

## **CHAPTER 23**

### **SEWER USER REGULATIONS**

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23.01. **CREATION.** Town of Brookfield Sanitary District No. 4, pursuant to the provisions of Wis. Stat. § 60.77, does hereby declare that the Sewerage System of Town of Brookfield Sanitary District No. 4 consisting of the collection system (as hereinafter defined), waste collection, disposal operations, sewerage system, and all other appurtenances and equipment used for such purposes, or Wastewater Treatment Facility (as hereinafter defined) shall be designated the Sewerage System.

23.02. **MANAGEMENT.**

(1) The operation, management, and control of the Sewerage System is vested in the Town of Brookfield Sanitary District No. 4 as a Sewage Commission under the provision of Wis. Stat. § 60.72(8) and is hereinafter referred to as the "Sanitary District." All records of the Sanitary District shall be kept by the Secretary in the Town Hall or other officially-designated place.

(2) The rules, regulations, and rates hereinafter set forth shall be considered part of the regulations applicable to every individual or entity connected to the Sewerage System and persons discharging wastes to the Sewerage System. Said rules, regulations, and rates may be changed from time to time as determined by the Sanitary District, and the right is reserved to make special rates and contracts in all proper cases.

(3) The Sanitary District shall cause an annual audit of the books to be made and shall make the books and records relating to the Sanitary District available for inspection during regular business hours.

(4) A proportionate distribution of operation, maintenance, and replacement costs shall be maintained among user classes. Users shall be notified annually of the sewer service charges associated with the sewerage system.

23.03. **APPLICATION.** The application of this Chapter, its rules, regulations, and rates shall apply to all individuals, firms, corporations, and institutions residing within the corporate limit of the Sanitary District and any person, firm, or corporation by attachment to the Sewerage System or otherwise by contract or agreement coming within the Sanitary District sewer service area subsequent to the effective date hereof, and all entities hauling wastes or trucking wastes and discharging to the Sewerage System.

23.04. **INCORPORATION OF CITY OF BROOKFIELD RULES AND REGULATIONS.** The following sections and subsections and related appendices of City of Brookfield Rules And Regulations, Chapter 13 promulgated by the City of Brookfield, as now in effect and as the same may be amended from time to time hereafter, are hereby incorporated by reference and shall be of full force and effect though set forth in their entirety herein.

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| 13.04.011 | Definitions                                     |
| 13.04.020 | Operation and Management of Municipal Utilities |
| 13.16.020 | Sewer Service Charges                           |

- 13.16.110 Clear Water Discharge Into Sanitary Sewer Prohibited
- 13.20 Industrial Wastes
- 13.16.120 Acceptance of Septic Waste Disposal at Fox River Water Pollution Control Center
- 13.16.140 Contract Communities; Enforcement Beyond City Limits

23.05. **DEFINITION OF TERMS.** The meaning of terms used in this Ordinance shall be as follows:

(1) "Act" shall mean the Federal Water Pollution Control Act (33 I7-S- C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub.L. 92-500) and Pub.L. 93-243, or as modified by Wis. Stat. Ch. 147 or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 147.

(2) "BOD" shall mean the quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

(3) "Building Sewer," "Lateral," or "Service Pie" shall mean a sewer which carries only Sewage or Industrial Wastes from the building plumbing to the Public Sanitary Sewer.

(4) "Collection System" shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of domestic wastewater and industrial waste.

(5) "Connection" shall mean each physical connection to the collection system or private sewer system which connects to the municipal collection system.

(6) "Debt Retirement" shall mean all annual principal and interest requirements and obligations of the Sanitary District for the Sewerage System.

(7) "Discharge Monitoring Station" - A sampling and metering station require to be installed through a Discharge Monitoring Agreement signed by an Industrial User with the Sanitary District in order to obtain information on a users discharge to the system and to establish sewer user and debt charges.

(8) "Domestic Wastewater" shall mean water-borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment buildings, hotels, office buildings, factories, and institutions free of industrial wastes and in which the average concentration of BOD is established at or below 250 mg/l, suspended solids is established at or below 300 mg/l, phosphorous is established at or below 5 mg/l, and nitrogen is established at or below 25 mg/l.

(9) "Flow Proportional Composite Sample" shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.

(10) "Industrial User" shall mean any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classification Manual. An industrial user shall also include any user that discharges wastewater containing toxic or poisonous substances, as defined in Section 307 or Section 502 of the Clean Water Act, or any substance(s) causing interference in the wastewater facilities. An industrial user shall also include any nonresidential user who:

(a) is subject to national categorical pretreatment standards,

(b) has a non-domestic flow of 25,000 gallons or more per average work day,

(c) contributes more than 5% of the average dry weather capacity of the wastewater facility, or

(d) is determined by the Sanitary District or Superintendent of the Fox River Water Pollution Control Facility to have the potential to adversely affect the wastewater

This definition is in accordance with current DNR language requirements.

(11) "Industrial Waste" shall mean any water-borne solids, liquids, or gaseous wastes other than domestic wastewater, resulting from discharging from, flowing from, or escaping from any commercial, industrial, manufacturing, or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater.

(12) "Intercepting Sewer" shall mean a sewer constructed to receive the dry weather flow of untreated or inadequately treated from one or more existing sanitary Sewer System terminals other than from a dwelling or building that presently discharges, or formerly discharged, flow directly into any waters of the State, and convey the flow to a Wastewater Treatment Facility or is to serve in lieu of an existing or proposed Wastewater Treatment Facility.

(13) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(14) "Nitrogen" shall mean Total Kjeldahl Nitrogen as determined by procedures set forth in "Standard Methods."

(15) "Normal Sewage" shall mean sanitary sewage in which BOD, Suspended Solids, phosphorus, or nitrogen concentrations do not exceed normal concentrations of:

(a) A five-day 20 degree C. BOD of not more than 250 parts per million;

(b) A Total Suspended Solids concentration of not more than 300 parts per million; or

(c) A Phosphorous concentration of not more than five parts per million.

(d) A Nitrogen concentration of not more than 45 parts per million.

(16) "Operation and Maintenance Cost" shall mean the actual sums spent by the Sanitary District in the operation and maintenance of its Sewerage System consisting of, but not limited to, each and all of the following purposes:

(a) Wages, salaries, and employee-related expenses of operating, maintenance, clerical, laboratory, and supervisory personnel, together with fringe benefits and premiums paid on such wages, and salaries for the State of Wisconsin Workmen's Compensation coverage.

(b) Electrical power and other utility services.

(c) Chemicals, fuel, and other operating supplies.

(d) Repairs to, and maintenance of, associated equipment.

(e) Premiums for hazard insurance.

(f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.

(g) Rents and leasing costs.

(h) Operation, licensing, and maintenance costs for trucks and heavy equipment.

(i) Consultant and legal fees.

(j) Training and educational expenses.

(17) "Persons" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency, or other entity and agents, servants, or employees.

(18) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the "Standard Methods."

(19) "Phosphorus" shall mean the Total Phosphorus as determined by procedures set forth in "Standard Methods."

