of, would be a hazardous waste under 40 CFR part 261.

H. All industrial users subject to the reporting requirements of this ordinance shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring information, copies of all required reports, and records of all data used to complete the permit application. Records shall be retained for a period of at least 3 years from the date of the sampling, analysis, report or application. The retention period may be extended 1) at the request of the city or 2) when the records pertain to matters that are the subject of enforcement or litigation activities involving the industrial user or the city. Records shall be preserved and retained until all enforcement activities have concluded and all periods of limitation with respect to any appeals have expired. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.120 Entry of premises. The utilities administrator, DNR, EPA, or other duly authorized employees bearing proper credentials and identification shall be permitted to enter premises either scheduled or unscheduled for the purpose of:

- A. Inspection of premises.
- B. Copying any records required to be kept under the provisions of this ordinance.

- C. Inspecting any monitoring equipment or method, any pretreatment facilities, or facilities creating process discharges.
- D. Sampling any discharge of wastewater to the wastewater treatment system. (Ord. 5418 §3, 1994).

15.12.130 Confidentiality. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the WPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 5418 §3, 1994).

15.12.140 Enforcement procedures. The utilities administrator or designee is authorized to enforce the requirements of this chapter. The city shall provide a suitable enforcement response to noncompliance with or violation of any provisions of this chapter.

In determining the level of enforcement response to user noncompliance or violation, the city may consider the historical compliance of the user with permit requirements; adherence to previously established compliance schedules; the impacts of the noncompliance on the public health and welfare, environment, wastewater treatment system, city employees, wastewater treatment effluent or sludge; the frequency and degree of exceedance of discharge limits or permit requirements; cooperation of the discharger in determining compliance status; previous enforcement actions taken; and good faith efforts of the discharger to attain compliance.

In addition to other enforcement mechanisms permitted by law, the city may proceed under any or all of the enforcement responses that follow:

A. Informal notice (IN) - Informal notice shall be achieved through a telephone call, inspection visit, informal meeting, or letter. Using any of these methods, an authorized representative of the city may discuss with the user the noncompliance and its timely correction.

B. Notice of violation (NOV) - A notice of violation may be issued by the utilities administrator or an authorized representative of the City for noncompliance based on the criteria contained in this chapter, and the user's discharge permit. The NOV will state the specific nature of the violation and the applicable permit or ordinance section(s) violated. The NOV will require a response from the user within 30 days to establish the reasons for the noncompliance and to provide a written plan for the satisfactory and expeditious correction of the noncompliance.

C. Compliance order (CO) - The city may issue an administrative order based on the criteria contained in this chapter, and the user's discharge permit. Such CO may contain requirements and deadlines for specific action by the user, compliance schedules or prohibit certain actions or discharges by the user. A CO shall not require termination of sewer or water service, but may require elimination of a specific noncomplying discharge.

D. Show cause hearing (SCH) - Where a violation of this chapter is not corrected by timely compliance by means of previous enforcement procedures, the city may order any user which causes or allows such violation to show cause why the wastewater service to the user should not be terminated. A written notice shall be served on the user by personal service or certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the city regarding the violation, the reasons why the

enforcement action is to be taken, the proposed enforcement action, and directing the User to show cause before the city council why the proposed enforcement actions should not be taken. The notice of the hearing shall be served no less than 7 days before the hearing. Service may be made on any agent, officer, or authorized representative of a user. The proceedings at the hearing shall be considered by the city council which shall then enter appropriate orders with respect to the alleged improper activities of the User. Appeal of such orders may be taken by the discharger in accordance with state law.

E. Revocation of permit. The city may seek to terminate wastewater treatment services to any discharger which:

1. Fails to factually report the wastewater constituents and characteristics of its discharge;
2. Fails to report significant changes in wastewater constituents or characteristics;
3. Refuses reasonable access to the discharger's premises by representatives of the city for the purpose of inspection or monitoring; or
4. Violates the conditions of this section, or any final judicial order entered with respect thereto.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under subsection D of this section why the proposed action should not be taken.

F. Judicial proceedings. Following the entry of any order by the city with respect to the conduct of a user contrary to the provisions of this chapter, the city may commence an action for appropriate legal and/or equitable relief in an appropriate court of record. The city may seek, to the extent permitted by Law, injunctive relief when potential harm to the POTW, public health to the extent permitted by Law, or welfare, or the environment requires an injunction to assure a prompt and appropriate action by a discharger.

G. Right of appeal. Any user or any interested party may have the right to request in writing an interpretation or ruling by the city on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply.

H. Emergency suspension of service. The city may for good cause shown, suspend the wastewater treatment service of a user when it appears to the city that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the POTW, or violate any pretreatment limits imposed by this chapter. Any user notified of the suspension of the city's wastewater treatment service shall, within a reasonable period of time, as determined by the city, cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the city shall commence judicial proceedings immediately thereafter to compel the user's compliance with such order. The city shall reinstate the wastewater treatment service and terminate judicial proceedings upon submission of adequate, satisfactory proof by the user of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).

15.12.150 Penalties. A. Any person who violates any provision of this chapter shall, upon conviction, forfeit not less than \$1,000.00 for each offense. Each day, or part thereof, during which any violation continues shall be deemed to constitute a separate offense.

B. Any person or industry which fails to comply with the provisions of this chapter may, in addition to the forfeiture listed under subsection A., be subject to disconnection from the wastewater treatment system following notice and a reasonable opportunity to be heard.

C. Any user violating any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damages to or impairs the city's wastewater treatment system may be liable to the city for any expense, loss, or damage caused by such violation or discharge. The city may bill the user for the costs incurred for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of subsection A.

D. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, forfeit not less than \$1,000 per day per violation.

E. Enforcement actions--annual publication. A list of all significant Industrial Users which were in significant noncompliance or which were the subject of enforcement proceedings under this chapter during the 12 previous months shall be annually published by the city in the official city newspaper. Such publication shall summarize the enforcement actions taken against the users during such period. (Ord. 5418 §3, 1994; Ord. 4519 §3, 1985).