

**AN ORDINANCE REPEALING AND RECREATING VARIOUS SECTIONS OF THE VILLAGE CODE OF THE VILLAGE OF GLENBEULAH REGARDING SEWER USE ORDINANCE**

**WHEREAS**, the Northern Moraine Utility Commission (the "Commission") provides wastewater treatment services to the Village of Glenbeulah; and

**WHEREAS**, the wastewater discharge from the Village of Glenbeulah is governed by the Commission's Sewer Use Ordinance, as adopted herein; and

**WHEREAS**, the Commission updated its Sewer Use Ordinance on January 13, 2025, to capture the Commission's needs and current legal and regulatory requirements; and

**WHEREAS**, the Village Board hereby determines it is necessary to update various sections of the Village Code to adopt the current Northern Moraine Utility Commission Sewer Use Ordinance.

**NOW, THEREFORE**, the Village Board of the Village of Glenbeulah does hereby ordain as follows:

**Section 1. Repealing and Recreating Code.** Sections 7.06, Discharge of Waste Material, 7.07 Definitions, 7.08, Sewer Charges, 7.09 Sewer Service Charges, 7.10, Industrial Cost Recovery Charge, 7.11, Control and Measurement of Admissible Industrial Wastes, 7.12, Connections to Treatment Works, 7.13, Plan Preparation, 7.14 Discharging Deleterious Substances into Public Sewer Prohibited, 7.15 Applicability of Ordinance to Contributing Authority, 7.16, Liability to District for Losses, 7.17 Protection from Damage, 7.18 Penalties and Enforcement, 7.19, Validity and 7.20 Ordinance in Force, of the Village of Glenbeulah Code of General Ordinances are hereby repealed and recreated to read as attached.

**Section 2. Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

**Section 3. Effective Date.** This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 12 day of March, 2025.

**VILLAGE OF GLENBEULAH**

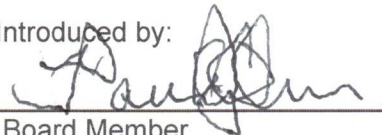
By: Amade Scusset

**DOUGLAS DAUN**, President

Amanda Schubert

Date Approved: 3-12-25

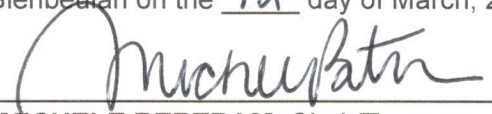
Introduced by:



Board Member

**CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing Ordinance was duly enacted by the Village Board and approved by the President of the Village of Glenbeulah on the 12 day of March, 2025.



**MICHELE BERTRAM, Clerk/Treasurer**

12577214531

## 7.06 INTRODUCTION AND PURPOSE:

(1) Purpose and Policy. This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Northern Moraine Utility Commission, hereafter referred to as the Approving Authority, and enables the Approving Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code) and the General Pretreatment Regulations (40 CFR, Part 403).

(2) Ordinance Objectives. This ordinance provides for the regulations of contributors to the wastewater system, through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the wastewater system which will interfere with the operations of the system or contaminate the resulting sludge.

(b) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into waters of the State or otherwise be incompatible with the system.

(c) To promote reuse and recycling of industrial wastewater and sludges from the wastewater system.

(d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public.

(e) To provide for equitable distribution of cost of operation, maintenance and improvement of the wastewater system.

(f) To ensure that Northern Moraine Utility Commission complies with its Wisconsin Pollutant Discharge Elimination System (WPDES) Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater system is subject.

## 7.07 DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "Approving Authority" shall mean the Board of Northern Moraine Utility Commission or their duly authorized Deputy, Agent or Representative.

(2) "B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

(3) "Building Sewer" shall mean a sewer which carries only domestic wastewater and industrial wastes from the building plumbing to the public sanitary sewer.