(20) "POTW or Publicly Owned Treatment Works" shall mean a treatment works which is owned by a municipality and any sewers that convey waste water to such a treatment works. This definition includes any devices or systems used by a municipality in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes. The term also means the municipality or local unit of government which has jurisdiction over the indirect discharges to the discharges from such a treatment works.

(21) "Public Sewer" shall mean a sewer or lateral in public right-of-way abutting properties and is controlled or owned by the public authority.

(22) "Replacement Fund" shall mean expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the sewerage system to maintain the capacity and performance for which such system was designed and constructed.

(23) "Residential Equivalency Charge" shall mean a charge levied on users for Operation and Maintenance Costs and Replacement Fund. The charge shall be based on the average gallons of water used by a residential customer as determined by the Sanitary District.

(24) "Residential Equivalent Connection (REC)" shall be the wastewater flow and loadings to the system equivalent to that contributed by an average residential family equivalent. An average residential family equivalent shall be calculated yearly by the Sanitary District.

(25) "Sanitary District" shall mean the Town of Brookfield Sanitary District No. 4 or its duly authorized deputy, agent, or representative.

(26) "Sanitary Sewer" shall mean a sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and groundwaters, or unpolluted industrial wastewater are not intentionally contributed.

(27) "Septage" shall mean scum, liquid, sludge, or other waste from a septic tank, soil absorption field, holding tank, vault toilet, or privy. This does not include the waste from a grease trap.

(28) "Service Charge" shall mean a charge levied on users annually for each equivalent water meter connection associated with the sewer and water system.

(29) "Sewerage System" shall mean all facilities for collecting, transporting, and pumping domestic wastewater, industrial wastes, and septage. May also be referred to as sewer system.

(30) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the Wastewater Treatment Facilities.

(31) "Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association and the Water Pollution Control Federation.

(32) "Storm Sewer" shall mean a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

(33) "Superintendent" shall mean the Sanitary District Commission or its designated agent who shall be in charge of , and supervise, the operations and functions of the sewerage system.

(34) "Surcharge User" shall mean a user of the Sewerage System who discharges wastes which have higher concentrations than Domestic Wastewater and is assessed an additional charge (surcharge) for the constituents higher in concentration than Domestic Wastewater.

(35) "Total Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of total Suspended Solids shall be made in accordance with procedures set forth in "Standard Methods." Also referred to as Suspended Solids.

(36) "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards, and would not be benefited by discharging to the sanitary sewers and wastewater treatment facilities provided.

(37) "User" shall mean any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging septage or other waste hauled or trucked to the sewerage system.

(38) "Use Factors" shall mean Flow, BOD, Total Suspended Solids, Phosphorus, and Infiltration/Inflow or the quantity of these factors as determined by the Sanitary District by sampling and monitoring.

(39) "Waste" shall mean any solids, liquid, or gaseous material, or combination thereof, discharged from any residences, business buildings, institutions, industrial establishments, and septage haulers into the collection system, storm sewer, or septage receiving station.

(40) "Wastewater" shall mean a combination of the water-carried waste into the collection system from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water as may be present.

(41) "Wastewater Pumping Station" shall mean a pumping facility utilized to pump wastewater within the collection system.

(42) "Wastewater Treatment Facilities" shall mean the Fox River Water Pollution Control Center.

(43) "Water Utility" shall mean the Sanitary District No. 4 - Town of Brookfield Water Utility.

(44) "WPDES Permit" shall mean a permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. Ch. 147.

23.06. **RULES AND REGULATIONS.**

(1) Declaration of Policy. The Sanitary District finds and declares that the public health, comfort, and safety is preserved and enhanced by the provision of the Sewerage System in the promotion of a clean and healthful environment, and that the failure to connect to the Sewerage System is contrary to minimum health standards.

(2) Connection.

(a) To assure preservation of public health, comfort, and safety, the owner of any house, building, or property used for human occupancy, employment, recreation, or other habitation situated within the Sanitary District and adjacent to a Public Sewer or in a block through which a Public Sewer extends, 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 Twelve (12) months after the Public Sewer first becomes operational or if an immediate health hazard exists within 30 days upon receipt of notice from the County Health Officer or the Town of Brookfield Building Inspector.

Connections to that part of the sanitary sewer system which was in operation on April 3, 1985 shall be subject to the provisions of Section 23.21 of the General Code of the Town of Brookfield passed and adopted by the Town Board on April 3, 1985.

(b) If a person fails to comply with the said notice to connect within the given period of time, the Sanitary District may, at its option:

1. Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner, within 30 days after the completion of the work, files a sworn affidavit with the Sanitary District Secretary stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 5 equal annual installments, and the amount shall be so collected with interest at a rate which is sufficient to recover the Sanitary District's costs of borrowed funds or interest lost plus 1% point per annum from the completion of the work, the unpaid balance to be a special tax lien; and
2. Impose a standby charge, for the period of time in excess of 12 months, that such failure continues after the date the Public Sewer first becomes operational, after 10 days written notice to any owner failing to make a connection to the Sewerage System, for an amount equal to 150% of the Infiltration/Inflow (I/I) Charge, payable quarterly for the period in which the failure to connect continues. Upon failure to make such payment, said charge shall be levied as a tax against the lot or parcel to which sewerage service was furnished.

(3) Alternative Disposal Prohibited.

(a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of domestic wastewater if a Public Sewer is available.

(b) No person shall discharge to any Natural Outlet within the Sanitary District, in any area under the jurisdiction of the Sanitary District, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(4) Plumbers. No plumber or other person will be permitted to engage in, or work at, any plumbing in connection with the Sewerage System without first receiving a license from the State of Wisconsin, Bureau of Plumbing.

(5) Maintenance of Services. All sewer services within the limits of the Sanitary District at the point of connection to the street main, and all street mains, shall be maintained and repaired by the Sanitary District without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner. All Building Sewers and laterals located in the public right of way or easement from the point of connection to the sewer main, and all facilities throughout the premises served must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served, unless:

(a) The property is serviced by a grinder sewage pump which has been approved by the Sanitary District and was installed under a Sanitary District sanitary sewer project. In the event of mechanical failure of the grinder pump, the property owner has the option to contact the Sanitary District for service. The Sanitary District has an inventory of grinder pumps and replacement parts and will provide said material to the property owner at no cost. The cost of labor required in servicing the grinder pump shall be at the expense of the property owner.

(6) Users.

(a) Application for Service. Every person requesting connection to the Sewerage System shall file an application in writing to the Sanitary District, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Sanitary District. The application must state fully and truly all the uses which will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and permission from the Sanitary District Commission. If the applicant is not the owner of the premises, the written consent of the owner, or owner's agent, must accompany the application.

The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Sanitary District Commission may reject the application. If the Sanitary

District Commission approves the application, the Sanitary District Commission shall issue a permit for services as shown on the application.

All expenses relating to the connection to the Sewerage System shall be paid by the applicant or owner.

(b) Tap Permits. After sewer connections have been installed into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments unless the party ordering such tapping or other work shall obtain and exhibit the proper permit for the same from the Town of Brookfield Building Inspector.

