

## CHAPTER 30

### RULES, REGULATIONS AND CHARGES, WASTEWATER COLLECTION AND TREATMENT SYSTEM

30.01	Purpose and Scope
30.02	Definition of Terms
30.03	Sewage Disposal Charges
30.04	Billing Practice
30.05	Use of Public Sewers Required
30.06	Building Sewers and Connections
30.07	Control Manholes and Monitoring Facilities
30.08	Use of the Public Sewers
30.09	Pretreatment
30.10	Discharge Permits
30.11	Powers and Authority of Inspectors
30.12	Restricted Information
30.13	Protection from Damage
30.14	Enforcement and Termination of Service
30.15	Industrial Cost Recovery Plan
30.16	Other Provisions
30.17	Appeals
30.18	Validity of Chapter

30.01 PURPOSE AND SCOPE. The Village of Ellsworth has provided facilities for collection and treatment of sewage to promote the health, safety and convenience of its people and to safeguard the water resources common to all. In such facilities, provisions of design, construction and operation have been made to accommodate certain types and quantities of commercial and industrial wastes in excess of, and in addition to, normal sewage.

The Board has determined that it is the obligation of the producers of residential, commercial and industrial wastes to defray the cost of normal, and extraordinary services rendered by the Village of Ellsworth in the collection and treatment of such wastes in an equitable manner and, insofar as it is practicable, in proportion to the benefits derived from such services. Therefore, it is the purpose of this Chapter to implement the necessary rules and regulations for governing the uses of, and charges for, the wastewater disposal facilities provided by the Village of Ellsworth.

30.02 DEFINITION OF TERMS. (1) "Act" shall mean the Federal Water Pollution Control Act, as amended, Public Law 92-500.

(2) "Approving Authority" shall mean, as the provisions of this ordinance shall set forth, the Director of Superintendent of Wastewater Collection and Treatment System of the Village of Ellsworth, or his duly authorized deputy, agent or representative. The Village Board of the Village of Ellsworth shall approve all sewage disposal charges including all unit rates and the periodic and/or annual review of such rates, after notice and public hearing.

(3) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter (mg/l). The laboratory determinations shall be made in accordance with "Standard Methods" or 40 CFR 136 "Guidelines Establishing Procedures for the Analysis of Pollutants."

(4) "Building or House Drain". The lowest horizontal piping of a drainage system which receives the discharge of all soil waste and other drainage pipes inside any building and conveys the same to the building sewer, 3 to 5 feet outside the foundation wall of such building. The minimum building drain extends from the building sewer to the further-most soil stack.

(5) "Building or House Sub-drain". The horizontal portion

of drainage system within a building which cannot flow by gravity to the building or house drain.

(6) "Building or House Sewer". That part of the horizontal piping beginning 3 to 5 feet from the foundation wall to its connection with the main sewer, septic tank, or other disposal terminal.

(7) "Village" shall mean the Village of Ellsworth, Wisconsin.

(8) "C.O.D." (denoting chemical oxygen demand) shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter and oxidizable inorganic matter with a strong chemical oxidant under standard laboratory procedure and expressed in milligrams per liter.

(9) "Commercial User" shall mean non-residential users with a waste discharge similar in concentrations of the various constituents to those discharged by the residential users.

(10) "Compatible Pollutants" shall mean biochemical oxygen demands, suspended solids, pH, fecal coliform bacteria, chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, and fats, oils and greases of animal or vegetable origin.

(11) "Director" shall mean the Director of Public Works for the Village of Ellsworth or his authorized deputy, agent or representative. The Director shall be the person ultimately responsible for the Sanitary Sewerage System of the Village of Ellsworth.

(12) "Domestic Wastes". See Sanitary Sewage.

(13) "Excessive" shall mean in such magnitude that in the judgment of the Director, it will cause damage to any facility, will be harmful to the sewage treatment process, cannot be removed in the sewage treatment plant to the degree required to meet the requirements of Public Law 92-500, can otherwise endanger life, limb or public property, and/or which can constitute a public nuisance.

(14) "Garbage". The putrescible organic solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of meat, fish, fowl, fruit, vegetables and condemned food.

(15) "Incompatible Pollutant" shall mean any pollutant which is not defined as a "A Compatible Pollutant" in this

section.

(16) "Industrial Use". A use in which the wastewater discharge substantially exceeds the concentration of the corresponding value for the residential classification of user with respect to any one or more constituents of discharge.

(17) "Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources, as distinct from sanitary sewage.

(18) "Industry" shall mean an establishment with facilities for mechanical, testing, trade, or manufacturing purposes.

(19) "In Lieu of Tax Charge" shall mean a tax equivalency determined by equalizing the gross book value of fixed assets as of January 1 of that year and multiplied by the local and school tax rates for the same year.

