

Village of West Salem
Chapter VIII - Sewer Use Ordinance/User Charge System

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Article I - Introduction and General Provisions

An Ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, the discharge of water and waste into the public sewer system, and providing penalties for violations thereof; and levying and collection of wastewater treatment user charges and cost recovery charges, in the Village of West Salem, County of La Crosse, State of Wisconsin. This Ordinance shall supersede any previous Ordinance, rules or regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable statute, the state statute shall be controlling.

BE IT ORDAINED AND ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF WEST SALEM, STATE OF WISCONSIN AS FOLLOWS:

SEC. 101 - COMBINED WATER AND SEWER UTILITY. Pursuant to Sec. 66.0819, Wis. Stats., the Village's waterworks system and wastewater collection and treatment system shall constitute and be operated as a single public utility. The utility shall be subject to all other provisions of Sec. 66.0819, Wis. Stats. (Ordinance No. 217).

SEC. 102 - Chapters 144 and 147 of the Wisconsin Statutes and the Natural Resources Chapters of the Wisconsin Administrative Code relating to the Wisconsin Pollution Elimination System are hereby adopted by reference and incorporated into this Ordinance.

Article II - Definitions

Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance shall have the meanings hereinafter designated:

SEC. 201 - AMMONIA NITROGEN ($\text{NH}_3\text{-N}$) shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH_3 or in ionized form as NH_4^+ . Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the latest edition of "Standards Methods".

SEC. 202 - APPROVING AUTHORITY shall mean the authority empowered to adopt this Ordinance and any board, commission, or committee designated by it to administer and enforce the terms of this Ordinance.

SEC. 203 - BIOCHEMICAL OXYGEN DEMAND (BOD₅) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD₅ shall be made in accordance with procedures set forth in the latest edition of "Standard Methods".

SEC. 204 - BUILDING DRAIN shall mean 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.

SEC. 205 - BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection. The property owner shall have the responsibility for maintaining the building sewer, including but not limited to, cleaning or clearing the building sewer by rodding or flushing. "Building sewer" is also called house connection, lateral or private sewer.

Except as provided in this Ordinance, building sewers shall not be subject to the jurisdiction of the Village of West Salem and the Village of West Salem shall not be responsible for the construction and/or maintenance of such sewers.

SEC. 206 - CHLORINE REQUIREMENT shall mean the amount of chlorine, in milligrams per liter, which must be added to wastewater to produce a specified residual chlorine content in accordance with procedures set forth in the latest edition of "Standard Methods".

SEC. 207 - COMBINED SEWER shall mean any sewer intended to serve as a sanitary sewer and a storm sewer.

SEC. 208 - COMMERCIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic wastewater. This definition shall also include multi-family residences having three or more units served by a single water meter.

SEC. 209 - COMPATIBLE POLLUTANT shall mean biochemical oxygen demand, suspended solids, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit for the publicly owned treatment works receiving the pollutants if such works was designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.

SEC. 210 - COMPOSITE SAMPLE (24 hours) shall mean the combination of individual samples taken at intervals of not more than one hour.

SEC. 211 - DWELLING UNIT shall mean a structure, or that part of a structure, which is used for or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

SEC. 212 - EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

SEC. 213 - FIXED CHARGE shall mean the portion of the wastewater service charge based upon the number of dwelling units, the number of customer's meters/connections to the wastewater treatment system and the size of the customer's water meters serving the user. Fixed charges shall recover the cost of debt retirement and associated reserves and depreciation associated with the construction, erection, modification or rehabilitation of the wastewater treatment facility and collection system for customer billing and treatment costs relating to infiltration and inflow.

SEC. 214 - FLOATABLE OIL shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

SEC. 215 - FLOW PROPORTIONAL SAMPLE shall mean a sample taken that is proportional to the volume of flow during the sampling period.

SEC. 216 - GARBAGE shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of food products and produce.

SEC. 217 - GREASE shall mean a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials as analyzed in accordance with procedures set forth in "Standard Methods".

SEC. 218 - GROUND GARBAGE shall mean 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) inch in any dimension.

SEC. 219 - INCOMPATIBLE POLLUTANT shall mean any pollutant which is not a compatible pollutant which will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

SEC. 220 - INDUSTRIAL USER shall mean any user who discharges to the Village's wastewater collection system liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments or from the development of any natural resource. Industrial user also includes any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry or finishing.

SEC. 221 - INDUSTRIAL WASTE shall mean any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary conveniences.

SEC. 222 - INFILTRATION shall mean water unintentionally entering sanitary sewers, building drains, and building sewers from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

SEC. 223 - INFLOW shall mean the water discharged into the sanitary sewer, building drains, and building sewers from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage.

SEC. 224 - INFILTRATION/INFLOW shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

SEC. 225 - INTERCEPTING SEWER shall mean a sewer whose primary purpose is to convey wastewater from a collection system or systems to a wastewater treatment facility. Size of the sewer is not a factor.

SEC. 226 - INTERFERENCE shall mean the inhibition or disruption of the Village's wastewater collection system, treatment processes or operations which causes or significantly contributes to a violation or to an increase in the magnitude or duration of a violation of any requirement of its WPDES permit, including the impairment of the use or disposal of sludge.

SEC. 227 - MAJOR CONTRIBUTING USER shall mean an industrial or commercial user of the wastewater collection system which:

- 1) Has a waste discharge flow of 25,000 gallons or more per average workday;
- 2) Has a waste discharge flow greater than 5 percent of the flow carried by the wastewater collection system;
- 3) Has in its waste, a toxic pollutant in toxic amounts as defined in Wisconsin Administrative Code Chapter NR 212; or
- 4) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater collection system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

SEC. 228 - MILLIGRAMS PER LITER shall be a weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

SEC. 229 - NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

SEC 230 - NON CONTACT COOLING WATER shall mean 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.

SEC. 231 - NORMAL DOMESTIC STRENGTH WASTEWATER shall mean sanitary wastewater resulting from the range of normal domestic activities, in which BOD₅, SS, total Kjeldahl nitrogen or phosphorus concentrations do not exceed normal concentrations of:

- 1) A five day, 20°C, BOD₅ concentration of not more than 225 mg/L.
- 2) A suspended solids concentration of not more than 225 mg/L.
- 3) A total Kjeldahl nitrogen concentration of not more than 25 mg/L.
- 4) A phosphorus concentration of not more than 5 mg/L.

SEC. 232 - OPERATION AND MAINTENANCE (O&M) COSTS shall mean all costs associated with the operation and maintenance of the wastewater treatment facility and wastewater collection system, as well as the costs associated with periodic equipment replacement necessary for maintaining the capacity and performance of the wastewater treatment and collection systems.

SEC 233 - OPERATOR shall mean the Director of Public Works or his or her duly authorized representative.

SEC 234 - ORGANIC NITROGEN shall mean that portion of nitrogen present in organic compounds, which includes various forms of proteins and their degradation products of amino acids and polypeptides. Oxidation of organic nitrogen frees the available nitrogen to ammonia nitrogen. Quantitative determination of organic nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

SEC. 235 - PARTS PER MILLION shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

SEC. 236 - PERSON shall mean any and all persons including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

SEC. 237 - pH shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

SEC. 238 - PHOSPHORUS (P) shall mean total phosphorus in wastewater, which may be present in any of three principle forms: orthophosphates, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in the latest edition of "Standard Methods".

SEC. 239 - PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of discharging such pollutants to the Village's wastewater collection system.

SEC 240 - PRETREATMENT STANDARD shall mean any regulation which applies to industrial users and which contains pollutant discharge limits promulgated by the WDNR or established by the agency. This term includes both prohibited discharge standards set forth or established under Chapter NR 211.10 and categorical pretreatment standards set forth in S. NR 211.11, Wisconsin Administrative Code.

SEC 241 - PRIVATE SEWER shall mean any sewer outside of a public right-of-way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction

of the Village of West Salem and the Village of West Salem shall not be responsible for the construction and/or maintenance of such sewer.

SEC 242 - PROHIBITED DISCHARGE STANDARD shall mean any standard specifying quantities or concentrations of pollutants or pollutant properties, which may be discharged to the Village's wastewater collection system by industrial users regardless of industrial category.

SEC. 243 - PUBLIC AUTHORITY shall mean any user whose premises are used for the conduct of the legislative, judicial, administrative, or regulatory activities of federal, state, local, or international units of government; government-owned educational facilities; government-owned health facilities; or government-owned recreational facilities. This does not include government-owned or operated business establishments. It is assumed that Public Authority users have normal domestic strength wastewater unless sampling data or other information demonstrates that greater than normal domestic strength wastewater is discharged.

SEC. 244 - PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the Village of West Salem. It shall also include sewers within or outside the Village of West Salem boundaries that serve one or more persons and ultimately discharge into the Village of West Salem sanitary sewer system, even though sewers may not have been constructed with Village of West Salem funds. Public sewer shall not include private sewers or building sewers.

SEC. 245 - REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories, and appurtenances, which are necessary during the service life of the treatment facility and collection system to maintain their design capacity and performance for which the systems were designed and constructed. Operation and maintenance costs include replacement costs.

SEC. 246 - RESIDENTIAL USER shall mean any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as Commercial User, Section 208.

SEC. 247 - SANITARY SEWAGE shall mean a combination of water carried 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.

SEC. 248 - SANITARY SEWER shall mean a sewer that carries sanitary and industrial water-carried wastes from residents, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface water that are not admitted intentionally.

SEC. 249 - SEGREGATED DOMESTIC WASTES shall mean wastes from non-residential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade, and/or process discharge wastes.

SEC. 250 - SEWAGE shall mean the spent water of a community. The preferred term is "Wastewater", Section 276.

SEC. 251 - SEWAGE SYSTEM shall mean the composite network of underground conduits carrying wastewater and appurtenances incidental thereto (i.e., manholes, lift stations, service lateral).

SEC. 252 - SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SEC. 253 - SEWER LATERAL shall mean the portion of system located between the building and the sanitary sewer.

SEC. 254 - SEWER USER CHARGE shall mean a charge levied on users of the wastewater treatment facility for capital-related expenses, as well as operation and maintenance costs of said facilities.

SEC. 255 - "SHALL" is mandatory, "MAY" is permissible.

SEC. 256 - SLUDGE shall mean the accumulated solids generated during the biological treatment, coagulation or sedimentation of water or wastewater.

