

CHAPTER 4

Caledonia Sewer Utility District Regulations and Rates

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
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SEC. 9-4-1 CALEDONIA SEWER UTILITY DISTRICT

- (a) **Sewer Utility District Creation.** There shall be one sewer utility district for a portion of the Village of Caledonia organized pursuant to the Wisconsin Statutes, which shall be known as “Caledonia Sewer Utility District.” Unless otherwise indicated, any reference below to “District,” “Utility” or “Caledonia Sewer Utility” shall mean the Caledonia Sewer Utility District.
- (b) **District Boundaries.** The boundaries of the Caledonia Sewer Utility District shall be as established by Resolution of the Village Board.
- (c) **Obligations to and of the District.** Nothing in this Section shall be construed as discharging any person, firm, corporation, or organization from any obligation to the predecessor Caledonia East Sewer and Water Utility Districts or the predecessor Caledonia West Sewer and Water Utility Districts, or their predecessor Utility Districts, incurred prior to the enactment of this Section, including, but not limited to, compliance with the rules and regulations of the District, payments of any monies owing to the District and performance of any contracts entered into with the District. Nothing herein shall affect the obligations that the District has as to any outstanding bond issuances or other debt obligations.
- (d) **Commission.** The Caledonia Sewer Utility’s Commission shall have the powers and duties as specified in Section 2-5-8 of this Code of Ordinances.
- (e) **Utility Director.** The Village Board shall appoint a Utility Director to oversee the Caledonia Sewer Utility District and whom shall report to the Village Board and be an advisor to the Commission per Section 2-4-19 of this Code of Ordinances.

- (f) **Utility District Personnel.** All of the Caledonia Sewer Utility District’s personnel are Village employees subject to the Village Personnel Policy Manual.

SEC. 9-4-2 APPLICATION OF RACINE SEWER ORDINANCES.

- (a) **Adoption.** The sections and subsections of the City of Racine ordinances set forth below relating to “Utilities”, and any amendments thereto are hereby adopted, and may be enforced by the Wastewater Commission and/or the District. References in such provisions to the “wastewater utility” or the “utility”, or to the “general manager” or the “manager”, or to the “board of standards” or to the “board”, or to the “wastewater commission” or the “commission”, or to the “common council” or to the “council,” or to the “city” are references, respectively, to the Racine Utility, or to its General Manager, or to the Racine Board of Standards, or to the Wastewater Commission, or to the Racine Common Council or to Racine, to the extent permitted under applicable law.
- (b) **Wastewater policy; purposes [Sec. 98-3 of Racine Municipal Code].**

The ordinances of the city related to the wastewater utility and the provision of wastewater service shall be construed in a manner consistent with the following general policy of the city and the utility, and the utility staff and manager shall be mindful of the concerns set forth in this section when exercising judgment in operating and managing the utility. The wastewater utility shall be operated in a manner that reasonably safeguards:

 - (1) Compliance with the city's WPDES permit issued by the Wisconsin Department of Natural Resources;
 - (2) Compliance with applicable federal, state and local law;
 - (3) The health and safety of the employees of the wastewater utility;
 - (4) The cost-effective and efficient reduction of pollutants in discharges to any media in the environment;
 - (5) Prudent and cost-effective investments in the wastewater facilities operated by the utility and in the facility planning process required to determine the adequacy and need for expansion of the wastewater facilities;
 - (6) Current good professional standards in water pollution control;
 - (7) The preservation of water resources in the region;
 - (8) Public health, safety and welfare;
 - (9) The continued improvement of the environment in the greater Racine area;
 - (10) Sound planning regarding land use as it may affect the ability of the utility to meet the other policies and purposes of the utility;
 - (11) Sound area wide water quality management planning; and
 - (12) Such other directives as the wastewater commission and the common council may give to the utility from time to time.
- (c) **Definitions [Sec. 98-4 of Racine Municipal Code].**
 - (1) The definitions of Section 9-4-2(u)(2) [Section 98-150(b) of the Racine Municipal Code] shall be used throughout this chapter unless otherwise specifically provided.
 - (2) **Agreement** means the 2002 Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement.

