

Title 13

WATER AND SEWERS

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Chapter 13.04

WAUSAU UTILITY COMMISSION

Sections:

- 13.04.010 Created.
- 13.04.020 Membership, terms, appointments and meetings.
- 13.04.030 Management and control.

13.04.010 Created. There is created an independent and nonpartisan utility commission, which will be known as the Wausau Utility Commission, which commission shall manage and operate the water and sewerage utilities of the city of Wausau, pursuant to Section 66.1109 of the Wisconsin Statutes. The commission shall operate the water utility and the sewerage utility, autonomously, as enterprise funds of the city.

These utilities shall collectively be referred to as “Wausau Water Works for You.” (Ord. 61-4983 §1(part), 1997.)

13.04.020 Membership, terms, appointments and meetings. The utility commission shall consist of five members. The commission shall consist of the mayor, one alderperson elected from the membership of the common council, and three citizens of the city of Wausau.

The mayor shall be deemed to be a member of the commission for the term for which he/she is elected, and the mayor shall act as the president and presiding officer. The alderperson shall be elected (or re-elected) by the common council at the inaugural organizational meeting of the council after its election, which alderperson shall serve a two year term commencing immediately upon election, and which alderperson shall be the secretary of the commission.

The three citizen members of the commission shall be appointed (or reappointed) by the mayor, subject to confirmation by the common council, and shall serve a five-year term of office which shall begin on the first day of May of the year in which the term commences.

Commission vacancies shall be filled for the unexpired term of office in accordance with appropriate state statutes and city ordinances, and shall be confirmed by the common council, as necessary.

These shall be regular monthly commission meetings, and special meetings may be held at any time upon the call of the president or upon the request of a majority of the commission. A majority of the commission shall constitute a quorum. The president shall have the authority to sign any contracts authorized by the commission. (Ord. 61-5001 §1(part), 1998; Ord. 61-4983 §1(part), 1997.)

13.04.030 Management and control. The utility commission shall have the exclusive right to manage and supervise the Wausau water works subject only to the general control and supervision of

the common council, with such general control and supervision being exercised pursuant to the enactment and amendment of this and other ordinances.

(a) Management and Staff. The commission may appoint a manager (utilities director) who shall be the general executive officer of the water works to act on behalf of the commission. The commission delegates all other personnel matters to the utilities director and human resources department of the city to employ, compensate, set policy, and resolve all personnel matters as necessary in the best interest of the water works. The commission reserves the right to employ or contract for management and general operation of the utilities through agents or consultants as the commission deems necessary or convenient.

(b) Utilities Director. The utilities director shall serve at the discretion of the utility commission and will report directly to the president (mayor). A detail of the utilities director's job description shall be maintained by the human resources department. The utilities director will abide by and participate in all policies, benefits, compensation packages, etc., as established by the human resources department and committee which are ratified by the common council. The commission reserves the right to recommend and affirm any employment relationship with the utilities director in the best interest of the utilities.

(c) Rates, Rules and Regulations. The commission shall have authority to fix rates, and establish rules and regulations for the governance, management, and operation of the utilities which make up water works, subject to state statutes and to the jurisdiction of the Public Service Commission of Wisconsin, Wisconsin Department of Natural Resources, and any other approving authority. The utilities shall comply with and enforce any required regulations, tariffs, codes, permits, plan approvals, etc. The common council may enact and amend ordinances to confirm and/or modify policies, rates and regulations of the utilities.

(d) Contracts and Other Powers. The commission shall have full authority to let bids and enter into contracts in the name of the city; provided, that such contracts are necessary or convenient to the management and operation of the water works and that funding is available. The commission shall have such other powers as are necessary or convenient to the management and operation of the utilities within water works, and the city intends that the commission shall have full authority respecting the utilities unless that authority is specifically withheld by statute or ordinance.

(e) Funding and Financial Control. The commission shall oversee financial control through budget review, audits and directing the utilities director to prepare and summarize financial reports appropriate to ensure sound fiscal control of the utilities within water works. Each utility shall maintain segregated accounts to correctly reflect financial status under enterprise fund practices and will work with the finance department for the overall administration of utility finances. Payment shall be made for labor, salaries, and other regular expenses deemed appropriate to manage and operate the utilities. Financial and other fiscal decisions necessary for day-to-day operations of the utilities, shall be made either by the utilities director or under the direction of the mayor. (Ord. 61-4983 §1(part), 1997.)

Chapter 13.12

MAIN AND LATERAL INSTALLATIONS AND ASSESSMENT⁶

Sections:

- 13.12.010 Mains.
- 13.12.020 Laterals.
- 13.12.030 Assessments.

13.12.010 Mains. It shall be the duty of the water commission whenever the common council shall by resolution so determine, upon petition of abutting property owners or whenever public interest shall in their opinion require, and when there is money in the water fund for that purpose, or whenever the common council shall determine to pave or macadamize any street, to cause water mains to be laid or extended to supply water consumers. However, no mains shall be extended beyond the city limits to serve customers residing outside such limits. Mains shall be of the size and extent the common council or water commission shall determine. The cost of such extension shall be assessed under Chapter 12.04. (Prior code §17.07(1).)

13.12.020 Laterals. Upon petition of the owner or his agent of such abutting property, on a form provided by the utility, the manager shall extend one service pipe, based on a one-inch diameter, for such consumer to the curb for each sixty feet of frontage. Consumers requesting connection to water mains installed prior to 1973 shall not be charged for the service pipe. Consumers requesting connection to water mains installed in 1973 or later shall be charged the connection charge currently on file with the State of Wisconsin Public Service Commission.

Whenever the common council determines to pave or macadamize any street, it shall be the duty of the city engineer to notify the water commission of such determination. It shall be the duty of the water commission to determine what service connections shall be made before the improvements of the street. (Ord. 61-4289 §2, 1975; Ord. 61-4184 §1, 1971; Ord. 61-4099 §5(part), 1968; prior code §17.07(2)(a).)

13.12.030 Assessments. Upon all streets and alleys where water mains have heretofore been laid and no assessment of the cost of any part thereof has been made therefor upon the abutting property, the entire cost for the laying of the first service pipe to the curb upon the petition of such consumer of water, and for each additional or subsequent supply pipe which may be petitioned for and laid, shall be paid by the consumer. The cost of such laying of service pipes shall be computed by the manager and shall be paid before such service connection is made and no water shall be supplied until such expense is paid. (Ord. 61-4099 §5 (part), 1968; prior code §17.07(2)(b).)

⁶ For statutory provisions pertaining to water and heat pipes generally, see § 62.19, Wis. Stats.

Chapter 13.13

CROSS-CONNECTION TO WATER SERVICE

Sections:

- 13.13.010 Defined.
- 13.13.020 Cross-connection and interconnection restricted.
- 13.13.030 Duty to inspect.
- 13.13.040 Right of entry.
- 13.13.050 Enforcement.
- 13.13.060 Emergency discontinuance.
- 13.13.070 State Code adopted.
- 13.13.080 Local plumbing code.

13.13.010 Defined. A cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. (Ord. 61-4666 §3(part), 1989.)

13.13.020 Cross-connection and interconnection restricted. No person, firm or corporation who owns, leases, or occupies property shall establish or maintain any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter or potentially enter the supply or distribution system of the city unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the utilities director/plumbing inspector and by the state department of natural resources in accordance with Wisconsin Administrative Code NR 810.15. (Ord. 61-5500, §1, 2012, File No. 09-0524; Ord. 61-5401 §1(part), 2009, File No. 09-0524; Ord. 61-4666 §3(part), 1989.)

13.13.030 Duty to inspect. It shall be the duty of the utility commission to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are possible. The utility commission may require a person, firm, or corporation who owns, leases, or occupies property to have the plumbing inspected, at their own expense, by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the utility commission and in accordance with the Wisconsin Administrative Code. (Ord. 61-5401 §1(part), 2009, File No. 09-0524; Ord. 61-4666 §3(part), 1989.)

13.13.040 Right of entry. Upon presentation of credentials, the representative of the utility, or the plumbing inspector, shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross-connections. Refusing entry to such utility representative shall be sufficient cause for the utility to discontinue the property's connection to the public water system under section 13.13.060 of this chapter. If entry is

refused, such representative may obtain a special inspection warrant under Section 66.0119 of the Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. (Ord. 61-5401 §1(part), 2009, File No. 09-0524; Ord. 61-4666 §3(part), 1989.)

13.13.050 Enforcement. The utility/inspection department is authorized and directed to discontinue water service to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures necessary to eliminate danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68 of the Wisconsin Statutes, except as provided in section 13.13.060 below. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this chapter. (Ord. 61-4666 §3(part), 1989.)

13.13.060 Emergency discontinuance. If it is determined by the utility/inspection department that a potential cross-connection or an emergency endangers public health, safety or welfare service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68 of the Wisconsin Statutes within ten days of such emergency discontinuance. (Ord. 61-5401 §1(part), 2009, File No. 09-0524; Ord. 61-4666 §3(part), 1989.)

13.13.070 State Code adopted. The State Plumbing Code, Wisconsin Administrative Code H 82, is adopted by reference. (Ord. 61-4666 §3(part), 1989.)

13.13.080 Local plumbing code. See Chapter 19.40 of this code. (Ord. 61-4666 §3(part), 1989.)

Chapter 13.16

CONNECTION²

Sections:

- 13.16.010 When required.
- 13.16.020 Contents of notice.
- 13.16.030 Plumbing inspector may cause connection at expense of owner.
- 13.16.040 Installment option.
- 13.16.050 Privies and cesspools prohibited after connection with sewer.
- 13.16.060 Service pipes to be protected.
- 13.16.070 Size of piping.
- 13.16.080 Service pipe requirements.

13.16.010 When required. Whenever a sewer or water main becomes available to any building used for human habitation, the owner or his agent shall be notified by registered mail of the requirements to connect to the sewer or water system. Compulsory connection regarding water will be defined under section 19.24.070 of this code. Connection requirements regarding sewers will be defined under section 19.36.070 of this code. (Ord. 61-4544 §1, 1984.)

13.16.020 Contents of notice. The notice required by section 13.16.010 shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the plumbing inspector and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance. (Ord. 61-4544 §2, 1984; prior code §10.13(2).)

13.16.030 Plumbing inspector may cause connection at expense of owner. If the owner or his agent fails to comply with the initial notice as defined per section 13.16.010, an order will be issued by the plumbing inspector requiring connection within ninety days from receipt of this order by registered mail. Failure to comply with this order may cause the connection to be made under contract by the city, and the expense thereof shall be assessed as a special tax against the property. (Ord. 61-4544 §3, 1984.)

13.16.040 Installment option. The owner or his agent may, within thirty days after completion of the work, file a written option with the clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in five equal annual installments, with interest at the rate of eight percent per year from the completion of the work. (Ord. 61-4173-A §1, 1970; prior code §10.13(4).)

