

CHAPTER 16
SEWER USE

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SEWER USE

Sec. 16.01 Purpose And Policy

- A. This Chapter sets forth uniform requirements for discharges into the Village's wastewater disposal system.
- B. The objectives of this Chapter are:
 - 1. To prevent the introduction of pollutants into the wastewater disposal system which will; interfere with the operation of the system or the use or disposal of the sludge.
 - 2. To prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - 3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- C. This Chapter provides for the regulation of discharges into the Village's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the proportional distribution of costs resulting from the program established herein.
- D. This Chapter shall apply to the Village of Whiting and to persons outside the Village who are, by contract or agreement with the Village, users of the Village wastewater disposal system. Except as otherwise provided herein, the Superintendent of the wastewater disposal system shall administer, implement, and enforce the provisions of this Chapter.
 - 1. The Village of Whiting will allocate sufficient revenue to pay total operation, maintenance and replacement costs.
 - 2. Should there be excess revenues generated through the user charge system for a particular user classification for a given year, this excess revenue will be attributed to the same user class operation, maintenance, and replacement costs for the following year.
 - 3. It is the intent to isolate operation, maintenance and replacement revenues from those required for debt service retirement.

Sec. 16.02 Definitions

- A. The following words when used in this Chapter shall have the following meanings:
 - 1. Approving Authority: The Director of the Utility or Utilities Committee.
 - 2. B.O.D. (Biochemical Oxygen Demand: The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees centigrade, expressed as milligrams per liter. Quantitative determination of B.O.D. shall be made in accordance with procedures set forth in "Standard Methods".
 - 3. Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
 - 4. Building Sewer: The extension from the building drain to the public sewer or other place of disposal.
 - 5. Combined Sewer: A sewer receiving both surface runoff and sewage.
 - 6. Garbage: The residue from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of food products produce.
 - 7. Ground Garbage: The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2") in any dimension.
 - 8. Industrial User: A user who discharges to Village's wastewater treatment plant industrial wastes as defined.
 - 9. Industrial Waste: The wastewater from industrial; process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage treatment facilities.
 - 10. Interference: The inhibition or disruption of the Village's wastewater treatment system processes or operations which causes or significantly contributes to a violation of any requirement of the Village's permit. The term includes prevention of sewage sludge use or disposal by the Village in accordance with published regulations providing guidelines.
 - 11. Natural Outlet: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or ground waters.
 - 12. Non-Contact Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.
 - 13. Normal Concentration: This shall mean:
 - a) Five (5) day twenty (20) degrees C., B.O.D. of not more than two hundred fifty (250) mg/l.

- b) A suspended solids content of not more than two hundred fifty (250) mg/l.
 - c) A phosphorus content of not more than eight (8) mg/l.
14. Normal Sewage: Sanitary sewage or other wastes in which B.O.D., suspended solids, phosphorus concentration do not exceed normal concentrations.
 15. Parts Per Million: A weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 is equivalent to pounds per million gallons of water.
 16. Person: Any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
 17. pH: The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter as determined by "standard methods".
 18. Phosphorus: Total phosphorus in wastewater which may be present in any of three forms: orthophosphates, polyphosphates, and organic phosphates.
 19. Pretreatment: The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Village's wastewater treatment system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means.
 20. Public Sewer: Means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
 21. Quarter: Three consecutive months with the first starting with January.
 22. Sanitary Sewage: A combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants); together with such ground, surface and storm waters as may be present.
 23. Sanitary Sewer: A sewer that conveys wastewater, industrial wastes or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.
 24. Sewage: The spent water of a community. The preferred term is "wastewater".
 25. Sewer: A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and ground water drainage.
 26. "Shall": is mandatory; "May" is permissible.
 27. Significant Industrial User: Any industrial user of the Village's wastewater treatment system which:
 - a. Has a discharge of twenty-five thousand (25,000) gallons or more per average work day, or
 - b. Has a flow greater than five (5%) percent of the flow in the (Village's) wastewater treatment system, or
 - c. Has in its waste toxic pollutants as defined pursuant to Section 307 of the Act, or
 - d. Has a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
 28. Slug: Any discharge of sewage or industrial waste which in concentration of any given constituent exceeds more than five times the average 24 hour concentration during normal operation, or the discharge of any volume of liquid waste which exceeds more than five times in quantity of flow for a period of 15 minutes or more, the normal 24 hour average discharge and shall adversely affect the collection system and/or performance of the wastewater treatment plant.
 29. Standard Methods: 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 Water Pollution Control Federation.
 30. Storm Sewer: (Storm Drain) A sewer that carries storm, surface and ground water drainage but excludes sewage and industrial wastes.
 31. Storm Water: Any flow occurring during or following any form of natural precipitation and resulting there from.
 32. Superintendent: Shall mean the Superintendent of the Whiting Utilities, or his authorized agent or representative.
 33. Suspended Solids: Solids that either float on the surface of, or are in suspension in, water, wastewater or industrial waste, and which are removable by a laboratory filtration system.
 34. User: Any person who discharges causes or permits the discharge of wastewater into the Village's wastewater disposal system.
 35. Utility or Sewage Utility: Shall mean the Whiting Utilities of the Village of Whiting.