- (3) **Building sewer or lateral or service pipe** means that part of the drain system not within or under a building that conveys its discharge to a public sewer, private interceptor main sewer or other point of disposal.
 - (4) **Industrial building** means a building used for the manufacture or production of goods.
 - (5) **Interceptor** means a main trunk sewer.
 - (6) **Non-party** means a local government entity that has not approved, executed and satisfied the conditions of the agreement.
 - (7) **Outlying parties or outlying communities** mean those sewer service recipient parties other than the city and the wastewater commission.
 - (8) **Party** means a local government entity that has approved, executed and satisfied the conditions of the agreement, or its successors.
 - (9) **Private interceptor main sewer** means a privately owned sewer serving two or more buildings and not directly controlled by a public authority.
 - (10) **Public sewer** means a sewer owned and controlled by a public authority.
 - (11) **Sewer extension** means the installation of a public sanitary sewer, or of a privately owned sanitary sewer serving two or more buildings, or the extension of either, for the purpose of providing additional capacity for new development within the existing or proposed tributary area of such sewer or extension. Alterations or modifications of previously existing sewerage systems designed to replace and in fact replacing inadequate existing structures, or installed because of inadequate hydraulic sewer capacity, which do not extend sanitary sewer service to previously unserved areas are not sewer extensions within the meaning of this chapter.
 - (12) **Wastewater Commission or Commission** means the Racine Wastewater Utility Commission, an intergovernmental commission established by this Agreement pursuant to Wis. Stats. §66.0301 to serve as the governing body of the Racine Utility and administer the 2002 Agreement.
- (d) **Approval of sewer plans; construction of projects [Sec. 98-114 of the Racine Municipal Code]**
- (1) **Applicability.** This section applies to the submission and approval of plans and specifications of all sewers (except internal private plumbing) and appurtenances within the service area of the utility, including but not limited to:
 - a. Sanitary sewer extensions to serve land that is not served by sanitary sewers;
 - b. All sanitary sewer mains, interceptors, lift stations, including any enlargements and any components thereof;
 - c. Equalization or storage facilities; and
 - d. Projects to repair or replace any of the foregoing, or to rehabilitate any such facilities for purposes of reducing infiltration or inflow.
 - (2) **Construction of projects; approval required.** No person shall commence, or cause to be commenced, construction of any project referred to in subsection (a), above, within the service area of the utility until the project and the plans and specifications for such sewer or other facility shall have been approved by the general manager pursuant to this section. Nothing in this subsection relieves a

person from obtaining any other applicable local, state, or federal permits or approvals.

- (3) **System plan required.** The construction of all projects that will store or convey wastewater that will eventually be introduced into the interceptors of the utility or will be received at the treatment plant, shall be consistent with a system plan filed with and approved by the utility. Each outlying community which conveys wastewater into the interceptors of the utility, or directly or indirectly to the utility's treatment plant shall prepare and file a system plan with the utility. The system plan shall identify all facilities in the outlying community's sewer system in a detail and manner consistent with current good professional standards. Each application for approval of a project under this section shall be accompanied by a proposed amendment to the outlying community's system plan.
- (4) **Submission of plans and specifications.** All applications for approval under this section shall be accompanied by a written request for approval, signed by the appropriate representative of the outlying community in which the proposed project is to be located, and a set of plans and specifications prepared in accordance with current good professional practice and that are sufficiently detailed to enable the general manager to reasonably determine the anticipated flow and characteristics of wastewater that may be transmitted through the proposed facilities. All plans and specifications shall be submitted with six copies of the proposed project, and three copies of the proposed amendment to the system plan, and two copies of the design computations; provided, however, that design computations will not be required for eight-inch diameter sanitary sewers that are designed to carry a peak flow equal to or less than seven-tenths cubic feet per second. Where a project will convey wastewater from more than one outlying community, the outlying community submitting the project for approval shall include evidence of the review and approval of any other outlying communities whose wastewater will be conveyed by the project.
- (5) **Approval of system plans and construction plans tributary to the sewerage system of the wastewater utility of the city.**
 - a. The general manager is authorized to approve system plans and amendments to system plans, and construction plans (hereafter collectively "plans"), for areas tributary to the utility's sewerage system or treatment plant provided that:
 1. The plans are consistent with the utility's ordinances, and statements of policy and purposes;
 2. The plans are consistent with the agreement, the utility's facilities plans, amendments thereto, and any base flow and peak flow allocations utilized therein;
 3. As to system plans or construction plans from areas outside the boundaries of the city, to the extent the plans would permit base or peak flows in excess of any allocations utilized in facilities plans or he agreement, the outlying community has reached a written agreement with the utility purchasing such additional capacity or otherwise reaching agreement on the capital costs associated with such exceedances of base or peak flows;

4. As to system plans or construction plans from areas outside the boundaries of the city, the outlying community to which such plans relate is in full compliance with section 98-113 of the City of Racine Municipal Code;
 5. As to system plans or construction plans from areas outside the boundaries of the city, the outlying community to which such plans relate has paid all sewerage service charges invoiced by the utility in full in a timely manner;
 6. As to construction plans for areas outside the boundaries of the city, the construction plans must be consistent with previously approved system plans or amendments thereto;
 7. The plans are within the sewer service area approved by the utility or in the agreement; and
 8. The general manager reasonably finds that the plans should not be denied for one or more of the reasons set forth in the following subsection (2).
- b. In the event the general manager believes a proposed system plan, amendment to system plan, or construction plan is inconsistent with the sound management of the wastewater utility, or may damage the system, injure employees, surcharge any part or all of the sewerage system or plant, interfere with the wastewater treatment process at the plant, prevent or impair compliance with the utility's WPDES permit, contribute materially to bypassing in the tributary system or the interceptors or collection system in the utility's sewerage system, prevent or impair compliance with pretreatment regulations, fail to meet any of the criteria in the preceding subsection (a), or otherwise be inconsistent with the policies and purposes of the utility as described in subsection (b), then the general manager may deny approval of the plans. In exercising judgment under this section, the general manager may rely on the assessments of utility staff, and may make reasonable assumptions about the projected usage of the proposed project(s) based on current good professional practice.
- c. In the event the general manager intends to deny approval of plans, the general manager will allow, within a stated reasonable period, the proponents of the specific plan to submit such material as may address the concerns of the general manager. The general manager shall review such material and make a determination as to whether the plan should be approved or rejected. This determination must be made within 20 days after receipt of the material requested by the general manager after initial review. The general manager then may approve the plan if the criteria in these ordinances are satisfactorily addressed. If the general manager believes the denial of the plan should be sustained, the matter shall be submitted, along with the general manager's recommendation, to the wastewater commission for its final determination. In exercising its discretion to approve or deny the plan, the commission shall apply the criteria from this chapter of the agreement that apply to the general manager's initial determination and recommendation.