SEC. 257 - 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 of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

SEC. 258 - STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Wastewater, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

SEC. 259 - STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SEC 260 - STORM SEWER shall mean a sewer which carries storm waters and surface drainage but which excludes wastewater.

SEC. 261 - STORMWATER shall mean any flow occurring during or after any form of natural precipitation and resulting therefrom. Stormwater does not include industrial and domestic wastewater.

SEC. 262 - STORMWATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

SEC. 263 - SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and are referred to as nonfilterable residue.

SEC. 264 - TOTAL KJELDAHL NITROGEN (TKN) shall mean the sum total of ammonia nitrogen and organic nitrogen. Quantitative determination of total Kjeldahl nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

SEC. 265 - TOXIC DISCHARGES shall mean discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will on the basis of information available cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

SEC. 266 - TOXIC SUBSTANCE shall mean any substance whether gaseous, liquid or solid which, when discharged to the system in sufficient quantities, interferes with any wastewater treatment process, or constitutes a hazard to human beings or animals, or inhibits aquatic life in the receiving stream of the effluent from the treatment facility.

SEC. 267 - UNMETERED USER shall mean a user who is not connected to the municipal water system thereby does not have his private water supply metered.

SEC. 268 - UNPOLLUTED WATER shall mean 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 discharge to the sanitary sewers and wastewater treatment facilities provided.

SEC. 269 - USER shall mean any person(s) who discharges, causes or permits the discharge of wastewater into the wastewater collection system.

SEC. 270 - USER CHARGE shall mean a sewer service charge levied on users of the wastewater collection system and wastewater treatment facility for capital-related expenses as well as operation and maintenance costs for said facilities.

SEC. 271 - USER CHARGE SYSTEM shall mean that system which generates operation and maintenance (O&M), and replacement revenues equitably for providing each user class with services.

SEC. 272 - USER CLASSES shall mean categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this Ordinance, there shall be four user classes: residential, commercial, industrial, and public authority.

SEC. 273 - VARIABLE CHARGE shall mean the portion of the wastewater service charge based on the volume strength of wastewater discharged to the wastewater treatment system. The variable charge shall include the charge for normal strength wastewater and a surcharge if any of the parameters in the discharge exceed those of normal strength wastewater. Variable charges shall recover O,M&R costs except customer billing and treatment costs relating to infiltration and inflow, which are recovered in the fixed charge.

SEC. 274 - VILLAGE shall mean the Village of West Salem, La Crosse County, State of Wisconsin.

SEC. 275 - VOLUME CHARGE shall mean a user charge based upon the volume of normal strength wastewater to be transported.

SEC. 276 - WASTEWATER shall mean the spent water of a community. From the standpoint of source, it may mean the combination of the liquid and water-carried industrial or domestic wastes from dwellings, residences, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the Village's wastewater collection system.

SEC. 277 - WASTEWATER TREATMENT FACILITIES shall mean the treatment system defined in Section 278, exclusive of interceptor sewers and wastewater collection systems. All wastewater treatment is provided by the Village of West Salem wastewater treatment facility and all references to wastewater treatment facilities refer to those facilities owned and operated by the Village of West Salem.

SEC. 278 - WASTEWATER TREATMENT SYSTEM shall mean an arrangement of any devices, facilities, structures, equipment, or works owned or used by the Village for the purpose of the transmission, storage, treatment, recycling, and reclamation of liquid industrial and domestic wastewater and sludge or necessary to recycle or reuse water, including interceptor sewers, outfall sewers, wastewater collection system, individual systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal or industrial wastes.

SEC. 279 - WATERCOURSE shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

SEC. 280 - WDNR shall mean the Wisconsin Department of Natural Resources.

SEC. 281 - WPDES PERMIT shall mean the Wisconsin Pollutant Discharge Elimination System Permit. The Wisconsin Department of Natural Resources has the authority under Chapters 147 and 160, Wisconsin Statutes to issue, reissue, modify, suspend or revoke WPDES permits.

Article III - General

SEC. 301 - VILLAGE BOARD OF THE VILLAGE OF WEST SALEM. The management, operation, and control of the Public Utility of the Village of West Salem is vested in the Village Board of said Village of West Salem; all records, minutes, written procedures thereof and financial records shall be kept by the Village Administrator of the Village of West Salem.

SEC. 302 - PUBLIC UTILITY OF THE VILLAGE OF WEST SALEM. The Public Utility of the Village of West Salem shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds within the Village boundaries, and generally, to do all such work as may be found necessary or convenient in the management of the wastewater collection system. The Village of West Salem, its officers, agents, and employees, are empowered to enter upon any land for the purpose of inspection or supervision in the performance of their duties under this Ordinance, without liability therefore; and the Approving Authority shall have power to purchase and acquire all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or addition thereto.

SEC. 303 - CONDEMNATION OF REAL ESTATE. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Approving Authority be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Approving Authority shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal funds are used.

SEC. 304 - TITLE TO REAL ESTATE AND PERSONAL PROPERTY. All property, real, personal, and mixed, acquired for the construction of the wastewater collection system, and all plans, specifications, diagrams, papers, books and records connected therewith said wastewater collection system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said Approving Authority.

SEC. 305 - USER RULES AND REGULATIONS. The user rules, regulations, and user charges are a part of the contract between the utility and every user. Every person who connects to the wastewater collection system is deemed to have consented to be bound by such rules, regulations, and rates. In the event of violation of the rules or regulations, the water and/or sewer service to the violating user shall be shut off (even though two or

more parties are receiving service through the same connection). Water and sewer service shall not be re-established until all outstanding bills, and shut off and reconnection charges are paid in full, and until such other terms and conditions as may be established by the Approving Authority are met.

In addition to all other requirements, the Approving Authority shall be satisfied that the offender will not continue in violation of the rules and regulations before authorizing reconnection of the offender's services. The Approving Authority may change the rules, regulations, and sewer rates from time to time as it deems advisable, and may make special rates and contracts in all proper cases.

Article IV - Use of the Public Sewers

SEC. 401 - SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

SEC. 402 - RESTRICTED STORM SEWER DISCHARGE. No person shall discharge or cause or allow to be discharged to the Village storm sewer any substance set forth in Section 405 of this Ordinance.

A person shall be deemed to have allowed such discharge when due to stormwater runoff or leaching, a discharge of any of the prohibited substances results due to its improper storage outside.

No person shall willfully or maliciously obstruct or damage any public or private storm sewer or drain or willfully damage any of the materials employed or used for storm sewers or drains.

Any person who violates this section shall upon conviction forfeit not less than \$20 nor more than \$500 and in default of payment shall be imprisoned until payment of the forfeiture but not exceeding 90 days for each violation (Ordinance 220).

SEC. 403 - USER CONNECTIONS. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village of West Salem and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village of West Salem is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public

sewer in accordance with the provisions of this Ordinance within three (3) months after the date of official notice from the Approving Authority to do so. The Approving Authority shall be responsible for properly notifying the owner(s).

If any person fails to comply after the expiration of the time provided by the notice, the Approving Authority shall cause connection to be made. The expense thereof shall be assessed as a special tax against the property at an interest rate of 18 percent per year from the completion of work.

The sewer user charges contained in this user charge system shall take effect as of the day a connection to the sewer is made.

SEC. 404 - STORM SEWERS. Stormwater other than that exempted under Section 401 and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

SEC. 405 - GENERAL DISCHARGE PROHIBITIONS. Except as hereinafter provided, no user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sewer:

- 1) Any gasoline, benzene, naphthalene, fuel oil, other flammable or explosive liquid, solid or gas shall be prohibited from the wastewater system.
- 2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system.
- 3) Any wastewater containing toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other pollutants to injure or interfere with any wastewater treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates a toxic effect or any hazard in or has an adverse effect on the waters receiving any discharge from the wastewater treatment system or to exceed the limitations set forth in state or federal categorical pretreatment standards.

- 4) Solid or viscous substances which will or may cause obstruction to the flow in a sewer, require excessive cleaning or maintenance of the sewer, or otherwise interfere with the operation of the wastewater collection and treatment facilities. Examples of substances that may interfere with the proper operation of the wastewater facility are as follows, but not limited to; ashes, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 5) Any wastewater having a pH less than 5.0 and more than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater disposal system.
- 6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other water or wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or create a condition deleterious to structures and treatment processes.
- 7) Any wastewater with objectionable color (excessive discoloration) not removed in the treatment process, such as, but not limited to, dye wastes and vegetable wastes or tanning solutions.
- 8) Any wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements or other agencies having jurisdiction over discharge to the receiving waters.
- 9) Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or Ordinance of any public agency or state or federal regulatory body.
- 10) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C).
- 11) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein, any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD,

etc.), released in a discharge of such volume or strength as to interfere with the wastewater treatment system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations, quantities or flow of the user during normal operation.

- 12) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from consumption on the premises or when served by caterers. 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 and a permit shall be obtained prior to the installation of any such commercial garbage grinder unit.
- 13) Non-contact cooling water or unpolluted storm or groundwater.
- 14) Any wastewater containing more than 250 milligrams per liter of petroleum oil, non-biodegradable cutting oils, fats, wax, grease or product of mineral oil origin, whether emulsified or not containing substances which may solidify or become viscous and any wastewater containing oil and grease concentrations whether emulsified or not which will or may cause obstruction to the flow in the wastewater collection system or other interference with the operations of the wastewater treatment facility. This limitation will be specifically reviewed during evaluation of wastewater treatment processes and may be further limited by the Approving Authority.
- 15) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would interfere with the wastewater disposal system.
- 16) Any wastewater containing odor-producing substances exceeding limits which may be established by the Approving Authority.
- 17) Any wastewater having a BOD₅, suspended solids or phosphorus concentrations of greater than normal domestic strength as defined in this Ordinance.

- 18) Any wastewater which exerts or causes unusual BOD₅, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
- 19) Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater treatment system or its personnel.
- 20) Unless more restrictive standards are promulgated by a State or Federal agency which has jurisdiction, no person shall discharge wastewater containing in excess of:
- 0.5 mg/L arsenic
 - 4.0 mg/L barium
 - 0.01 mg/L cadmium
 - 0.06 mg/L chromium
 - 1.0 mg/L iron
 - 1.00 mg/L copper
 - 0.05 mg/L cyanide
 - 0.20 mg/L lead
 - 0.002 mg/L mercury
 - 2.0 mg/L nickel
 - 0.004 mg/L selenium
 - 0.01 mg/L silver
 - 1.0 mg/L zinc
 - 0.005 mg/L phenolic compounds which cannot be removed by the Village's wastewater treatment process
- 21) Grease and oil separators and sand interceptors shall be provided when, in the opinion of the operator, they are necessary for the proper handling of liquids containing grease in excessive amounts, or any flammable fluids, sand, or other harmful ingredients; except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity approved by the WDNR and shall be located as to be readily and easily accessible for cleaning and inspection.
- 22) In addition, industrial users may not discharge pollutants into the Approving Authority's wastewater disposal system which pass through or interfere with the operation or performance of the system and thereby cause or significantly contribute to a violation of the Village's WPDES permit.