36. Wastewater: A combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.
37. Wastewater Collection System: The system of sewers and appurtenances for the collection, transportation and pumping of wastewater and industrial wastes.
38. Wastewater Treatment Plant: An assemblage of devices, structures, and equipment for treating and disposing of wastewater and industrial wastes.
39. Watercourse: Shall mean a natural or artificial channel of water.
40. WPDES Permit: Means a permit issued under the State of Wisconsin Discharge Elimination System for discharge of wastewaters to navigable waters of the United States pursuant to Federal and State laws. The Village of Whiting has a WPDES Permit which provides for discharge into the Wisconsin River. See current WPDES permit for current discharge limits.

Sec. 16.03 General Rules

All persons now receiving sewer service from the Sewer Utility, or who may hereafter make application therefore, shall be considered as having agreed to be bound by the rules and regulations approved by the Village Board.

The following rules shall apply for service extensions, service connections, laterals, meters, and charges therefore:

A. MAIN EXTENSIONS

1. Application for sewer service shall be made in writing at the Utilities office. The application will contain the legal description of the property to be served, name of owner, the exact use to be made of the service, and the size of the service connection. All sewer service extensions shall be reviewed by the Utilities Committee and approved by the Village Board.
2. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under s.66.0703 of the Wisconsin Statutes will apply, and no additional customer contribution to the utility will be required.
3. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer financed basis as follows:
 - a) The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under (2).
 - b) Part of the contribution required in (a) will be refundable. When additional customers are connected to the extended main within twenty years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under (2) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under (2) nor will it exceed the total assessable cost of the original extension.
4. When a customer connects to an existing main installed at utility expense, there will be a contribution required of an amount equivalent to that which would have been assessed under (2).
5. Costs of all street repairs due to extensions shall be paid by benefited property owners in all cases.

B. SERVICE CONNECTIONS. (Laterals from sewer main to dwelling)

1. Service connections are to be under the supervision of Utilities personnel.
2. Cost of service connections shall be paid by property owner and shall include road repair and replacement of black dirt.
3. New connections will not be allowed unless capacity is available in all downstream facilities.

C. LATERALS. (Sewer main to building)

1. Lateral work is owner's responsibility.
2. Connections at main shall be under supervision of Utilities personnel.
3. Sewer lateral materials are restricted to materials specified in statutory Wisconsin plumbing code SPS 381-387.

D. METERS. Automated RF (radio frequency) water meters or water meters with a remote register are required. Meters are the property of the Village and are to be installed by Utilities personnel or under the supervision of Utilities personnel.

Sec. 16.04 Rules Governing The Servicing Of Plugged Sewer Laterals

- A. When a plugged sewer lateral occurs, the property owner or occupant shall first call the Whiting Utilities advising the sewer utility of the problem. The Utility will inspect the sewer main as soon as reasonably possible to

ascertain that a condition does not exist in the sewer main, as opposed to the sewer lateral running from the premise. This call is to immediately alert the Utility to a possible problem which might also affect other property owners in the area and to avoid unnecessary private contractor charges where such services are unnecessary. The Village shall not reimburse customers for privately contracted services incurred if Village officials were not contacted first regarding the problem.