(e) **Right of inspection and survey; action for injunctive relief for violation of restrictions on use of system. [Sec. 98-115 of Racine Municipal Code]**

The utility shall have the right to inspect and survey the wastewater input of all users, including industrial and commercial users within those portions of the communities outside the city boundaries within the utility's sewer service area. If it is determined by the utility that any wastewater entering the sewer system is in apparent violation of an applicable ordinance, the utility will notify in writing the user, and/or the outlying community within which the user is located, of such condition and request that the apparent violation be abated within a period of five days after receipt of notice. Notwithstanding the foregoing, if the violation involves the discharge of toxic or hazardous substances to the collection system of the utility or for treatment at the treatment plant, or the violation threatens compliance with the city's WPDES permit, the violation must be immediately abated. If the violation is not abated in a timely manner, the utility or the appropriate enforcement agency may take any and all lawful measures, including court action for injunctive relief, to accomplish compliance with the standards established under the ordinances applicable to the wastewater system. Nothing herein shall be construed as limiting the right of any individual to demand legally required warrants or permits, if any, prior to the inspection of his or her property

(f) **Definitions [Sec. 98-124 of Racine Municipal Code]**

The following definitions shall apply in the interpretation and enforcement of this division:

- (1) **Biochemical oxygen demand** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade expressed in milligrams per liter.
- (2) **Combined sewer** means a sewer that receives stormwater, surface runoff, industrial cooling water and sewage
- (3) **Compatible pollutant** means biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria and phosphorus are pollutants identified in the city's WPDES permit and which the city wastewater treatment plant is designed to remove to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater
- (4) **Control manhole** means a manhole located on the private sanitary sewer line coming from any building that is served by the city wastewater treatment plant. The manhole will be used for sampling and flow determinations. The design and location of the control manhole requires prior approval of the general manager of the city wastewater utility
- (5) **Domestic sewage** means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, commercial establishments, institutions, and free from storm surface water, cooling water and industrial wastes.
- (6) **Garbage** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (7) **General manager** means the authorized department head of the wastewater (and water) utility of the city, having supervision of maintenance and operation of the sewerage system and wastewater treatment facilities of the city, or his authorized

- deputy, agent or representative
- (8) **Incompatible pollutant** means any pollutant that is not defined as a compatible pollutant
 - (9) **Industrial wastes** means any liquid substance rejected or escaping from any industrial, manufacturing, trade or business process as distinct from domestic sewage.
 - (10) **Major contributing industry** means an industry that: 1) has a flow of 50,000 gallons or more per average work day; or 2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; or 3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972; or 4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.
 - (11) **Natural outlet** means any outlet into watercourse, pond, ditch, lake or other body of surface or groundwater.
 - (12) **P** means phosphorus.
 - (13) **Person** means any individual, firm, company, association, society, corporation, or group.
 - (14) **pH** means the logarithm of the reciprocal of the hydrogen ion concentration
 - (15) **Properly shredded garbage** means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half-inch in any dimension.
 - (16) **Public sewer** means a sewer in which all owners of abutting properties have equal rights and is controlled by the city or other governmental entity in which the sewer is located.
 - (17) **Receiving waters** means any public water into which the effluent from any wastewater treatment plant or any public or private sewer is discharged.
 - (18) **Sanitary sewers** mean a sewer that carries domestic sewage and industrial wastes, and to which storm, surface, ground and unpolluted cooling or process waters are not intentionally admitted.
 - (19) **Sewage and wastewater** means any combination of water-carried wastes from residences, buildings, industrial establishments, institutions, manufacturing plants, processing plants, commercial establishments, or other places in which such wastes are produced, together with such ground, surface, storm or other water as may be present.
 - (20) **Sewer** means a pipe or conduit for carrying sewage.
 - (21) **Shall** is mandatory; may is permissive.
 - (22) **Significant industrial contributor** means any source to the sanitary or combined sewer system that discharges:
 - a. Greater than 10,000 gallons on any day of the year; or
 - b. Incompatible pollutants at a flow rate greater than five percent of the flow carried by the municipal system.
 - (23) **Slug** means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period