- a) An industrial user significantly contributes to pass-through and the consequent permit violation whenever such user:
- (1) Discharges a daily pollutant loading in excess of that allowed by contract with the Approving Authority or by federal, state or local law;
 - (2) Discharges wastewater which is substantially different in nature or constitutes from the user's average discharge;
 - (3) Knows or has reason to know that its discharge alone or in conjunction with discharges from other sources, would result in a violation of the Approving Authority's WPDES permit; or
 - (4) Knows or has reason to know that the Approving Authority is, for any reason, violating the final effluent limitations of its WPDES permit and that the industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the violation.
- b) An industrial user significantly contributes to interference and the consequent permit violation whenever such user does any of the above, or knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a violation of the Approving Authority's WPDES permit or would prevent municipal sludge use or disposal by the Approving Authority's selected method of sludge disposal in accordance with chapters 144 and 147, Wisconsin Statutes (Sec. 211.10(1) Wis. Adm. Code).
- 23) The Approving Authority reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater collection system if deemed necessary to comply with the objectives presented in this section.

No wastewater, regardless of character, shall be discharged to the wastewater system in such a manner as to interfere with the designed operation of the collection systems or treatment facilities, or to cause the treatment system to exceed the limits presented by the WPDES permit.

If any wastewater that is proposed to be or is discharged to the collection system contains a substance or characteristics

prohibited by this section or which would otherwise create a hazard to life or constitute a public nuisance, the operator may, after giving notice to the user in writing:

- reject the wastewater;
- require flow equalization of the discharge flow rate;
- require pretreatment prior to discharge to the wastewater disposal system;
- and/or require payment to cover the added cost of handling and treating the waste not already covered by service charges in this Ordinance.
- where pretreatment or flow equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the user at his or her expense.

SEC. 406 - SPECIAL ARRANGEMENTS. No statement contained in this article shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment works by reason of the admission of such wastes, and no extra costs are incurred by the Approving Authority without recompense by the person provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

SEC. 407 - NEW CONNECTIONS. New connections to the wastewater collection system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport and/or treat, as required by the WPDES Permit, the additional wastewater anticipated to be received from such connections.

SEC. 408 - FREE SERVICE. No user shall receive free service or pay a user charge less than the user's proportional share of operation and maintenance costs.

SEC. 409 - OUTSIDE SERVICE. All users within the sewer service area of the Approving Authority shall be treated equally as to user charges regardless of their location with respect to the service boundaries.

Article V - Control of High Strength, Toxic or Industrial Wastes Directed to Public Sewers

SEC. 501 - SUBMISSION OF BASIC DATA. Within three (3) months after passage of this Ordinance, establishments discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided as per Chapter NR 101 of the Wisconsin Administrative Code.

Similarly, each person desiring to make a new connection to the public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

SEC. 502 - EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by Section 501, a request for extension of time may be presented for consideration to the Approving Authority.

SEC. 503 - HIGH STRENGTH OR TOXIC WASTES. If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which contain substances or possess characteristics in excess of normal domestic strength wastewater as defined in Section 276, or which in the judgment of the Approving Authority:

- 1) May be acutely or chronically toxic to aquatic life and wild and domestic animals.
- 2) May adversely affect humans and cause increased risk of cancer in humans.
- 3) May impart undesirable tastes or odors to surface waters or aquatic organisms ingested by humans.
- 4) May prevent present or prospective future use of surface waters for public and private water supplies.
- 5) May prevent propagation of fish and aquatic life and wild and domestic animal life.
- 6) May create severe limitations for current and future methods of sludge recycling/disposal.
- 7) May have deleterious effects upon the wastewater treatment system, processes or equipment.

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- 8) May cause additional requirements or limitations to become part of the Village's discharge permit.
- 9) Or may otherwise create a hazard to life, health or constitute a public nuisance.

SEC. 504 - INDUSTRIAL DISCHARGES. If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article V and which in the judgment of the Approving Authority, may have deleterious effect upon the wastewater works, 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 limit for discharge to the public sewers;
- 3) require control over the quantities and rate of discharge; and/or
- 4) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 506.

The toxic pollutants subject to prohibition or regulation under this Article shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements for Section 307(a) and associated regulations.

Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Section 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

SEC. 505 - CONTROL MANHOLES. Each user discharging high strength, toxic or industrial wastes into a public sewer shall be required by the Approving Authority to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of the waste, including domestic

wastewater. Within three (3) months after written notification from the Approving Authority, the selected users shall complete construction of the control manholes or access points.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities, and related equipment shall be installed by the user discharging the waste, at the user's expense and shall be maintained by the user 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.

Alternatively, the Approving Authority may choose to install the control manholes, access facilities and related equipment at the establishment discharging the waste. Expenses incurred for this service, however, are the responsibility of the establishment discharging the waste.

SEC. 506 - MEASUREMENT OF FLOW FROM HIGH STRENGTH OR TOXIC WASTE DISCHARGERS. The volume of flow used for computing the user charge shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Approving Authority except as noted in Section 506.

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 20 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. Satisfactory evidence shall be evidence obtained by approved metering.

SEC. 507 - METERING OF HIGH STRENGTH OR TOXIC WASTE

- 1) General. Users designated by the Approving Authority with high levels of flow or with high strength discharge may be required to have monitoring facilities. Approving Authority shall make a determination as to when metering of high levels of flow is needed as well as what frequency of sampling of high strength wastewater is needed. Metering and sampling devices shall be installed, owned and maintained by the discharger subject to the approval of the Approving Authority. Access to the sampling and

metering location shall be granted to the Approving Authority or its duly authorized representatives at all times. Within three (3) months after written notification from the Approving Authority, the selected users shall complete the installation of metering and sampling devices.

Alternatively, the Approving Authority may choose to install or maintain the metering and sampling devices as the establishment discharging the waste. Expenses incurred for this service, however, are the responsibility of the establishment discharging the waste.

- 2) Metering. Devices for measuring the volume of wastewater discharged may be required by the Approving Authority if the volume cannot otherwise be determined from the metered water consumption records.
- 3) Maintenance. A maintenance schedule must be accepted by the Approving Authority. All maintenance and equipment repair shall be performed within a reasonable time as determined by the Approving Authority. Failure to perform maintenance within a reasonable time shall be subject to the same forfeiture and procedural provisions as applied to violation under this sewer use Ordinance. Prior to completion of satisfactory repairs, and for any preceding period during which the Approving Authority determines there existed a malfunction, error or bias in the metering and sampling, the volume and strength of the wastewater for that period discharged by the discharger shall be based on historical data and a reasonable engineering estimate of flow and strength, taking account of material known production variations, all as determined by the Approving Authority in consultation with the discharger. If prolonged periods of breakdown are anticipated, approved interim measuring and sampling needs shall be provided, and used to determine the volume and strength of wastewater.

Following approval and installation of permanent or temporary metering or sampling equipment, such equipment shall not be removed without the consent of the Approving Authority.

SEC. 508 - METERING OF INDUSTRIAL 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 discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

SEC. 509 - HIGH STRENGTH, TOXIC AND INDUSTRIAL 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.

Sampling 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. The use of flow proportional composite sampling is preferred.

Installation and operation and maintenance of the sampling facilities shall be the responsibility of the user discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

Expenses incurred for sampling the wastes, including the laboratory analytical tests, are the responsibility of the establishment discharging the wastes.

SEC. 510 - ANALYSES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods." Sampling methods, location times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

SEC. 511 - 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 treatment works, the person shall provide at their expense such preliminary treatment or processing facilities as may be determined required to render their wastes acceptable for admission to the public sewers.

SEC. 512 - SUBMISSION OF INFORMATION. Plans, specifications, and any other pertinent information relating to proposed flow equalizations, pretreatment, or 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. 513 - GREASE AND/OR 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 floatable grease in excessive amounts, as specified or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters to dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of 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. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

SEC. 514 - INDUSTRIAL PERMIT REPORTS. Each year all industrial users shall submit a WDNR Industrial Permit Report to the Approving Authority. Forms for this report will be furnished by the Public Works Director.

SEC. 515 - ADMINISTRATION.

- 1) The operator may require that any person discharging or proposing to discharge wastewater to the wastewater treatment system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliances status with any state or federal pretreatment standards or other information which relates to the generation of waste, including wastewater constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this Ordinance shall be prepared quarterly and submitted to the operator.

In addition to discharge reports, the operator may require information in the form of Wastewater Discharge Permit applications, self-monitoring reports and compliance schedules.

2) Wastewater Discharge Permits

- a) Mandatory Permits. All industries proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a Wastewater Discharge Permit before connecting to or discharged into the wastewater disposal system. All existing industrial users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Act connected to or discharging into the wastewater disposal system shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance.
- b) Permit Application. Users required to obtain a Wastewater Discharge Permit shall complete and file with the operator an application in the form prescribed by the operator, and accompanied by a fee of \$10. Existing users shall apply for a Wastewater Discharge Permit within 30 (optional) days after the effective date of this Ordinance, and proposed new users shall apply at least 180 (optional) days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address and location (if different from the address);
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (3) Wastewater constituents and characteristics including but not limited to those governed by subsection 2(c) of this section as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures set forth in the current edition of Standard Methods for the Examination of Water and Waste Water;
 - (4) Time and duration of discharge;

- (5) Average daily and 30 minutes peak wastewater flow rates; including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer conditions and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Village, state or national categorical pretreatment standards, and (for an existing discharge) an statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the use to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No increment shall exceed 9 months in length and progress reports concerning each increment shall be submitted within 14 days following each increment date;
- (9) Each product produced by type, amount and rate of production;
- (10) Type and amount of raw materials processed (average and maximum per day);
- (11) Number of full and part time employees, and hours of work; and,

(12) Any other information as may be deemed by the operator to be necessary to evaluate the permit application.