² For statutory provisions authorizing cities to require connections with sewer or water mains, see § 281.45, Wis. Stats.

13.16.050 Privies and cesspools prohibited after connection with sewer. After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation. (Prior code §10.13(5).)

13.16.060 Service pipes to be protected. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the manager. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling free from hard lumps, rocks, stones, or other injurious material around and at least twelve inches over the pipe. (Ord. 61-4289 §3, 1975; prior code §17.23(1).)

13.16.070 Size of piping. All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. The size of water service piping shall be based on the estimated maximum rate of flow through the water service piping. The maximum flow rate shall be estimated by the following procedure:

- (a) Determine the number of each type of fixture to be installed in the building;
- (b) Determine the usage of each fixture as either private or public.
 - (1) Usage is to be classified as private when used for living quarters only,
 - (2) Usage is to be classified as public when used for any purpose other than living quarters;
- (c) Determine the fixture units for each type of fixture by reference to Table 1*;
- (d) Determine the total fixture units by multiplying the number of each type of fixture by its respective number of fixture units and totaling. In using this method, allowance should be made for fixtures to be installed at a future date;
- (e) By reference to Table 2*, the total fixture units in any system with either flush tank or flush valves can be converted to maximum rate of flow in the water service piping. In converting, the next greatest number of fixture units should be used;

* Tables are on file in the city clerk's office.

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(f) Where water consuming equipment not listed in Table 1* is to be used, its GPM rating is to be added to the maximum rate of flow determined as outlined in (e). This total is then used in determining the size of water service piping and meter.

In Tables 3 to 7* is a tabulation of the regular water service piping sizes for the estimated maximum rate of flow determined in accordance with paragraphs (a) through (f). Knowing the maximum estimated rate of flow and the length of service piping required, the proper size water service piping and meter can be selected. At the time of installation where it has been determined that water pressure may drop below thirty-five psi, the larger listed size shall be required. (Ord. 61-4184 §2, 1971; prior code §17.23(2).)

13.16.080 Service pipe requirements. (a) Service connections between one and two inches internal diameter shall be made by brass corporation cock. Water service pipes connecting with corporation in water main in street shall be no smaller than one inch internal diameter and shall be of "K" copper water tube. Each service pipe to have a brass curb stop and iron box at sidewalk, terminating above surface of ground. All service pipes to be laid in ground below action of frost, seven feet below surface.

(b) Service connections larger than two inches internal diameter shall be made by inserting a tee or tapping sleeve and valve on/in the water main. Each service pipe is to have a gate valve and iron box at sidewalk except tapping sleeves and valves which shall be at the point of connection, terminating above surface of ground. All service pipes are to be laid in ground below action of frost, seven feet below surface.

(c) A straight gate valve or globe valve shall be installed inside the foundation wall of each building where the meter is installed. Service of one and one-half inches or over shall have a full size bypass around the meter.

(d) Any other connections with city water mains can only be made by special permit of the manager upon authority of the water commission. (Ord 61-5120 §1, 2001, File No. 01-0614; Ord. 61-4289 §4, 1975; Ord. 61-4099 §10, 1968; prior code §17.23(3).)

Chapter 13.20

SERVICE

Sections:

- 13.20.010 Application.
- 13.20.020 Conditions of furnishing service.
- 13.20.030 No division of service.
- 13.20.040 Withholding approval.
- 13.20.050 Service contract.
- 13.20.060 Reconnection charge
- 13.20.070 Compliance with rules.
- 13.20.080 Turning on water.
- 13.20.090 Turning off water.
- 13.20.100 Vacation of premises.

13.20.010 Application. Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the list of water consuming fixtures to be installed at the property. Size of service piping and meter shall be determined from section 13.16.070. (Note particularly any special refrigeration or air conditioning water consuming appliances.) (Ord. 61-4184 §3, 1971; prior code §17.16(1).)

13.20.020 Conditions of furnishing service. Service will be furnished only if:

(a) Premises has a frontage on a properly platted street or public strip in which a cast iron or other long life water main has been laid, or where property owner has agreed to and complied with the provisions of the utility's filed main extension rule;

(b) Property owner has installed or agreed to install a service pipe from the curblin to the point of use, and laid not less than seven feet below the surface of an established or proposed grade, and according to utility's specifications; and

(c) Premises has adequate piping beyond metering point. (Ord. 61-4289 §5, 1975; prior code §17.16(2).)

13.20.030 No division of service. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties. (Prior code §17.16(3).)

13.20.040 Withholding approval. The manager is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner. (Ord. 61-4099 §6, 1968; prior code §17.16(4).)

13.20.050 Service contract. Where a customer, at his request, has been disconnected and his account is not delinquent and where thereafter he requests the reconnection of service in the same location, a reconnection charge of three dollars, payable in advance, shall be collected. (Ord. 61-4289 §6, 1975; prior code §17.17(1).)

13.20.060 Reconnection charge. A reconnection charge of three dollars shall also be required from consumers whose services are disconnected because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). A consumer shall be considered as the same consumer, provided the reconnection is requested for the same location by any member of the same family or, if a place of business, by any partner or employee of the same business. (Prior code §17.17(2).)

13.20.070 Compliance with rules. All persons now receiving a water supply from the Wausau water utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin. (Prior code §17.15.)

13.20.080 Turning on water. The water cannot be turned on for a consumer except by an authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent him from testing his work. No person shall turn on water after completion of plumbing until a certificate of inspection signed by the plumbing inspector is presented to the manager. (Ord. 61-4099 §17, 1968; prior code §17.31.)

13.20.090 Turning off water. When water has been turned on to test plumbing, the person doing the testing shall turn off the water at the curb stop and immediately notify the manager. (Ord. 61-4099 §18, 1968; prior code §17.32.)

13.20.100 Vacation of premises. When premises are to be vacated, the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason or failure to notify the utility of vacancy. (Prior code §17.38.)

Chapter 13.24

METERS³

Sections:

- 13.24.010 Temporary meter supply—Deposits.
- 13.24.020 Installation.
- 13.24.030 Utility's responsibility.
- 13.24.040 Owner's responsibility.
- 13.24.050 Repair costs paid by owner.
- 13.24.060 Service piping for meter settings.
- 13.24.070 Failure to read meters.
- 13.24.080 Complaint meter tests.

13.24.010 Temporary meter supply—Deposits. An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit of not less than fifteen dollars for each meter installed, as security for payment for use of the supply. The charge for setting the valve and furnishing and setting the meter will be five dollars, so that of the fifteen dollars deposited, ten dollars will be available to pay for the water at the scheduled rates. (Prior code §17.18.)

13.24.020 Installation. (a) General. Meters will be furnished and placed by the utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing. No water meter shall be installed in any location not easily accessible, or in one which is or may be unclean, or in any manner hazardous to employees of the utility in the discharge of their duties. If during reconstruction of, or addition to, an existing potable water distribution system it is found that the water meter is located in a below-the-floor meter pit, the meter shall, at that time, be raised out of the pit and equipped with full-flow ball valves on both the inlet and outlet to the meter. The city plumbing inspector may at any time order the relocation of existing meters located in pits or extremely difficult areas of access. Water meters shall not be installed below plumbing fixtures, nor shall any water meter be installed in any toilet room. Water meters shall not be installed below stairways, landings, showrooms, or other platforms. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.

(b) Multi-Family Units. Water meter service to multi-residential building units shall be readily accessible to city personnel during normal working hours. All meters shall be installed in the common portion of the basement or common utility rooms not located in the individual living units. Where individual meters are desired per living units, the meters shall be clustered or banked together in a common accessible location as noted above. For ease of wiring to the outside, dedicated conduit(s) shall be provided sufficient in size to carry remote meter wiring to an outside receptacle(s). All requirements for meters contained in subsection (a) of this section shall also apply

³ For statutory provisions pertaining to the testing of meters, see § 196.17, Wis. Stats.

to multi-family units. (Ord. 61-5180 §1, 2002, File No. 02-0620; Ord. 61-4745 §1, 1991; Ord. 61-4289 §7, 1975; Ord. 61-4184 §4, 1971; Ord. 61-4099 §14, 1968; prior code §17.28.)

13.24.030 Utility's responsibility. Meters will be repaired by the water utility and the cost of such repairs caused by ordinary wear and tear will be borne by the utility. (Ord. 61-4099 §15(part), 1968; prior code §17.29 (1).)

13.24.040 Owner's responsibility. No person shall connect or disconnect a water meter for repairs or other reason without consent of the manager, except in case of leakage. The person doing repair shall immediately notify the manager of the work done. (Ord. 61-4099 §15(part), 1968; prior code §17.29(2)(a).)

13.24.050 Repair costs paid by owner. Repair or any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises. (Prior code §17.29(2)(b).)

13.24.060 Service piping for meter settings. In installing new service piping (or changing service piping where consumers have been on a flat rate), if meters are to be set, the consumer shall, at his expense, provide the proper connections for the meter. The water manager should be consulted as to the type and size of meter setting. A gate, ball or plug valve equal in size to the service piping shall be provided on the inlet side of the meter. A gate, ball or plug valve equal to or larger than the meter size shall be provided on the outlet side of the meter. Service piping of one and one-half inches or over shall have a full size valved bypass around the meter. Meter connections will be provided by the water utility. In the event the meter is not installed at the time of piping, a nipple of standard length as determined by the manager, will be provided and later removed for the insertion of the meter into the supply line.

No permit will be given to change from metered to flat rate service. (Ord. 61-4184 §5, 1971; Ord. 61-4099 §16, 1968; prior code §17.30.)

13.24.070 Failure to read meters. Where the utility is unable to read a meter after two successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two consecutive estimated bills be rendered.

If the meter is damaged or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method. (Prior code §17.33.)

13.24.080 Complaint meter tests. If a customer requests, the utility shall promptly make an accuracy test in addition to the periodic or installation test if twenty-four months or more have

elapsed since the last complaint test of the same meter in the same location. If less than twenty-four months have expired, there will be a charge of two dollars per inch of nominal size or fraction thereof, payable in advance. If the meter is found fast in excess of two percent, any payment that was made for the test will be refunded and there will be an adjustment for past billings. (Ord. 61-4289 §8, 1975; prior code §17.34.)

Chapter 13.28

WATER CHARGES

Sections:

- 13.28.010 Unit of service defined.
- 13.28.030 Multiple buildings.
- 13.28.040 Charges for water wasted due to leaks.
- 13.28.050 Refunds of deposits.
- 13.28.060 Water rents.
- 13.28.070 Water rates.
- 13.28.080 Rates—Public fire protection service.