(20) "Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average week day; (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 207 (a) of the Act; or (d) is found by the permit issuance authority, in connection with the issuance of an WPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(21) "May" is permissive; (See "Shall").

(22) "Natural Outlet". Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(23) "Operation, Maintenance, and Replacement Cost" shall mean any cost attributable to insuring the proper functioning of all components of the sewerage system for the useful life of such components, including all costs associated with the functioning of an accounting system for the collection of monies to offset such costs. In addition, these costs shall include all expenditures for obtaining and installing equipment,

accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(24) "Person" shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(25) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter as determined by "Standard Methods."

(26) "Properly Shredded Garbage". The wastes from the preparation, cooking, and dispensing of food that have been ground 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 (1/2) inch (1.27 centimeters) in any dimension.

(27) "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village of Ellsworth and in which all owners of abutting properties have equal rights. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sewage system, even though these sewers may not have been constructed with Village funds.

(28) "Receiving Waters" shall mean any water course, river, pond, ditch, lake, aquifer, or other body of surface or sub-surface water receiving discharge of sewage.

(29) "Residential User" shall mean a user whose wastewater discharges consist of sanitary sewage only and associated with domestic purposes.

(30) "Sanitary Sewage" shall mean a combination of the water-carried domestic wastes of substantially such origin and strength as those typically produced in households, including wastes from sanitary conveniences, that possesses the following characteristics:

(a) A five-day, 20 degree centigrade, B.O.D. of not more than 250 milligrams per liter.

(b) A suspended solids content of not more than 350 milligrams per liter.

(31) "Sanitary Sewer" shall mean a sewer that conveys sewage, and into which storm, surface and ground waters are not

intentionally admitted.

(32) "Sewage" (also referred to as wastewater) shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and storm-waters as may be present.

(33) "Sewerage System" shall mean all properties, structures, manholes, catch basins, inlets, pipes, equipment and conduits for the purpose of collecting, treating, testing, and disposing of domestic wastewater and/or industrial or other wastewaters, as existing now or hereafter added to, expanded or improved.

(34) "Sewer" shall mean a pipe or conduit for conveying wastewaters.

(35) "Sewer Connection" shall mean that part of the sewerage system connecting the sewer main and the line of abutting property of extended to that distance from the sewer main as considered necessary by the Director.

(36) "Shall" is mandatory; (See "May").

(37) "Slug". Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

(38) "Standard Classification" shall mean a classification based on the most current publication of the Standard Industrial Classification Manual (SIC), United States Office of Management and Budget. Standard Industrial Classification (SIC) code numbers and description may be found in the 1972 edition of the "Standard Industrial Classification Manual."

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

(40) "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(41) "Superintendent" shall mean the Superintendent of Wastewater Collection and Treatment System of the Village of Ellsworth, or his authorized deputy, agent, or representative. The Superintendent is an agent and representative of the Director.

(42) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension of water, sewage, or industrial waste, and which are removable by a laboratory filtration device. The laboratory determinations shall be made in accordance with "Standard Methods."

(43) "Treatment Plant" shall mean the Wastewater Collection and Treatment System and all other structures or devices used for controlling and/or treating sewage under the control and ownership of the Village of Ellsworth.

(44) "Uncontaminated Wastewater" shall mean wastewater which has not come into contact with any substance used in, or incidental to, industrial processing operations and to which no chemical or other substances or any physical change has been added.

(45) "Unit Rates" shall be determined by dividing projected costs by projected volumes, as provided in Section 30.03 (7) and as otherwise provided herein.

(46) "User" shall mean any person that discharges wastes into the sewerage system.

(47) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(48) "WPDES Permit" shall mean a permit issued by the State of Wisconsin Department of Natural Resources pursuant to Section 402 (b) of the Act detailing terms and conditions for discharges from the treatment plant to the receiving waters.

30.03 SEWAGE DISPOSAL CHARGES. (1) Applicability of Charge. The sewage disposal charge herein established shall apply to each lot or parcel of land, building or premises (hereinafter called premises) from which sewage is discharged into any public sanitary sewer, and to each premise for which a connection to any sewer is ordered installed, said charges to take effect upon the expiration of the time limited for the installation of the sewer connection or upon use of such connection for the disposal of sewage, whichever occurs first.

(2) Basis of Charge. In order to ensure a proportional

distribution of the costs of furnishing sewage disposal services, several factors, including strength, volume and delivery flow rate characteristics, may be considered in determining the appropriate sewage disposal charge for a particular user or user class.

(3) User Classifications. For purposes of administering the sewage disposal charge, three user classifications are hereby established:

(a) Residential Customers. Wastewater discharged by users within this classification shall consist of sanitary sewage only.

(b) Commercial Customers. The wastewaters discharged by these users shall be similar in concentrations of the various constituents to those discharged by the Non-Industrial Customer classification.