The operator will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the operator may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

c) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge of requirements for flow regulation and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities, such as mandatory sampling manholes pursuant to Sec. ILHR 82.35, Wis. Adm. Code;
- (5) Requirements for installation, operation, and maintenance of pretreatment facilities;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Compliance schedules;
- (8) Requirements for submission of technical reports or discharge reports;
- (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the operator, but in no case less than three years, and affording operator access thereto;

- (10) Requirements for notification to and acceptance by the operator of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (11) Requirements for notification of slug or accidental discharges as provided in section 515 2(c) (9) of this Ordinance, and reporting of permit violations;
 - (12) Requirements for disposal of sludges, floats, skimmings, etc., and;
 - (13) Other conditions as deemed appropriate by the Approving Authority to ensure compliance with this Ordinance.
- (d) Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the operator during the term of the permit as limitations or requirements as identified in subsection C are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (e) Permit Modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the Wastewater Discharge Permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a Wastewater Discharge Permit as required by this Ordinance, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to the operator within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by subsection 2 of this section. If the information previously submitted in an application

is still current and adequate, only a letter from the user certifying such is required.

(f) Permit Transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

3) Monitoring Facilities. 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 operator 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 public vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and composting 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.

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

4) Inspection and Sampling. The operator shall inspect the facilities of any user or ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the operator ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The operator, WDNR and EPA 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 operator, WDNR and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

- 5) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Ordinance 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 provide, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the operator for review, and must be acceptable to the operator 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 operator under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the operator prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available by the operator to officials of the EPA or WDNR upon request. Any user subject to a national categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the operator during the months of June and December, unless required more frequently in the pretreatment standard or by the Operator, 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 operator may agree to alter the months during which the above reports are to be submitted.

- 6) Final Compliance Date Reporting Requirements. Within 90 days following the date for final compliance with applicable pretreatment standards 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 operator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by 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.

- 7) Confidential Information. Information and data obtained from user's 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 operator that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. 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 Ordinance, the WPDES permit, and/or the pretreatment programs; provide, 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 operator as confidential shall not be transmitted to any governmental agency or to the general public by the operator until and unless a 10-day notification is given to the user.
- 8) Sludges Generated. Sludges, floats, skimmings, etc., generated by an industrial or commercial pretreatment system shall not be placed into the Village's wastewater disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all federal, state, and local regulations. Sludge generated by the Village's wastewater disposal system shall be managed according to Ch. NR 204 of the Wisconsin Administrative Code, which is hereby incorporated by reference.

Article VI - Right of Entry, Safety, and Identification

SEC. 601 - RIGHT OF ENTRY. The Approving Authority, village engineer, operator of the wastewater treatment facility, plumbing inspector or other duly authorized representative of the Approving Authority bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this Ordinance and S. 196.171 Wisconsin Statutes. The Approving Authority, village engineer, operator of the wastewater treatment facility, plumbing inspector, or other duly authorized representative of the Approving Authority 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 wastewater collection system or wastewater treatment facility.

SEC. 602 - SAFETY. While performing the necessary work on private premises referred to in Section 601, the duly authorized representatives shall observe all safety rules applicable to the premises established by the Owner or occupant and the Approving Authority shall indemnify the Owner against loss or damage to its property by Approving Authority representatives and against the liability claims and demands for personal injury or property damage asserted against the Owner and growing out of gauging and sampling operation of the Approving Authority representatives, and indemnify the Owner against loss, or damage to its property by Approving Authority representatives, except as such may be caused by negligence or failure of the owner to maintain safe conditions. The Approving Authority shall report to the owner or occupant any unsafe conditions.

SEC. 603 - IDENTIFICATION, RIGHT TO ENTER EASEMENTS. The Approving Authority, village engineer, operator of the wastewater treatment facility and other duly authorized representatives of the Approving Authority bearing proper credentials and identification shall be permitted to enter all private properties through which the Approving Authority holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater treatment works lying within said easement, all subject to the terms, if any, of the agreement.

Article VII - Sewer Construction (Building Sewers)

SEC. 701 - 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.

No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving a license from the State of Wisconsin and posting a \$1,500 bond or cashier's check with the Approving Authority, except in cases where state law permits building owners to their own work without being licensed. The said bond or cashier's check shall be released upon satisfactory inspection of the work.

Prior to commencement of the work, the permittee shall notify the Village of West Salem at least 48 hours before beginning any excavations.

SEC. 702 - COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The Owner shall indemnify the Approving Authority from any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer. The Approving Authority shall approve the contractor and construction plans for the building sewer. Upon completion of the building sewer, the owner shall be responsible for all maintenance costs.

SEC. 703 - 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 for this Ordinance.

SEC. 704 - MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of 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, plumbing code, Wisconsin Administrative Code, the State Department of Natural Resources or other applicable rules and regulations of the Approving Authority. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and W.P.C.F. Manual of Practice No. 9 shall apply.

SEC. 705 - 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

wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SEC. 706 - 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 groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

Any person in violation of this section shall disconnect all downspouts, groundwater drains, etc., no later than sixty (60) days from the date of an official written notice by the Approving Authority. If any person fails to comply after the expiration of the time provided, the Approving Authority may cause disconnection to be made.

SEC. 707 - 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 Approving Authority or the procedures set forth in appropriate specifications of the ASTM and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

SEC. 708 - PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the collection system without first receiving a license from the State of Wisconsin, and posting a \$1,500.00 bond or cashier's check with the Approving Authority, except in cases where State law permits building owners to do their own work without being licensed.

SEC. 709 - 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. The cost of one inspection is included in the permit fee. Additional inspections, if required, shall be at the expense of the applicant.

SEC. 710 - 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 Approving Authority.

SEC. 711 - INSTALLATION OF BUILDING SEWERS. All building sewers on private property will be installed and inspected pursuant to the Wisconsin Statutes and Administrative Code. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling; and tested before or after backfilling.

SEC. 712 - PERMIT. An application for a building sewer permit shall notify the Operator when the building sewer is ready for

inspection and connection to the sanitary sewer. The Operator shall supervise the connection process.

SEC. 713 - EXCAVATIONS. In making excavations in streets or highways for laying building sewers or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

In refilling the opening, after the building sewers are laid, the earth must be laid in layers of not more than 12 inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, gravel and paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Approving Authority. No opening of the streets for tapping the pipes will be permitted when the ground is frozen, except in emergencies.

A permit from the Approving Authority or other appropriate governmental body shall be obtained prior to excavating in any street, alley or other public way. Such permit shall be obtained and exhibited to the Village Clerk before a connection permit will be issued.

All excavations for building sewer installation shall comply with the terms outlined in Section 5.05 of the Village Ordinance.

SEC. 714 - TAPPING THE MAINS. No person, except those having special permission from the Approving Authority, or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Approving Authority.

Pipes should always be tapped on the top, and not within 15 inches (38 cm) of the joint, or within 36 inches (90 cm) of another lateral connection.

All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered on the upper quadrant of the main sewer pipe and securely strapped on with corrosion resistant straps or rods, or with solvent welded joints in the case of plastic pipe.

Article VIII - Connections to the Wastewater Collection System

SEC. 801 - MANDATORY HOOKUP. The owner of each parcel of land adjacent to a sewer main on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within twelve (12) months of notice in writing from the Approving Authority. Upon failure to do so the Approving Authority may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 281.45 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written request with the Approving Authority stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed three (3) equal installments, and that the amount shall be so collected with interest at the rate of 9% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 281.45 Wisconsin Statutes.

In lieu of the above, the Approving Authority at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% of the average residential charge for sewer service payable monthly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45 Wisconsin Statutes.

This Ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Approving Authority and fails to assure preservation of public health, comfort, and safety of said Approving Authority.

SEC. 802 - MAINTENANCE OF SERVICES. The Approving Authority shall maintain sewer service within the limits of the Approving Authority for the street mains, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer shall be installed for each building.

Amended: October 6, 2015

SEC. 803 - APPLICATION TO CONNECT PROPOSED NEW WASTEWATER SYSTEM. Any person located within the corporate limits of the Approving Authority desiring to connect a proposed new wastewater system to the wastewater treatment works shall make a written application to the Approving Authority for permission to make such connection or use. The application shall include a statement of the location or locations at which it is desired to connect, and a statement of the character of the wastewater to be transmitted.

Sections 59.070(5), 145.01(5) and 145.20, Wis. Stats., and the applicable provisions of the La Crosse County Code which regulates the installation and maintenance of private sewage systems are hereby incorporated by reference.

The Approving Authority shall select an engineering consultant to design all proposed wastewater systems. All costs and expenses incident to the design and bidding including engineering, permits and other fees associated with the connection or hookup to the wastewater collection system shall be borne by the developer requesting the extension or by the Approving Authority at their discretion. Prior to the design of a sewer extension, the developer shall secure and furnish proof of an escrow account for the estimated amount of the design costs, the amount to be determined by the Approving Authority. The account shall be so arranged and an escrow agreement executed between the developer, the bank, the Approving Authority to allow the latter to withdraw amounts from the account. The account shall be sufficient to cover payments to all parties under contract with the Approving Authority for the design of the wastewater system. This money will not be refunded if the project does not proceed to construction.

SEC. 804 - ALTERATIONS. Alterations to existing wastewater systems connected to the wastewater treatment works shall be treated as Proposed New Wastewater Systems. The Approving Authority may modify this provision if the sewer connection is not directly connected to an Approving Authority sewer and providing the person has previously presented and has had approved a general overall sewer plan. If such a modification is made, it will be done in writing and must be kept on file by the person to which it applies.

After sewer connections have been made in a building or upon any premises, no plumber shall make any alterations, extensions or attachments unless the party ordering such work shall exhibit the proper permit.

SEC. 805 - PERMIT TO CONNECT. Prior to permitting such connection or use, the Approving Authority may investigate, or cause to be investigated, the wastewater system for which such connection or

use is requested. If the Approving Authority finds such system to be in a satisfactory condition, it will grant a permit for such connection or use. If the Approving Authority finds such system to be defective in operation, construction, design, or maintenance, the Approving Authority will so notify the applicant and will advise him that upon completion of specified alterations, new construction, or changes in supervision or operation, a permit will be granted. Should the plans or specifications not be approved, one copy will be returned to the applicant who will be informed as to the reason for nonapproval.

SEC. 806 - RESERVE CAPACITY. Prior to permitting any connection or use of the treatment works, the Approving Authority shall ascertain that all downstream sewers, interceptors, lift station, forcemains, and treatment works have sufficient reserve capacity for volume, suspended solids and BOD₅ to assure adequate collection and treatment of the additional wastewater contributed to the wastewater treatment works. The Approving Authority reserves the right to refuse a connection or use permit if the requirements for this subsection cannot be met with the granting of the permit.