(c) User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the Sewerage System. The user is responsible for their service pipe from the street main through their facility served.

(d) User Use Only. No user shall allow other persons to connect to, or permit other uses to be made of, the Sewerage System through his lateral.

(e) User to Permit Inspection. Every user shall permit the Sanitary District or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use. Should the owner or occupant of the premises refuse voluntary access to the premise, the Sanitary District is authorized to seek a special inspection warrant under Wis. Stat. § 66.0119.

(f) Responsibility. No claim shall be made against the Sanitary District, or its agents or employees, by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions, or any other work that may be deemed necessary by the Sanitary District absent gross negligence of the Sanitary District, its agents, or employees. The Sanitary District may cut off the service at any time for the purpose of repairs, or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within an area of the Sanitary District, the Sanitary District shall, if practicable, give notice to each affected user.

(7) Excavations. Excavation requirements in the public right-of-way shall be as specified and required by the authority having jurisdiction over said right-of-way. In all cases, a permit is required.

(8) Laterals.

(a) All laterals on private property will be installed in accordance with State of Wisconsin Administrative Code as from time-to-time, as amended.

(b) The Building Sewer shall be inspected by the Building Inspector, or his designee, upon completion of placement of the pipe and before backfilling, and tested before and

after backfilling. The Building Inspector, or his designee, may order any building sewer exposed and removed if said building sewer is covered before inspection.

(9) Wiping the Mains.

(a) No persons, except those having special permission from the Sanitary District, or persons in their service and approved by them, will be permitted under any circumstances to tap the Public Sanitary Sewers. The kind and size of the connection to the Public Sanitary Sewers shall be that specified in the permit or order from the Sanitary District. A minimum of 48 hours notice shall be given to the Sanitary District prior to tapping any main.

(b) Pipes should always be tapped at the top, and not within six inches of the joint, or within 24 inches of another lateral connection.

(c) When any Building Sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new Building Sewer shall be installed for each building.

23.07. **SEWER SERVICE CHARGES.**

(1) Basis for Sewer Service Charges. The sewer service charge shall be based on the sewer use Charge and the Infiltration/Inflow Charge. All users will be assigned a Residential Equivalent Connection (REC) value to be used as a basis of the sewer use charge as determined from Section 23.18. The minimum REC assignment shall be 1 REC per user and shall be established at 0.5 REC increments. If, in the opinion of the Sanitary District, the information in Section 23.18 does not accurately reflect the users' wastewater discharge to the sewerage system, then the Sanitary District Commission may compute an REC value to be assigned to the user.

Commercial, public, or industrial users with a metered water source will be charged on the basis of their metered flow divided by the average flow per residential customer. The Sanitary District shall determine the average residential flow on an annual basis. The minimum REC assignment shall be 1 REC per user and shall be established at 0.1 REC increments.

(2) Sewer User Charge.

(a) A Sewer User Charge is hereby imposed upon all users served by the Sanitary District Sewerage System. The user charge shall be based on the assigned REC's to each property.

(b) The Sewer Use Charge shall have a component for recovering the operation, maintenance, and replacement cost and a portion or all of the debt cost and/or depreciation expense of the sewerage system. The operation, maintenance, and replacement portion of the Sewer Use Charge shall be computed by allocating the proposed net yearly budget to the appropriate use parameters. The cost per use parameter shall be divided by the unit parameters to determine the unit cost (\$/1,000 gallons, \$/#). The unit costs will be converted into a volumetric rate for domestic strength sewage which shall then be converted into a rate per REC.

(3) Annual Service Charge.

(a) An Annual Service Charge is hereby imposed upon each user connected to the Sanitary District Sewerage System, including non-domestic and industrial waste dischargers. The Annual Service Charge shall be payable as herein provided and shall be computed on the basis of equivalent water meter connections associated with the water system. For those users of the sewer system who do not have a water meter, an equivalent water meter size shall be assigned.

(b) The Annual Service Charge recovers the portion of sewer budget associated with customer costs and infiltration/inflow into the system. The budget costs allocated to customer costs and infiltration/inflow shall be divided by the total number of equivalent water meters to determine the Annual Service Charge per equivalent meter.

(4) Industrial and Commercial Charges for Other Than Domestic Wastewater. Charges for Wastewater other than Domestic Wastewater shall be based on Flow BOD, TSS, Nitrogen, Phosphorous and such other constituents which affect the cost of the collecting, conveying, treating, and disposing wastewater. All persons discharging wastes into the Sewerage System are subject to a surcharge, in addition to any other wastewater service charge, if their wastewater has a concentration greater than Domestic Wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by a sampling and metering manhole or a discharge monitor station. The amount of surcharge shall reflect the cost incurred by the Town in collecting, conveying, treating, and disposing BOD, TSS, Nitrogen, Phosphorous and other pertinent constituents and for providing the capital facilities necessary for collection, conveyance, treatment and disposal of wastewater. The surcharge shall be computed on the basis of Model No. 2 contained on page 5270 of the Federal Register, Volume 39, No. 29, February 11, 1974.

$$\text{Surcharge} = [B_c(B) + S_c(S) + P_c(P) + N_c(N)]V_u$$

$B_c$  = Total costs associated with a unit of biochemical oxygen demand (BOD)

$B$  = Concentration of BOD from a user above the base level

$V_u$  = Volume contribution from a user per unit of time

$S_c, S, P_c, P, N_c, N$  = Same definition as above for the parameters suspended solids, phosphorus and nitrogen.

The Sanitary District Commission shall review annually and make adjustments as are deemed necessary.

Proof of waste strength in excess of "Normal Sewage" shall be determined from a flow proportional composite sample of at least eight grab samples taken during any eight hour period.

(5) Ready-to-Serve Charge. The owner of each premise to which sewer service has been made available by the Sanitary District, but not connected to the Sewerage System for sewer service, shall pay for the availability thereof a "ready-to-serve charge" which is equivalent to 100%" of the rate provided by Section 23.07(3). Any "ready-to-serve charge" becoming effective during any year shall be charged on a pro rata basis for that year in which such charge becomes effective. This charge shall begin from date of notice by the Sanitary District that the facility is ready to use. Pursuant to Section 23.06(2)(a) of this ordinance, connection shall be made to the Public Sewer within 12 months.

(6) Special Rates. It is understood that the approving authority may, at any time hereafter, set special rates for any large commercial service, industrial use, extraterritorial areas, contract users, or any other unique user that does not readily fit into other categories of users. Any user discharging any toxic pollutants, wastewater, or other wastes to the sewerage system shall pay for the increased operation, maintenance, and replacement costs caused by their discharge.

(7) Reserve Capacity Charges. It is understood that the Sanitary District has acquired, and is holding in reserve, capacity in the Fox River Water Pollution Control Facility for unsewered property in the Sanitary District. The Sanitary District has, and will continue, to expend Sanitary District funds for the purchase and holding of that capacity. The Commissioners may establish reasonable reserve capacity charges which shall apply to all unsewered properties, and may collect those charges by levying special assessments in accordance with the provisions of Wis. Stat. Ch. 66, and, in particular, Wis. Stat. §§ 66.0628 and 66.0703.