of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

- (24) **Storm sewer or storm drain** means a sewer that carries stormwater, surface water, drainage and unpolluted industrial water discharges, such as cooling and air conditioning water, but excludes sewage.
 - (25) **Suspended solids** means the dry weight of solids that are physically suspended or floating in a flow of sewage, industrial waste, or water that are measurable by laboratory filtering.
 - (26) **Wastewater treatment plant** means any devices and/or structures used for the treating of sewage.
 - (27) **Wastewater works** means all facilities for collecting, pumping, transporting, treating and drying of sewage.
 - (28) **Watercourse** means a channel in which a flow of water occurs, either continuously or intermittently.
 - (29) **Wisconsin Pollutant Discharge Elimination System (WPDES) permit** means a permit issued to the city for the discharge of wastewater to Lake Michigan. This permit, which is on file in the office of the wastewater utility, specifies effluent limitations for compatible pollutants and specifies certain conditions that have to be met by the city. This permit was issued in compliance with the environmental protection agency as part of the National Pollutant Discharge Elimination System (NPDES) permit program.
- (g) **Discharge of unpolluted waters [Sec. 98-125 of Racine Municipal Code]**
No person shall discharge or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage that is not contaminated, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer, provided that a storm drain into which such waters and drainage can be discharged is available and cost effective and provided further that separation of existing internal combined sewers in any source of industrial waste shall not be required, except in the case of system replacement or renewal initiated by the owner of such sources.
- (h) **Storm sewers [Sec. 98-126 of Racine Municipal Code]**
Stormwater and all uncontaminated drainage shall be discharged to such sewers as are specifically designated as storm sewers, combined sewers, or to a natural outlet or watercourse approved by the Wisconsin Department of Natural Resources and the general manager. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Wisconsin Department of Natural Resources and the general manager, to a storm sewer, natural outlet, or watercourse.
- (i) **Prohibited waste discharges [Sec. 98-127 of Racine Municipal Code]**
No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, natural outlet or watercourse:
- (1) Any explosive or flammable solid, liquid or gas, including but not limited to gasoline, kerosene, benzene, naphtha, fuel oil;
 - (2) Any waters or wastes causing a pH lower than 5.0 or higher than 10.0 at any point in the public sewer or receiving water;
 - (3) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interferences with the proper operation of the wastewater works, including, but not limited to, ashes, cinders, sand, mud,

straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, lime slurries, chemical residue, paint residues, etc.;

- (4) Any waters or wastes containing toxic solids, liquids, or gases in sufficient quantity acting either singly or by interaction with other wastes to injure or interfere with any wastewater treatment process, constitute a hazard to humans, animals, or aquatic life, or create a public nuisance;
 - (5) Any solid, liquid or gas creating a hazard or public nuisance in the receiving water; or
 - (6) Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) **Wastewater discharges controlled [Sec. 98-128 of Racine Municipal Code]**
No person shall discharge or cause to be discharged into the sanitary sewers any wastewaters having physical properties and concentrations of chemical constituents or such other physical and chemical properties that exceed the standards and limitations under subsection 98-143(2) of the Racine Municipal Code.
- (k) **Discharge of sewage by agreement [Sec. 98-129 of Racine Municipal Code]**
Should any sewage have the characteristics set out in section (j) above, the city may, nevertheless, accept such sewage subject to individual agreements that specify pretreatment or controls on rates and quantities of discharges which, in the opinion of the general manager will protect the wastewater works and wastewater treatment process, or the city may agree to accept such sewage subject to the payment of charges for the actual additional costs to the city resulting from the treatment of such sewage by the city. In making such agreements the general manager shall give consideration to such factors as the quantities of such wastes in relation to the capacity, flow and velocities in the receiving sewers, degree of treatability of the sewage and requirements of the public authorities having jurisdiction over discharges from the city wastewater works. If the general manager permits the pretreatment or equalization of sewage flows, the design and installation of the plants and equipment for such pretreatment or equalization shall be subject to the review and approval of the general manager, and subject to the requirements of all applicable ordinances, laws and regulations.
- (l) **Preliminary treatment facilities [Sec. 98-130 of Racine Municipal Code]**
Where preliminary treatment or flow-equalizing facilities are provided for any sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at its expense.
- (m) **Control manhole [Sec. 98-131 of Racine Municipal Code]**
When required by the general manager, the owner of any property serviced by the building sewer carrying industrial wastes into a public sanitary or public combined sewer shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the general manager. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

(n) **Measurements and tests [Sec. 98-132 of Racine Municipal Code]**

All measurements, tests, and analyses of sewage to which reference is made in this division shall be in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and as published by the U.S. Environmental Protection Agency in 40 CFR 136. Measurements shall be made and samples taken at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to the health, safety and welfare of the public. On the basis of analysis of the data, the general manager will determine whether grab or composite sampling is required.

(o) **Board of Standards; appeals [Sec. 98-133 of Racine Municipal Code]**

The board of standards shall hear and decide all appeals by persons affected by any decision of the general manager to accept or reject sewage under the provisions of Section 9-4-2 (k) [section 98-129 of Racine Municipal Code] of this division and shall, in appropriate cases, authorize the acceptance of sewage under conditions and safeguards in harmony with the general policy expressed in Section 9-4-2(u) [section 98-150 of Racine Municipal Code].