SEC. 807 - INSPECTIONS AND SUPERVISION DURING CONSTRUCTION. During the construction of any wastewater system which the Approving Authority has approved, the Approving Authority may, from time to time, inspect the same to see that said work is being done in accordance with the approval plans and specifications. Failure to make such inspections shall not nullify the rights of the Approving Authority to require reconstruction should non-adherence to approved plans be subsequently discovered. Every person in the construction of laterals or wastewater systems, within its jurisdiction, shall require that such construction be under the direction of a Wisconsin Registered Professional Engineer or Licensed Master Plumber, if plan approval was obtained under his license. The Engineer or Master Plumber shall keep accurate records of the location, depth, and length of the sewers as built, and of the location of the Y-branches or slants.

SEC. 808 - PERMITS - NOT GRANTED. Permits shall not be granted for the connection of combined sewers to the interceptors or municipal sewers. Permits shall not be granted for the connection of any proposed or existing storm sewers to the Approving Authority wastewater treatment works. Connection of catch basin or curb inlets to any sanitary sewer directly or indirectly connected to the wastewater treatment works is strictly prohibited.

SEC. 809 - PHYSICAL CONNECTION. All proposed sewer connections shall be planned to be made at a manhole with the flow lines of the connecting sewer being at or below the manhole shelf or the connection shall be made through an approved drop. At least 24

hours before connection is to be made, notice of such intent must be given to the Approving Authority. When the actual connection is made, it must be done in the presence of an Approving Authority inspector.

SEC. 810 - RECORDS. Records of connections to the wastewater collection system shall be kept by the municipality in which such connections are made and such records shall be available for inspection by the Approving Authority.

SEC. 811 - USER USE ONLY. No user shall allow others or other services to connect to the wastewater collection system through his building sewers and building drains.

SEC. 812 - USER TO PERMIT INSPECTION. Every user shall permit the Approving Authority, 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.

SEC. 813 - APPROVING AUTHORITY RESPONSIBILITY. The Approving Authority and its agents and employees shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage, or freezing of any building sewers or building drains; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the water and sewer service at any time for the purpose of repairs, or any other necessary purpose, and permit granted or regulation to the contrary not withstanding. Whenever it shall become necessary to shut off the sewer service within any district of the said Approving Authority, the Approving Authority shall, if practicable, give notice to each and every consumer affected within said Approving Authority of the time when such service will be so shut off.

SEC. 814 - USER TO KEEP IN REPAIR. All users shall keep their own building sewers and building drains in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

Article IX - Septic Tank and Holding Tank Waste

SEC. 901 - SEPTIC TANKS AND HOLDING TANKS PROHIBITED. The maintenance and use of septic tanks, holding tanks or other private disposal system within the sewer service area of the Approving

Authority serviced by its wastewater collection system are hereby declared to be a public nuisance and a health hazard. The use of these systems is prohibited unless a special permit is obtained from the Approving Authority. Upon abandonment of the septic tank or holding tank, the tank shall be filled with sand or gravel in a manner acceptable to the Approving Authority.

SEC. 902 - SEPTIC TANK AND HOLDING TANK DISPOSAL. No person in the business of gathering and disposing of septic tank or holding tank wastes shall transfer such material into any disposal area or manhole located within the Village of West Salem boundaries unless a permit for disposal has been first obtained from the Approving Authority. Written application for this permit shall be made to the Approving Authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be non-transferrable except in case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee. Annual fees shall be established by the Approving Authority. Any applicant for a permit shall furnish a bond to the Village of West Salem in the amount of \$5,000 to guarantee performance. The bond shall be provided prior to the permit being issued. The time and place of disposal will be designated by the Approving Authority. The Approving Authority may impose such conditions as it deems necessary on any permit granted. Bills shall be mailed on a monthly basis and if payments are not received in thirty (30) days thereof, disposal privileges shall be suspended.

Any commercial hauler of septic tank or holding tank wastes agrees to carry public liability insurance in an amount not less than one hundred thousand dollars (\$100,000) and to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. A certificate certifying such insurance to be in full force and effect shall be furnished to the Approving Authority.

Any wastes discharged into the treatment system shall be of domestic origin and will comply with the provisions of any and all applicable Ordinances of the Approving Authority. A discharger shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids or other deleterious substances into any manhole nor allow any earth, sand or solid material to pass into any part of the wastewater system.

Any person or party disposing of septic tank or holding tank wastes agrees to indemnify and save harmless the Approving Authority from any and all liability and claims for damage arising out of or resulting from work and labor performed.

Article X - Damaged or Tampering With Wastewater Facilities

SEC. 1001 - WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

SEC. 1002 - LIABILITY TO DISCHARGER FOR LOSSES. Any person who intentionally, negligently, or accidentally violates any provisions of this Ordinance shall become liable to the Approving Authority or any downstream user, for any expense, loss or damage occasioned by reason of such violation which the Approving Authority or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in Section 1101 and without consideration for any penalties which may be imposed for a violation of this Ordinance.

SEC. 1003 - DAMAGING SEWERS PROHIBITED. No unauthorized person shall alter, disturb or uncover any connection with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the operator.

No person shall willfully or maliciously obstruct, damage, or tamper with any private drain or sewer, or in any structure, appurtenance or equipment which is part of the public sewage collection or disposal system. Any person who violates this provision shall be guilty of disorderly conduct.

Article XI - Violations and Penalties

SEC. 1101 - WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this Ordinance 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.

SEC. 1102 - ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge in excess of the limitations and restrictions into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damage, both values to be established by the Approving Authority.

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Any accidental wastewater discharges which violate the prohibitions and limitations shall be reported immediately upon discharge. The Approving Authority shall address any potential fines within 15 days after the end of the month in which the violation is reported or detected, whichever is later.

SEC. 1103 - ACCIDENTAL DISCHARGE PENALTIES. The Village may levy a minimum fine of \$500.00 for an accidental discharge that is reported immediately or a minimum fine of \$1,500.00 for an unreported accidental discharge.

SEC. 1104 - CONTINUED VIOLATIONS. Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, pay a forfeiture of not less than Ten Dollars (\$10) nor more than Two Thousand Five Hundred Dollars (\$2,500) together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days. This, however, shall not bar the Approving Authority from enforcing the mandatory hook-up provision in Section 801 or any other right the Approving Authority may have.

SEC. 1105 - LIABILITY TO APPROVING AUTHORITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the Approving Authority for any expense, loss, or damage occasioned by reason of such violation which the Approving Authority may suffer as a result thereof.

SEC. 1106 - CIVIL PENALTIES. Any user who is found to have violated an order of the board or who has failed to comply with any provisions of this Ordinance and the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$100 nor more than \$500 for each 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 Ordinance or the order, rules, regulations and permits issued hereunder.

SEC. 1107 - DIFFERENCES OF OPINION. The Approving Authority attorney shall arbitrate differences between the Approving Authority and sewer users on matters concerning interpretation and execution of the provisions of this Ordinance by the Approving Authority.

SEC. 1108 - COSTS OF DAMAGE. Any user violating any of the provisions of this Ordinance or who has a discharge which causes a

deposit, obstruction, damage or other impairment to the Village's wastewater collection system shall become liable to the Village for any expense, loss or damage caused by the violation or discharge. The operator 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 Ordinance.

Any user discharging toxic pollutants shall pay for any increased operation, maintenance, and replacement costs caused by said discharge, in addition to any other charge or penalties provided herein.

SEC. 1109 - 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 Ordinance 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 \$500 or by imprisonment for not more than six months, or by both.

SEC. 1110 - ENFORCEMENT

- 1) Slug or Accidental Discharges. The operator may suspend the wastewater treatment service of a user and/or a Wastewater Discharge Permit (after informal notice to the discharger) when such suspension is necessary, in the opinion of the operator to stop an actual or threatened discharge which resents or may present an imminent or substantial danger 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 WPDES. 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 operator 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 danger to any individuals. The operator shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying 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 operator within 15 days of the date of occurrence.

- 2) Revocation of Permit. In accordance with the following procedures, the operator may revoke the permit of any 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 Ordinance, or applicable state and federal regulations.
- 3) Notification of Violation. Whenever the operator finds that any person has violated or is violating this Ordinance, Wastewater Discharge Permit, or any prohibition, limitation or requirement contained herein, the operator may serve upon such person a written notice stating the nature of the violation. Within 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 or by the user.
- 4) Show Cause Hearing
 - (a) If the violation is not corrected by timely compliance, the operator 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 a 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 10 days before the hearing. Service may be made on any agent or officer of a corporation.
 - (b) Hearing Officials. The Village Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:
 - (I) 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;
 - (ii) take the evidence; and,

- (iii) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action therein.
- (c) Transcripts. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. 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.
- (d) 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.
- 5) 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 Ordinance, federal or state pretreatment requirements or any order of the Village, the Village Attorney may, following Village authorization of such action, commence an action for appropriate legal and/or equitable relief.
- 6) Annual Publication. 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 Board 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 purpose of this provision, significant violations would be those violations which remain uncorrected 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.
- 7) Appear to the Village Board. Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Ordinance and shall be entitled to a written reply from the Village. Any decision of the

operator in the enforcement of this Ordinance may be appealed to the Village Board by filing a written petition with the Village Clerk within thirty (30) days of the operator'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 name, 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 operator shall file within 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. 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 operator may present evidence in support of his decision. The Village Board shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Village 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.

Article XII - Billing Practice

SEC. 1201 - BILLING PERIOD. All user service charges for all customers shall be billed on a quarterly basis. All user service charges for significant contributors and for those customers whose water meter is read on a monthly basis shall be billed on a monthly basis.

SEC. 1202 - PAYMENT. User charges shall be payable at the Office of the Approving Authority or at any other officially designated location at the same time that the water statements become due, and payments for water service shall not be accepted without full payment of the User charges.

SEC. 1203 - PENALTIES. Charges levied in accordance with this Ordinance shall be a debt due to the Approving Authority. If the debt is not paid within 20 days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of 3 percent of the amount of the quarterly bill and of the unpaid balance applied quarterly. Charges and penalties shall constitute a lien upon the property services and be recorded on the Approving Authority's tax roll. Change of ownership or occupancy of premises

found delinquent shall not be cause for reducing or eliminating these penalties.