**23.08. ANNUAL BUDGET ACCOUNTS AND METHOD OF PAYMENT OF CHARGES.**

(1) Annually, before the first Sanitary District meeting in October, the Sanitary District Commission shall prepare a budget for the following fiscal year which shall include operation and maintenance and replacement fund. The budget shall then be further divided into infiltration and inflow related costs and use related costs.

(2) Revenues for the operation and maintenance budget shall include any projected year end balance (excluding replacement funds), operating fund investment income, contract revenues, permit fees, special rates, and sewer user charges.

(3) Expenditures for the operation and maintenance budget shall include all costs defined in Section 23.05(17) plus any projected year end deficit.

(4) The operation and maintenance budget shall balance with the sewer use charge so that projected revenues equal projected expenditures.

(5) Any excess revenues collected from a user class for operation, maintenance, and replacements costs will be attributable to that class for future charges within two years.

(6) The replacement fund shall contain all reserves from the replacement portion of the sewer user charge and replacement fund investment income. This fund shall be used only for the payment of items defined in 23.05(23).

(7) Sewer Service charges may be billed quarterly and shall be payable at the Town Hall office or at any other officially-designated location. Statements for such charges and assessments levied, and assessed in accordance with this Ordinance, shall become due and payable on the date indicated on the statement. In the event that any such statement or statements are not paid on the due date, a charge, as established from time to time by the Commission, but in no event a charge of more than 1-1/2% per month, shall be added to the statement. All late payment charges shall be applied to the total unpaid balance for sewer service charges. This charge shall be applicable to all customers.

(8) Billing. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and/or occupant and delivered to the addressee by first class mail.

(9) Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(10) Delinquent Bills. The Sanitary District will attempt to collect delinquent sewer bills and, if unsuccessful, the balance will be placed on the tax rolls as a lien on the property pursuant to Wis. Stat. § 66.60(16).

(11) Checks Returned for Insufficient Funds. There shall be assessed against every property owner or user who tenders to the Sanitary District a check for payment of sewer service charges, and whose check is returned to the Sanitary District for the reason that the account has been closed or the account has insufficient funds to permit payment of the check, or for any similar reason, a charge of \$20.00 for each such check returned. This charge shall be added to the next billing as to that property owner or user, and shall be subject to the same charges, assessments, and procedures for collection as set forth in this ordinance.

#### 23.09. **PROHIBITED DISCHARGES.**

(1) No person shall discharge, or cause to be discharged, any storm water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process water, cistern, overflow, or foundation drainage to any sanitary sewer.

(2) No person shall discharge, or cause to be discharged, to the collection system, either directly or indirectly, any of the following-described wastes or wastewater:

(a) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

(b) Any wax, grease or oil, plastic, or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit (0 degrees to 65 degrees Centigrade).

(c) Any solids, liquids, or gases which, by themselves or by interaction with other substances, may cause fire, explosion, hazards, create toxic fumes, or in any other way be injurious to persons or property involved in the operation or maintenance of the Sewer System.

(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 sewer system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground, by garbage grinders.

(e) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers, (100% passing ½" screen, 90% passing 1/4 " screen).

(f) Any noxious or malodorous substance which, either singly or by interaction with other substances, is capable of causing odors objectionable to persons of ordinary sensitivity.

(g) Any wastes or wastewater having a pH lower than 5.0 or higher than 9.0, or having any corrosive property capable of causing damage or hazards to the Sewerage System.

(h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the Sewer System.

(i) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the Sewerage System, or which would cause the Sanitary District wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES Permit, cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron, and tin.

(j) Any radioactive wastes greater than allowable releases as specified by the current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.

(k) Free or emulsified oil and grease exceeding on analysis an average of 75 mg/l of either or both of combinations of free or emulsified oil and grease.

(l) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of 0.5 mg/l by weight as cyanide in the wastes.

(m) Wastes or wastewater which:

1. Cause unusual concentrations of solids or composition, for example, in total Suspended Solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate).
2. Cause excessive discoloration in the wastewater treatment facilities discharge.
3. Is discharged without application for a wastewater discharge permit or contractual agreement as required under Section 23.15.
4. Cause damage to the collection system or impair the treatment process.

(3) No person shall allow the discharge of slugs of water or wastes to the collection system which may be harmful to the operation of the Sewerage System. Where, in the opinion of the Superintendent, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain, at his own expense, a storage reservoir of sufficient capacity with flow control equipment to ensure an equalized discharge over a 24-hour period. Storage reservoirs are a pretreatment device and the operation will be covered by issuance of an Industrial Pretreatment Permit.

(4) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of their WPDES permit.

(5) No person shall connect to, and discharge to, the collection system, unless there is capacity available in all downstream components of the Sewerage System as determined by the Sanitary District.

23.10. **ACCIDENTAL DISCHARGES.** Any person who accidentally discharges wastes or wastewater prohibited under Section 23.09 shall immediately report such discharge to the Sanitary District and to the owner of the POTW.

23.11. **PRETREATMENT FACILITIES.**

(1) The Sanitary District may require pretreatment facilities of any person discharging, or planning to discharge, industrial waste, if the waste or wastewater:

(a) Could cause damage to the collection system.

(b) Impair the treatment process.

(c) Cause the Sanitary District to exceed its capacity in wastewater treatment facilities for loadings of volume, BOD, suspended solids, or other pollutants.

(d) Have any of the characteristics of the "Prohibited Discharges" described in Section 23.09 of this Ordinance.

(e) Cause the wastewater treatment facilities to exceed its total design loading for volume BOD, Suspended Solids, or pollutant.

(f) Cause a particular industry to exceed its permitted allocation for volume, BOD, suspended solids, or any other pollutant.

(2) Construction, operation, and maintenance of pretreatment facilities shall be the expense of the person discharging the industrial waste.

(3) Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review and approval of the Sanitary District, POTW, and DNR prior to the start of construction.

(4) In accordance with Wisconsin Administrative Code NR 114, all pretreatment facilities shall be operated by qualified personnel holding certificate of the proper class issued by the Wisconsin Department of Natural Resources.

#### 23.12. **SAND AND GREASE TRAP INSTALLATIONS.**

(1) Establishments involved in the preparation of food for commercial purposes, car washes, or other processes where fats, oils, greases or sand are produced, used or disposed of shall provide grease interceptors or traps. Grease, oil and sand interceptors or traps shall be provided by others in accordance with the plumbing code as set forth in Chapter 15 of the Municipal Code, for the proper handling of liquid wastes containing fats, oils or grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps shall not be required for private living quarters or residential units.

All interceptors or traps shall be of a type and capacity approved by the Wisconsin Department of Natural resources and Wisconsin Administrative Code H 62.11 and shall be located so as to be readily and easily accessible for cleaning and inspection, and to be effective in capturing fats, oils, greases and sand by providing sufficient opportunity for wastewater containing fats, oils and grease to cool enough for these to be trapped. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight and equipped with easily removable covers.

All grease, oil and sand interceptors or traps shall be maintained by the user at his expense in continuously efficient operation at all times, and the records of such maintenance shall be kept current and available when requested by Sanitary District inspectors.