(c) Industrial Customers. This classification shall be composed of industrial users possessing a wastewater discharge in which any one constituent of the discharge substantially exceeds the concentration of the corresponding value for the Non-Industrial Customer classification.

The determination of user classification shall be based upon the primary use of the premises as determined by the Director.

(4) Use of Water Meters. The sewage disposal charge herein established shall be based upon the amount of water used upon the customer's premises including water from public and private supplies, or, as hereinafter provided, upon the amount of sewage discharged to the public sewer. If any person discharging sewage into the public sewer system procures any part, or all of his water from sources other than the Village Water Utility, all or part of which is discharged into the public sewers, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed, no water meters will be required. The water meters shall be furnished by the Village Water Utility and installed under its supervision, all other costs being at the expense of the person requiring the meter.

Failure to meter any water supply shall not release the customer from paying the sewage disposal charge thereon. In such cases, the charge shall be based upon the estimate of the Director of the flow for the billing period.



(5) Exemption Meters. In the event that a person discharging industrial wastes into the public sewers produces evidence satisfactory to the Director that significant amounts of the total annual volume of water used for all purposes does not reach the sanitary sewer, the person may be permitted to have an exemption water meter installed. Such meter shall be furnished by the Village Water Utility and installed under its supervision, all other costs being at the expense of the person requiring the meter, including any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the exemption meter.

The amount of exemption water metered shall be subtracted from the total amount of water used by the person and an adjusted total water usage determined based on only water reaching the sanitary sewer. This adjusted total water usage will be used to determine the applicable sewage disposal charge.

(6) Waste Meters. Devices for metering the volume of waste discharged may be required by the Director if these volumes cannot otherwise be determined by the use of water meters and exemption water meters. Metering devices for determining the volume of waste shall be purchased, installed, owned and maintained by the user. The type of meter and metering arrangement shall be approved by the Director before installation and it shall be installed in accordance with approved methods. Following approval and installation, such meters may not be removed without the consent of the Director. In the event the metering facilities shall fail to operate or register the flow correctly, the sewage disposal charge shall be based upon the estimate of the Director of the flow of sewage for the billing period.

(7) Sewage Disposal Charge Formula. The sewage disposal charges for the various classifications of user shall be reviewed at least annually and revised periodically to insure the continued proportionality of the charge and the generation of sufficient revenues to offset the costs of furnishing the maintaining sewerage disposal services. The charges shall be as established by the Village Board and shall be equitable charges to all users. There shall be no volume discounts. The sewage disposal charge assessed a user shall consist of a user charge for the operation, maintenance, and replacement of the facilities, a debt service charge to assist the Village in amortizing the local share of the capital cost of constructing the sewerage system, and an "in lieu of tax" charge. Under no circumstances shall a user's overall user charge rate be less than the overall user charge rate assessed the Residential Customer user class as developed in item (8) below. [Ord. 486]

(8) Sewage Disposal Charges. The three customer classifications shall be assessed their proportionate share of the sewage disposal charges in the following manner:

(a) Residential Customers. The sewage disposal charge assessed users in this classification shall consist of a variable rate for debt service and a fixed user charge and variable user charge rate for operation, maintenance and replacement. The variable rates shall be based on the users metered water consumption and shall be developed by incorporating the unit rates per parameter discussed above and the pollutant characteristics representative of sanitary sewage.

(b) Commercial Customers. The sewage disposal charge assessed these users shall be computed in the same manner as charges for Residential Customers.

(c) Industrial Customers. The sewage disposal charge for users within this customer classification shall be computed by incorporating the users metered sewage flow and sampled pollutant characteristics, in conjunction with the appropriate unit rate per parameter, into the sewage disposal charge rat formula previously define. Under no circumstances shall a user's overall user charge rate assessed the Residential Customer user class for wastewaters having the pollutant characteristics representative of sanitary sewage.

(9) Revenues From Sewage Disposal Charges. Revenues generated through sewage disposal charges shall be recorded in three separate accounts, one account to be used solely for the purpose of covering all operating and maintenance expenses, the second account to be used for the purpose of covering major maintenance or replacement expenses, and the third account to be used for the purpose of covering debt service expenses. Unexpended balances in said major maintenance or replacement account shall be carried forward to the next year without reduction of the next year's replacement allowance. In the event sewage disposal charge revenues are insufficient to provide for current O. M. & R. (operating, maintenance and replacement) and debt service needs, funds from the Village General Fund may be advanced, but only if such advancement from the Village General Fund is reimbursed through sewage disposal charge revenues by the end of the next budget period. In the event sewage disposal charge revenues exceed O. M. & R. and debt service expenses, such excess shall be applied as revenue against the estimated sewage disposal expenses for the next budget period.