- (4) "Combined Sewer" shall mean a sewer receiving both direct surface runoff and wastewater.
- (5) "Commercial User" shall mean any person who contributes normal domestic wastewater to the public sewer and who is not defined as residential user, public user or industrial user.
- (6) "Contributing Authority" shall mean any municipality which contributes wastewater to the Approving Authority's sewage works.
- (7) "Domestic wastewater" or "sanitary sewage" shall mean a combination of liquid and water carried wastes and wastewater discharged from toilets, conveniences, or other sanitary plumbing facilities, exclusive of stormwater runoff, surface or ground water, which contain no incompatible pollutants exceeding the limitations set forth in Section 7.09 of this chapter and which contain no substances prohibited by the terms of this chapter.
- (8) "Flow Proportional Composite Sample" shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.
- (9) "Industrial User" shall mean any person who contributes industrial waste to the public sewer.
- (10) "Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources.
- (11) "Intercepting Sewer" shall mean a sewer constructed to receive the dry weather flow of untreated or inadequately treated wastewater or liquid waste from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any waters of the state, and convey the flow to a treatment works, or is to serve in lieu of an existing or proposed treatment works.
- (12) "Municipality" shall mean the governing body of any City, Village, Town or Sanitary District.
- (13) "Normal domestic wastewater" or "normal sanitary sewage" shall mean sanitary sewage in which B.O.D., suspended solids, phosphorus or ammonia nitrogen concentrations do not exceed normal concentrations of:
  - (a) A five-day, 20 degree centigrade, B.O.D. of not more than 250 parts per million,
  - (b) A suspended solids content of not more than 250 parts per million,
  - (c) Nitrogen not more than 25 parts per million,
  - (d) Phosphorus not more than 12 parts per million,

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

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

(16) "Public Sewer" shall mean a sewer, in which all owners of abutting properties have equal rights, and is controlled or owned by public authority.

(17) "Public User" shall mean any municipal institution, association, society, enterprise, governmental agency or other publicly owned entity who contributes normal domestic wastewater to the public sewer.

(18) "Residential User" shall mean any private individual who contributes normal sewage to the public sewer.

(19) "Sanitary Sewer" shall mean a sewer which carries domestic wastewater and to which storm, surface, and ground waters are not intentionally admitted.

(20) "Sewerage System" shall mean a system of sewers and appurtenances for the collection, transportation and pumping of wastewater or clear water.

(21) "Sewerage Works" shall mean the sewerage system, pumping stations, wastewater treatment plant, means of disposal of effluent and sludge and all other works necessary to the complete collection, treatment and disposal of wastewater.

(22) "Slug" shall mean a sudden increase in sewage discharge that may tend to overload the sewage works.

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

(24) "Storm Sewers" shall mean those which carry surface water, stormwater, roof water, and overflow water from a tank, cistern, or well but exclude sewage.

(25) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

(26) "Wastewater" shall mean liquid and water-carried industrial wastes and domestic wastewater from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

#### 7.08 CONNECTIONS TO SEWERAGE SYSTEM:

(1) General Conditions. A connection to the Approving Authority's sewerage system shall only be allowed if the existing Sewerage Works are adequately sized to transport and treat the additional flow from the proposed connection.

(2) Application to Connect Existing Sewerage System. Any person desiring to connect any Sewerage System with the Sewerage Works of any Contributing Authority shall make an application to the Approving Authority and the Contributing Authority for permission to make such connection. This application shall be made in writing by duly authorized officials or persons and shall be accompanied by a complete set of plans including the following information:

- (a) Location, size, and type of sewer pipe;
- (b) Grade of sewer pipe;
- (c) Elevations of the inverts at manholes;
- (d) Elevations of manhole tops;
- (e) Distance between manholes;
- (f) Complete details of all appurtenances;
- (g) A map of the sewage system;
- (h) A similar map of the Storm Sewer system, if such system exists;
- (i) Any other information requested by the Approving Authority or the Contributing Authority.