- B. Where it appears that the problem is in the sewer lateral, as opposed to the sewer main, it shall be the responsibility of the property owner to hire, at his expense, a plumber or service person to unplug the sewer lateral. Any costs so incurred by the Village which are properly chargeable to the property owner under the provisions of the Ordinance shall constitute a valid lien against the property for which the repair service has been requested.
- C. The property owner shall be responsible for all costs of repair or replacement of the lateral.
- D. In all cases, before any repair, replacement, or reconstruction of a sewer lateral is commenced, the property owner shall notify the Utility, and no work shall commence until approval by the Superintendent. The Utility shall then arrange to inspect the work as it progresses for conformance to current code or other requirements that may from time to time govern such repair, replacement, or reconstruction.

Sec. 16.05 Use Of Public Sewers

- A. Sanitary Sewers. No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water or unpolluted water into any sanitary sewer.
- B. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - 2. 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 wastewater treatment process, or constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant.
 - 3. Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.
 - 4. Any waters or wastes having a pH in excess of 10.0.
 - 5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - 6. No persons shall discharge or cause to be discharged the following described substances, materials, waters or wastes it appears likely in the opinion of the Approving Authority that such wastes can harm either the sewers, wastewater treatment plant or equipment, have an adverse affect on the receiving stream, or can otherwise endanger life, limb, property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Approving Authority will give consideration to the sewers, nature of the wastewater treatment plant, and other pertinent factors. The substances prohibited are:
 - a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees, Centigrade).
 - b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 - c) Any commercial garbage that has not been property shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the Approving Authority.
 - d) Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Approving Authority for such materials.
 - e) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Approving Authority as necessary after treatment of the composite wastewater, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with State or Federal Regulations.

- g) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- h) Materials which exert or cause:
 - (1) Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
 - (2) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
 - (3) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller’s earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium sulfate).
 - (4) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (5) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
- C. Special Arrangements. No statement contained in this article shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the utility without recompense by the person.

Sec. 16.06 Control Of Industrial Wastes Directed To Public Sewers

- A. Industrial Discharges. If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain certain substances or possess the characteristics enumerated in Sec. 16.05(B), and which in the judgment of the Approving Authority, have a deleterious effect upon the wastewater collection or treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:
 - 1. Reject the wastes.
 - 2. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - 3. Require control over the quantities and rates of discharge.
- B. Control Manholes. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
 - 1. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.
 - 2. Control manholes, access facilities and related equipment shall be installed by and at the expense of the person discharging the waste, and shall be maintained by that person so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.
- C. Measurement of Flow. The volume of flow used for computing industrial waste collection and treatment charges shall be metered water consumption of the person as shown in the records of meter reading maintained by the utility’s water department.
- D. Metering of Waste. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person to accuracy standards acceptable to the Approving Authority and the Public Service Commission. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- E. Provision for Deductions. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person.
- F. Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

1. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.
 2. Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.
- G. Pretreatment. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater collection or treatment plant, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.
- H. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts of any flammable wastes, and/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 readily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner(s) personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources rules and regulations.
- I. Analyses. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Approving Authority and the person. Determination of the character and concentration of the industrial wastes shall be made by the person discharging the wastes or by the person's agent, as designated and required by the Approving Authority. The utility may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.
- J. Submission of Information. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment of processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

Sec. 16.07 Classes Of Service

- A. General Service. Normal or domestic wastewater is defined as having the organic concentration of Biochemical Oxygen Demand (B.O.D.) not to exceed 250 milligrams per liter, Suspended Solids (S.S.) not to exceed 250 milligrams per liter and Total Phosphorus not to exceed 8 milligrams per liter.
- B. High-Strength Standards. All establishments discharging high-strength wastes, above the limits defined in Sec. 15.15 (Chapter 15 Municipal Code), into the public sanitary sewer system shall be billed in accordance with the High-Strength Service Charge specified in Sec. 15.15 (Chapter 15 Municipal Code). The volume of flow used for computing the wastewater surcharge shall be metered water consumption as shown in records maintained by the water utility subject to adjustment as otherwise herein provided of the actual volume of wastewater as determined by a waste metering installation.