Disposal Charges and all other charges provided for in the Ordinance shall be billed, as a minimum, on a quarterly basis.

(2) Payment. Sewage Disposal Charges and all other charges provided for in the Ordinance shall be due and payable at the Village Treasurer's Office within ten (10) days after the invoice date, or on or before the due date as indicated on the statement.

(3) Rates. Rates shall be determined from time to time by the Village Board and shall apply to actual usage thereafter.

(4) Delinquency. All delinquent accounts shall be charged a penalty at the rate of one percent (1%) per month on the unpaid balance, including penalties. Such penalty shall accrue starting with the thirty-first (31st) day following the invoice date, or twenty-first (21st) day following the payment due date as applicable.

30.05 USE OF PUBLIC SEWERS REQUIRED. (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or other properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may be located in the future a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after date of official notice to do so.

(5) Whenever permits for new connections to the Village

Wastewater Collection and Treatment System are applied for, the Approving Authority shall determine whether adequate collection and treatment capacities exist in the System to properly accommodate such proposed new connections. If the determination is that either existing collection or treatment capacity in the System is inadequate for properly handling said proposed new connections, then said connections shall be disallowed.

30.06 BUILDING SEWERS AND CONNECTIONS. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of the Village of Ellsworth.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial services, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector and Superintendent.

A permit and inspection fee for a residential, commercial and industrial building sewer permit, as established from time to time by the Village Board, shall be paid to the Village at the same time the application is filed.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building.

(5) Existing building sewers may be used in connection with new buildings only when they are found, on examination by the Director, to meet all requirements of this ordinance.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the

trench, shall all conform to the requirements of the plumbing code or other applicable rules and regulations of the Village.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the building sewer.

(8) Roof-leaders, surface drains, groundwater drains, foundation footing drains, and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment plant. All such connections existing at the time of passage of this ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Director shall give the offending person 15 days' notice to disconnect. Failure to disconnect after such notice shall authorize the Director to cause disconnection and assessment of the costs of such disconnection against the property involved. The Director may, in the alternative, institute legal action for violation of this subsection.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the plumbing code or other applicable rules and regulations of the Village.

(10) The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representative.

(11) All excavations for the building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkway and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

30.07 CONTROL MANHOLES AND MONITORING FACILITIES. (1) Unless otherwise authorized by the Director, all persons discharging industrial wastes into a public sewer shall construct and maintain control manholes on all sewer connections to facilitate observation, measurement and sampling of their waste, including sanitary sewage. Control manholes shall be located and built in a manner approved by the Director. If measuring devices are to be permanently installed, they shall be

of a type approved by the Director.

(2) Control manholes and related equipment shall be installed by the person discharging the waste at his expense and shall be maintained by him in safe condition, accessible and in proper operating condition at all times. Plans for the installation of control manholes and related equipment shall be submitted for approval to the Director prior to the beginning of construction.

(3) An approved sketch shall be provided to the Director for his records showing the locations of all control manholes. The manholes shall be located from both street lines and building lines. The sketch shall show the roadways and access points to the control manholes and note entry limitations, if any, and the telephone number and person to contact for entrance when necessary, and any other data considered pertinent by the Director. Ample space shall be provided around the control manholes and shall be maintained free and clear by the owner at all times.

(4) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration. The determination shall be made as often as deemed necessary. Where samples are taken often enough to produce meaningful averages, sewage disposal charges will be determined based on the average values determined during the billing period after due allowance for values not believed to be representative. Any person may request the Director to make new tests, such tests to be at the expense of the person discharging the waste and such tests to be of a minimum of 24 hours duration unless otherwise approved. If the Director is satisfied that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent sewage disposal charge in the manner previously prescribed. Records of the results of such monitoring shall be kept and said results shall be reported to the Director. The Director shall make such records available upon request to State, Federal, or any other public agencies having jurisdiction over such discharges.

(5) Analyses. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or 40 CFR 136, "Guidelines Establishing Procedures for the Analysis of Pollutants." However, alternate methods for certain analyses may be used subject to mutual agreement between the person and the approving authority.

#### 30.08 USE OF THE PUBLIC SEWERS. (1) No person shall

discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process water shall be discharged to a storm sewer or natural outlet subject to the provisions of the particular industry's applicable WPDES Permit.

(3) No person without approval of the Director shall discharge any waste or other substance directly into a manhole, catch basin, or inlet. All discharges to the sewer shall be through an approved sewer connection.

(4) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewers.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, excessive amounts of hair and fleshings, entrails, and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, etc., either whole or ground by garbage grinders.

(e) Any radioactive wastes or isotopes of such half

life or concentration in quantities that exceed the limits established by the Director in compliance with applicable State or Federal regulations.