13.28.010 Unit of service defined. A unit of service consists of any residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store, or office, which is equipped with one or more fixtures for rendering water service, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter, when authorized, assessed accordingly. (Prior code §17.36(1).)

13.28.030 Multiple buildings. When a consumer's premises has several buildings each supplied with service and metered separately, the full service charge will be billed for each meter separately, and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing. (Prior code §17.36(3).)

13.28.040 Charges for water wasted due to leaks. When the meter registers losses due to pipe leaks, the utility shall determine whether or not the defect in the piping or equipment was known to the customer or, being known, he had used his best efforts to correct the conditions. If the manager determines that the loss occurred without the consumer's knowledge or, having known about it, he had tried to correct the condition, the utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the utility will bill for the total consumption shown by the meter at regular rates. (Ord. 61-4099 §12, 1968; prior code §17.25.)

13.28.050 Refunds of deposits. All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of sprinkling valve wheel or reducer, if the water is used on any unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer. (Prior code §17.22.)

13.28.060 Water rents. All water rents shall be paid in such manner and at such time as the water commission shall determine. All water rates, whether by schedule or meter, which shall not be

paid within thirty days after the same shall become due and payable, shall become a lien upon the premises receiving the service, and if remaining unpaid shall be collected as a special tax in the next tax roll, pursuant to Section 66.0809(3) of the Wisconsin State Statutes. (Ord. 61-4289 §10, 1975; prior code §17.08.)

13.28.070 Water rates. The water commission shall from time to time establish rates for water service subject to approval of the Wisconsin Public Service Commission. (Prior code §17.10.)

13.28.080 Rates—Public fire protection service. Effective June 1, 2004, the public fire protection service fee for water, hydrants, water distribution infrastructure, and other related assets and costs as determined or formulas determined by the Public Service Commission shall be placed on the utility bills. Said rates shall be determined within Section 13.28.070 Water Rates of the Wausau Municipal Code. (Ord. 61-5231 §1, 2004, File No. 89-1208.)

Chapter 13.32

INSPECTION⁴

Sections:

13.32.010 Inspection of premises.

13.32.010 Inspection of premises. During reasonable hours, any officer or authorized employee of the utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the utility's rules and regulations. At least once every twelve months the utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water. (Prior code §17.35.)

⁴ For statutory provisions authorizing entrance into buildings to inspect meters, pipes, fittings, wires and works, see § 196.171, Wis. Stats.

Chapter 13.36

REPAIRS

Sections:

- 13.36.010 Mains.
- 13.36.020 Replacement and repair of service pipe.
- 13.36.030 Thawing frozen services.

13.36.010 Mains. The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification, by newspaper publication or otherwise of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply. (Prior code §17.40.)

13.36.020 Replacement and repair of service pipe. Where the property owner requests that a large service lateral be installed to replace an existing smaller diameter pipe, an allowance of fifteen dollars will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.

The service pipe from the main to and through the curb stop, but not including the outlet joint of the curb stop, will be maintained and kept in repair and when worn out, replaced at the expense of the utility. The property owner shall maintain the service pipe from the curb stop to the point of use and can be billed for any water which has not passed through the meter and has been wasted by leakage or defective pipes and fixtures, as estimated by the manager.

If a consumer fails to repair a leaking or broken service pipe from curb to a point of metering or use within such time as may appear reasonable to the manager after notification has been served on the consumer by the manager, the water will be shut off and will not be turned on again until the repairs have been completed. (Ord. 61-4184 §6, 1971; Ord. 61-4099 §11, 1968; prior code §17.24.)

13.36.030 Thawing frozen services. Frozen services shall be thawed out by and at the expense of the utility except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade or undue exposure of the piping in the building or on consumer's property, or failure to comply with water utility specifications and requirements as to depth of service, lack of sufficient back fill, etc.

Following the freezing of a service, the utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for rethawing if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing the consumer must make provision for proper disposal of the waste water.

For the period in which the water is allowed to run the consumer will be billed according to his meter readings, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other

consumers of the same class receiving service under comparable conditions. (Ord. 61-4099 §13, 1968; prior code §17.26.)

Chapter 13.40

PROTECTIVE DEVICES—WATER PURITY

Sections:

- 13.40.010 Prohibited storage near well sites.
- 13.40.020 Exceptions to section 13.40.010.
- 13.40.030 Official map.
- 13.40.040 Stop boxes.
- 13.40.050 Protective devices in general.
- 13.40.060 Relief valves.
- 13.40.070 Air chambers.

13.40.010 Prohibited storage near well sites. No person shall install a storage tank, container or vault containing a deleterious liquid within one thousand feet of an existing or planned municipal well site. (Prior code §17.11(1).)

13.40.020 Exceptions to section 13.40.010. The director of inspections and electrical systems may grant an exception to section 13.40.010 if the water commission determines that the installation will not endanger or contaminate the well. (Prior code §17.11(2).)

13.40.030 Official map. The city engineer shall place on the official map of the city all locations of existing and planned municipal well sites. (Prior code §17.11(3).)

13.40.040 Stop boxes. The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate stop box and shut off the water in case of a leak on the consumer's premises. (Prior code §17.27.)

13.40.050 Protective devices in general. The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water cooled compressors for refrigeration systems by means of high pressure safety cut-out devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises. (Prior code §17.44(1).)

13.40.060 Relief valves. On all "closed systems" (i.e. systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (Prior code §17.44(2).)

13.40.070 Air chambers. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen diameters of the supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air. (Prior code §17.44(3).)

Chapter 13.44

CLAIMS FOR DAMAGES

Sections:

13.44.010 No claims for damages.

13.44.010 No claims for damages. No person shall enter a claim for damage against the city as a water utility, or any officer thereof, for damage to any pipe, fixture, or appurtenance by reason of interrupted water supply, or variation of pressure, or for turning on, either wholly or partially of the water supply for the extension, alteration, or repair of any water main or premises supply, or for the discontinuance of the premise water supply for the violation of any rules or regulations of the water department. No claims will be allowed against the city, on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stopping for repairs, on account of fire or other emergency, and no claims shall be allowed for any damage caused by the breaking of any pipe or machinery. (Prior code §17.39.)

Chapter 13.48

SURREPTITIOUS USE OF WATER⁵

Sections:

- 13.48.010 Rights of utility—Remedies.
- 13.48.020 State statutes adopted.

13.48.010 Rights of utility—Remedies. When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four hour disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:

- (a) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility;
- (b) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering;
- (c) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses. (Prior code §17.37(1).)

13.48.020 State statutes adopted. Sections 98.25 and 943.20 of the Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules. (Prior code §17.37(2).)

⁵ For statutory provisions pertaining to theft, see § 943.20, Wis. Stats.

Chapter 13.52

WATER FOR CONSTRUCTION

Sections:

- 13.52.010 Permit required.
- 13.52.020 Water turn-on.
- 13.52.030 Consumer's duty.
- 13.52.040 Use of hydrants for construction.
- 13.52.050 Operation of valves and hydrants—Unauthorized use of water.

13.52.010 Permit required. When water is wanted for construction purposes, or for filling cisterns, tanks, or tank wagons, steam tractors or rollers, or portable steam boilers, an application therefor shall be made to the manager, in writing, upon application provided for that purpose in the water department office, giving a statement of the amount of construction work to be done, or the size of the cistern, boiler, tank or tank wagon to be filled. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the manager. (Ord. 61-4099 §7, 1968; prior code §17.19(1).)

13.52.020 Water turn-on. In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the water department, together with a statement of the actual amount of construction work performed. (Prior code §17.19(2).)

13.52.030 Consumer's duty. Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the department. Any consumer failing to comply with this provision will have his water service discontinued. (Prior code §17.19(3).)

13.52.040 Use of hydrants for construction. In cases where no other supply is available, permission may be granted by the manager to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge of three dollars will be made for setting a valve, or for moving it from one hydrant to another. In no case shall any valve be moved except by a member of the water utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. The applicant must make a deposit of one dollar for the hydrant wheel and one and one-half dollars for the reducer, if he desires one. When the contractor has finished using the hydrant, he must notify the water utility to that effect. The minimum charge for the use of water from a hydrant will be five dollars, exclusive of the deposit, but including the charge for setting the valve.

In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the water utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant. (Ord. 61-4289 §11, 1975; Ord. 61-4099 §8, 1968; prior code §17.20.)

13.52.050 Operation of valves and hydrants—Unauthorized use of water. No person shall, without authority of the manager, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, nor shall any person wantonly injure or impair the same. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. (Ord. 61-4099 §9, 1968; prior code §17.21.)

Chapter 13.56

DAMAGE TO MAINS AND SERVICE PIPES

Sections:

- 13.56.010 Responsibility of contractor during construction.
- 13.56.020 Contractor must locate service pipes.

13.56.010 Responsibility of contractor during construction. When excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor. (Prior code §17.42(part).)

13.56.020 Contractor must locate service pipes. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six hours. (Prior code §17.42(part).)

Chapter 13.62

SEWAGE USERS—STANDARDS AND CONTROL

Sections:

- 13.62.001 Purpose and policy.
- 13.62.010 Scope of control.
- 13.62.020 Definitions.
- 13.62.030 Prohibitions and limitations on wastewater discharge.
- 13.62.040 Control of prohibited wastes.
- 13.62.050 User wastewater monitoring and analysis.
- 13.62.060 Enforcement procedures.
- 13.62.070 Penalties—Costs.
- 13.62.075 Special Provisions—Amalgam reduction—Dental professionals.

13.62.001 Purpose and policy. This chapter sets forth uniform requirements for wastewater discharges into the Wausau sewerage utility wastewater collection and treatment system and tributaries thereto, and enables the Wausau sewerage utility to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the Wausau sewerage utility wastewater system which will interfere with the normal operation of the system and cause violation of the city's WPDES permit or contaminate the resulting municipal bio-solids;
- (b) To prevent the introduction of pollutants into the Wausau sewerage utility wastewater system which do not receive adequate treatment in the publicly owned treatment works (POTW), and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both POTW personnel who may be affected by wastewater and bio-solids in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and bio-solids from the Wausau treatment system;
- (e) To prevent physical damage to the Wausau sewerage utility wastewater collection and treatment system;
- (f) To enable Wausau to comply with its National Pollutant Discharge Elimination System permit conditions, bio-solids use and disposal requirements, and any other federal or state laws to which the Wausau sewerage utility collection and treatment system is subject.

This chapter provides for the regulation of discharges into the Wausau sewerage utility wastewater system through the issuance of permits to certain users and through enforcement of the

applicable requirements in this chapter for other persons. This chapter provides for the Wausau sewerage utility to implement and exercise a POTW pretreatment program according to 40 CFR 403.8(f)(1) and (2). This chapter does not provide for the recovery of operations, maintenance or replacement cost of the POTW or the costs associated with the construction of collection and treatment systems required by the users, in proportion to their use of the POTW, which are the subject of separate enactments.