Sec. 16.08 Right-Of-Entry, Identification And Safety

Right-of-Entry. Superintendent of the Utility or other duly authorized employee of the municipality or utility bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, testing, all in accordance with the provisions of these rules and regulations and Section 196.171, Wisconsin Statutes. The superintendent of the utility or other duly authorized employee of the municipality and/or utility shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment. While performing the necessary work, the authorized person shall observe all safety rules acceptable to the premises established by the proper owner.

Sec. 16.09 Sewer Construction

- A. Work Authorized. 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 Approving Authority.

- B. Cost of Sewer Connection. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.
- C. Use of Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this ordinance.
- D. Materials and Methods of Construction. 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 building and plumbing code or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the Department of Safety and Professional Services SPS 381 through 387 shall apply.
- E. Building Sewer Grade. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- F. Storm and Ground Water Drains. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.
- G. Conformance to Plumbing Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Department of Safety and Professional Services SPS 381 through 387. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.
- H. Inspection of Connection. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.
- I. Barricades: Restoration. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality.

Sec. 16.10 Violations And Penalties

- A. Written Notice of Violation. Any person found to be in violation of any provision of these rules and regulations shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Accidental Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer which causes damage to the treatment facilities, receiving body of water and/or downstream waters shall, in addition to forfeiture, pay the amount to cover damages, both values to be established by the Approving Authority.
- C. Civil Penalties. Any user who is found to have violated an Order of the Village Board or who has failed to comply with any provision of the Chapter, and the orders, rules, regulations and permits issued hereunder, shall forfeit not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate offense. In addition to the penalties provided herein, the Village may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by an appropriate action against the person found to have violated this Chapter or the order, rules, regulations and permits issued hereunder.

Sec. 16.11 Monitoring Facilities

- A. Monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the Superintendent may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Superintendent's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Superintendent, unless a time extension is otherwise granted by the Superintendent.

Sec. 16.12 Inspection And Sampling

The Approving Authority shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Superintendent ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The Approving Authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Approving Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 16.13 Pretreatment

- A. Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Approving Authority for review, and shall be acceptable to the Approving Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Approving Authority under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Approving Authority prior to the user's initiation of the changes.
- B. All records relating to compliance with pretreatment standards shall be made available by the Approving Authority to officials of the EPA upon request.
- C. Any user subject to a national categorical pretreatment standard, after the compliance data of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the Approving Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Approving Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. The Approving Authority may agree to alter the months during which the above reports are to be submitted.

Sec. 16.14 Final Compliance Date Reporting Requirements

Within ninety (90) days following the date for final compliance with applicable pretreatment standard or, in the case of the commencement of a new discharge to the wastewater disposal system, any user subject to pretreatment standards and requirements shall submit to the Approving Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. 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 facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user, and certified to by a qualified professional.

Sec. 16.15 Confidential Information

- A. Information and data on a user obtained from applications, permits monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Approving Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

- B. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the NPDES Permit, State Disposal System permit and/or pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Superintendent as confidential, shall not be transmitted to any governmental agency or to the general public by the Approving Authority until and unless a ten (10) day notification is given to the user.

Sec. 16.16 Sludges Generated And Sludge Metal Levels

- A. Sludge's, floats, skimming's, etc., generated by an industrial or commercial pretreatment system shall not be placed into the Village's wastewater disposal system. Such sludge's shall be contained, transported, and disposed of in accordance with all federal, state, and local regulations.
- B. The sludge nickel level shall be 2.00 mg/1 of nickel for a daily maximum and 1.00 mg/1 of nickel for a monthly average maximum.

Sec. 16.17 Enforcement

A. SLUG OR ACCIDENTAL DISCHARGES

1. The Approving Authority may suspend the wastewater treatment service of a user and/or a Wastewater Discharge Permit (after notice to the discharger) when such suspension is necessary, in the opinion of the Approving Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the Village to violate any condition of its NPDES or State Disposal System Permit.
2. Any user notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Approving Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Approving Authority shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen (15) days of the date of occurrence.

- B. **REVOCAION OF PERMIT.** In accordance with the procedures of this Ordinance, the Superintendent may revoke the permit of the user which fails to factually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this Chapter, or applicable state and federal regulations.

- C. **NOTIFICATION OF VIOLATION.** Whenever the Superintendent finds that any person has violated or is violating this Chapter, Wastewater Discharge Permit, or any prohibition, limit, or requirement contained herein, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the Village by the user.