(5) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes unless it appears unlikely in the opinion of the Director that such wastes will harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or will otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances that require the approval of the Director prior to discharge into the sewer system are:

(a) Any liquor or vapor having a temperature higher than one hundred forty (140 degrees) F (60 degrees Centigrade).

(b) Any water or waste containing fats, wax, grease or oils of petroleum origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32 degrees) and one hundred forty (140 degrees) F (0 degrees and 60 degrees Centigrade).

(c) Any garbage that has not been properly ground. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $3/4$ ) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, cadmium, nickel, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, in such quantities that any of the above materials received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such material.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations



exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any waters or wastes having a pH in excess of 9.5.

(h) Materials which exert, cause or contain:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate)

(2) Excessive discoloration (such as, but not limited to, dye wastes, vegetable tanning solutions, and commercial inks).

(3) BOD, chemical oxygen demand, phosphorus, nitrogen or chloride requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(i) Incompatible pollutants in excess of the allowed limits as determined by Village, State and Federal laws and regulations as determined and when amended, referred to as Pretreatment Standards developed by the Environmental Protection Agency, 40 CFR 128.

(j) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any person's wastewater or air pollutants or any waste which would result in a violation of the Village's WPDES Permit.

(6) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Paragraph 5 of this Section, and which in the judgment of the Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Village Board, upon report of the above officer, may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge, and/or

(c) Require control over the quantities and rates of discharge, and/or (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewage disposal charges.

(7) Grease, oil and sand interceptors shall be provided as required by the State Plumbing Code for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(8) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association or 40 CFR 136 "Guidelines Establishing Procedures for the Analysis of Pollutants" and shall be determined at the control manhole provided, Village for treatment, subject to payment therefore, by the industrial concern. Any such agreement that may be reached between the Village and an industrial concern shall be subject as a minimum to the rates and regulations stated elsewhere in this ordinance.

30.09 PRETREATMENT. (1) If the Village Board permits the pretreatment or equalization of waste flows, detailed plans showing the facilities, operating procedures, and effluent characteristics shall be submitted to the Director for review and approval prior to construction of the facility. The approval of such plans and procedures will in no way relieve such persons from the responsibility of modifying the facility, if necessary, to produce an acceptable effluent. Any changes in the approved facilities or method of operation shall be reviewed and approved by the Director.

(2) The Village is required to meet certain effluent limitations under Federal and State regulations as established and amended. Therefore, the admission into the public sewerage system, either directly or indirectly, of any wastes or waters

exceeding any of the limits listed below is subject to review and approval by the Director:

(a) a five (5) day, 20 degree centigrade, B.O.D. greater than 250 milligrams per liter.

(b) a suspended solids content greater than 350 milligrams per liter.

(c) an average daily flow exceeding two (2) percent of the total flow to the treatment plant.

If determined necessary by the Director the user shall provide the necessary pretreatment or curtailment to stay within the above limitations. Nothing in this ordinance shall prohibit the Director from requiring lower constituent amounts if it is deemed necessary for the protection of the sewerage system.

30.10 DISCHARGE PERMITS. (1) Persons engaged in any activity listed in Section 306 (b) (1) (A) of the Act, which are listed below, shall obtain a permit prior to connecting to or discharging to sewerage system.

Pulp and paper mills  
 Paperboard, builders paper and board mills  
 Meat product and rendering processing  
 Dairy product processing  
 Grain mills  
 Canned and preserved fruits and vegetable processing  
 Canned and preserved seafood processing  
 Sugar processing  
 Textile mills  
 Cement manufacturing  
 Feedlots  
 Electroplating  
 Organic chemicals manufacturing  
 Inorganic chemicals manufacturing  
 Plastic and synthetic materials manufacturing  
 Soap and detergent manufacturing  
 Fertilizer manufacturing  
 Petroleum refining  
 Iron and steel manufacturing  
 Nonferrous metals manufacturing  
 Phosphate manufacturing  
 Steam electric power plants  
 Ferroalloy manufacturing  
 Leather tanning and finishing  
 Glass and asbestos manufacturing  
 Rubber processing

## Timber products processing

Such persons presently discharging to the sewerage system shall, within sixty (60) days from the effective date of this ordinance, complete and file an application for a permit with the Director. Submission of the Wisconsin Department of Natural Resources (DNR). NR 101 form will be considered as satisfying the requirements of Section 30.10 until such time as the Approving Authority determines a more detailed submission is required to safeguard the present and future utility of the treatment plant. The Director may also require any other person who is discharging or proposing to discharge wastes into the system to obtain a permit. The Director may change the conditions of the permit as circumstances or laws or regulations enacted by the State or Federal governments may require. Limitations on the discharge of wastes into the system shall be in accordance and agreement with the appropriate current Pretreatment Standards developed by the Environmental Protection Agency.