This chapter shall apply to all persons in the city, and to persons outside the city who are, by contract or agreement with the city, users of the wastewater treatment system. Except as otherwise provided in this chapter, the commissioners and its employees of the Wausau sewerage utility as appointed by the common council of the city of Wausau shall administer, implement and enforce the provisions of this chapter. (Ord. 61-4859 §1(part), 1994.)

13.62.010 Scope of control. All persons now receiving sewer service from the utility or who may hereafter make application therefore, are deemed to be bound by rules and regulations of the utility as may be filed with the Public Service Commission of Wisconsin, and such state and federal statutes and administrative rules as are applicable. (Ord. 61-4859 §1(part), 1994.)

13.62.020 Definitions. Unless the provision explicitly indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C.; 1251, et seq.) as amended.

“Approving authority” means the board, commission or committee that manages the Wausau sewerage utility.

“Authorized representative of the user” means:

(a) If the user is a corporation:

(1) The president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing facilities provided the manager is authorized to make decisions which govern the operation of the facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the report and where authority to sign documents has been delegated to the manager according to the corporation’s procedures; or

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state or local government facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) An authorized representative of the individual designated above if:

- (1) Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;
- (2) The authorization is in writing; and
- (3) The written authorization is submitted to the Wausau superintendent.

“Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, usually expressed as a concentration (e.g., mg/l), as prescribed in 40 CFR Part 136, or such other methods as the EPA administrator may approve.

“Bypass” means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

“Categorical pretreatment standard” means National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial discharges.

“City” means the city of Wausau or the common council of the city of Wausau.

“Cooling water” means the water discharged from any use such as air-conditioning, cooling or refrigeration, whose character undergoes no chemical change during such use.

“Compatible pollutant” means BOD, suspended solids, Ph and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the WPDES permit issued to the Wausau sewerage utility.

Discharger. See “user” definition.

“D.N.R.” means the Wisconsin Department of Natural Resources.

“Domestic wastes” means liquid wastes from the noncommercial preparation, cooking or handling of food, or containing human excrement and similar matter discharged from the sanitary

facilities in dwellings, commercial buildings, industrial facilities and institutions, and other places where humans congregate.

“Environmental Protection Agency or E.P.A.” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

“Garbage” means solid wastes from the handling, preparation, cooking, dispensing or storage of food.

“Ground garbage” means the residue from the preparation, cooking or 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 inch in any dimension.

“Incompatible pollutant” means any pollutant which is not a compatible pollutant as defined in this section.

“Industrial user” means any source of industrial wastewater.

“Industrial wastewater” means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.

“Interference” means the inhibition or disruption of a POTW's sewer system, treatment processes or operations by an indirect discharge which, alone or in conjunction with the discharge or discharges from other sources, causes a violation or increases the magnitude or duration of a violation of any requirement of the POTW's WPDES permit. The term includes the impairment of the use or disposal of POTW sludge in accordance with Chapters 144 and 147 of the Wisconsin Statutes, Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to the Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

“May” is permissible.

“New source” means:

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(2) or (3) of this section but otherwise alters, replaces or adds to the existing process or production equipment.

(c) Construction of a new source, as defined under this paragraph, has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous on-site construction program:

(A) Any placement, assembly or installation of facilities or equipment, or

(B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment;

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

“Normal wastewater concentrations” means the daily weighted average concentration of five-day BOD is two hundred fifty milligrams per liter, and the daily weighted average concentration of suspended solids is two hundred fifty milligrams per liter, for each consecutive thirty-day period.

“Parts per million” shall be a weight ratio as the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

“Pass through” means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's WPDES permit (including an increase in the magnitude or duration of a violation).

“Person” means any human, firm, company, partnership, corporation, association, group or society, and includes the state, and agencies, districts, commissions and political subdivisions created by or pursuant to state law.

“Ph” means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

“POTW” means any sewage treatment works and the sewers and conveyance appurtenance discharging thereto, owned and operated by the approving authority.

“Pretreatment” means application of physical, chemical or biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the POTW.

“Pretreatment standards” means all applicable federal, state and local statutes, laws, ordinances, rules and regulations. In cases of conflicting standards or regulations, the more stringent thereof shall control.

“Residential customer” means a user who occupies a dwelling unit, as defined in section 23.02.140 of this code, where the water meter that serves such dwelling unit serves not more than one additional dwelling.

“Sanitary sewage” means a combination of water-carried wastes from residences, business buildings, institutions and industrial plants, (other than industrial wastes from such plants), together with such groundwaters, surface waters or storm waters as may be present.

“Sanitary sewer” means a sewer which carries wastewater and to which storm waters, surface waters and groundwaters are not intentionally admitted.

“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Industrial User.

(a) Except as provided in subdivision (b) of this subsection, the term “significant industrial user” means any industrial user of the city's wastewater disposal system who:

- (1) Is subject to categorical pretreatment standards; or
- (2) Discharges an average of twenty-five thousand gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); or

(3) Has a discharge which contains greater than normal wastewater concentrations, or contributes a process wastestream which constitutes five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(4) Is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(b) Upon finding that an industrial user meeting the criteria in subdivision (a)(2) and (3) of this subsection has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such an industrial user is not a significant industrial user.

“Shall” is mandatory.

“Slug” means any discharge of wastewater which exceeds for any period of duration longer than fifteen minutes at a flow rate more than five times the average twenty-four hour flows during normal operation and/or which concentration of any given constituent exceeds more than five times the average twenty-four hour concentration during normal operation or any nonroutine episodic discharge, such as a discharge resulting from a spill of a noncustomary batch discharge.

“State” means the state of Wisconsin.

“Storm water” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent, Local. “Local superintendent” means the utility superintendent of the municipality within which the sewer system is located.

Superintendent, Wausau. “Wausau superintendent” means the superintendent of the Wausau sewerage utility, also referred to elsewhere in this code as the “director.”

“Suspended solids (TSS)” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, a high percentage of which is removable by laboratory filtering.

“System” means any publicly owned devices, facilities, structures, equipment or works used for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site

acquisition of the land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment.

“Toxic pollutants” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provision of Section 307(a) of the Act.

“Unpolluted water” means water free from pollutants in excess of the quantities limited or prohibited by the federal, state or local effluent standards in effect, or water whose discharge will not cause any violation of federal, state or local receiving water quality standards.

“Upset” means an exceptional incident in which a discharger is unintentionally and temporarily in a state of noncompliance with pretreatment standards because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

“User” means any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

“User classification” means a classification of user based on the Standard Industrial Classification (SIC) Manual prepared by the U.S. Office of Management and Budget.

“Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW.

“Wausau area monitoring team” means those persons assigned the task of collecting samples of discharges from the premises of users. The team may also perform on-site inspection of premises.

“Wisconsin Pollutant Discharge Elimination System (WPDES)” means the program established by Chapter 147, Wisconsin Statutes, for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the waters of the state. (Ord. 61-5636 §1(part), 2014; Ord. 61-4859 §1(part), 1994.)

13.62.030 Prohibitions and limitations on wastewater discharge. (a) General Discharge Prohibitions. No user may contribute or cause to be contributed, directly or indirectly, to the wastewater system any pollutant or wastewater which will cause pass through or cause interference with the operation or performance of the wastewater system or POTW. No user shall contribute any of the following described substances into the wastewater system:

- (1) Oils and Grease. Any wastewater or materials containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between zero and

sixty-five degrees Celsius (thirty-two degrees Fahrenheit and one hundred fifty degrees Fahrenheit) at the point of discharge into the system.

(2) Explosive Mixtures. Any substances which, by reason of their nature or quantity, may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees centigrade using test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(3) Noxious Material. Noxious or malodorous solids, liquids or gases, which either singly, or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry by humans into the system for its maintenance and repair.

(4) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.

(5) Radioactive Wastes. 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 system or personnel operating the system.

(6) Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, require excessive cleaning or maintenance of the sewer or otherwise cause interference with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil and similar substances, including petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Excessive Discharge Rate. Wastewater at a flow rate or containing such concentrations or quantities of pollutant that exceeds for any time period longer than fifteen minutes more than five times the average twenty-four hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

- (8) **Toxic Substances.** Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act. Also included are those pollutants which will result in the presence of toxic gases, vapors or fumes within the POTW or the wastewater system in a quantity that may cause acute worker health and safety problems.
- (9) **Unpolluted Waters.** Any unpolluted water including, but not limited to, water from cooling systems or of storm water origin, including roof, surface or subsurface drainage, which will increase the hydraulic load on the system.
- (10) **Discolored Material.** Any substance with objectionable color not removed by the treatment system, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (11) **Corrosive Wastes.** Wastewater having a pH less than 5.5 or more than 12.0, or any waste which will cause corrosion or deterioration of the system.
- (12) **Heated Wastewater.** Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the wastewater temperature at the introduction into the POTW which exceeds forty degrees centigrade (one hundred degrees Fahrenheit).
- (13) **Adverse Affect to Effluent or Sludge.** Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (14) **Violate Discharge Permit.** Any substance which will cause the POTW to violate its WPDES permit.
- (15) **Human Life Hazard.** Any wastewater which causes a hazard to human life or creates a public nuisance.
- (16) **Hauled Materials.** The approving authority may allow wastewater which is hauled via truck or other conveyance to be discharged to the POTW. Prior to such discharge, the Wausau superintendent may require a written report from the hauler describing the quantity, source of wastewater, laboratory analysis of the pollutant constituents and other information as deemed necessary.

The Wausau superintendent shall require that written permission and discharge conditions be issued by the approving authority to the hauler prior to the discharge of any hauled wastewater. The approving authority will not allow any wastewater or pollutant that is hauled or trucked to be discharged to the wastewater system, except at points designated by the approving authority.

(17) Bypass. An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to subdivisions (A) and (B) of this subsection.

(A) Notice.

(i) Anticipated Bypass. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.

The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subdivision (B) of this subsection.

(ii) Unanticipated Bypass. Must comply with section 13.62.040(b)(7).

(B) Prohibition of Bypass. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; or

(ii) There were no feasible alternatives to bypass, such as use of auxiliary treatment during normal periods of equipment downtime.

This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; or

(iii) The industrial user submitted notices as required by subdivision (A) of this subsection.

(18) Accidental or Slug Discharges. Each industrial user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at that person's cost and expense. Detailed plans showing facilities and operating procedures to

provide this protection shall be submitted to the superintendent for review, and shall be approved by him before construction of the facility.