(3) Application to Connect Proposed New Sewerage System. Any person desiring to connect a proposed new Sewerage System with the Sewerage Works of any Contributing Authority shall make an application to the Approving Authority and the Contributing Authority for permission to make such connection. This application shall be made in writing by duly authorized officials or persons and shall be accompanied by two complete sets of plans and specifications including the following information:

- (a) Location, size, and type of sewer pipe;
- (b) Grade of sewer pipe;
- (c) Elevations of the inverts at manholes;
- (d) Elevations of manhole tops;
- (e) Distance between manholes;

- (f) Complete details of all appurtenances;
- (g) A map of the sewage system;
- (h) A similar map of the Storm Sewer system, if such system exists;
- (i) A description and depiction on a map of the location or locations at which the new connection is proposed to be made;
- (j) A description of the character of sewage to be transmitted through the new connection, including a statement as to whether the sewage is residential, commercial, or industrial.
- (k) Anticipated flows and loadings for wastewater to be transmitted through the new connection;
- (l) Any other information requested by the Approving Authority or the Contributing Authority.

(4) Initial Application From a Municipality. If the application submitted under Section 7.08(2) is the first application for connection to the Approving Authority's Sewerage Works made by a municipality, the municipality shall also submit a certified copy of the local plumbing and sewerage code. The first application submitted by a sanitary district shall also be accompanied by a description of the land within the sanitary district.

(5) Alterations. Alterations to existing Sewerage Systems connected to the Approving Authority or Contributing Authority's Sewerage Works shall be treated as Proposed New Sewerage Systems under Section 7.08(2). The Approving Authority and Contributing Authority may modify this provision if the sewer connection is not directly to a Contributing Authority sewer and providing the person requesting connection has previously presented and has had approved a general overall sewer plan. Any such a modification shall be made in writing and must be kept on file by the person to which it applies.

(6) Approval to Connect.

(a) Prior to approving any connection or use, the Approving or Contributing Authority may investigate, or cause to be investigated, the sewerage system for which such connection or use is requested. If the Approving and Contributing Authority finds such system to be defective in operation, construction, design, or maintenance, the Contributing Authority will so notify the applicant and will advise the applicant of such defects. Should an application submitted for connection be denied, the applicant who will be informed in writing as to the reason for denial.

(b) If the plans and specifications are approved by the Approving Authority and the Contributing Authority, they will be submitted by the applicant to the Wisconsin Department of Natural Resources and U.S. Environmental Protection Agency, or other statutory approving agency having jurisdiction. Copies of the plans and approvals will be kept by the applicant and a copy of the approval letter shall be submitted to the

Approving Authority and Contributing Authority before any connection or use of the Sewerage Works commences.

(7) Reserve Capacity. Prior to permitting any connection or use of the Sewerage Works, the Approving and Contributing Authorities shall ascertain that all downstream sewers, interceptors, lift stations force mains and treatment works have sufficient reserve capacity for volume, suspended solids, B.O.D, phosphorus and nitrogen removal to assure adequate collection and treatment of the additional wastewater contributed to the Sewerage Works. The Approving Authority reserves the right to refuse a connection if the requirements of this subsection cannot be met with the granting of the approval.

(8) Inspections and Supervision During Construction. During the construction of any Sewerage 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 approved 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 sewerage 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.

(9) Prohibited Connections. No connections shall be made of Combined Sewers to the interceptors or municipal sewers. No connections shall be made of any proposed or existing Storm Sewers to the Approving and Contributing Authorities Sewerage Works. Connection of catch basin or curb inlets to any sanitary sewer directly or indirectly connected to the Contributing Authority Sewerage Works is strictly prohibited.

(10) Physical Connection. All proposed sewer connections shall be made at a manhole with the flow line of the connecting sewer being at or below the manhole shelf or the connection shall be made through an approved drop. At least twenty-four hours before connection is to be made, notice of such intent must be given to the Contributing Authority. When the actual connection is made, it must be done in the presence of Contributing Authority inspectors.

(11) Records. Records of connections to the Sewerage 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.