(2) Permit application forms are available at the office of the Director or other designated locations and persons required to obtain a permit shall procure and complete the application at their own expense and file the application with the Director. The Director will evaluate the data furnished and, if insufficient data has been furnished, the Director will notify the applicant and action will not be taken until the desired information is received. After acceptance of the data, the Director will issue a permit with any restrictions, conditions, limitations or special requirements noted thereon, which may contain but not be limited to the following:

(a) Limits on rate and time of discharge or requirements for flow regulation and equalization

(b) Installation of inspection and sampling facilities including access to such facilities.

(c) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.

(d) Submission of discharge reports.

(e) Special service charge or fees.

(f) Pretreatment requirements.

(g) Submission of samples of all chemicals and substances used along with a chemical analysis and list of all

materials.

(h) A continuously updated inventory on all chemicals and substances. The inventory should show normal usage and the amount on hand.

Any significant change in information supplied on the application form or in strengths and volumes of waters and wastewaters shall be reported immediately to the Director for determination of need to change conditions of the permit and related fees.

(3) A permit shall not be reassigned or transferred.

(4) The conditions of the permit shall be enforced by the Director in accordance with the provisions of this ordinance. Any permit holder who exceeds the conditions and provisions of the permit will be subject to enforcement provisions of Section 30.14.

(5) Each person issued a permit may be required by the Director to submit an annual report. The Director may require a permit holder to submit more frequent reports if in his judgment, the wastes being discharged are in violation of this ordinance. The report may be required to include but not be limited to, nature of process, volume, rates of flow, mass emission, production quantities, hours of operation, personnel, or other information that relates to the generation, handling and discharge of wastes. The report may also include the chemical constituents and quantity of liquid or gaseous material stored on site. If sufficient data has been furnished, additional information shall be provided upon request of the Director.

30.11 POWERS AND AUTHORITY OF INSPECTORS. (1) The Director and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of the ordinance. The Director or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or water ways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in Section (1) above, the Director or duly authorized employees of the village shall: observe all

safety rules applicable to the premises established by the company; hold the company harmless for injury or death to the Village employees; and indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(3) The Director and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

30.12 RESTRICTED INFORMATION. All information and data on a user obtained from reports, questionnaires, permit application, permits, monitoring programs, and inspections, shall be available to the public without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information to the general public would divulge information or processes or methods that would give a business advantage to competitors who did not know this information. However, all such information shall be made available to governmental agencies for use in making studies or for the use of the Director or the state or any State agency in judicial review or enforcement proceedings involving the person furnishing the information.

30.13 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

30.14 ENFORCEMENT AND TERMINATION OF SERVICE. (1) Each Sewage Disposal Charge and all other charges levied by, or pursuant to, this ordinance shall constitute a lien upon the corresponding premises served by the sewer system as provided

in Section 66.0821 and 62.69, Wisconsin Statutes. [Ord. 523 8/02]

(2) The Director may, upon notice and failure to comply with such notice, apply to a court of competent jurisdiction for orders to cease and desist if it is determined that a discharge of wastes has been taking place, or threatens to take place in violation of prohibitions or limitations of this article, or the provisions of the discharge permit, and direct those persons not complying with such prohibitions, limits, requirements, or provisions to comply immediately, or comply in accordance with a time schedule approved by the Director, or to take appropriate or remedial preventive action in the event of a threatened violation.

(3) If it is determined that a discharge of wastes has been occurring or threatens to occur, in violation of this article or the provisions of the discharge permit, the Director may require the user to submit for approval, with such modifications considered necessary, a detailed time schedule of corrective and/or preventive action.

(4) The Director may revoke any discharge permit, or terminate or cause to be terminated, wastewater service to any person, if a violation of this ordinance is found to exist or if a discharge of wastes causes, or threatens to cause, a condition of contamination, pollution, or nuisance. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment, and shall be effective immediately upon written notification by the Director.

(5) Any person, firm or corporation violating any of the provisions of the ordinance shall be liable to the Wastewater Collection and Treatment System for any expense, loss or damage occasioned by such violation and upon conviction of any violation of this ordinance shall be fined not less than Five Dollars (\$5) nor more than Five Hundred Dollars (\$500) per violation, and in default of payment, shall be committed to the County Jail for a period of confinement not less than ten (10) days nor to exceed ninety (90) days.

(6) Each day a condition is allowed to exist which is contrary to all of any part of this ordinance shall constitute a new violation.

(7) Ownership and Occupance. Change of ownership or occupancy of premises delinquent under provisions of this ordinance shall not be cause for reducing or eliminating charges due and penalties.