D. SHOW CAUSE HEARING.

1. **Notice of Hearing.** If the violation is not corrected by timely compliance, the Approving Authority may order any user which causes or allows an unauthorized discharge to show cause before the Village Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of hearing to be held by the Village Board regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
2. **Hearing Officials.** The Village Board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

- a) Issue in the name of the Village Board notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
 - b) Take the evidence; and,
 - c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.
3. Transcripts. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
 4. Issuance of Orders. After the Village Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- E. LEGAL ACTION. If any person discharges sewage, industrial wastes, or other wastes into the Village's wastewater disposal system contrary to the provisions of this Chapter, Federal or State pretreatment requirements or any order of the Village, the Village Attorney may, following authorization of such action by the Village Board, commence an action for appropriate legal and/or equitable relief.
- F. ANNUAL PUBLICATION
1. A list of the users which were significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the twelve (12) previous months shall be annually published by the Village in a local newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. For the purposes of this provision, significant violations would be those violations which remain uncorrected forty-five (45) days after notification of noncompliance; which are part of a pattern of noncompliance over a twelve (12) month period; or which involve a failure to accurately report noncompliance.
 2. Also, in conjunction with the first quarter billing, each user will be informed of the amount of operation, maintenance, and replacement for the previous year was attributable to wastewater treatment.
- G. APPEAL TO THE VILLAGE BOARD.
1. Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Chapter and shall be entitled to a written reply from the Village. Any decision of the Approving Authority in the enforcement of this Chapter may be appealed to the Village Board by filing a written petition with the Village Clerk within thirty (30) days of the Approving Authority's ruling. Said petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. Said petition shall show the names, addresses, and telephone numbers of all objectors and their attorney at law or spokesman. The filing of a petition in accordance with the requirements herein shall stay all proceedings unless the Approving Authority shall file within seventy-two (72) hours after the filing of a petition a certificate stating that a stay would cause peril to life or property or specifying other good reason.
 2. The Village Board shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of said hearing to parties named in the petition as attorney or spokesman. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition after which the Superintendent may present evidence in support of his decision.
 3. The Village Board shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Board shall constitute the official record of the petition, hearing, and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

Sec. 16.18 Application For Septage Disposal

- A. Between August 1st and September 1st of each year, every licensed disposer wishing to discharge to the Village of Whiting wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the Village Clerk in such a form as is prescribed for that purpose. During the month of July and August, forms for such applications will be furnished at the office of the Village Clerk. The application must state fully and truly the type, frequency, quantity, quality, and location of generated septage to be disposed of at the Village of Whiting wastewater treatment plant.
- B. During the month of September, the approving Authority will evaluate the applications and make a determination as to the amount and conditions septage disposal at the Village of Whiting wastewater treatment facility. The Committee, upon the recommendation of the Approving Authority, shall approve or reject all applications by October 1st of each year. If the treatment plant cannot accept the entire proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service area.

- C. All such approvals of septage disposal shall have the conditions that any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the Approving Authority may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

Sec. 16.19 Septage Acceptance Location

Septage shall only be discharged to the Village’s sewerage system by approved and State of Wisconsin licensed disposers and at locations, times and conditions as specified by the Approving Authority.

Sec. 16.20 Septage Disposal

- A. No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within the Village of Whiting without written permission of the Approving Authority.
- B. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be in violation of a provision of this Ordinance may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

Sec. 16.21 Penalties

A. CIVIL PENALTIES

- 1. Any user who is found to have violated an Order of the Village Board or who has failed to comply with any provision of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall forfeit not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorney’s fees, court costs, court reporters fees, and other expenses of litigation by an appropriate action against the person found to have violated this Chapter or the order, rules, regulations and permits issued hereunder.
- 2. Any person found to be violating any provision of this Chapter shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.

B. COSTS OF DAMAGE. Any user violating any of the provisions of this Chapter, or who has a discharge which causes a deposit, obstruction, damage or other impairment to the Village’s wastewater disposal system shall become liable to the Village for any expense, loss, or damage caused by the violation or discharge. The Approving Authority may add to the user’s charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Chapter.

C. FALSIFYING INFORMATION. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six (6) months, or by both.