(12) Plan Preparation. All plans presented to the Approving and Contributing Authorities must be prepared and sealed by a professional engineer registered in Wisconsin, or by a licensed Master Plumber as provided for in Wisconsin Administrative Code, and shall be prepared in conformity to the latest edition of "Standards for Sewage Works" adopted by the Great Lakes Upper Mississippi River Board of State and Provincial Health and Environmental Managers, and all applicable State and Federal regulations. All elevations given on plans submitted to the Approving Authority and the Contributing Authority shall be based upon USGS datum. Promptly upon the completion of any unit of construction covered by previously approved plans and specifications, the municipality shall furnish to the Contributing Authority an accurate and complete plan of the unit as constructed.



6. Any product of the Approving Authority's Sewerage Works or any of the Approving Authority's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes;

7. A detrimental environmental impact, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the Approving Authority;

8. Any component of the Approving Authority's Sewerage System or Sewerage Works to be overloaded;

9. In the opinion of the Approving Authority, excessive collection and treatment costs, or use of a disproportionate share of the Approving Authority's Sewerage Works;

(b) Specific prohibitions on discharges. Specific prohibited discharges shall include the following:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Any liquid or vapor having a temperature higher than 150°F. (Temperature to be measured in the first municipal manhole below the connection.)

3. Any wastes containing heavy metals, toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the Sewerage Works including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

4. Any wastes having a pH lower than 5.5 or higher than 9.0 (as measured at the first municipal manhole below the connection) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.

5. Garbage from other than homes, hotels, restaurants, institutions, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or for consumption off the premises when served by caterers.

6. Any garbage that has not been properly shredded or comminuted to such a degree that all particles will be carried freely in suspension in municipal sewers. (100% passing, 1/2" screen, 90% passing 1/4" screen.)

7. Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and

fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders.

8. Any waste containing items that could clog or damage the Approving Authority's Sewerage System or Sewerage Works, including but not limited to disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers, baby wipes, wet/dry cleaning clothes, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, and plastic products.
9. Any wastewater from industrial plants containing floatable oils, fats or greases.
10. Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
11. Any wastes that have such a high Biochemical Oxygen demand or containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the Sewerage Works.
12. Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
13. Milk, whey or any other dairy products or by-products of more than normal residential volume.
14. Any wastes that have such a high Biochemical Oxygen demand or containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the Sewerage Works.
15. Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency.
16. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) F. (0 and 65°C).
17. Wastewater containing polychlorinated biphenyls.
18. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.
19. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction 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.
20. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

21. Waters or wastes containing substances which are not amenable to treatment or reduction by the Sewerage Works treatment processes employed or are amenable to treatment only to such degree that the sewerage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(c) Prohibitions on storm drainage and groundwater. Stormwater, groundwater, rainwater, street drainage, roof runoff, and subsurface drainage shall not be discharged into the Approving Authority's Sewerage System without prior written approval of the Approving Authority. Such approval shall be granted only when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and upon compliance with conditions as required by the Approving Authority.

(d) Prohibition of unpolluted water. Unpolluted water, including but not limited to, cooling water, process water or blow down from cooling towers or evaporative coolers shall not be discharged into the Approving Authority's Sewerage System without prior approval of the Approving Authority. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and upon compliance with conditions as required by the Approving Authority.

(e) Additional prohibitions for industrial users. All Industrial Users shall be prohibited from the following:

1. Discharging or causing to be discharged wastewater exceeding applicable National Categorical Pretreatment Standards, or State Standards.

2. Diluting an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to meet the limitations established in this section, or to meet or exceed the Applicable Pretreatment Standards is prohibited.

(f) Septic tank and holding tank disposal. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the Contributing or Approving Authority's boundaries.

(3) Grease, Oil, and/or Sand Interceptors. Grease, oil and sand interceptors shall be installed when, in the opinion of the Approving Authority or Contributing Authority, they are necessary for the proper handling of liquid wastes containing excessive amounts of grease, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required to private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Interceptors shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas and watertight. All grease, oil, and sand interceptors required to be installed shall be maintained by the owner, at the owner's expense. Cleaning of all grease, oil and sand interceptors shall be done on a cycle not to exceed 90 days.

Documentation of all cleanings shall be readily available upon request from the Approving Authority or Contributing Authority.