Each industrial user with existing facilities affected by this section shall submit plans to the superintendent within six months after the ordinance codified in this chapter is adopted. No industrial user who discharges to the POTW after that time shall be permitted to introduce industrial wastewaters into the system until the accidental discharge protection plans and procedures have been approved by the superintendent. Review and approval of such plans and operating procedures by the superintendent shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

A plan to control accidental or slug discharges shall contain the following information:

- (A) A description of discharge practices, including nonroutine batch discharges;
- (B) A description of stored chemicals;
- (C) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required in subdivision (A) of this subsection;
- (D) Procedures to prevent adverse impact from any accidental or slug discharge.

Such procedures may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

Signs shall be permanently posted in conspicuous places on the industrial users premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a dangerous discharge to occur with respect to the emergency notification procedure.

(b) Limitation on Wastewater Strength.

(1) Specific Pollutant Limitations. No person shall discharge within a twenty-four hour period, wastes or wastewater into the system containing the following materials in amounts exceeding for such twenty-four hour period both the concentration and quantity limits stated.

<u>Pollutant</u>	<u>Maximum Concentration mg/l*</u>	<u>Mass Loading lbs/24 hrs.</u>
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<u>Pollutant</u>	<u>Maximum Concentration mg/l*</u>	<u>Mass Loading lbs/24 hrs.</u>
Arsenic	0.22	0.06
Cadmium	0.27	0.08
Chromium (Total)	3.76	0.89
Copper	4.20	0.94
Cyanide	2.85	1.60
Lead	0.90	0.32
Mercury	0.0016	0.00048
Molybdenum	0.14	0.04
Nickel	1.87	0.33
Pentachlorophenol	0.74	0.22
Selenium	0.21	0.06
Silver	0.40	0.13
Zinc	6.06	1.08

* Based on a twenty-four hour composite sample

The control authority may develop Best Management Practices (BMPs), to implement the requirements of 13.62.030 and apply them in industrial wastewater discharge permits.

The approving authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in section 13.62.001 of this chapter.

(2) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all persons of the regulated industrial categories.

The categorical pretreatment standards, if more stringent than other limitations imposed in this chapter, shall immediately supersede the limitations of this chapter. The Wausau superintendent shall notify all affected persons of the applicable reporting requirements of the Act, particularly 40 CFR Part 403.12.

(3) **Deadline for Compliance with Categorical Standards.** Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is otherwise specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical standard shall be considered existing industrial users.

New sources shall install and have in operating condition, and shall “start-up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time not to exceed ninety days) new sources must meet all applicable pretreatment standards.

(4) **Equivalent Limits.**

(A) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration.

(B) A POTW shall calculate equivalent mass-per-day limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. New sources shall use projected production in place of actual production.

(C) A POTW shall calculate equivalent concentration limits by dividing the mass limitations derived under subdivision (B) by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

(D) The same production of flow figure shall be used in calculating maximum daily discharge limitations and maximum monthly average, or four-day average, limitations.

(E) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits shall notify the POTW within two business days after the user has a reasonable basis to know that the production level will significantly change.

(5) **Removal Credits.** The Act 40 CFR, Part 403.7, allows removal credit for certain pollutants limited by the categorical pretreatment standards. The superintendent may consider a written request from a person impacted by the categorical pretreatment standards. If the wastewater treatment system achieves consistent removal of such pollutants limited by the categorical pretreatment standards, the superintendent may apply to the state and federal authorities in

accordance with the Act. Removal credits will not be taken into consideration until authorization is received from the state or federal agencies, and the specific pollutant discharge limits are amended by this chapter.

(6) Dilution. No discharger shall increase the use of potable or process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The superintendent may impose mass limitations on industrial users which are suspected of using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 61-5636 §2(part), 2014; File No. 11-0507; Ord. 61-5124 §1, 2001, File No. 01-0730; Ord. 61-5008 §1, 1998; Ord. 61-4878 §1, 1994; Ord. 61-4859 §1(part), 1994.)

13.62.040 Control of prohibited wastes. (a) Wastewater Discharge Permits.

(1) Required Permits. All significant users, new or existing, proposing to connect to or contribute wastewater to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. If the significant use has multiple regulated outfalls, a separate permit is required for each regulated outfall.

(2) Permit Application. Persons required to obtain a wastewater discharge permit or maintain an existing permit shall complete and file an application, in the form prescribed by the approving authority, with the Wausau superintendent.

All new significant industrial users shall submit a permit application at least ninety days prior to connecting to the system or contributing wastewater to the POTW. Copies of the wastewater permit application may be obtained from the office of the:

Wausau Sewerage Utility
407 Grant Street
Wausau, WI 54403

In support of the application, the applying person shall submit the following information:

- (A) Name, address and location (if different from the address);
- (B) SIC number according to the Standard Industrial Classification Manual;
- (C) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;

(D) Description of activities, facilities and plant processes on the premises including all materials stored or used which are, or could be, discharged to include, but not be limited to, raw materials, intermediate materials, catalysts, products and byproducts, and other materials as required. Furthermore, the description shall include solvents, chemicals and cleaning agents that may be introduced into the treatment system via accidental spill or mishap;

(E) Each product produced by type, amount and rate of production;

(F) A baseline report shall be submitted with the permit application by industrial users subject to categorical standards to provide data required for the application. The industrial user shall identify the pretreatment standards applicable to each regulated process, and shall:

(i) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.

(ii) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, twenty-four hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Wausau superintendent may waive flow-proportional composite sampling for any industrial discharger that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sample techniques or through a minimum of one grab samples where the discharger demonstrates that this will provide a representative sample of the effluent being discharged.

The discharger shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists.

If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the discharger should measure the flows and concentrations necessary to allow the use of the combined wastestream formula according to 40 CFR 403.6(e).

(iv) Sampling and analysis shall be performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the sampling and analytical techniques described in 40 CFR Part 136 are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the administrator.

(G) Time and duration of wastewater contribution;

(H) Average, daily and fifteen-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(I) The nature and concentration of any pollutants in the discharge which are limited by any city, state or national categorical pretreatment standards, and a 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 user to meet applicable pretreatment standards;

(J) Number of employees and hours worked;

(K) Any other information as may be necessary to evaluate the permit application;

(L) All permit applications shall be signed by an authorized representative of the user. (Ord. 61-5655 §1, 2015, File No. 11-0507)

(3) Permit Processing.

(A) The Wausau superintendent and utility commission will evaluate the data furnished with the permit application. Further requests for additional information may be made until the application is complete. Within ninety days after all information is complete, a written response to the application will be prepared to address any concerns, terms or conditions that may be appropriate for meeting the requirements of this chapter, and may require the industrial user to obtain a wastewater discharge permit. A permit shall be obtained by the industrial user if any one of the following conditions prevail:

(i) The user discharges wastewater which, or will, contain one or more pollutants with conditions as defined in section 13.62.030(a) of this chapter;

- (i) The user discharges wastewater which, or will, contain one or more pollutants as listed in section 13.62.030(b)(1) of this chapter;
- (ii) The user is, or will be, subject to National Categorical Pretreatment Standards;
- (iv) The user is or will be discharging wastewaters with concentrations of BOD and/or TSS higher than normal wastewater concentrations;

(B) The approving authority will notify the user, by certified mail, of one of the following:

- (i) A wastewater discharge permit shall be issued to the user and become effective within five days of the date of issuance; or
- (ii) A wastewater discharge permit shall be denied to the user for reasons as specified; or
- (iii) A wastewater discharge permit shall not be required of the user unless a change in operations occurs which may affect wastewater constituents and characteristics or more stringent limitations are required.

(4) Permit Fees and Charges. The approving authority will adopt fees and charges for the recovery of costs from the users of the city's POTW for the implementation of the requirements of this chapter.

Wausau Water Works bill the permit fees and charges directly to the significant industrial users both in the city and also those in contracted municipalities that discharge to the Wausau POTW via sewer system connections. Permit fees will be evaluated annually and amended as necessary to reflect current costs. The fees for regulated customers are defined in chapter 13.64.020.

The charges for laboratory analysis of the sample will be charged to each user on a case-by-case basis reflecting the actual charges for commercial laboratory costs. Other charges that may be billed to specific users include costs for processing requests for removal credits for categorical pretreatment standards. The above fees and charges relate only to matters in this chapter. (Ord. 61-5476 §1, 2011, File No. 11-0507)

(5) Permit Modifications. Within nine months of the promulgation of national categorical pretreatment standards the wastewater discharge permit of industrial users subject to such standards or requirements shall be revised to require compliance with such standards within the time frame prescribed by such standards.

Where an industrial user subject to national categorical pretreatment standards has not previously submitted an application for a wastewater discharge permit as required by this chapter, the industrial user shall apply for a wastewater discharge permit within one hundred eighty days after the promulgation of the applicable national categorical pretreatment standards or pretreatment requirements.

In addition, the industrial user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty days after the promulgation of applicable national categorical pretreatment standards the information required by this chapter.

The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified in this chapter are modified or as other just causes exist. The industrial user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. The permit shall contain the following conditions:

- (A) Statement of duration (in no case more than five years);
- (B) Statement that the permit is nontransferable without, at a minimum, prior notification to and approval from the approving authority, and provision of a copy of the existing wastewater discharge permit to the new owner or operator;
- (C) Effluent limits, including Best Management Practices, based on applicable pretreatment standards and local limits as established by this ordinance, and state and local law;
- (D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law;
- (E) Statement of applicable civil and criminal penalties for the violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal, state or local deadlines;
- (F) Compliance schedules;

- (G) Requirements for submission of technical reports or discharge reports;
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (I) Requirements for notification to the Wausau superintendent in advance of any new introduction of wastewater pollutants or any substantial change in the volume or character of the pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p);
- (J) Requirements for notification of slug discharges as per this chapter;
- (K) Requirements to control Slug Discharge, if determined by the control authority to be necessary;
- (I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(7) Permit Duration. Wastewater discharge permits shall be issued for a period of five years. The users shall apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit. A general review process will be conducted prior to renewal.

The review process will evaluate any violations of compliance schedules, report completeness and accuracy, and other pertinent information germane to the reissuance of the permit.

(8) Permit Transfer. Wastewater discharge permits are issued to a specific industrial 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 approving authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(9) Appeals Procedure. A user desiring to appeal to the approving authority regarding the pretreatment limitations, pretreatment requirements or conditions of an issued wastewater discharge permit shall file petition for appeal with the approving authority within twenty days of the issuance date of the permit or modification thereof. If the user does not file a petition for appeal within that time, the issued permit is final.

(b) Reporting Requirements for Permittee.

(1) Compliance Date Report. Within ninety days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW any user subject to categorical pretreatment standards and pretreatment requirements shall submit to the Wausau superintendent a report which shall include the following information:

(A) Indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and pretreatment requirements;

(B) The average and maximum daily flow for these process units in the user's facility which are limited by such categorical pretreatment standards and pretreatment requirements;

(C) The report shall state whether the applicable categorical pretreatment standards and pretreatment requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical pretreatment standards and pretreatment requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a registered professional qualified to certify the report.