(p) **New connections prohibited [Sec. 98-134 of Racine Municipal Code]**

No new connections shall be made to the sanitary sewer system connected to the city wastewater treatment plant unless all downstream sewers and appurtenances are of adequate size to handle the additional load.

(q) **WPDES permit [Sec. 98-135 of Racine Municipal Code]**

No person shall discharge or permit to be discharged to the city wastewater system any substances, material, or quantities of substances or material that would cause the utility to violate, or materially increase the likelihood that the utility would violate, its WPDES permit.

(r) **DNR NR 101 requirements [Sec. 98-136 of Racine Municipal Code]**

To the extent required by law, significant industrial dischargers shall furnish information to the DNR and the utility needed for the DNR program pursuant to Chapter NR 101, Wisconsin Administrative Code. The utility shall comply with the requirements of the NR 101 program.

(s) **Authority to inspect [Sec. 98-137 of Racine Municipal Code]**

The general manager, members of the board of standards and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter upon all properties connected to the wastewater works for the purpose of inspection and observation of the measurement, sampling and testing, in accordance with the provisions of this division, and to inspect the discharge to the sewers or natural outlets or wastewater treatment facilities. Only the general manager shall be permitted to enter any premises for the purpose of reviewing plant operations with designated plant personnel for the purpose of determining the scope of the waste control program, and any information so obtained by him shall be confidential, provided that any review of trade secrets or proprietary processes shall be limited to any discharge therefrom that flows into a public sewer.

(t) **Board of Standards: Appeals and Decision of Board [Sec. 98-143(4) and (5) of Racine Municipal Code]**

The board shall have the following powers and duties subject to Section 9-4-2(u) [section 98-150 of Racine Municipal Code]

- (1) **Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the general manager. In the administration of this division, the general manager shall be disqualified from sitting as a member of the board in any appeal under this subsection; and
- (2) **Decision of board.** In exercising its powers under this section the board may, in conformity with the provisions of this division, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the general manager, subject to the approval of the wastewater commission.

(u) **Pretreatment regulations - general provisions [Sec. 98-150 of Racine Municipal Code]**

- (1) **Purpose and policy.** This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city wastewater utility and enables the utility to comply with applicable state and federal laws required by the Clean Water Act of 1977 (Public Law 95-217) and the General Pretreatment Regulations (40 CFR, part 403).

The objectives of this division are to:

- a. Prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- b. Prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or be otherwise incompatible with the system;
- c. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- d. Provide for equitable distribution of the operation and maintenance cost of the utility's implementation of the industrial pretreatment program;
- e. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
- f. To enable the utility to comply with its Wisconsin Discharge Eliminations System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This division provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. Except as otherwise provided herein, the general manager of the Racine POTW shall administer, implement, and enforce the provisions of this division.

- (2) **Definitions.** Unless the text specifically indicates otherwise, the following terms and phrases, as used in this section, mean:
- a. **Accidental discharge** means a slug flow of material sufficient to cause upset to the utility
 - b. **Act or the act** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
 - c. **Administrator** means the administrator or other duly authorized official of the environmental protection agency.
 - d. **Approval authority** means the Wisconsin Department of Natural Resources.
 - e. **Authorized representative of industrial user** means a designated person who is:
 - 1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; or
 - 2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
 - 3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
 - f. **Biochemical oxygen demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
 - g. **Board of standards** means a seven-member board appointed by the mayor and confirmed by the common council to provide information and advise the wastewater utility. Refer to section 98-155(c) of the City of Racine Municipal Code for procedures, powers, and duties.
 - h. **Building sewer** means a sewer conveying wastewater from the premises of a user to the POTW.
 - i. **Categorical standards or categorical pretreatment standards** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 U.S.C. s.1317) which apply to a specific category of users and which appear in 40 CFR, chapter I, subchapter N, parts 405 through 471.
 - j. **Chemical oxygen demand** means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in mg/l as determined in accordance with standard laboratory procedure as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater."
 - k. **City** means the City of Racine or its designated representatives.
 - l. **Consistent removal** means the reduction in the amount of a pollutant or alteration of the nature of a pollutant in the effluent to a POTW to a less

toxic or harmless state in the effluent which is achieved by that POTW according to the procedures set forth in 40 CFR, part 403.7 promulgated pursuant to the act.