30.15 INDUSTRIAL COST RECOVERY PLAN. (1) Purpose and

Scope. This Plan implements the requirements of Section 204(b) (1) (B) of Public Law 92-500, 33 U.S.C. Section 1284 (b) (1) (B), as well as the regulations and guidelines issued pursuant thereto, in order to maintain eligibility for Federal grants which provide necessary funds for the construction of wastewater treatment works. It is the intent of this Plan to provide for payment by each industrial user, unless otherwise excluded, in addition to the already established system of rates and charges currently in effect, of such user's appropriate share of Federal construction grant funds which are allocable to the treatment of industrial wastes by the Village.

(2) Effective Date. The provisions of this Plan shall become effective on the first day that any Village treatment works assisted with Federal grants awarded for the sewerage system, commencing with the Step I Grant, shall become operational.

(3) Definitions. In addition to the terms defined in previous sections of this Chapter, the following definitions apply herein:

(a) "Expansion". An increase in treatment capacity.

(b) "Infiltration". The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

(c) "Inflow". The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling-water discharges, drains from springs and swampy area, manhole covers, cross connections from storm sewers and combined sewer, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(d) "Industrial Cost Recovery". Recovery by the Village from the industrial users of the treatment works of the grant amount allocable to the treatment of industrial process wastes from such users pursuant to Section 204 (b) of Public Law 92-500 and subsequent regulations.

(e) "Industrial Cost Recovery Period". That period during which the Federal grant amount allocable to the treatment of wastes from industrial users shall be recovered from industrial users of the Village system, a period of thirty (30) years from the first day that each such grant-assisted treatment



works shall become operations. Congress, as part of the Clean Water Act of 1977, has established a moratorium on ICR payments to the Federal Government for the period of December 28, 1997, to June 30, 1979. During such moratorium period the Village will not collect ICR charges from non-exempt industries, but will continue to monitor the discharges from such industries and will compute and keep a record of the ICR charges that would normally accrue during the moratorium. In the event Congress does not see fit to change the Federal regulations requiring ICR payments, then those ICR obligations incurred by each non-exempt industry during the moratorium will have to be satisfied after the aforesaid June 30, 1979, date ending said moratorium. Said obligations incurred during the moratorium will then be collected via equal annual installments pro-rated over the remaining cost recovery period.

(f) "Industrial User". Any non-governmental user of treatment works owned by the Village, and identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented, under the following divisions: (1) Division A: Agricultural, Forestry, and Fishing; (2) Division B: Mining; (3) Division D: Manufacturing; (4) Division E: Transportation, Communications, Electric, Gas, and Sanitary Services; and (5) Division I: Services. (For the purpose of Industrial Cost Recovery this definition of industrial user applies regardless of how a user is classified for other purposes, e.g., commercial or public.

(g) "Upgrading". An increase in the degree of treatment.

(4) Exclusions. An industrial user who would otherwise be subject to this Plan shall be excluded from its operation to the extent that such user will introduce primarily sanitary sewage into the Village sewerage system. Further, any industrial user discharging the equivalent of 25,000 gallons per day, or less, of sanitary wastes is exempt from this Industrial Cost Recovery Plan, provided that such discharge does not contain pollutants which (a) interfere with the treatment process, (b) are toxic or incompatible, or (c) contaminate or otherwise reduce utility of the treatment process sludge.

(5) Reserved Capacity Agreements. Reserved capacity agreements may be established whereby the industrial user shall pay the full industrial cost recovery payments allocable to the capacity reserved and, in the event that such an industrial user exceeds its reserved capacity, its full use shall be subject to this Plan, unless otherwise excluded.

If the treatment works are expanded in the future with PL 92-500 grant assistance, an industrial user who has executed a reserved capacity agreement and has made industrial cost recovery payments based upon reserved capacity, will not incur additional industrial cost recovery charges associated with the cost of expansion until the industrial user's actual use of the treatment works exceeds its reserved capacity.

Nevertheless, such industrial users shall be required to pay any additional industrial cost recovery charges associated with the cost of upgrading a treatment works.

An industrial user may terminate or modify, with the consent of the Village, any agreement for reserved capacity, thereafter its payment for industrial cost recovery shall cease or be modified, to the extent of the reserved capacity so terminated or modified.

(6) Computation of Industrial Cost Recovery Payments.

During the industrial cost recovery period, each industrial user shall pay its share of the total amount of Federal grant funds, including amendments to grants, which are allocable to capacity used or reserved for use in the treatment of wastes from industrial users. The payment for each industrial user shall be proportionate to its industrial waste discharge flow capacity for ICRS purposes; in addition, the pollutant strength of the user's industrial waste discharge shall be considered in computing ICRS payments. An industrial user's annual ICRS payment shall be the greater of the amounts computed by the following methods:

(a) The user's total annual industrial waste discharge, adjusted for sanitary sewage discharges (thousands of gallons), multiplied by the minimum unit rate per thousand gallons for ICRS purposes (\$0.1232 per thousand gallons of process wastewater discharged); or,

(b) The user's total annual industrial waste discharge, adjusted for sanitary sewage discharges, and broken down by appropriate testing and calculations into quantities of the following waste characteristics, multiplied by the following pertinent rate for each such characteristic and added together for a total ICRS charge:

ICR Flow Charge = \$0.0580 per thousand gallons  
ICR BOD Charge = \$0.0356 per pound

For any industrial user which discharges into the Village system of wastewater treatment works subject to this Plan, the

industrial cost recovery charges for such user shall accrue from the date of the user's initial discharge into the Village system or the effective date of this Plan, whichever is later, and shall continue to accrue for the unexpired portion of the industrial cost recovery period or until the user ceases to use the Village system, whichever occurs first.