(2) Periodic Compliance Reports.

(A) Are required to be submitted to the approving authority by: (i) any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard; (ii) in the case of a new source, after commencement of the discharge of wastewater to the POTW; (iii) any significant noncategorical user shall submit to the POTW semiannual compliance reports. The reports are to be submitted according to the dates specified in each users permit.

(B) The reports required in this subsection (b) shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.

The POTW shall require that frequency of monitoring which is necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(C) The sampling and analysis for the periodic compliance reports that are required from the significant industrial user may be performed by the approving authority in lieu of the significant industrial user. Where the

POTW itself collects all the information required for the report, the significant industrial user will not be required to submit the report.

(D) If any industrial user subject to the reporting requirement in this subsection (b)(2) monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

In cases where a local limit requires compliance with Best Management Practices or pollution prevention alternative, the user shall submit documentation required by control authority to determine the compliance status of the user.

(E) The periodic compliance reports shall include the following information:

(i) A record of all daily flows which, during the reporting period, exceeded the average daily flow allowed by the permit;

(ii) Concentration and daily quantity of pollutants in the wastewater discharge which are controlled by this chapter, by the categorical pretreatment standards and/or others as required by the permit;

(iii) When flows and/or pollutant concentration or quantities exceed the requirements of this chapter and permit limitations, a discussion as to the reason for the result and how the situation is to be corrected shall be given;

(iv) Any projected changes in production quantity and schedule which could change discharge characteristics in the future period;

(v) For industrial users subject to equivalent mass or concentration limits established by the POTW in accordance with the procedures in 40 CFR 403.6(c), the report required shall contain a reasonable measure of the users long-term production rate.

(vi) Documentation associated with Best Management Practices required by the facility's permit.

For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required shall include the user's actual average production rate during the reporting period.

(3) **Signatory Requirements.** All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(4) **Sampling and Analysis Violation Requirements.** If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis within thirty days after becoming aware of the violation and submit the results of the repeat analysis to the POTW within thirty days. The industrial user is not required to resample if:

(A) The POTW performs sampling at the industrial users at a frequency of at least once per month; or

(B) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling or if the City has performed the sampling and analysis in lieu of the Industrial User.

(5) **Accidental or Slug Discharges.** Users shall notify the local and Wausau superintendents immediately (at any hour of the day or night by the fastest and most effective means possible) upon having a slug or accidental discharge or violation of this chapter that could cause problems to the POTW, in order to enable countermeasures to be taken by the city to minimize damage to the POTW and the receiving waters. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken by the user.

Within five days of the date of occurrence, the user shall submit to the superintendent a detailed written statement describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.

(6) **Notification of Changed Discharge.** All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under section 13.62.030 (a)(18).

For the purposes of this requirement, substantial changes include, but are not limited to, flow increases or decreases of twenty-five percent or greater, and the discharge of any previously unreported pollutants. Industrial Users are required to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps to be taken or planned to reduce, eliminate and prevent recurrence of the bypass.

(8) Hazardous Waste Notification.

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid and Hazardous Waste Management in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than one hundred kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than one hundred eighty days after the discharge commences.

(B) Dischargers are exempt from the hazardous waste notification requirement during a calendar month in which they discharge fifteen kilograms or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

(C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Wausau superintendent, the EPA Regional Waste Management Division Director and

the state hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.

(D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(9) Effect of an Upset.

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subdivision (9)(B) of this subsection are met.

(B) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(iii) The user has submitted the following information to the approving authority within twenty-four hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

a. A description of the discharge and cause of noncompliance,

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue,

c. Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(C) In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.

(D) The user shall control production or all discharges to the extent necessary to maintain compliance with the pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) Pretreatment.

Required Facilities. Users shall provide the necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards and pretreatment requirements within the time limitations as specified by the federal pretreatment regulations or pretreatment requirements. Any facilities required to pretreat wastewater to a level acceptable to the approving authority shall be provided, operated and maintained at the industrial user's expense.

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the superintendent and to the Wisconsin DNR for review, and shall be acceptable to the approving authority and the Wisconsin DNR 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 as required by the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Wausau superintendent prior to the industrial user's initiation of the changes. All records relating to compliance with any applicable pretreatment standards or pretreatment requirements shall be made available to officials of EPA, Wisconsin DNR or approval authority upon request.

If additional pretreatment and/or operation and maintenance will be required to meet the applicable pretreatment standards, the user shall include in the permit application the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (1) 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 categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction). No increment shall exceed nine months.

(2) Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Wausau superintendent.

This progress report shall include, at a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

In no event shall more than nine months elapse between such progress reports to the superintendent.

(d) Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided as required by Chapter ILHR 82, Wisconsin Administrative Code, for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Wausau superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(e) Admission to Property.

(1) The Wausau superintendent, his designated representatives, the Wisconsin DNR and the EPA, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and records examination and copying, in accordance with the provisions of this chapter. The personnel shall not inquire into any industrial processes, including metallurgical, chemical, oil refining, ceramic, paper or other processes, except as they affect the kind and source of discharge to the system.

(2) While performing the necessary work on private properties referred to in subsection (e)(1) of this section, all personnel shall observe all safety rules applicable to the premises established by the user, not inconsistent with the inspection process.

(3) Specific easements for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement may be required. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(f) Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and governmental agencies without restrictions unless the user specifically requests, and is able to demonstrate to the satisfaction of the approving authority, that the release of

such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under Section 134.90(i)(c) of the Wisconsin Statutes.

When confidentiality is requested and demonstrated by the industrial user furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available, upon written request, to governmental agencies for uses related to this chapter, the WPDES permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the industrial user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the authority as confidential, shall not be transmitted to any governmental agency or to the general public by the authority until and unless a ten-day notification is given to the user. (Ord. 61-5636 §3(part), 2014); Ord. 61-5054 §1, 1999; Ord. 61-5001 §1(part), 1998; Ord. 61-4859 §1(part), 1994.)

13.62.050 User wastewater monitoring and analysis. (a) Monitoring of User Wastewater. Monitoring shall conform to the following standards:

(1) All user wastes discharged into the system shall be subject to periodic inspection to include but not be limited to, inspection of records related to monitoring, sampling and analysis of such wastewater kept by the user and a determination of the volume, character and concentration, by the Wausau area monitoring team as often as deemed necessary by either the local or Wausau superintendent.

Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all times to all parts of the premises for purposes of inspection, sampling, records examination or in the performance of any of their duties.

The volume of flow shall be determined from the metered water consumption of the user or from a wastewater metering survey. Sampling may consist of either instantaneous grab samples or composite samples of wastewater. The costs of such testing and flow determination shall be charged to the user.

(2) The user discharging wastes into the system shall install and pay for a suitable control manhole or access facilities to facilitate the accurate observation, sampling and measurement of wastes.

Such equipment shall be maintained in proper working order and kept safe and accessible at all times by the user.

(3) The control manhole or access facilities shall be located and maintained on the user's premises outside of the building. When such a location would be

impractical or cause undue hardship on the user, the local or Wausau superintendent may allow such access to be constructed in the public street or sidewalk area, with the approval of the local governing body, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

(4) When more than one user can discharge into a common lateral, the local or Wausau superintendent may require installation of separate control manholes or access facilities for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the local or Wausau superintendent may require that separate control manholes or access facilities be installed for each separate discharge.

(5) Whether constructed on public or private property, the control manhole or access facilities shall be constructed in accordance with the local or Wausau superintendent requirements and all applicable standards and specifications.

A location plan and construction details of the control manhole or access facilities shall be submitted to the superintendent for review and approval prior to construction.

(6) Except as designated in subsection (a)(7) of this section, the volume of flow used for computing user charges shall be the metered water consumption of the industrial user as shown in the records of meter reading maintained by the utility water department.

(7) Devices for measuring the volume of waste discharged may be required by the local or Wausau superintendent, 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 user.

Following approval and installation, such meters may not be removed without the consent of the ordering superintendent.

(b) **Analysis of User Wastewaters.** All laboratory analysis for all required monitoring shall be performed by laboratories certified by the Wisconsin DNR and in accordance with NR 219 Wis. Admin. Code and procedures established pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto. Any alternate sampling or analytical procedures must have Wisconsin Department of Natural Resources approval. (Ord. 61-4859 §1(part), 1994.)

13.62.060 Enforcement procedures. (a) **Emergency Suspension of Service and Discharge Permits.** The approving authority may, for good cause shown, suspend the wastewater treatment service and the wastewater discharge permit of a person when it appears to the city that an actual or threatened discharge presents or threatens:

(1) An imminent or substantial danger to the health or welfare of persons; or

- (2) Substantial danger to the environment; or
- (3) Interference with the operation of the POTW; or
- (4) Violation of any pretreatment limits imposed by this chapter, or any wastewater discharge permit issued pursuant to this chapter.

Any user notified of the suspension of the city's wastewater treatment service and/or the user wastewater discharge permit shall immediately cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order, the city shall commence judicial proceedings or take such other measures deemed necessary, including immediate severance of the sewer connection.

The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the user of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(b) Accidental or Slug Discharges. If the discharge did cause pass through, interference with the operation of the wastewater system or POTW and/or damage in the wastewater system or if it is documented that the industry has repeatedly caused pass through, interference with the operation of the wastewater system or POTW at the POTW, the superintendent may serve the industry with a written notice of violation, order the industry to show cause why enforcement action should not be taken, or, depending on the severity and extent of the violation, commence legal action against the user for legal and/or equitable relief in a court of competent jurisdiction.

(c) Notice of Noncompliance. Any user that violates any condition or limitation of this chapter or the waste-water discharge permit may be issued a notice of noncompliance by the Wausau superintendent, except where significant noncompliance defined in subsection (i) of this section justifies immediate issuance of a notice of violation. The notice of noncompliance will explain the nature of the noncompliance and require that the user, within thirty days of the date of the notice, file a plan for correcting the noncompliance.

If the Wausau superintendent approves the submitted plan and the user complies with the submitted plan to correct the violation, no further action may be taken against the user. If the user does not submit a plan acceptable to the utility, fails to submit a plan or does not comply with the submitted plan, the utility may take action in accordance with subsection (d) of this section.

(d) Notice of Violation. Any user that violates any condition or limitation of this chapter, the wastewater discharge permit, or has failed to provide an acceptable plan for expeditious corrective action as required under the notice of noncompliance, may be served by the superintendent with a written notice of violation via registered mail (return receipt requested). Within thirty days of the receipt date of the issuance of the violation notice, the user must submit to the superintendent an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Included in this plan must be a schedule for a pollution prevention audit to be conducted at the users facility (if none has been conducted within the past three years).

If the superintendent approves the submitted plan and the user complies with the submitted plan to correct the violation, no further action may be taken against the user.