(4) Pretreatment. The admission into the Sewerage System of any water or wastes having a Biochemical Oxygen Demand greater than 250 milligrams per liter, or containing more than 250 milligrams per liter of Suspended Solids, or containing any quantity of substances having the characteristics described in Sections 7.09(1) and 7.09(2) or having an average daily flow greater than 20,000 gallons per day flow shall be subject to the review and approval of the Approving Authority and Contributing Authority. Where required by the Approving Authority and/or Contributing Authority, the owner shall provide at the owner's expense such pre-treatment as may be necessary to reduce the Biochemical Oxygen Demand to 250 milligrams per liter and the Suspended Solids to 250 milligrams per liter, or reduce objectionable characteristics or constituents to within the maximum limits provided for in Sections 7.09(1) and 7.09(2), or hold and control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Approving Authority and Contributing Authority and no construction of such facilities shall be commenced until said approvals are obtained in writing. Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(5) Significant Industrial Users. Any Significant Industrial User, as defined by Wis. Admin. Code § NR 211.03(19m), that discharges into any sewer connected to the Approving Authority sewerage system shall comply with all applicable National Categorical Pretreatment Standard and/or state standards pursuant to Wis. Admin. Code ch. NR 211 and 220 through 297.

(6) Special Agreements and Exclusion of Industrial Wastes. No provision of this ordinance shall be construed as preventing any special agreement or arrangement between the Approving Authority and/or Contributing Authority and any industrial user whereby an Industrial Waste of unusual strength or character may be accepted by the Approving Authority for treatment, subject to payment therefor by the industrial user. Nothing herein shall prevent the exclusion of any Industrial Wastes upon the direction and order of the Approving and/or Contributing Authority. The right to exclude any Industrial Waste is hereby reserved to the Approving Authority.

(7) Alternatives to Acceptance of Wastewater. If any waters or wastes are proposed to be discharged to the Approving Authority's Sewerage System, in excess of those limitations enumerated in this Section 7.09, the Approving Authority may in the exercise of its reasonable discretion:

(a) Reject the wastes;

(b) Require pretreatment;

(c) Control the quantities and rates of discharge; and/or

(d) Recover the increased costs of handling and treating such wastes from the person discharging the wastes.

(8) Modification of Prohibitions. The Approving Authority may alter, amend or modify the limitations established in this Section 7.09 if it determines that it is necessary to meet the objectives of this chapter or the conditions of the Approving Authority's WPDES permit.

#### 7.10 CHARGES FOR WASTEWATER TREATMENT:

(1) Service Charges.

(a) Basis for charges. There is hereby assessed upon each Contributing Authority a service charge based upon the volume contributed by each Contributing Authority, service rendered and upgrades to the Approving Authority's Sewerage Works when applicable. The volume contributed is determined by the Approving Authority via measuring at the lift stations for each Contributing Authority. If the Approving Authority determines that the lift station readings are inaccurate, the Approving Authority may use its best judgment to estimate the volume from each Contributing Authority. The treatment rates are assessed per thousand gallons contributed and are based on the length of the force mains from the Contributing Authority to the Approving Authority as initially determined by the construction engineering firm. Services and upgrade charges are based on the need attributable to each Contributing Authority and/or agreement with the Contributing Authority. Labor rate is an hourly rate and determined by the Approving Authority. Charges other than treatment and labor charges will be billed to the Contributing Authority at cost. The Approving Authority will periodically assess revenue versus costs and adjust the treatment and labor rates accordingly.

(b) Method and payment of charges. The Approving Authority shall render invoices monthly to the Contributing Authorities and they become due and payable within 30 days from the invoice date. The invoices are hand delivered or mailed and in the event that a Contributing Authority claims that an invoice was not received, this does not relieve them from the original due date. In the event that any such invoice or invoices are not paid when due, a penalty of 1% per month will be added thereto. The Approving Authority shall conduct an annual review or audit of its books and shall make them available for inspection at the request of a Contributing Authority.

(c) Residential users. Residential Users shall pay the sum of charges as set forth by the Contributing Authority.