If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly when the Village has made such a determination. If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly. An industrial user's share shall not include an interest component.

(7) Industrial Cost Recovery Billing. The first industrial cost recovery bills shall be issued to industrial users no later than ten (10) months from the effective date of this Plan. Thereafter, all industrial users shall be billed on their normal wastewater user charge billing dates, or annually as determined by the Director.

(8) Disposition of Industrial Cost Recovery Revenue. All funds recovered during the annual accounting period, with the exception of the discretionary portion, shall be deposited in interest-bearing accounts which are fully collateralized by obligations of the United States Government or by obligations fully guaranteed as to principal and interest by the United States Government or any agency thereof.

Within one year of the effective date of this Plan, and thereafter at least annually and within four months after the close of the fiscal year, the Village shall transfer to the United States Treasury fifty percent (50%) of all industrial cost recovery revenues collected during such fiscal year and any interest earned thereon. Forty percent (40%) of any industrial costs recovered and all interest which has accrued on the said forty percent (40%) shall be placed in an industrial cost recovery account entitled "Expansion and Upgrading Account." Funds in this Expansion and Upgrading Account shall be expended only for replacement or expansion of Grant assisted treatment works and shall not be spent without prior written approval of the Environmental Protection Agency's Regional Administrator. The remaining ten percent (10%) of industrial cost recovery revenues is discretionary and shall be used to administer this Plan and for such other uses as the Village shall deem proper, except it shall not be used for the construction of industrial pretreatment facilities or rebates to industrial users for costs

incurred by such users in complying with Federal user charges or industrial cost recovery requirements.

(9) Monitoring. All industrial users who are classified as "Industrial Customers" under Section 30.03, User Classifications, shall be monitored at such times as the village may deem necessary, but at least annually.

All other industrial users, may be monitored on a random basis, as the Village deems appropriate or at the user's request. Unless substantiated by actual monitoring, the wastewater characteristics for such users shall be assumed to be comparable to the concentrations found in sanitary sewage.

(10) Industrial Cost Recovery Charge Formula. Each industrial user's Industrial Cost Recovery Charge (ICR) shall be computed for each year of the industrial cost recovery period by the following formula:

$$\text{ICR} = (Q - QD) \times c_{qm} \text{ or } \text{ICR} = (Q - QD) \times c_q + (\text{BOD} - \text{BODD}) \times c_{\text{BOD}}$$

where,

ICR = user per year.

Q = Wastewater flow contributed by the user during the year (thousands of gallons).

QD = Wastewater flow that is certified as primarily sanitary sewage contributed by the user during the year (thousands of gallons); however, under no circumstances shall the allowance for primarily sanitary sewage exceed twenty-five (25) gallons per workday per employee.

C<sub>qm</sub> = The minimum annual unit charge for Federal grant costs allocable to hydraulic capacity (dollars per thousand gallons).

C<sub>q</sub> = The annual unit charge for Federal grant costs allocable to hydraulic capacity (thousands of gallons).

BOD = The poundage of five-day biochemical oxygen demand contributed by a user during the year (pounds).

BODD = The poundage of five-day biochemical oxygen demand contributed by the primarily sanitary sewage component of a user's waste stream

during the year (pounds)

cBOD = The annual charge for Federal grant costs allocable to BOD removal (dollars per pound).

(11) Minimum Industrial Cost Recovery Charge. As a minimum, no industrial user's Industrial Cost Recovery (ICR) charge shall be less than the amount determined by applying the procedure set forth in Section 30.15 (6) sub-section (a) of this ordinance.

30.16 OTHER PROVISIONS. The provisions of Chapter 30 shall be in addition to any and all other sewer regulations of the Ellsworth Municipal Code of Ordinances and shall take precedence over those with which it may conflict.

30.17 APPEALS. Any user, permit applicant, or permit holder affected by any decision, action, of determination, including cease and desist orders made by the Director interpreting or implementing the provisions of this Chapter, or in any permit issued hereunder, may file with the Village Board, a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Village Board shall make a final ruling on the appeal within ten (10) days.

30.18 VALIDITY OF CHAPTER. The invalidity of any section, clause, sentence or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts. [Ord. 258]