Charges and penalties shall constitute a lien under the property services, and be recorded on the tax roll of the Village of West Salem. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

SEC. 1204 - NOTIFICATION. Each user shall be notified annually, in conjunction with a regular bill, of the rate schedule attributable to wastewater treatment services including an explanation of the charges.

SEC. 1205 - BILLING. The property owner is held responsible for all bills on premises that he owns. All 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.

SEC. 1206 - FAILURE TO RECEIVE BILL NO PENALTY EXEMPTION. Every reasonable care will be exercised in the proper delivery of bills. Failure to receive a bill, however, shall not relieve any person of the responsibility for payment of user charges within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

SEC. 1207 - DELINQUENT BILLS. The Approving Authority shall furnish the Village Clerk with a list of all such lots or parcels of real estate, and the notice shall be given by the Approving Authority. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such Approving Authority; that unless the same is paid by December 1, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate.

Article XIII - Operator of the Wastewater Treatment Facility

SEC. 1301 - DUTIES. The operator of the wastewater treatment facility shall have the following duties:

- 1) Be responsible for the function of all phases of the wastewater treatment facility for efficient and economical purposes.
- 2) Operate within adopted annual budget.
- 3) Make all necessary chemical analyses and fill out and complete all monthly reports to the State of Wisconsin.
- 4) Order necessary materials and repair parts used in the wastewater treatment facility.
- 5) Keep informed on the latest methods and practices being used in the wastewater treatment facility and put the most economical methods thereof into practical use.

Article XIV - Revenue

SEC. 1401 - DISPOSITION OF REVENUE. The amounts received from collection of the charges shall be credited to a wastewater account which shows all receipts and expenditures of the wastewater system. When appropriated by the Approving Authority, the credits to the account shall be available for payment for operations, maintenance, repairs and depreciation of the wastewater system. Any surplus in the account shall be available for payment of principal and interest of bonds or notes issued and outstanding or which may be issued to provide funds for the wastewater system or parts thereof, and all or part of the expenses for additions, improvements and other necessary disbursements or indebtedness.

Article XV - Sewer Use Charge System

SEC. 1501 - ADDITIONAL DEFINITIONS

- 1) Operation, Maintenance and Replacement (O,M&R) Costs shall include all costs associated with the operation and maintenance of the wastewater works as well as the costs associated with periodic equipment replacement necessary for maintaining the design capacity and performance of the wastewater treatment facilities.
- 2) Replacement Fund. The replacement fund shall be a separate account in which an annual budgeted amount shall be accumulated for purposes of defraying replacement costs as they arise. The replacement fund shall be used exclusively to defray replacement costs as defined in (1) above, during the useful life of the

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wastewater treatment facility. At the end of such useful life, or at the time of any significant expansion or upgrade of the wastewater facilities, the fund may be used for any proper purpose related to providing wastewater treatment service pursuant to Section 66.0821, Wis. Stats., as amended or renumbered from time to time.

- 3) Residential User shall mean any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as commercial users.
- 4) Service Life. The term "service life" refers to the expected life of individual pieces of equipment. In many instances, the service life of a piece of equipment will be shorter than the useful life of the overall treatment plant.
- 5) Sewer Service Charge shall mean a charge levied on users of the wastewater collection and treatment facilities for capital-related expenses as well as operation and maintenance and replacement costs of said facilities.
- 6) Significant Contributors shall be those users of the wastewater works whose discharges exceed, in one or more parameters (flow, BOD, TSS, TKN, P), five percent (5%) of the design value for that particular parameter, on such average or peak basis as the Approving Authority deems appropriate.
- 7) Surcharge. Any user of the wastewater works whose discharge exceeds in one or more parameters (flow, BOD, TSS, TKN, P) the concentration of normal domestic wastewater for that parameter shall be subject to a surcharge. The amount of such surcharges shall reflect the costs incurred by the Village in removing the high strength BOD, suspended solids, TKN or P from the wastewater.
- 8) Unmetered User shall mean a user who does not have a meter, installed and maintained by the Village of West Salem on their public or private water supply.
- 9) User Charge System is the methodology for collecting operation, maintenance, replacement and capital costs equitable from each user of the wastewater collection and treatment facilities.
- 10) Useful Life. The term "useful life" refers to the expected life of the treatment facility if individual pieces of equipment are replaced as necessary.

- 11) Volume Charge is a sewer use charge based upon normal strength wastewater quantities.
- 12) Wastewater Treatment Facilities shall mean the wastewater treatment works excluding wastewater collection and transportation systems, which deliver wastewater to the treatment plant.

Article XVI - Basis for Variable Charges

SEC. 1601 - SEWER USERS SERVED BY WATER UTILITY WATER METERS. For each log, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, the quantity of wastewater for billing purposes shall be measured by the water utility water meter used upon the premises.

In which case a user feels that a significant amount of water metered does not reach the sanitary sewer that user can, at their own expense, through the Approving Authority, install a second water meter and/or service that would monitor the flow of water used for lawn and garden watering, non-contract cooling water or other similar purposes. Charges for sewer use would be made based on the difference between the two meter readings if only a second meter is installed, and on actual water metered for sewer use if a second meter and service are installed.

Requests for usage adjustments, or a second meter or service, must be made in writing to the Approving Authority. Charges for this service shall be made in accordance with Section 1602.

SEC. 1602 - SEWER USERS SERVED BY PRIVATE WELLS. Sewer users served by private wells shall be required to do the following:

Any person discharging wastewater into the public sanitary sewer system procures any part, or all of this water sources from other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from each of these other sources. Where sewage meters are already installed, the water meters will not be required. The water meters shall be furnished by the Water Department and installed under its supervision, all costs being at the expense of the person requiring the meter.

The Water Department shall charge for each meter a rental charge set by the utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time

the sewer charge is billed. The rental charge for water meter follows:

<u>Meter Size</u>	<u>Rental Charge</u>
All Meters	\$2.50/quarter plus an installation charge.

SEC. 1603 - MEASUREMENT OF FLOW FROM HIGH STRENGTH OR TOXIC WASTE DISCHARGES. The volume of flow used for computing the variable charge shall be the metered water consumption of the user as shown in the records of meter readings maintained by the water utility, except as noted in Section 1604.

Provisions for deductions: In the event that an establishment discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 20% 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. Satisfactory evidence shall be evidence obtained by approved metering.

SEC. 1604 - METERING AND SAMPLING OF HIGH STRENGTH 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. Users designated by the Approving Authority with high levels of flow or with high strength discharges may be required to having monitoring facilities. The Approving Authority shall make a determination as to when metering of high levels of flow is needed as well as what frequency of sampling of high strength wastewaters is needed.

SEC. 1605 - FREE SERVICE. No user shall receive free service or pay a user service charge less than the user's proportional share of all costs as defined in Article XVII.

SEC. 1606 - OUTSIDE SERVICE. All users within the sewer service area shall be treated equally as to operation, maintenance and replacement sewer use charges regardless of their location with respect to the corporate limits. All users located outside of the corporate limits will be charged 150% of the user service charges. Total service charges may be adjusted to reflect variations in capital costs for outside users.

Article XVII - Amount of User Charges

SEC. 1701 - USER SERVICE CHARGES. This is hereby levied and assessed upon each lot, parcel of land, building, premises or unit having a connection with the wastewater treatment works, a user service charge, based upon the quantity of wastewater discharged, pursuant to Section 66.0821, Wis. Stats., as amended or renumbered from time to time. Such user service charges shall be billed to the person, firm, corporation or other entity owning, using or occupying the property served. The user service charges shall consist of a fixed charge, a wastewater treatment plant debt service charge, and a variable charge as set forth in the following sections.

SEC. 1702 - FIXED CHARGE

(a) The fixed charge shall be a minimum charge for all users based upon the number of dwelling units, the number of customer meters/connections to the wastewater treatment works, and the size of the customer's water meters. This charge includes billing and administration costs, inflow/infiltration treatment costs, collection system depreciation, insurance costs and collection system debt costs.

(b) Schedule of Fixed Charges

Meter Size/Unit	Quarterly Charge
Unmetered Dwelling Unit	\$52.20
5/8"	\$52.20
3/4"	\$52.20
1"	\$131.08
1 1/2"	\$261.00
2"	\$417.60
3"	\$783.00
4"	\$1,305.00

SEC. 1703 - VARIABLE CHARGE

1) Users will be billed on the volume and strength of wastewater discharged to the wastewater treatment works. Normal domestic wastewater, defined as wastewater with concentrations of BOD of 225 milligrams or less per liter, suspended solids of 225 milligrams or less per liter, total Kjeldahl nitrogen of 25 milligrams or less per liter, and phosphorus of 5 milligrams or less per liter, will be billed upon a volume charge based upon the quantity of flow determined pursuant to Article XVI. Users discharging wastewater into the wastewater treatment works shall be subject to surcharges, in addition to the volume charge, if their wastewater has a concentration greater than the domestic concentration specified in the preceding sentence. The amount of such surcharges shall reflect the costs incurred by the Village in removing the high strength BOD, suspended solids or total Kjeldahl nitrogen from the wastewater.

2) Normal Domestic Sewage

Volume charge (metered user) - \$2.04/1,000 gallons

3) Wastewater of Greater than Normal Strength

Charges to users discharging wastewater of greater than normal strength of wastewater which is 225 mg/L BOD₅, 225 mg/L TSS and 5 mg/L P. The following rates will be used in calculating the surcharge.