- m. **Cooling water** means the water discharged from any use such as air conditioning, cooling or refrigeration to which the only pollutant added is heat.
- n. **Direct discharge** means the discharge of treated or untreated wastewater directly to the waters of the State of Wisconsin.
- o. **Environmental protection agency or EPA** means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- p. **Existing source** means any source of discharge, the construction or operation commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.
- q. **General manager** means the person designated by the utility to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or duly authorized representative.
- r. **Grab sample** means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- s. **Holding tank waste** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- t. **Indirect discharge or discharge** means the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the act.
- u. **Industrial user** means a source of indirect discharge.
- v. **Instantaneous maximum allowable discharge limit** means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- w. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - 1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - 2. Therefore, 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) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid

Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA) the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- x. **Medical waste** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- y. **Municipality** means the communities and/or sanitary districts that are served by the utility interceptor sewers and/or utility wastewater treatment plant.
- z. **National categorical pretreatment standards or pretreatment standards** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the act (33 U.S.C. s. 1347) which applies to a specific category of industrial users.
- aa. **National prohibitive discharge standard or prohibitive discharge standard** means any regulation developed under the authority of section 307(b) of the act and 40 CFR, part 403.5.
- bb. **New Source** means:
 - 1. 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 sources if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - 2. 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 above but otherwise alters, replaces, or adds to existing process or production equipment.
 - 3. Construction of a new source as defined under this paragraph has

- commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous onsite construction program; or
 - b. Any placement, assembly, or installation of facilities or equipment; or
 - c. 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.
4. Entered into a binding contractual obligation for the purchase of facilities or equipment that 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.
- cc. **Noncontact cooling water** means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- dd. **Pass through** means a discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the city's WPDES permit, including an increase in the magnitude or duration of a violation.
- ee. **Person** means the state or any agency of institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.
- ff. **P** means phosphorus.
- gg. **pH** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- hh. **Pretreatment or treatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or by other means, except as prohibited by 40 CFR, part 403.6(d).
- ii. **Pretreatment requirements** means any local or state requirements related to pretreatment, other than a categorical pretreatment standard imposed on an industrial user.
- jj. **Pretreatment standard or standards** means prohibited discharge standards, categorical pretreatment standards, and local limits.
- kk. **Prohibited discharge standards or prohibited discharges** means absolute prohibitions against the discharge of certain substances, these prohibitions

- appear in section (v)(1) of this division.
- ll. **Publicly owned treatment works (POTW)** means the city wastewater treatment plant, as well as sewers, pipes and other conveyances, but only if they convey wastewater to a POTW treatment plant. For the purposes of this division, POTW also includes any sewers that convey wastewaters to the POTW from persons outside Racine who are, by contract or agreement with the city, users of the city POTW.
 - mm. **POTW treatment plant** means that portion of the POTW designed to provide treatment of wastewater.
 - nn. **Septic tank waste** means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
 - oo. **Sewage** means human excrement and gray water (household showers, dish-washing operations, etc.)
 - pp. **Shall** is mandatory; **may** is permissive.
 - qq. **Significant user** means:
 - 1. A user subject to categorical pretreatment standards; or
 - 2. A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Has a reasonable potential for adversely affecting the POTW's operation or for violating any (3) Excepting that upon finding that a user meeting the criteria of a significant user (above) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the general manager, with consent of the wastewater commission, may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user pretreatment standard or requirement.
 - rr. **Slug load or slug** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section (v) of this division.
 - ss. **Standard industrial classification (SIC)** means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1972.
 - tt. **Suspended solids** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
 - uu. **Toxic pollutant** means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental

protection agency under the provisions of section 307(a) of the Act or other acts.

- vv. **Upset** means an exceptional incident in which a discharger is unintentionally and temporarily in a state of noncompliance with the standards set forth in this division due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- ww. **User** means any person who contributes, causes or permits the contribution of wastewater into the utility's POTW.
- xx. **Wastewater discharge permit** means the document issued by the utility to the significant users to set forth the requirements and limitations for the industrial user
- yy. **Wisconsin Pollutant Discharge Elimination System (WPDES) permit** means any permit or requirement issued by the Department of Natural Resources (DNR) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. s. 1251 et seq.), for the purpose of controlling sewage, industrial wastes, or other wastes under the authority of section 402 of the act.

(3) Abbreviations. The following abbreviations shall have the designated meanings:

- a. BOD--Biochemical oxygen demand.
- b. CFR--Code of Federal Regulations. (Example: 40 CFR, part 403 is title 40 of the Code of Federal Regulations, part 403).
- c. COD--Chemical oxygen demand.
- d. EPA--Environmental Protection Agency.
- e. l--Liter.
- f. mg--Milligrams.
- g. mg/l--Milligrams per liter.
- h. POTW--Publicly owned treatment works.
- i. RCRA--Resource Conservation and Recovery Act.
- j. SIC--Standard industrial classification.
- k. SWDA--Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- l. TSS--Total suspended solids.
- m. USC--United States Code.
- n. WPDES--Wisconsin Pollutant Discharge Elimination System.