If, however, the user does not comply with the plan or if the plan does not correct the violation, the approving authority has the option to do any of the following: take legal action against the industry for the imposition of forfeitures and recovery costs for damage incurred as a result of the user's discharge, revoke the user's wastewater discharge permit, and/or discontinue sewer service to the user.

(e) Show Cause Hearing. A show cause hearing shall be conducted as follows:

(1) If the violation is not corrected by timely compliance, the local or Wausau superintendent may order any alleged violator to show cause before the approving authority why sewer service should not be terminated. A notice shall be served on the alleged violator specifying the charges and the time and place of the hearing thereon.

The notice shall be served personally or by certified mail, return receipt requested, at least eight days before the hearing. Service shall be made as indicated in Section 801.11 of the Wisconsin Statutes.

(2) The approving authority may itself conduct the hearing and take the evidence, or may designate some person, excluding a member, to be the hearing examiner to:

(A) Issue subpoenas requiring the attendance of witnesses and the production of evidence relevant to any matter involved in any such hearing;

(B) Take testimony and rule on the introduction of evidence;

(C) File findings of fact and conclusions of law with the approving authority.

(3) At any public hearing, testimony taken before the approving authority or hearing examiner shall be under oath and recorded stenographically or electronically. The transcript shall be made available to any person upon payment of the charges therefor.

(4) After the approving authority has reviewed the evidence, it may issue an order to the violator directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed, or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(f) Legal Action. Any discharge in violation of this chapter shall be considered a public nuisance. The approving authority shall bring an action for appropriate legal and/or equitable relief to abate the nuisance and enforce this chapter.

(g) Wausau Superintendent Jurisdiction Limited. The orders issued to a user in another municipality by the Wausau superintendent shall be countersigned by the local superintendent if such orders are to be grounds for any enforcement action under this chapter except for enforcement action taken pursuant to subsection (e)(2)(B) of this section. Where plans, etc., are to be submitted to the Wausau superintendent for approval, the Wausau superintendent shall act thereon within ten working days after receipt thereof.

This subsection is not a waiver by the city or approving authority of any right it may have to commence any action, legal or equitable, to enforce any right, duty or obligation, it, another utility, municipality, or a user, may possess or be subject to.

(h) Right of Appeal. Any user or any interested party shall have the right to request in writing an interpretation or ruling by the authority on any matter covered by this chapter and shall be entitled to a prompt written reply.

In the event that such inquiry is by a user and deals with matter of performance or compliance with this chapter or deals with a wastewater discharge permit issued pursuant to this chapter for which enforcement activity relating to the alleged violation is the subject, receipt of a user request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and state law.

(i) Annual Publication. The approving authority shall publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City of Wausau by March 31 of each year, a list of the industrial users which, during the previous year, were in significant noncompliance with applicable pretreatment standards or requirements.

For the purpose of this provision, a significant industrial user is in significant noncompliance if its violation meets one or more of the following criteria, while a non-significant industrial user has been in significant non-compliance if criteria in subd 3, 4, or 8 apply:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements of the industrial user's wastewater for the same pollutant taken during a six-month period exceeded by any magnitude, any numeric pretreatment standard or requirement including an instantaneous limit;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three percent or more of all the measurements of the industrial user's wastewater for the same pollutant taken during a six-month period equaled or exceeded the product of the numeric pretreatment standard or requirement including an instantaneous limit

multiplied by either 1.4 for BOD, TSS, and fats, -oil and grease; 1.2 for all other pollutants except pH; or exceeded a pH limit by .4 standard units);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the approving authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this section to halt or prevent such a discharge;

(5) Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within forty-five (45) days after the due date, required reports containing all required monitoring results and other information such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which may include a violation of Best Management Practices, which the approving authority determines will adversely affect the operation or implementation of the local pretreatment program.

(j) Recordkeeping and Records Retention. All discharges subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge and documentation associated with Best Management Practices established.

All records which pertain to matters which are the subject to any enforcement or litigation activities brought by the city pursuant to this chapter shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired. The approving authority will retain all records for the same length of time. (Ord. 61-5636 §4(part), 2014; Ord. 61-4859 §1(part), 1994.)

13.62.070 Penalties—Costs. (a) Civil Penalty. Any user who is found to have violated any order or provision of this chapter, and the orders, rules and regulations issued under this chapter, may be fined up to one thousand dollars (40 CFR 403.8(f)(1)(vi)(a)), per day for each violation. Each day of violation may be deemed a separate offense and subject to a separate forfeiture.

In addition to the civil penalty provided in this chapter, the approving authority may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by

appropriate suit of law against the person found to have violated this chapter, or the orders, rules and regulations issued under this chapter.

(b) **Costs of Damage.** Any person found to be responsible for a deleterious discharge into the system, which discharge causes damage to the system, upsets the POTW process and/or seriously impairs the quality of the receiving stream, shall become liable to the approving authority and/or city for any expense, loss or damage caused by the violation or discharge.

The city may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this chapter.

(c) **Falsifying Information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this chapter, or who falsified, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction be punished by the imposition of a civil penalty not to exceed limits as stated in this chapter.

(d) **Injunctive Relief.** The city and approving authority may petition for injunctive relief to compel compliance with the national categorical pretreatment standards and the orders, rules and regulations issued under this chapter. This section shall not be construed as to waive the city's abilities to refer criminal violations to the appropriate prosecuting agencies. (Ord. 61-4859 §1(part), 1994.)

13.62.075 Special Provision—Amalgam reduction—Dental professionals.⁷ (a) This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, prosthodontics, or which are identified by Wausau Water Works as being de-minimum contributors, then the section does not apply.

(b) By no later than October 1, 2008, all dental offices that place or remove amalgam shall implement BMPs (best management practices) for amalgam as established by the Wisconsin Dental Association.

(c) By no later than October 31, 2008, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

(d) On or before October 31, 2008, each dental office shall provide a report to Wausau Water Works that provides the following information:

⁷ Effective date—September 1, 2008.

(1) Certify that the dental office is implementing the management practices required by subsection (b) and identifies the contractors used to remove amalgam waste within the last twelve months.

(2) If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.

(3) If the installation of the amalgam separator is incomplete, then the report shall explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.

(e) If a dental office has provided a report according to subsection (d)(3), then the dental office shall notify Wausau Water Works within five days after the completion of the installation.

(f) Wausau Water Works shall provide forms for reporting the information required by subsection (d).

(g) From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of three years. Dental offices shall make these records available to Wausau Water Works, or their agent, for inspection upon request.

(h) Dental offices shall allow Wausau Water Works to inspect the vacuum system, amalgam separator, and amalgam waste storage areas. Inspections shall occur by appointment during normal operating hours of the dental office as long as this does not impede enforcement of this section.

(i) If a dental office is implementing the management practices required by subsection (b) and is operating and maintaining the amalgam separator as required by subsection (c), then any numerical discharge limit for mercury established in any other section of this chapter does not apply.

(j) Definitions. "Dental office" means any dental clinic, dental office or dental practice, but not including those limited to orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics.

"Amalgam separator" means a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

"Amalgam waste" means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam devices; used amalgam capsules; and leaking or unusable amalgam capsules.

"ISO 11143" means the International Organization for Standardization's standard for

amalgam separators.

"Wausau Water Works staff" includes employees from both the drinking water and wastewater divisions. (Ord. 61-5636 §5(part), 2014; Ord. 61-5372 §1, 2008, File No. 08-0806.)

Chapter 13.64

SEWER SERVICE CHARGES⁶

Sections:

- 13.64.010 Purpose.
- 13.64.015 Definitions.
- 13.64.020 Basis for charges.

13.64.010 Purpose. It is found and determined that a sanitary sewer system is necessary for the protection of the health, safety and welfare of the general public and more specifically, the citizens and residents of the city. It is the intention of the city and the utility that all interrelated chapters of this code be liberally construed with the provision of this chapter and specifically Chapter 13.62 and that Chapter 13.62 takes precedence over any or all pre-existing agreements inconsistent with this governing regulation.

The utility will ensure that sewer rate structure is equitable amongst all users to recover actual costs associated with operation, maintenance, and replacement costs. A rate review shall be performed once every two years and the rate structure will provide sufficient funds to cover all operating costs. Excess revenue collected from a user class will be redistributed to the appropriate cost category for the following year as reasonably feasible. The utility will render a sewer bill that reflects costs associated with the users demand on the system. (Ord. 61-4734 §1, 1991; Ord. 61-4646 §1(part), 1988; Ord. 61-4612 §1 (part), 1987.)

13.64.015 Definitions. The definitions in section 13.62.020 are adopted and are applicable to this chapter. (Ord. 61-4681 §1(part), 1989; Ord. 61-4646 §1(part), 1988; Ord. 61-4612 §1(part), 1987.)

13.64.020 Basis for charges. To pay for such a system there is imposed a service charge upon each user of the sewerage system as provided in this section.

- (a) Charges for nonmonitored customers are as follows:
 - (1) With No Sewer Meter. A minimum quarterly charge based on the size of the water meter plus the volume rate as noted in subdivision (3) of this subsection.

⁶ For statutory provisions pertaining to sewerage system service charges, see § 66.0821, Wis. Stats.

Prior Ordinance History: Ords. 61-4070, 61-4075, 61-4079, 61-4289, 61-4326, 61-4415, 61-4452, 61-4532 and 61-4606, 61-5456 and prior code §§23.01 through 23.05, 23.07 and 23.08.

<u>Water Meter Size in Inches</u>	<u>Minimum Quarterly Charge 1/1/2011</u>
5/8 or 5/3	\$ 17.00
3/4	17.00
1	23.00
1-1/4	32.00
1-1/2	37.00
2	62.00
3	112.00
4	183.00
6	361.00
8	568.00

(2) **With a Sewer Meter.** A customer that meters the discharge will pay a flat monthly fee of sixty-two dollars and fifty cents for the first such metering device and thirty-one dollars and twenty-five cents for each additional metering device installed on the premises. All such metering devices shall be approved by the utility's director prior to installation. The volume rate shall also apply.

(3) **Volume Rate.** All volume as recorded by the water meter each quarter shall be charged to the customer at the rate of two dollars and fifty-nine cents per one hundred cubic feet except as noted in subdivision (4) of this subsection.

(4) **Residential Customer.** Charges to residential customers shall be based on actual volume as recorded by the water meter each quarter.

Adjustments may be made to the billed sewer volume on a case-by-case basis provided it can be verified that a significant portion of the usage was not discharged to the sanitary sewer and will only be considered based upon a written request.

In the case where a residential customer is served only with sewer service and a water meter has not been installed to record water usage, the user will pay a flat fee per quarter for sewer service. The flat fee is determined by adding the 5/3 meter minimum quarter charge, plus the current volume charge times two thousand cubic feet which is an estimate of the average household usage of water from a private water supply.