<u>Parameter</u>	<u>Cost</u>
BOD ₅	\$0.32/lb
SS	\$0.32/lb
P	\$2.25/lb

Charges to users discharging wastewater of greater than normal strength shall be computed in accordance with the formula presented below:

$$C = F + \$2.04 \times V + (\$0.32 \times .00834 \times V \times B) + (\$0.32 \times .00834 \times V \times S) + (\$2.25 \times .00834 \times V \times P)$$

Where:

- C = Charge to sewer user for operation, maintenance and replacement costs for treatment works
- F = Base quarterly fixed charge
- V = Wastewater volume in 1,000 gallons
- B = Concentration of BOD from a user above the normal strength of 225 mg/L

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- S = Concentration of suspended solids from a user above the normal strength of 225 mg/L
 P = Concentration of phosphorus from a user above the normal strength of 5 mg/L
 \$2.04 = Charge for that portion of the waste equal to normal strength wastewater. Includes cost for treating 225 mg/L BOD₅, 225 mg/L TSS and 5 mg/L P
 .00834 = Conversion Factor (mg/L to lbs)
 .7480 = Conversion Factor (1,000 gallons to 100 cubic feet)

SEC. 1704 - LOW STRENGTH WASTE DISPOSAL CHARGES. Changes to licensed dischargers shall be computed and assessed a \$15.00 per load fee plus charges on the following basis:

Assumed strength	
BOD ₅	up to 500 mg/L
SS	up to 1,300 mg/L
Volume Charge	\$5.50/1,000 gallons

SEC. 1705 - MEDIUM STRENGTH WASTE AND SEPTIC TANK WASTE DISPOSAL CHARGES. Changes to licensed dischargers shall be computed and assessed a \$15.00 per load fee plus charges on the following basis:

Assumed strength	
BOD ₅	501 mg/L to 1,600 mg/L
SS	1,301 mg/L to 5,000 mg/L
Volume Charge	\$18.29/1,000 gallons

SEC. 1706 - HIGH STRENGTH WASTE DISPOSAL CHARGES. Changes to licensed dischargers shall be computed and assessed a \$15.00 per load fee plus charges on the following basis:

Assumed strength	
BOD ₅	1,601 mg/L & higher
SS	5,001 mg/L & higher
Volume Charge	\$31.08/1,000 gallons

SEC. 1707 - SPECIAL ASSESSMENTS. Not included in the foregoing user service charges are the costs associated with providing local collecting facilities to users, which the Village may assess, by special assessment, in whole or in part, to the property benefited thereby.

SEC. 1708 - RESERVE CAPACITY ASSESSMENT. Reserve Capacity Assessment (RCA) is a charge levied on all new users of the sewerage system for reserve capacity costs of the sewerage system. The charge shall be based on the assigned resident equivalent connection as established by the Approving Authority and multiplied by the rate established by the Approving Authority.

Article XVIII - Significant Contributors

SEC. 1801 - GENERAL. Significant contributors shall be those users of the wastewater works whose discharges exceed, in one or more parameters (flow, BOD, TSS, TKN, P), five percent (5%) of the design value for that particular parameter, on such average or peak basis as the Approving Authority determines is appropriate.

- 1) Significant contributors will be requested to advise the Village of their best estimate of the level of usage of the wastewater treatment facilities that they expect to utilize through the remaining useful life of the wastewater treatment facility. The Village may allocate a portion of capacity in the wastewater treatment facilities to specific significant contributors, particularly in the case of new construction, expansion or renovation of such facilities. Significant contributors will then pay capital costs associated with such allocated capacity.
- 2) Significant contributors will be encouraged to contract with the Village as to the amount of such allocated capacity and as to the payment of associated capital costs. In exchange for a contractual commitment to pay such capital costs, the Village may protect the contracting significant contributors from capital cost increases that might otherwise result from changes in the number of discharges over whom capital costs might be spread.
- 3) Significant contributors who have provided projected usage levels to the Village prior to a project of construction, expansion or renovation, shall, in the absence of contract provisions to the contrary, have their fixed charge computed on the basis of actual or projected usage levels. The Village shall in any such allocation process treat all significant contributors in a manner that is not unreasonable or unjustly discriminatory. The Village may change the amount of allocated capacity from the projections provided by the significant contributors, provided any opportunity for such change is made available to all significant contributors.

- 4) For the purpose of determining wastewater treatment plant debt service on a usage basis, the following cost breakdown is provided:

\$0.86 per 1000 gallons of flow
 \$0.39 per pound of BOD
 \$0.39 per pound of SS
 \$2.96 per pound of P

Calculation of the treatment plant debt charge on a usage basis shall be computed by the formula presented below:

$$C = \$2.45 \times V + (\$0.39 \times .00834 \times V \times (B-225)) + (\$0.39 \times .00834 \times V \times (S-225)) + (\$2.96 \times .00834 \times V \times (P-5))$$

Where:

C = charge to significant users for wastewater treatment plant debt service

F = base quarterly fixed charge, \$2.45 per 1,000 gallons (see Schedule B)

V = wastewater volume in 1,000 gallons

B = concentration of BOD from a user in mg/L

S = concentration of TSS from a user in mg/L

P = concentration of P from a user in mg/L

.00834 = conversion factor (mg/L to lbs)

.74800 = conversion factor (1000 gallons to 100 cubic feet)

- 5) Phosphorus (P) monitoring is required by the Approving Authority in anticipation of future phosphorus limitations. Frequency of monitoring to be determined by the Approving Authority on a case-by-case basis.
- 6) Significant contributors who connect to the system after any specific construction, expansion or renovation project may only be allocated capacity in that project to the extent the Approving Authority deems such capacity is available. In no event may capacity allocated to a significant contributor under a wastewater service contract with the Village be changed in any way without compliance with the terms of the contract. Significant contributors who do not have a contractual commitment to pay specific treatment plant debt service charges may have their allocated capacities and associated fixed charges reduced on a prospective basis if, in the judgment of the Approving Authority, the re-allocated portion of the capacity should be made available to another user.

Article XIX - Appeals

SEC. 1901 - HEARING PROCEDURES. No fine shall be levied under Section 1203 and no indemnity shall be assessed under Section 1207 except upon due hearing regarding the violation permitting the alleged violator to show cause, if any there be, before the Approving Authority why a fine should not be imposed pursuant to Section 1203 or why assessment should not be made pursuant to Section 1207 or any combination of the two. An Order for Hearing issued by the Approving Authority shall be served upon the alleged violator in the same manner as a summons is served under Wisconsin Statutes, and it shall be returnable before the Approving Authority at a time certain not sooner than five (5) days after service.

The Order for Hearing may contain *ex parte* interim orders *pendente lite* as may appear (by testimony or appropriate documents filed with the Approving Authority or both) necessary to protect the public health, welfare or safety on an emergency basis including but not limited to temporary termination of service.

Testimony taken before the Approving Authority will be under oath or affirmation and recorded stenographically. A transcript thereof will be made available to any member of the public, including but not limited to any party to the hearing, upon payment of the usual charges therefore.

After the Approving Authority has reviewed the evidence, it may impose any fine authorized by Section 1203 or assess any indemnity authorized by Section 1207, as in the judgment of the Approving Authority, is warranted by the evidence. The Approving Authority may issue such further orders and directives as it deems appropriate, including orders requiring the violator to pay the full costs of the proceedings including the Approving Authority's technical, administrative, and other costs in developing its proofs and reasonable attorney fees.

A violator may avoid the hearing herein provided by written waiver stipulating guilt presented to the Approving Authority at least 24 hours prior to the hearing time. The Approving Authority will meet nevertheless, will make no stenographic transcript, and will give the violator an opportunity to be heard in mitigation.

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written

request for reconsideration within ten (10) days setting forth in detail the facts supporting the user's request for reconsideration.

The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the Approving Authority's action, file a written appeal with the Village Clerk.

A fee of \$100.00 shall accompany any appeal for a ruling by the Village of West Salem Board. This fee may be refunded if the appeal is sustained in favor of the appellant.

The written appeal shall be heard by the Village Board within forty-five (45) days from the date of filing. The Village Board shall make a final ruling on the appeal within 60 days from the date of filing.

Article XX- Validity

SEC. 2001 - REPEAL OF CONFLICTING Ordinance. All Ordinances or parts of Ordinances or regulations or parts of regulations in conflict with this Ordinance are hereby repealed.

SEC. 2002 - INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

SEC. 2003 - AMENDMENT. The Approving Authority, through its duly qualified officers, reserves the right to amend this Ordinance in part or in whole wherever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.

Article XXI - Audit

SEC. 2101 - ANNUAL AUDIT. The Approving Authority shall conduct an independent annual audit, the purpose of which shall be to maintain accurate accounting records for the revenues and expenditures of the wastewater treatment facility and to re-establish the equity and adequacy of the user charges relative to changes in system operation, maintenance and replacement costs.

Change must be based on engineering code rather than public policy.

Article XXII - Rate Changes

SEC. 2201 - Changes in rates may be made by Village Board Resolution, but no changes may be made which are contrary to applicable State or Federal law or the terms of bonding for this facility.

Article XXII - Enacting Clause

SEC. 2201 - DATE OF EFFECT. This Ordinance shall take effect and be in force upon posting. The user charges shall take effect October 22, 2015.

SEC. 2202 - DATE OF ENACTMENT (APPROVAL). Passed and adopted by the Village Board of the Village of West Salem in the County of La Crosse and the State of Wisconsin, on the 6th day of October, 2015.

Section II

Village of West Salem User Charge System

I. Introduction

The following methodology is to be utilized by the Village of West Salem to determine the user minimum fixed charges for its customers, the variable charge for wastewater service charges and the wastewater treatment plant debt charges.

User charges must be reviewed annually and updated as required to maintain sufficient revenues and maintain a proportional distribution of costs among users and user classes. Regardless of the frequency of revision, this methodology can be utilized at any time. It should be noted that the values and calculations presented in this document are for example purposes only. It will be necessary for the Village of West Salem to utilize the actual values, as determined by the final project audit, for the following:

- 1) Operation and Maintenance (O&M) Costs
- 2) Replacement Costs, where applicable
- 3) Number and Type of Customers
- 4) Volume and Waste Loads
- 5) Debt Retirement

These actual values must be used each time the user charges are determined. While the debt retirement, depreciation, reserve account, and replacement amounts should remain constant with time, the other costs and number of customers may vary considerably at each review.

The purpose of this methodology is to ensure that each user and user class pays its proportionate share of debt retirement, operation and maintenance (including replacement), and other costs of operating the wastewater treatment facility and wastewater collection system within the Village of West Salem service area. Following the completion of the annual review, the Village of West Salem shall revise as necessary the charges for users and user classes to maintain the proportionate distribution of costs among users and user classes, generate sufficient revenue to pay the total costs necessary for the proper operation (including maintenance and replacement) of the wastewater treatment facility and wastewater collection system, and to apply excess revenues collected from a class of users to the costs of operation attributable to that class for the next year and adjust the rates accordingly.

Amended: October 6, 2015

II. Description of the Project

The Village of West Salem is modifying the wastewater treatment facility. The modifications consist of the following components:

- α Service building with mechanical bar screen, grit removal and dewatering, flow metering, influent sampling, influent pumping, FeCl₃ feed system, polymer feed system, emergency generator, laboratory and office.
- α Garage.
- α Fine bubble aeration tanks.
- α Final clarification.
- α Blower building with rotary positive displacement blowers.
- α Ultraviolet disinfection with effluent flow metering and sampling.
- α Sludge dewatering and lime stabilization.