Approval of proposed facilities or equipment by the WDNR and the Wisconsin Department of Commerce does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer nor shall it relieve a person of the responsibility of enlarging, relocating or otherwise modifying such facilities to accomplish the intended purposes.

(2) Inspection Manholes. Any person discharging industrial wastes into a sewer shall construct and maintain a suitable control manhole or manholes downstream from any such place of discharge to permit observation, measurement and sampling of such wastes by the Sanitary District.

(3) Multitenant buildings must have constructed and maintained means for access for sampling and measuring flow of all discharges to the sanitary sewer for each tenant to the satisfaction of the Superintendent. All monitoring facilities shall be constructed and maintained in accordance with all applicable state and local construction standards and specifications. Plans for the Installation of monitoring facilities and related equipment shall be submitted for review and approval to the Superintendent prior to the beginning of construction.

(4) The Sanitary District shall have the right to inspect grease interceptors and traps to determine compliance with the requirements of this title. The discharger shall allow the Superintendent or his designee to enter upon the premises of the discharger at all reasonable hours for purposes of inspection, sampling or records examination.

(5) The owner must retain and provide to the Sanitary District upon request information satisfactory to the Superintendent demonstrating adequate design, operation and maintenance of grease interceptors and traps.

(6) Enforcement and Cost Recovery. Any person or industrial user violating any of the provisions of this section or who discharges or causes a discharge producing a deposit or obstruction or in any manner causes damage to or impairs the Sanitary District's wastewater collection system and/or the FRWPCC wastewater treatment system shall be liable to the Sanitary District for any expense, loss cost or damage without limitation caused by such violation or discharge. The Sanitary District shall bill the user for the costs incurred by the Sanitary District of any cleaning, repair, replacement work or restoration of receiving water damaged by the POTW upsets or any other cleaning, repair damage, forfeitures, administrative costs, penalties or replacement work caused by the violation or discharge. Refusal to pay the assessed cost or failure to comply with other provisions of this section shall constitute a violation of this section enforceable under the provisions of Section 23.30.

(7) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, containing substances which may solidify or become viscous at temperatures between zero degrees C.(thirty-two (32) degrees F.) and sixty-five (65) degrees C. (one hundred forty-nine (149) degrees F.). Any facility discharging excessive amounts of oil and grease detected by the Sanitary District to be causing fats, oils, or grease obstructions in the sewer line must have installed a properly sized grease interceptor or trap as determined by master plumber design calculations; and service (pump/clean) grease interceptors or traps as necessary to allow a continuous, efficient operation, to prevent obstruction of flow in the sewer system, and/or cause interference with operation of the treatment plant.

(8) Used anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, oil-based paint and paint thinners if the material is in a collectible and recyclable quantity.

(9) Medical wastes or infectious wastes, except as specifically authorized by the FRWPCC.

(10) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test, or its sludge to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Federal Act, the Toxic Substance Control Act, or other regulations or criteria for sludge management and disposal as required by the department.

(11) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.

(12) Any wastewater which imparts color which cannot be removed by the treatment system, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent.

### 23.13. **WASTEWATER MEASUREMENT AND SAMPLING.**

(1) All existing unmetered and new public, commercial, and industrial users shall install a water meter at a location where all water usage of the facility can be metered. Each user shall have the option of installing said meter(s) on the user's private water source or, if available, cause connection to be made to municipal water. Said meter(s) shall be furnished by the Sanitary District. All costs shall be at the expense of the user requiring the meter(s), including installation and any piping revisions required. The Sanitary District shall provide water usage readings on a quarterly basis within 30 days following the end of each quarter indicating usage. Water usage shall be the measure for determining Residential Equivalent Connection (REC) assignments and the sewer use charge. The Sanitary District shall order all users covered by this subsection to install and connect a water meter within six months of receipt of written notice to do so from the Sanitary District.

(2) Wastewater flows to users shall be assigned a Residential Equivalent Connection (REC) as determined from Section 23.18 unless the user has met the requirements of Section 23.13(1).

(3) The Sanitary District may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined or if the user discharges over 30,000 gallons on any day. The metering devices shall be owned and maintained by the property owner or user and may not be removed without consent of the Sanitary District.

(4) Sampling and Metering Manholes. All persons discharging to industrial wastes into the Sewer System shall construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement, and sampling of all wastes or wastewater. These manholes shall be located and constructed in a manner approved by the Sanitary District. Plans shall be submitted to the Sanitary District prior to construction.

23.14. **INDUSTRIAL WASTE ANALYSIS, MEASUREMENT, AND SAMPLING.**

(1) Sampling and Metering Manholes. All persons discharging industrial wastes into the Sewer System shall construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement, and sampling of all wastes or wastewater. These manholes shall be located and constructed in a manner approved by the Sanitary District. Plans shall be submitted to the Sanitary District prior to construction.

(2) The Sanitary District or its designee will monitor flow, collect samples, and perform laboratory tests on industrial waste discharges and septage discharges as necessary to verify quantity of flow and/or character and concentration of an industrial waste or septage. The Sanitary District test results shall be used to determine the applicable surcharge.

(3) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative 24-hour composite sample. Samples shall be taken at intervals to be established by permit issued by the Sanitary District and POTW.

(4) When Wisconsin Administrative Code Sections NR 101 or NR 202 require the submittal of the character and concentration of wastes, waste volume, and production information to the District, POTW, or DNR, the user shall have the waste character and concentration determined by a DNR certified testing laboratory. A copy of the test results and DNR reports shall be submitted to the Sanitary District.

(5) All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with "Standard Methods."

23.15. **WASTEWATER DISCHARGE PERMIT SYSTEM.**

(1) Wastewater Discharge Permit. A wastewater discharge permit is required under this section if a person's discharge into the Sanitary District Sewerage System has any of the following:

(a) A discharge flow of 30,000 gallons or more per average work day.

(b) A discharge flow greater than 5% of the Sanitary District's reserved capacity in the wastewater treatment facility.

(c) Is subject to National categorical pretreatment standards and/or discharges toxic pollutants in amounts potentially or actually exceeding limits set forth in this Chapter.

(d) Has 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.

Any such persons planning to discharge, changing the characteristics of their discharge, or whose discharge permit has expired, shall make application to the Sanitary District within 60 days prior to the discharge. All persons currently discharging shall make application

to the Sanitary District within 60 days after passage of this Ordinance, and must have an executed permit within 60 days of application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the Sanitary District's sewer system. No person shall discharge waste or wastewater into the Sanitary District sewer system without a wastewater discharge permit, if required by the section.

(e) Is required to apply for a wastewater discharge permit from the City of Brookfield under the terms of the City of Brookfield Sewer Use Ordinance, including, but not limited to, those portions of the City of Brookfield Sewer Use Ordinance which are incorporated herein by reference.

(2) Permit Application. Users seeking a wastewater discharge permit shall complete and file with the Sanitary District an application on the form prescribed by the Sanitary District. In support of this application, the user shall submit the following information:

(a) Name, address, and standard industrial classification number of applicant.