(d) Commercial and public users. Commercial and Public Users shall pay the sum of charges set forth by the Contributing Authority. All commercial and public users discharging wastewater into the public sewer having concentrations in excess of normal domestic wastewater shall have metering and sampling as required by the Approving Authority and/or Contributing Authority. They shall be billed for excess over normal domestic wastewater at the rate set forth by the Approving Authority and Contributing Authority.

(e) Industrial Users. All Industrial Users shall have metering and sampling as required by the Approving Authority and Contributing Authority. They shall be billed for excess over normal domestic wastewater at the rate set forth by the Approving Authority and Contributing Authority.

(f) Septic and holding tank wastes. Northern Moraine Utility Commission does not currently have a receiving station and does not accept septic or holding tank wastes because those wastes are not compatible with the sewerage system.

(g) Surcharges. The Approving Authority and Contributing Authority shall have the right to assess surcharges for any user discharging above normal domestic wastewater as set forth herein.

(2) Industrial Cost Recovery Charge. There is hereby levied and assessed on all Industrial Users an industrial cost recovery charge based upon volume and strength of industrial waste discharged to the Approving Authority's sewage works. Such Industrial Cost Recovery System provision should be in accordance with 40 CFR 35.928 - 1 and 2.

(a) Charges. Industrial cost recovery charges shall be determined when an Industrial User is accepted into the system and shall accurately reflect all of the actual costs of the facility's operations.

(b) Collection. Industrial cost recovery charges shall be collected by the Contributing Authority as to the industrial users under its jurisdiction as provided in sub-section (1).

(c) Records. All records relating to Industrial Cost Recovery Charges and computations shall be secured and maintained by the Contributing Authority and copies shall be annually submitted to the Approving Authority and shall be made available for Environmental Protection Agency audit.

(d) Review. The Approving Authority and Contributing Authorities shall retain the right to monitor, sample and test any industrial user at any time to assure the accuracy of all records used for computation of industrial cost recovery. The Contributing Authority shall cooperate fully with the Approving Authority on implementing Section 7.10(2) for all persons under its jurisdiction.

#### 7.11 WASTEWATER MEASUREMENT, SAMPLING AND REPORTING:

(1) Testing and Sampling Procedures. 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" and shall be determined based upon suitable samples taken at the required control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. If the measurements, tests and analyses disclose that the results or quantities exceed the limits set forth in this ordinance the reasonable cost of making such measurements, tests and analyses shall be at the expense of the person discharging said wastes.

(2) Power and Authority for Inspection. The manager-operator and/or other duly authorized officers and employees of the Approving Authority shall be permitted to enter upon all property

for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance. The Contributing Authority shall act in meeting the requirements of this section as to all Industrial Users subject to its jurisdiction and immediately furnish the information obtained to the Approving Authority as requested.

(3) Control and Measurement of Admissible Industrial Wastes.

(a) Submission of basic data. Each person discharging Industrial Waste to a public sewer shall prepare and file with the Approving Authority and Contributing Authority periodic reports that shall include pertinent data relating to the quantity and characteristics of their wastes.

(b) New connections. Each person desiring to make a new connection to the public sewers for the purpose of discharging Industrial Wastes shall prepare and file with the Approving Authority and Contributing Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(c) Control manholes.

1. All persons discharging Industrial Wastes into a public sewer or when directed by the Approving Authority or Contributing Authority, shall construct and maintain control manholes to facilitate observation, measurement and sampling of this waste. Control manholes shall be located and built in a manner approved by the Approving Authority and Contributing Authority. If measuring and sampling devices are to be permanently installed, they shall be of a type approved by the Approving Authority and Contributing Authority.

2. Control manholes, and related equipment, shall be installed at the expense of the person discharging the waste, and shall be maintained by the person discharging the waste in safe condition, accessible and in proper operating condition at all times.