The design flow and waste loadings are as follows:

Design Flows, gpd	
Average Dry Weather	638,300
Peak Daily	1,091,800
Peak Hourly	1,838,300
BOD, lbs/day	
Average	1,223
Peak	1,835
TSS, lbs/day	
Average	1,438
Peak	2,157
Phosphorus, lbs/day	
Average	38
Peak	57

III. Fixed Charges

The purpose of the fixed charge is to recover the capital costs incurred by the Village of West Salem in the construction of the wastewater treatment facility and any subsequent modifications to the wastewater collection and treatment system. This includes billing and administration costs, infiltration/inflow treatment costs, collection system depreciation, insurance costs and collection system debt costs.

The base fixed charge for all users shall be based on the size of their water meter(s) in accordance with the schedule below.

Amended: October 6, 2015

Unmetered residential users shall be considered to be equivalent to one 5/8-inch meter. Other unmetered users will be evaluated on a case-by-case basis by the Approving Authority. As of August 2015, the 2,225 sewer meters have been found to be 2,514.5 equivalent units based on the number of dwelling units, the number of water meters, and the size of the meters. The typical residential customer has a fixed charge equivalent of 1.0. Schedule 2 with the 12/29/2015 data presents a summary of all fixed charge expenses and the basis for billing to each customer. These expenses are included in the quarterly fixed charge because they are not directly related to a customer's flow or organic loading. All the items are better explained in the following discussion.

Customer Billing. Annual billing costs are included in the fixed quarterly billing because the cost of preparing a bill is not directly proportional to usage. Therefore, the total billing cost will be charged equally to all meters, regardless of size and all dwelling units.

Infiltration/Inflow (O&M) The cost of treating the infiltration/inflow has been included in the fixed charge because, while the source of these flows is unknown, it is related to the size and extent of the collection system. Since the source is indeterminate, the costs have been assigned to the users of the collection system on the basis of total meter and dwelling unit equivalents.

Collection System Depreciation. The depreciation on the collection system, including the sewer rehabilitation work, has also been distributed to the users based on total meter and dwelling unit equivalents. By decision of the Village Board in 2006 when the \$45 for one (1) equivalent unit fixed rate charge was set, it was decided not to include any amount for depreciation. This was done to keep the fixed rate low and was thought appropriate considering the sewer plan had just been overhauled. If depreciation had been included originally, it would have increased the fixed rate by approximately $\$200,000/\$387,000$ (yearly depreciation/Schedule 2 fixed charge total) or 52% or \$22.50. The EPA has now passed new phosphorus limitations which will be enforced by the Wisconsin DNR which will require expenditures by the Village in about 2021 which at this point are estimated by the Village Engineer at roughly \$2 to \$2.5 million. The current Village bonding for the sewer utility will be paid off in 2017 which will free up some cash flow to save for this project, but not nearly enough to cover its full costs. The Village recognizes it needs to increase fixed rates currently to prepare for this expense, and, therefore, is raising the equivalent unit fixed rate from \$45 to \$52.20 which will raise approximately an additional \$75,000 per year.

Collection System Debt. This cost is related to capital expenditures for collection system improvements. The cost will be distributed among users according to meter and dwelling unit equivalents.

<u>Meter Size</u>	<u>Base Quarterly Fixed Charge</u>
Unmetered Dwelling Unit	\$52.20
5/8"	\$52.20
3/4"	\$52.20
1"	\$131.08
1 1/2"	\$261.00
2"	\$417.60
3"	\$783.00
4"	\$1,305.00

Notes: Multi-unit housing additional units are proposed to be 5/8" meter size.

As of 2005, the total projected yearly debt service payment was \$335,407 as shown in Schedule 2 and the Village also paid \$18,000 per year toward existing loan amount. This was included in the calculation of the fixed charge as shown in Schedule 2.

The 2005 calculation of the charges for various meters and the summary of charges for all meters are presented in Schedule Nos. 1, 2, and 3.

IV. Variable Charge (Unit Price per Volume)

A. Operation and Maintenance Charge

The cost to operate and maintain the wastewater treatment facility and wastewater collection system must be paid by the users of the system in approximate proportion to their usage. Where metered water usage data is available, this can be used as a basis for equitable sewer user charges. However, when information on actual usage is not available, user charges must be based on estimated wastewater contribution, using similar land and building uses in other communities as a guide. The Village of West Salem will require all users to have a metered water supply or to install a wastewater meter.

Operation and maintenance costs are defined, per the requirements of the loan program, to include replacement costs. That is, a separate fund must be established in which monies will be accumulated to pay the cost "for obtaining and installing equipment, accessories, or appurtenances which are necessary to

maintain the capacity and performance (of the wastewater works) during (its) service life". The annual contribution to the Equipment Replacement Fund is the amount computed on the schedule maintained by the Public Works Director and entitled Sewer Replacement Fund Budget with purchases through the end of each year, which as of July 1, 2015, stands at \$47,253. (Refer to Schedule 5).

Replacement costs are determined by using the installed costs of equipment items and assigning a service life to such facilities in order to estimate when replacement will be required. A sinking fund factor, at 6.0 percent, is then utilized to determine the amount of money to be collected per year to insure that an adequate amount will be available at the time the equipment is likely to need replacement.

The wastewater treatment plant debt service costs relate to annual costs required to pay back the loan for the capital expenditures at the wastewater treatment plant. A certain portion of these costs will be designated to the major industries, future and Northern Engraving, Inc., for their usage of the upgraded treatment plant. The remaining costs have been allocated to other users based on equivalent meters and dwelling units. In the absence of industrial contracts with significant users, the Village will proportion debt service to significant users on a flow and load usage basis.

Unit treatment costs are also shown in Schedule 8 and are based on the projected flows and waste loads for the first year of operation. The anticipated unit costs are:

Volume	\$0.63/1000 gallons
BOD ₅	\$0.32/lb
SS	\$0.32/lb
Phosphorus	\$2.25/lb

Discharges of normal domestic strength wastewater, defined as not exceeding 225 mg/L concentration of BOD₅, 225 mg/L concentration of SS, and 5 mg/L concentration of phosphorus as determined from monitoring records, will pay on a unit basis of \$2.04 per 1000 gallons. All wastewater customers will pay on this unit volume basis using metered or estimated flow.

Customers discharging wastewaters of greater than normal strength must pay a surcharge on the additional loadings. The charge for each customer would be determined from the formula presented below:

$$C = F + \$2.04 \times V + .00834 \times V \times [(\$0.32 \times B) + (\$0.32 \times S) + (\$2.25 \times P)]$$

Where:

- C = Charge to collection system user for operation and maintenance and replacement costs for treatment works.
 F = Base Quarterly Fixed Charge
 V = Wastewater volume per 1000 gallons.
 B = Concentration of BOD₅ from a user above the normal domestic strength of 225 mg/L.
 S = Concentration of suspended solids from a user above the normal domestic strength of 225 mg/L.
 P = Concentration of phosphorus from a user above the normal domestic strength of 5 mg/L.

.00834 = Conversion Factor (mg/L to lbs)

Unmetered users must pay a flat rate charge based on average water usage. The flat rate operation, maintenance and replacement charge for unmetered users is \$30.00 per quarter as determined in Schedule 8. The total charge for unmetered users equals the volume charge plus the fixed charge for an unmetered user.

B. Holding Tank and Septic Tank Waste

1. Low Strength Dischargers.
Charges to licensed dischargers of holding tank wastes shall be charged a \$15.00 per load fee plus charges computed on the following basis:

Assumed Strength
 BOD₅ up to 500 mg/L
 SS up to 1,300 mg/L
 Volume Charge = \$5.505/1,000 gallons

2. Medium Strength Dischargers
Charges to licensed dischargers of septic tank wastes shall be charged a \$15.00 per load fee plus charges computed on the following basis:

Assumed Strength
 BOD₅ 501 mg/L to 1,600mg/L
 SS 1,301 mg/L to 5,000 mg/L
 Volume Charge = \$18.29/1,000 gallons

3. High Strength Dischargers

Charges to licensed dischargers of septic tank wastes shall be charged a \$15.00 per load fee plus charges computed on the following basis:

Assumed Strength	
BOD ₅	1,601 mg/L & higher
SS	5,001 mg/L & higher
Volume Charge =	\$31.08/1,000 gallons

V. Summary of Revenues and Expenses

Total revenue for the Village of West Salem wastewater treatment facility for the coming year of operation from operation and maintenance charges is expected to be \$281,999 (refer to Schedule 9).

The total operating expenses of the system, including operation and maintenance, replacement, and treatment are projected to be \$281,876 (refer to Schedule 6).

Based on these forecasts, the Village of West Salem will have a net income of \$123 from the variable charge for the coming year of operation (refer to Schedule 9).

Total revenue from fixed charges will be \$418,230 (refer to Schedule 3). The total fixed expenses, including debt service and depreciation total \$335,407 (refer to Schedule 2).

The Village of West Salem must provide 10% of the total annual debt service charge in a segregated account. This annual contribution will be \$33,541 as shown in Schedule 3.

The Village also will continue to pay \$18,000 per year toward the existing loan amount.

Based on these forecasts, the Village of West Salem will have a net income of \$31,282 from fixed charges.

Total revenue for 2014 and 2015 has been fairly stable but declining slightly due to user water savings.

2016 projected total revenue for the Village of West Salem wastewater treatment facility for the coming year of operation from operation and maintenance charges is expected to be \$311,997 (\$764,673 total less known fixed of \$452,676 from 2015 actuals).

The total operating expenses of the system, including operation and maintenance, replacement, and treatment are projected to be \$259,282 (\$212,029 O&M from 2014 actual plus new Replacement Fund (47,253)).

Based on these forecasts, the Village of West Salem will have a net income of \$52,715 from the variable charge for the coming year of operation. Note this net income will partially be used up by some increased 2016 O&M costs and any sewer line repairs both budgeted and emergency for 2016 and some will be reserved for larger sewer line repair and replacement projects in future years.

Total revenue from fixed charges will be \$525,011.36 based on August 2015 meters and new fixed rate charges. The total fixed expenses, including debt service and depreciation total \$678,346 (depreciation makes up \$220,095 of this amount).

Based on these forecasts, the Village of West Salem will have a net income of (\$153,334.64) from fixed charges on an accrual basis and \$66,760.33 on a cash basis. As noted, this cash basis net income is the start of building a cash reserve for the upcoming phosphorus upgrade.

Section III

**Village of West Salem
User Charge System Schedules**