(v) **General sewer use requirements [Sec. 98-151 of Racine Municipal Code]**

(1) **General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass through or will interfere with the operations or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to

cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 15 percent nor any single reading over 30 percent of the lower explosive limit (LEL) of the meter for that specific chemical. In addition, pollutants which create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius) using the 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 and any other substances which the utility, the state, or EPA has notified the user is a fire hazard or a hazard to the system;

- b. Solid or viscous substances which may cause obstruction to the flow in a sewer, but in no case solids greater than three inches in any dimension or create interference with the operation of the wastewater treatment facilities such as, but not limited to: articles with sufficient dimensions or quantity either alone or in combination with other particles to obstruct the wastewater flow, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
- c. Any wastewater entering the municipal sanitary sewer system having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW
- d. Any wastewater entering the municipal sanitary sewer system having a pH in excess of 10.0;
- e. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, which either singly or by interaction with other pollutants will cause interference w/the POTW and/or which would constitute a slug;
- f. Petroleum oil, nonbiodegradeable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- g. Trucked or hauled pollutants, except at the wastewater treatment plant discharge point, under permit as listed in section (13);
- h. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act;

- i. Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- j. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, 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; 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 or local criteria applicable to the sludge management method being used;
- k. Any substance which will cause the POTW to violate its WPDES permit or the receiving water quality standards;
- l. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- m. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which is lower than 32 degrees Fahrenheit (0 degrees Celsius) at discharge point from the source to the sanitary sewer system. The temperature shall not exceed 104 degrees Fahrenheit (40 degrees Celsius) at the POTW wastewater treatment plant;
- n. Any unpolluted water including, but not limited to, cooling water, storm water, or groundwater;
- o. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause interference with the wastewater disposal system;
- p. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations;
- q. Any wastewater which causes a hazard to human life or creates a public nuisance;
- r. Sludges, screenings or other residues from the pretreatment of industrial wastes;
- s. Medical wastes, except as specifically authorized by the general manager in a wastewater discharge permit; and
- t. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- u. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

When the general manager determines that a user is contributing to the

POTW, any of the substances enumerated above in such amounts as to interfere with the operation of the POTW, the general manager shall:

1. Notify user.
2. Develop effluent limits, if possible, for such user(s) to correct the interference with the POTW.
3. Take immediate action if necessary to eliminate interference.

(2) **National categorical pretreatment standards.** Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The general manager shall notify all affected users of the applicable reporting requirements under 40 CFR, part 403.12. 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 specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR, part 403.3(k). New sources shall be required to meet applicable pretreatment standards before beginning to discharge.

- a. The categorical pretreatment standards found in 40 CFR, chapter I, subchapter N, parts 405 through 471 are hereby incorporated:
 1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the general manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c);
 2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the general manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e);
 3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard; and
 4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(3) **Local limits.** No user shall discharge wastewater containing the following pollutants in excess of the following:

- a. Limits for flow proportional sampling procedure and batch discharges or grab samples when necessary:

TABLE INSET:

Cadmium (no user shall discharge more than 0.1 lbs./day)	mg/l liter 0.7
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Chromium	14.0
Copper	4.5
Lead	1.38
Mercury	0.1
Nickel	4.1
Zinc	8.2

All concentrations for metallic substances are for "total" metal unless indicated otherwise.

- b. Grab sample only:
 - 1. Any wastewater containing fats, wax, grease or oils whether emulsified or not, in excess of 200 mg/l as measured by an approved EPA method or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Celsius and 65.6 degrees Celsius).*
 - 2. 1.9 mg/l total cyanide.
- c. Monitoring requirement: All dischargers may be required to monitor for the following pollutants: 2,6-dichlorophenol, 3,4-dichlorophenol, trichlorethylene, arsenic, selenium, molybdenum.

The general manager may impose mass limits in addition to, or in place of, the concentration based limits above.

The general manager may impose additional limits and/or monitoring requirements on pollutants of concern.

The general manager shall be able to modify these limitations as long as they do not violate state or federal laws.

*Any variance requests for fats, wax, grease or oils limitations as set forth in section (3)(b) shall be submitted to the general manager. The variance request shall be based upon the criteria enumerated in 40 CFR, part II, sec. 403.13. If a variance is granted, the general manager will have sole discretion on whether to accept alternative testing procedures for the variance.

- (4) **State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.
- (5) **Utility's right of revision.** The utility reserves the right to establish by ordinance more stringent limitations of requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section (4)(i) of this division.
- (6) **Excessive discharge (dilution).** No user shall ever increase the use of process water or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards or this division. The general manager may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- (7) **Accidental discharges.** Each industrial user shall provide protection from

accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own expense.

- (8) **Sludges generated. Sludges, floatables, skimmings, etc.**, generated by an industrial or commercial pretreatment system shall not be placed into the Racine POTW. Such sludges shall be contained, transported, and disposed of by haulers in accordance with all federal, state and local regulations.
- (9) **Bypass of treatment facilities:**
- a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or there are no feasible alternatives; and
 - b. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation;
 - c. Notification of bypass:
 1. **Anticipated bypass.** If the permittee knows in advance of the need for bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the city wastewater utility.
 2. **Unanticipated bypass.** The permittee shall immediately notify the city wastewater utility and submit a written notice to the POTW within five days. This report shall specify:
 - a) A description of the bypass and its cause, including its duration;
 - b) Whether the bypass has been corrected; and
 - c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
- (10) **Continuation of expired permits.** An expired permit will continue to be effective and enforceable until the permit is reissued if:
- a. The permittee has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit; and
 - b. The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.
- (11) **Records retention.** An industrial user subject to this division 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 an industrial user in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- (12) **Accidental discharge/slug control plans.** At least once every two years, the general manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The general manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the general manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals.
- c. Procedures for immediately notifying the general manager of any accidental or slug discharge, as required by this division; and
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures 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/or measures and equipment for emergency response.