(d) Optional metering of wastes. In the event a person discharging Industrial Wastes into the public sewers produces evidence satisfactory to the Approving Authority and Contributing Authority that more than 20% of the total annual volume of water used for all purposes does not reach the public sewer, the person may make a request to the Contributing Authority for permission to install an appropriate metering device. If said permission is granted and a metering device is installed, the service charges for volume shall be based on the readings from the metering device.

(e) Required metering of wastes. Devices for metering the volume of waste discharged may be required by the Approving Authority and/or Contributing Authority if those volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be purchased, owned and maintained by the person discharging the waste. Following approval and installation, such meters may not be removed without the consent of the Approving Authority and Contributing Authority.

(f) Waste sampling. Industrial Wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration. Said waste sampling shall be made as frequently as required by the Approving Authority and/or Contributing Authority and the cost there of shall be charged to the Industrial User. If any said testing by the Approving Authority and/or Contributing Authority shows a changed degree of pollution load in the wastewater being discharged, such new test results shall be used in computing the subsequent billings, but no change shall be made unless at least a full day of operation of the industrial facility has undergone the test. Any person may request the Approving Authority and/or Contributing Authority to make new tests, such tests to be at the expense of the person discharging the wastewater and such tests to be of a minimum of 24 hours duration. If the Approving Authority and Contributing Authority are satisfied that such test was made when the industrial facility was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously prescribed.

(g) Testing. All testing of wastewater will be done as per Federal Regulations, 40 CFR 136, in accordance with methods prescribed in "Standard Methods", or by the Wisconsin Department of Natural Resources, or others designated by the Approving Authority on samples collected in a manner prescribed by the Approving Authority.

(h) Verification. The Approving Authority has the right to verify all Industrial Waste records submitted by any Contributing Authority and may verify these records by testing, sampling or inspection as required. The Contributing Authority shall cooperate fully with the Approving Authority in obtaining verification from any Industrial Users subject to the jurisdiction of the Contributing Authority.

(i) Compliance. Where a Contributing Authority exists, they shall assume the responsibility of implementing the provisions of Section 6.03 for all Industrial Users under their jurisdiction. In the event that the Contributing Authority does not satisfactorily implement Section 7.11(3), the Approving Authority reserves the right to assure compliance at the expense of the Contributing Authority.

(j) Permits for certain Industrial Users.

1. Notwithstanding any provision of this ordinance, the Approving Authority may require a discharge permit from an Industrial User, and, if the Approving Authority does exercise this option, the Industrial User shall not discharge to the Sewerage System without having first applied for and obtained a permit from the Approving Authority.

2. The Approving Authority shall notify the Industrial User if the Approving Authority determines that a permit is necessary.

3. The Approving Authority shall specify the information required to be submitted to process the permit application. The Industrial User shall provide such information within sixty (60) days of the information request.



4. In the event the type or volume of waste from an Industrial User for which a discharge permit was previously granted shall materially and substantially change, the Industrial User granted such permit shall make a new application to the Approving Authority, in the same manner as previously made.

5. Any permit issued under this ordinance shall be effective for a period not to exceed five (5) years. Any Industrial User holding a permit shall apply for a permit reissuance or renewal at least one hundred eighty (180) days prior to the expiration date of the Industrial User's permit.

6. If an Industrial User currently discharging to the Approving Authority Sewerage System is required by the Approving Authority to obtain a permit and fails to do so, the Industrial User may be subject to the enforcement procedures described in Section 7.13.

7. Permits under this subsection may require, but are not limited to, the following provisions:

a. A written application containing the name, address, and telephone number of the Industrial User, and the identity of an authorized representative to act on its behalf.

b. The imposition of average and/or maximum limits of various wastewater constituents which may be discharged by such Industrial User.

c. The requirement to use certain mandated practices, source reduction, or pretreatment as appropriate.

d. The description of any sampling, monitoring, or reporting requirements.

e. A statement concerning the Approving Authority's right to inspect the Industrial User's facilities.

f. Other terms deemed necessary by the Approving Authority to effectively regulate the discharge of concern.