(5) **Nonresidential Customer.** Charges to nonresidential customers shall be on actual volume as recorded each quarter. (A volume credit may be granted for water

not discharged to the sanitary sewer provided the volume is metered and approved by the utility.)

In the case where a nonresidential customer is served only with sewer service and a water meter has not been installed to record water usage, the user will pay a flat fee per quarter for sewer service. The flat fee is estimated by comparing with similar metered businesses in the city. The estimate will take into consideration size, nature, and other comparable units of business. This estimate will be prepared by the utility's director. The utility may order the installation of a private water meter to record the volume of private water usage and this will be the basis for sewer billings.

(6) Permit Fee. The permit fee for one regulated outfall is one hundred twenty five dollars per month and twelve dollars and fifty cents per month for each additional regulated outfall. (Ord. 61-5476 §1, part, 2011, File No. 11-0507)

(b) Charges for monitored customers are as follows:

(1) Minimum Charge. A customer that meters the discharge will pay a flat monthly fee of one hundred and twenty-five dollars for the first such metering device and sixty-two dollars and fifty cents for each additional metering device installed on the premises. All such metering devices shall be approved by the utility's director prior to installation. If the water meter is the basis for determining volume of waste discharge, the minimum monthly charge will be one-third of the minimum quarterly charge per the water meter size as shown in subdivision (1) of subsection (a) of this section, but not less than thirty-one dollars and twenty-five cents per month.

(2) Volume Charge. All volume per bimonthly billing shall be charged to the customer at the rate of one dollar and forty-five cents per one hundred cubic feet.

(3) Concentration Charge. The customer shall be charged twenty-five cents per pound for each pound of BOD₅ material and forty-six cents per pound for each pound of suspended solids and four dollars and thirty-eight cents per pound for each pound of phosphorus forty cents per pound for each pound of aluminum the customer discharges to the sanitary system.

(4) Monitoring Fee. The monitoring fee for one monitored outfall is one hundred twenty five dollars per month and twelve dollars and fifty cents per month for each additional regulated outfall. (Ord. 61-5476 §1 (part), 2011, File No. 11-0507)

(5) Volume and Concentration Determination. Monitoring and sampling control facilities shall be constructed on each lateral discharging industrial wastes to the sanitary sewer system. Concentration billing for BOD₅ and TSS may be based on samples or on the latest reported concentration numbers of NR 101 reporting forms submitted to the DNR, where no samples are available.

(6) Flow Monitoring. Flow shall be recorded for each day a flow occurs.

- (7) Sampling and Analysis Frequency. Three consecutive twenty-four-hour composite samples shall be taken and analyzed on three consecutive production days each thirty-day period.
- (8) Analysis of Wastes. Laboratory analysis of monitored waste samples shall consist of biochemical oxygen demand and total suspended solids to be performed in accordance with the current edition of "Standard Methods."
- (9) Who Shall Collect Data. All significant industrial users shall conduct or cause to be conducted all required tasks to provide the utility with the required data. The utility may verify the data.
- (10) Reporting of Volume and Concentration Data. Daily volume recordings and concentration data reports shall be submitted in writing to the utility by the tenth of the month following the data collection.
- (11) Billing Determination. The utility shall summarize all data for bimonthly billings. The normal procedure for determining the strength data shall be to take the arithmetic average of the concentrations and proportionate to the total bimonthly volume to arrive at total pounds. (Average concentration as milligrams per liter multiplied by flow in millions of gallons multiplied by the factor for weight 8.345/gal pounds.) However, irregularities noted with the concentration as compared with the flow may constitute other means of determining the concentration billing data at the discretion of the utility.
- (12) Reclassification Review. A monitored customer may request the utility to reclassify the customer to nonmonitored on the grounds that during twelve consecutive months of monitoring, the cost of required monitoring exceeded the utility's concentration charge. Documentation of costs for monitoring must accompany the request for review. The discharge is still liable for compliance monitoring and associated fees for a three-year period following reclassification. If, during the three years, the concentration of the discharge changes to the point that monitoring should be resumed and the discharge fails to inform the utility, the utility may back bill the entire period during which the customer was classified nonmonitored at the current rate of billing for monitored customers less the charges paid as a nonmonitored customer. The customer may also be subject to a forfeiture. A condition for reclassification is that the discharger has fully complied with all provisions of section 13.62.050 for a twelve-month period.
- (13) Reduction in Monitoring Frequency. Written requests for permission to reduce monitoring frequency as stipulated in subdivision (7) of this subsection may be granted by the utility's director. The requests by the monitored customer must clearly demonstrate the following:

- (A) The cost of monthly monitoring is unreasonable in relation to the utility's concentration charge;
- (B) Previously submitted concentration values must be constant;
- (C) Compliance monitoring by the utility checks with reported concentrations.

However, the minimum monitoring frequency is three consecutive production days each four-month period. The most recent strength data on file with the utility at the time of billing will be used to determine concentration billing.

(c) Charges for Nonmonitored Customers Outside of City Limits.

(1) Nonmonitored customers located outside of the corporate limits of the city served with sanitary sewer service directly by Wausau Water Works—Wastewater Division are subject to codes, policies, regulations and charges as established and set forth below. (This chapter applies to the remaining area of Town of Stettin Sanitary District 1 not annexed to Wausau.)

(2) Minimum Quarterly Charge For Metered Sewer Service. A minimum quarterly charge shall apply to each unit of business in a building or complex plus the volume charge as noted in subdivision (3) of this subsection. The basis for this charge will relate to comparable business in Wausau and/or number, size and type of plumbing fixtures. (The meter or meters used to record the volume of wastewater discharged to the sewer may not necessarily be the basis for the minimum charge, but the combined minimum charge for each unit of business per building or complex shall not be less than the related minimum charge per meter used to record the wastewater volume.) Residential units may apply and be granted metered sewer service. Each living unit shall be assessed a quarterly minimum charge per a 5/3 meter size.

An Equivalent Water Meter Size <u>In Inches</u>	Minimum Quarterly Charge <u>1/1/2011</u>
5/8 or 5/3	\$21.25
3/4	21.25
1	28.75
1-1/4	40.00
1-1/2	46.25
2	77.50

An Equivalent Water Meter Size <u>In Inches</u>	Minimum Quarterly <u>Charge 1/1/2011</u>
3	140.00
4	228.75
6	451.25
8	710.00

(3) Private Meters. It will be the sole responsibility of each owner or tenant to purchase, install and maintain the necessary meters to record the volume of wastewater discharged from each residential (if a residence is metered), commercial or industrial building or complex. All commercial and industrial users shall install adequate metering equipment to ensure accurate metering of all wastewater discharged to the sanitary sewer system by April 1, 1987. Wausau Water Works reserves the right to inspect the meter equipment for proper installation to ensure accurate recording of all wastewater discharged and may test equipment as necessary to confirm meter accuracy. Access to meter equipment shall be permitted during normal working hours (eight a.m. to four-thirty p.m.) of the utility, Monday through Friday.

(4) Volume Charge. All volume as recorded by the private water meter or meters shall be charged to the customer at the rate of three dollars and twenty-three cents per one hundred cubic feet.

(5) Nonmetered Sewer Service (Residential Flat Fee Sewer Charge). Residential users not metered shall pay a flat fee sewer charge per living unit per quarter. The flat fee rate is eighty-five dollars and eighty-five cents per quarter.

(d) Charges for Hauled Wastes Dumped at Wausau's Wastewater Plant.

(1) Hauled wastes dumped at Wausau's Wastewater Treatment Plant (WWTP) are subject to all codes, policies, regulations, and charges adopted by Wausau Water Works—Wastewater Division/Wausau Common Council. Specifically, all hauled wastes shall comply with all provisions of Chapter 13.62. Hauled waste generated outside of Wausau's sewer service area and nondomestic in nature (such as industrial process wastes) is restricted from dumping at Wausau's WWTP without written approval. (Wastes potentially toxic in nature or waste generally not acceptable for treatment at municipal WWTP regardless of origin shall be considered on a case-by-case basis. Contract haulers should not convey such wastes without prior written approval if it is the intent to dispose at Wausau's WWTP.) All hauled wastes are subject to the conditions and charges established and delineated below. All septic haulers shall receive written authorization to dump at Wausau's WWTP. Existing septic haulers at time of adoption of this code will have complied with this requirement.) Dumping will only occur at Wausau's WWTP at a designated manhole

or station. All septic haulers are required to report all waste loads delivered to Wausau's WWTP. Procedures regarding entering plant grounds, dumping, and reporting requirements are subject to change and will be addressed by policy by the utilities director or utility commission. Upon demand, the utility will have the right to inspect state-required hauling records to confirm origin and disposal of hauled wastes.

(2) The following dumping charges shall be effective on July 1, 2011.

Monthly Administrative Fee	\$27.36 per month
Volume Charge	\$ 1.45 per 100 cu ft
BOD Concentration	\$ 0.25 per lb of BOD
TSS Concentration	\$ 0.46 per lb of TSS
Phosphorus Concentration	\$ 4.38 per lb of Phosphorus
Aluminum Concentration	\$ 0.40 per lb of Aluminum

Septic haulers must report to Wausau Water Works the volume of septic waste and the volume of holding tank waste for each load delivered by the tenth day of the following month. The concentration charges for residential septic and holding tank wastes can be estimated, where test results are not available and at the discretion of the Utility Director. If the septic hauler fails to submit a report detailing the volumes of wastes dumped, they will be charged for 95% of the actual truck volume and an assumed 16% septic tank sludge and 84% holding tank waste.

Charges for commercial, industrial, environmental cleanup, and other unique wastes that, in the opinion of the Utility Director, are not adequately characterized by the stated Administrative, Volume, and Concentration charges can be established by contract or agreement approved by the Utility Commission. (Ord. 61-5476 §1(part), 2011, File No. 11-0507)

(3) Septic haulers not in compliance with policies, codes and current with dumping charges are subject to revocation of dumping privileges at Wausau's WWTP.

(e) Delinquent Sewer Bills. All customers shall be subject to late payment charges and penalties and/or disconnection of sewer service and the policies and procedures for such charges/penalties and disconnections shall be similar to those approved by the public service commission for the water utility. (Ord. 61-5456 §1, 2010, File No. 87-0220, Ord. 61-5277 §1, 2006, File No. 87-0220; Ord. 61-5006 §1, 1998; Ord. 61-5413 §1, 2009; Ord. 61-4935 §1, 1996; Ord. 61-4826 §1, 1994; Ord. 61-4777 §1(part), 1992; Ord. 61-4746 §1, 1991; Ord. 61-4681 §1(part), 1989; Ord. 61-4646 §1(part), 1988; Ord. 61-4612 §1, 1987.)