(b) Average daily volume of wastewater to be discharged.

(c) Wastewater constituents and characteristics, as determined by a method approved by the Sanitary District.

(d) Time and duration of discharge.

(e) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation.

(g) Description of activities, facilities, and plant processes on the premises, including all materials and types of materials which are, or could be, discharged.

(h) Each product produced by type, amount, and rate of production.

(i) Number and type of employees, and hours of work.

(j) Any other information as may be deemed by the Sanitary District to be necessary to evaluate the permit application.

(3) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other regulations, user charges, and fees established by the Sanitary District. The conditions of wastewater discharge permits shall be uniformly enforced by the Sanitary District in accordance with this Ordinance, and applicable State and Federal regulations. Permit conditions will include the following:

(a) The Infiltration/Inflow Charge, Sewer Use Charge, and Schedule for Surcharge fees for the wastewater to be discharged to the sewer system.

(b) Maximum wastewater constituents and characteristics.

(c) Limits on rate and time of discharge, or requirements for flow regulations and equalization.

(d) Requirements for installation of sampling and metering manholes, or discharging monitoring stations.

(e) Pretreatment requirements.

(f) Requirements for maintaining plant records relating to wastewater discharges as specified by the Sanitary District, and affording the Sanitary District access thereto.

(g) Total daily maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.

(h) All persons required to make application for a wastewater discharge permit shall, before issuance of the permit, enter into a contractual agreement with the Sanitary District. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges, and other items deemed necessary by the Sanitary District.

(i) Other conditions as deemed appropriate by the Sanitary District to ensure compliance with this Ordinance.

(4) Duration of Permits. A permit shall be issued for one (1) year. If the permittee wishes to continue to discharge after the expiration date of the permit, an application must be filed for a renewal permit a minimum of sixty (60) days prior to the date of expiration. The terms and conditions of the permit shall be subject to modification and change by the Sanitary District during the life of the permit, if so required, because of any ordinances, statutes, or rules and regulations of the Sanitary District, or any applicable State or Federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) Permit Modification. This permit may be modified for good cause including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

(b) Material, or substantial alterations or additions, to the discharge user's operation process, or discharge volume or character which were not considered in drafting the effective permit.

(c) A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction, or elimination of the authorized discharge.

(d) Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel, or the receiving waters.

(e) Violation of any terms or conditions of the permit.

(f) Misrepresentations or failure to fully disclose all relevant facts in the permit application, or in any required reporting.

(g) Revision of, or a grant of, variance from such categorical standards pursuant to 40 CFR 403.13.

(h) To correct typographical or other errors in the permit.

(i) To reflect transfer of the facility ownership and/or operation to a new owner/operator.

(j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation, and re-issuance or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(6) Permit Termination. This permit may be terminated for the following reasons:

(a) Falsifying self-monitoring reports.

(b) Tampering with monitoring equipment.

(c) Refusing to allow timely access to the facility premises and records.

(d) Failure to meet effluent limitations.

(e) Failure to pay fines.

(f) Failure to pay sewer charges.

(g) Failure to meet compliance schedules.

(h) Failure to comply with the terms of the permit, the Sewer Use Ordinance of the Sanitary District, or any applicable State or Federal regulations.

(7) Permit Appeals. The permittee may petition to appeal the terms of this permit within 30 days of the notice.

The petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of this permit shall not be stayed pending a reconsideration by the Sanitary District. If, after considering the petition, the Sanitary District determines that reconsideration is proper, a revised permit will be issued by the Sanitary District.

A decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The permittee seeking judicial review of the Sanitary District's final action, must do so by filing a complaint in the Waukesha County Civil Court.

(8) Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

(9) Limitation on Permit Transfer. Wastewater discharge permits will be issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the Sanitary District. Sale of a user shall obligate the purchaser to seek prior written approval of the Sanitary District for continued discharge to the sanitary sewerage system.

(10) Compliance with Applicable Pretreatment Standards and Requirements. Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State, and Federal pretreatment standards and requirements, including any such standards or requirements that may become effective during the term of this permit.

(11) Operation and Maintenance of Pollution Controls.

(a) Property Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(b) Duty to Halt or Reduce Activity. Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation, or the treatment facility, is restored, or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(12) Monitoring and Records.

(a) Representative Sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins, or is diluted by, any other waste stream, body of water, or substance.

All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure their accuracy. Monitored points shall not be changed without notification to, and the approval of, the Sanitary District.

(b) Flow Measurements. The appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes.

(c) Inspection and Entry. The permittee shall allow the Sanitary District, or an authorized representative, exhibiting proper credentials and identification to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, also, any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system. At a minimum, the Sanitary District shall inspect the permittee's facility at least once a year.
4. Set up on the permittee's property such devices as are necessary to sample or monitor, for the purposes of assuring permit compliance, any substances or parameters. At a minimum, the Sanitary District shall sample the permittee's effluent at least once every six months.

(d) Retention Records. The permittee shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling, and chemical analysis made by, or on behalf of, the permittee in connection with its discharge. This period may be extended by request of the Sanitary District at any time. All records that pertain to matters that are the subject of special orders, or any other enforcement or litigation activities brought by the Sanitary District, shall be retained and preserved by the permittee until all enforcement activities have concluded, and all periods of limitation with respect to any and all appeals have expired.

(e) Record Content. Records of sampling and analysis shall include:

1. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures.

2. Who performed the sampling or measurements.
3. The date(s) analysis was performed.
4. Who performed the analysis.
5. The analytical techniques or methods used.
6. The results of such analysis.

(f) Falsifying Information. Knowingly making any false statement on any report or document required by this permit, or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

(g) Confidential Information. Except for data determined to be confidential under Wis. Adm. Code NR 211.26, "confidentiality," all reports required by this permit shall be available for public inspection at the Sanitary District.

(13) Additional Reporting Requirements.

(a) Notification of Changed Discharge. The permittee shall promptly notify the Sanitary District in advance of any substantial change or alteration in the volume or character of pollutants in its discharge. A substantial change shall be defined as a 50% increase or decrease in the volume of industrial wastewater currently being discharged by a discharge user whose daily volume of industrial wastewater discharged into the public sanitary sewerage system is 25,000 gallons per day or less. A significant change shall be defined as a 10% increase or decrease in volume of industrial wastewater currently being discharged. An alteration shall be defined as any change in chemicals utilized within a process which will alter the characteristics of the industrial waste discharge.

(b) Notification of Anticipated Noncompliance. The permittee shall give advance notice to the Sanitary District of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Automatic Resampling. If the results of the permittee's wastewater analysis indicates a violation has occurred, the permittee must notify the Sanitary District within 24 hours of becoming aware of the violation, repeat the sampling and pollutant analysis, and submit, in writing, the results of this repeat analysis to the Sanitary District within 30 days after becoming aware of the violation.