## 7.12 CONTRIBUTING AUTHORITY SEWERAGE SYSTEMS:

### (1) Maintenance of Contributing Authority Sewers.

(a) CMOM and Infiltration/Inflow Requirements. All Contributing Authorities shall comply with the requirements of Wis. Admin. Code § NR 210.23 to establish and implement a capacity, management, operation and maintenance program (CMOM) for its sewers by August 1, 2016. Contributing Authorities shall prepare written documentation of the CMOM program components and provide a copy of such documentation to the Approving Authority on request. Contributing Authorities shall provide the Approving Authority with a copy of their compliance maintenance annual report (CMAR) by June 30th of the calendar year for each year following August 1, 2016.

(b) Reporting of Contributing Authority Sewer Overflows. In the event of a bypass or spill of wastewater from any Contributing Authority public sewer, the Contributing Authority owning the sewer shall notify the Approving Authority and the Department of Natural Resources immediately upon becoming aware of the situation. The notification shall include the location of the bypass/spill, the reason for the bypass/spill, when the situation is expected to be corrected, and an estimate of the volume or rate of the bypass/spill in accordance with Wis. Admin. Code § NR 210.21.

(2) Contributing Authority Ordinances. Each Contributing Authority shall adopt and enforce ordinance provisions necessary to require all users within its jurisdiction to conform to and comply with provisions similar to the requirements in this ordinance.

(3) Applicability of Ordinance. The provisions of this ordinance, with the exception of Section 7.10: Charges for Wastewater Treatment shall be applicable to any Contributing Authority served on a contract basis by the Approving Authority Sewerage Works. All service contracts with a Contributing Authority shall provide that said authority will adopt the ordinances necessary to implement and enforce the aforesaid provisions of this ordinance in a uniform manner.

#### 7.13 VIOLATIONS, ENFORCEMENT, AND PENALTIES:

(1) Liability to Approving Authority for Losses. Any person who intentionally, negligently or accidentally violates any provisions of this ordinance shall become liable to Northern Moraine Utility Commission for any expense, loss or damage occasioned by reason of such violation which the Approving Authority 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 7.13(3) and without consideration for any penalties which may be imposed for a violation of this ordinance.

(2) Damage to Sewerage System. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the Approving Authority's Sewerage System.

(3) Penalties and Enforcement.

(a) Any person found to be violating any provision of this ordinance shall be served by the Approving Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) In the event of a continuing violation of any provision of this ordinance or a permit issued thereunder, or any other rule or regulation promulgated by the Approving Authority, the Approving Authority may issue an order directing the person causing the violation to comply with such ordinance, permit term, rule or regulation within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated to address the continuing violation. Compliance orders also may contain other requirements to address the

noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. All orders issued under this subsection shall be in writing and shall specifically state what action is required to comply with the order.

(c) Any person aggrieved by an order issued by the Approving Authority, which order directly affects the rights or duties of the person, may seek review of such order by the Approving Authority by filing with the Approving Authority, within 30 days after service of the order, a verified petition specifying the person's objections to the order or the modification desired in the order. Upon receipt of the petition, the Approving Authority shall order a public hearing on the petition and make any further investigations it determines advisable. The determination of the Approving Authority may be subject to review by certiorari within 30 days of the final determination in Sheboygan County.

(d) Any person who shall continue any violation beyond the time limit provided for in Section 7.13(3)(a) or (b) shall, upon conviction thereof, pay a forfeiture of not less than One Hundred (\$100.00) dollars nor more than Two Thousand Five Hundred (\$2,500.00) dollars for each day of violation together with the cost of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(e) The Approving Authority may take any other enforcement action as authorized under the law for a violation of this ordinance or any permit, rule, or order issued hereunder.

#### 7.14 MISCELLANEOUS PROVISIONS:

(1) Validity.

(a) All ordinances or parts of ordinances in conflict here with are hereby repealed.

(b) The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

(2) Amendment. The Approving Authority reserves the right to amend this ordinance in whole or in part whenever it may deem necessary.

(3) Ordinance in Force. This ordinance shall be in full force and effect and after its passage, approval, recording and publication as provided by law.