(14) Discharge Monitoring Agreement. The Sanitary District may require an industry of any high volume or high strength waste discharge user to enter into a Discharge Monitoring Agreement if, in the judgment of the Sanitary District, such an agreement is necessary to properly evaluate the user's discharge to the Sewer System and/or to obtain adequate information to properly assess a surcharge. In the absence of a Discharge Monitoring Agreement, the Sanitary District may assign a surcharge to a user which, in the Sanitary District's judgment, may assess a surcharge to a user even though the Sanitary District does not require the user to enter

into a Discharge Monitoring Agreement. A sample of a Discharge Monitoring Agreement is on file with the Sanitary District.

(15) Enforcement. Any user violating the terms of the industrial wastewater permit issued to the user under the terms of this Ordinance, or under the terms of the City of Brookfield Sewer Use Ordinance, which is incorporated herein by reference, shall be liable for fines, forfeitures, and injunctive relief which may be imposed, as provided in 23.30 of this Ordinance. In addition, the Sanitary District may revoke the industrial wastewater discharge permit, or may impose surcharges, as otherwise provided herein.

**23.16. ADMISSION TO PROPERTY.**

(1) The Sanitary District, its agents, and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance, pursuant to Wis. Stat. §§ 66.0119. The Sanitary District, its agents, and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance, pursuant to Wis. Stat. §§ 66.0119.

(2) Entry of Premises. Upon presentation of credentials, and upon reasonable notice to the property owner, a representative of Sanitary District No. 4 – Town of Brookfield shall have the right to enter, at reasonable times, any residential property or business which has been connected to the water system owned and operated by Sanitary District No. 4 for the purpose of installing and maintaining an automatic water meter reading unit, including the Orion AMR (automatic meter read) unit which has been purchased by the Sanitary District. No person may refuse to permit a representative of the Sanitary District to enter any residential property or building, or refuse to permit a representative of the Sanitary District to install and maintain an automatic water meter reading unit.

(3) Penalty Provisions. Any person who violates any provision of this Ordinance, shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00) per day nor more than one hundred dollars (\$100.00) per day, together with the cost of prosecution. Each day a violation continues or occurs, shall constitute a separate violation of this Ordinance, and upon conviction, the Court shall impose a forfeiture of not less than the minimum amount of the forfeiture provided for each day the violation continued following issuance of the original citation.

**23.17. CONFIDENTIALITY OF CRITICAL INFORMATION.** When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document which might disclose trade secrets or secret processes, shall not be made available for use by the Sanitary District or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

**23.18. RESIDENTIAL EQUIVALENT CONNECTION TABLE AND UNMETERED WASTEWATER FLOW ASSIGNMENTS.** For unmetered users of the sewerage system, the following table shall be used to determine the Residential Equivalent

Connection (REC) or estimated gallons of wastewater discharged to the sewerage system, except as provided for in Section 23.13.

<u>RESIDENTIAL USERS</u>	<u>REC</u>
Condominium	1.0
Single family home	1.0
Multiple Family	1.0/unit

For unmetered commercial and industrial users of the sewerage system, their wastewater flow shall be determined from the following table, unless the Sanitary District determines that the information in the tables does not accurately reflect the users wastewater discharge to the sewerage system, in which case the Sanitary District will assign a wastewater flow to the user. The REC may be determined by dividing the wastewater flow obtained from the table by the flow of the average residential user. The minimum REC for any account shall not be less than 1.0 REC. Upon completion of the REC computations, all REC's will rounded up to the nearest 0.5 REC.

<u>SIC CODE</u>	<u>DESCRIPTION</u>	<u>GALLONS PER EMPLOYEE HOUR</u>
0742	Veterinary Services for Animal Specialties	20.0
0752	Animal Specialty Services	16.0
0782	Lawn and Garden Services	10.0
1446	Industrial Sand	5.0
1521	General Contractors - Residential	2.3
1541	General Contractors - Ind. Bldgs. & Warehouses	2.3
1611	General Contractors - Public Works	2.3
1711	Plumbing, Heating & Air Conditioning	2.3
1731	Electrical Work	2.3
1761	Roofing and Sheet Metal Work	2.3
1799	Special Trade Contractors, N.E.C.	2.3
2013	Sausage & Other Prepared Meats	110.0
2065	Candy and Other Confectionary Products	50.0
2087	Flavoring Extracts & Syrups, N.E.C.	75.0
2394	Canvas and Related Products	2.3

2431	Millwork	5.0
2434	Wood Kitchen Cabinets	5.0
2522	Metal Office Furniture	2.3
2721	Periodicals: Publishing & Printing	10.0
2731	Books: Publishing & Printing	10.0
2751	Commercial Printing, Letterpress & Screen	10.0
2752	Commercial Printing, Lithographic	10.0
2789	Bookbinding and Related Work	10.0
2795	Lithographic Platemaking & Related Services	25.0
2819	Industrial Inorganic Chemicals, N.E.C.	10.0
2834	Pharmaceutical Preparations	10.0
2841	Soap & Other Detergents	15.0
2893	Mfg. of Printing Ink	30.0
2899	Chemicals & Chemical Preparations, N.E.C.	10.0
3079	Misc. Plastics Products	85.0
3111	Leather Tanning & Finishing	345.0
3272	Concrete Products, Except Block & Brick	35.0
3273	Ready-Mixed Concrete	90.0
3293	Gaskets, Packings, and Sealing Devices	2.3
3325	Steel Foundries, N.E.C.	115.0
3341	Secondary Smelting and Refining of Nonferrous Metals	2.7
3441	Fabricated Structural Metal	25.0
3442	Metal Doors, Sash, Frames, Molding and Trim	2.3
3444	Sheet Metal Work	40.0
3451	Screw Machine Products	10.0

3462	Ball and Iron and Steel Forgings	5.0
3469	Metal Stampings, N.E.C.	5.0
3471	Electroplating, Plating, Polishing, Anodizing, etc.	50.0
3479	Coating, Engraving and Allied Services, N.E.C.	100.0
3495	Wire Springs	2.3
3498	Fabricated Pipe & Fittings	2.3
3499	Fabricated Metal Products, N.E.C.	25.0
3531	Construction Machinery & Equipment	5.0
3544	Spec. Dies & Tools, Die Sets, Jigs & Fixtures, Molds	10.0
3562	Ball and Roller Bearings	5.0
3565	Industrial Patterns	5.0
3569	General Industrial Machinery & Equipment, N.E.C.	4.0
3576	Scales and Balances, Except Laboratory	2.3
3599	Machinery, Except Electrical, N.E.C.	10.0
3613	Switchgear & Switchboard Apparatus	5.0
3632	Household Refrigerators and Home and Farm Freezers	2.3
3694	Electrical Equipment for Internal Combustion Engines	2.3
3714	Motor Vehicle Parts & Accessories	75.0
3999	Manufacturing Industries, N.E.C.	2.3
4141	Local Passenger Transportation Charter Service	2.3
4151	School Buses	2.3
4212	Local Trucking Without Storage	10.0
4213	Trucking, Except Local	2.3
4225	General Warehousing and Storage	2.3
4311	U.S. Postal Service	2.3

4722	Travel Agency	2.3
4811	Telephone Communication	2.3
4832	Radio Broadcasting	2.3
5042	Toys and Hobby Goods & Supplies	2.3
5063	Electrical Apparatus & Equipment	2.3
5064	Electrical Appliances	2.3
5072	Hardware - Wholesale Distribution	2.3
5082	Construction and Mining Machinery and Equipment	2.3
5084	Industrial Machinery & Equipment	2.3
5142	Frozen Foods	10.0
5149	Wholesale Groceries & Related Products, N.E.C.	10.0
5199	Wholesale Non-Durable Goods, N.E.C.	10.0
5211	Lumber & Other Building Materials Dealers	2.3
5231	Paint, Glass, Wallpaper	2.3
5251	Hardware - Retail Sales	2.3
5261	Retail Nurseries Lawn & Garden Supply Stores	10.0
5271	Mobile Home Dealers	2.3
5311	Department Stores	2.3
5331	Variety Stores	2.3
5411	Grocery Stores with Meat & Produce Dept.	16.0
5412	Grocery Stores without Meat & Produce Dept.	6.0
5441	Candy, Nut, and Confectionery Stores	10.0
5462	Retail Bakeries - Baking and Selling	10.0
5499	Miscellaneous Food Stores	2.3
5511	Motor Vehicle Dealers	5.0

5531	Auto and Home Supply Stores	2.3
5541	Gasoline Service Stations	15.0
5551	Boat Dealers	5.0
5611	Clothing Stores	2.3
5661	Shoe Stores	2.3
5681	Furriers & Fur Shops	5.0
5711	Furniture, Floor Coverings, Appliances	2.3
5812	Eating Places (Restaurants)	20.0
5813	Drinking Places (Taverns)	45.0
5912	Drug Stores and Proprietary Stores	2.3
5921	Liquor Stores	2.3
5931	Used Merchandise Stores	2.3
5941	Sporting Goods Stores & Bicycle Shops	2.3
5942-9	Miscellaneous Stores	2.3
5992	Florists	10.0
5999	All Other Retail Stores	2.3
6022-59	Banks	2.3
6122-63	Savings & Loans	2.3
6311	Insurance Companies	2.3
6411	Insurance Agents	2.3
6512	Operators of Nonresidential Buildings	2.3
6515	Operators of Residential Mobile Home Sites	2.3
6531	Real Estate Agents and Managers	2.3
6553	Cemetery Subdividers and Developers	2.3
6722	Management Investment Offices	2.3

7211	Power Laundries, Family & Commercial	105.0
7212	Cleaning & Laundry Pick-up Stations	2.3
7215	Fire, Com-Op Laundries & Dry Cleaning	910.0
7216	Dry Cleaners	5.0
7221	Photographic Studios	2.3
7231	Beauty Shops	16.0
7241	Barber Shops	10.0
7261	Funeral Service & Crematories	15.0
7299	Miscellaneous Services, N.E.C.	2.3
7311	Advertising Agencies, Employment Services	2.3
7332	Blueprinting and Photocopying Services	2.3
7361	Employment Agencies	2.3
7391	Research and Development Laboratories	10.0
7395	Photofinishing Labs	10.0
7512	Passenger Car Rental & Leasing, w/o Drivers	10.0
7531	Top and Body Repair Shop	5.0
7534	Tire Retreading & Repair Shops	20.0
7538	General Automotive Repair Shops	5.0
7539	Automotive Repair Not Specified	20.0
7542	Car Washes	115.0
7622	Radio & Television Repair	2.3
7699	Repair Shops and Related Services, N.E.C.	2.3
7832	Motion Picture Theatres, not Drive-Ins	20.0
7911	Dance Halls, Studios, and Schools	20.0
7922	Theatrical Producers	20.0

7933	Bowling Alleys	50.0
7992	Public Golf Courses	45.0
7997	Membership Sports & Recreation Clubs	75.0
7999	Roller Rinks, Gymnasiums, Museums	20.0
8011	Offices of Physicians	10.0
8021	Offices of Dentists	10.0
8031	Offices of Osteopaths	10.0
8041	Offices of Chiropractors	10.0
8051	Skilled Nursing Care Facilities	20.0
8091	Health and Allied Services, N.E.C.	10.0
8111	Attorneys	2.3
8211	Elementary & Secondary Schools	20.0
8221	Colleges, Universities & Prof. Schools	25.0
8231	Libraries, & Information Centers	20.0
8249	Vocational Schools, N.E.C.	20.0
8421	Arboreta, Botanical & Zoological Gardens	45.0
8621	Professional Membership Organizations	2.3
8641	Civic, Social and Fraternal Associations	15.0
8661	Religious Organizations (hours occupied only)	20.0
8699	Membership Organizations, N.E.C.	2.3
8911	Engineering, Architectural & Surveying Services	2.3
8931	Accountants	2.3
9199	General Government, N.E.C.	2.3
9221	Police Protection	2.3
9224	Fire Protection	2.3

9451	Administration of Veteran's Affairs	2.3
9999	All Offices, N.E.C.	2.3

NOTE: Parsonages should be regarded as single family residences.

23.19. **METER TAMPERING.** Any person who destroys, injures, or interferes with any apparatus or appliance owned, in charge of, or operated by the Sanitary District, shall be subject to a penalty as provided in Section 23.30 of this ordinance for each event or occurrence which results in the destruction, injury, or interference with any apparatus or appliance owned by the Sanitary District. Where an act by a person results in the destruction, injury, or interference with any apparatus or appliance owned by the Sanitary District is continuing in nature, each day that the violation continues shall be deemed a separate violation.

23.20. **JURISDICTION.** Enforcement of this ordinance may be undertaken by filing an appropriate citation, summons, complaint, or other pleading with the Municipal Court of the Town of Brookfield, Waukesha County, Wisconsin.

23.30 **VIOLATIONS.**

(1) Any person who fails to comply with any of the provisions of this Ordinance, or with any order of the Sanitary District issued pursuant to this Ordinance, or who tampers with any metering or sampling equipment, or who otherwise violates any requirement imposed by this Ordinance, shall be liable to the Sanitary District for any expense, loss, or damage occasioned by such violation including reasonable attorney's fees and other expenses of litigation, and upon conviction of any violation of this Ordinance shall be fined not less than \$100.00, nor more than \$2,500.00, per violation, plus damages. Each day a condition is allowed to exist, which is contrary to all or any part of this Ordinance, shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this Ordinance shall not be cause for reducing or eliminating charges due and penalties for violations.

(2) If any user shall discharge a waste or wastewater, including septage that is inhibiting to the sewer system or wastewater treatment facility, said user shall pay a penalty of up to \$200.00 per violation upon conviction. Each day a violation occurs shall constitute a separate violation. Said penalty shall be added to the monthly or quarterly billing statement if not paid within 30 days of conviction or such other time as set by the court.

(3) In addition to the Court proceedings and penalties described in the foregoing sections of this Ordinance, whenever a person violates any provision of this Ordinance or fails to comply with any order of the Sanitary District, the Sanitary District may order that an action be commenced on behalf of the Sanitary District in the Circuit Court for Waukesha County for the purpose of obtaining an injunction restraining the person violating the Ordinance, or failing to comply with the Order, from making any further discharges into the Sewer System of the Sanitary District.