(13) **Hauled wastewater.**

- a. Septic tank waste may be introduced into the POTW only at locations designated by the general manager, and at such times as are established by the general manager. Such waste shall not violate pollutant limits as defined in section 98-148 of the Racine Municipal Code, or any other requirements established by the utility. The general manager may require septic tank waste haulers to obtain wastewater discharge permits.
- b. The general manager shall require haulers of industrial waste to obtain wastewater discharge permits. The general manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The general manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.
- c. Industrial waste haulers may discharge loads only at locations designated by the general manager. No load may be discharged without prior consent of the general manager. The general manager may collect samples of each hauled load to ensure compliance with applicable standards. The general manager may require the industrial waste hauler to provide waste analysis of any load prior to discharge; and
- d. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(w) **Pretreatment of wastewater [Sec. 98-152 of Racine Municipal Code]**

- (1) **Pretreatment facilities.** Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section (v) of this division within the time limitations specified by EPA, the state, or the general manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the general manager for review, and shall be acceptable to the general manager before such facilities are constructed. The review of such plans and operating procedures shall

in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the utility under the provisions of this division. No person shall do such work that is within the purview of the city building, plumbing or electrical code without first obtaining required permits.

- (2) **Additional pretreatment measures.**
- a. Whenever deemed necessary, the general manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division;
 - b. The general manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization;
 - c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the general manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense; and
 - d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (x) **Appointment to Wastewater Commission.** The Village Board shall appoint a representative and one alternate to the Intergovernmental Wastewater Commission.
- (y) **Limitation of Sewer Extensions and Connections when Allocation Thresholds Exceeded.** The Village and/or District may restrict or prohibit sewer extensions and/or connections that would cause the Village and/or District to exceed 90% of its allocated capacity in the Racine Sewer Service Facilities, all in accordance with section 5.5 of the 2002 Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement.

SEC. 9-4-3 ADDITIONAL REGULATIONS PERTAINING TO THE CALEDONIA SEWER UTILITY DISTRICT.

(a) **Definitions.**

In this chapter:

- (1) **Approving Authority** means the Commission of the Caledonia Sewer Utility District or a duly authorized deputy, agent, or its representative.
- (2) **Building Drain** means the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

- (3) **Category A Customers** mean sanitary sewer customers who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/1 suspended solids no greater than 250 mg/1, and phosphorus no greater than 6 mg/1.
- (4) **Category B Customers** mean sanitary sewer customers who discharge wastewater with concentrations in excess of 200 mg/1 of BOD, 250 mg/1 of suspended solids, and 6 mg/1 of phosphorus. Customers whose wastewater exceeds the concentrations for any of these parameters shall be in Category B.
- (5) **Customer Charge** means a charge levied on customers of the wastewater collection and treatment facilities for payment of operation and maintenance costs of the facilities.
- (6) **Easement** means an acquired legal right for the specified use of land owned by others for wastewater conveyance or treatment.
- (7) **Floatable Oil** means oil, fat, or grease in a physical state that will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not adversely interfere with the collection system.
- (8) **Grantee** means the Village of Caledonia for those projects in which the Village receives federal funding.
- (9) **Garbage** means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.
- (10) **Industrial Cost Recovery Charge** means a charge to industrial customers, for the recovery of the federal EPA grant amount allocable to the treatment of the customers' wastewater volume and loading at design capacity, of federal EPA funded wastewater collection and treatment facilities.
- (11) **Municipality** means the Village of Caledonia.
- (12) **Operation and Maintenance Costs** means costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater, collection and treatment facilities.
- (13) **Parts Per Million** means a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 are equivalent to pounds per million gallons of water.
- (14) **Replacement Costs** means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.
- (15) **Sewerage System** means the facilities used for the collection, treatment, and disposal of wastewater.
- (16) **Sewer Service Charge** means a charge levied on customers of the wastewater collection and treatment facilities to recover annual revenues for debt services, replacement costs, and operation and maintenance expenses of said facilities. (The customer charge which covers operation and maintenance and replacement expenses is a part of the sewer service charge).
- (17) **Standard Methods** means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater"

published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

- (18) **Village** means the Village of Caledonia, Racine County, Wisconsin.
- (19) **Unpolluted Water** means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (20) **Wastewater Collection Facilities** (for wastewater collection system) mean the structures and equipment required to collect and carry away domestic and industrial wastewater.
- (21) **Watercourse** means a natural or artificial channel for the passage of water, either continuously or intermittently.

SEC. 9-4-4 UTILITY DISTRICT MANAGER.

A District Manager shall be appointed by the Commissioners of the Caledonia Sewer Utility District to enforce all provisions of this Chapter. The Manager shall be responsible to the Commission for the day-to-day operations of the District, including, but not limited to, filing reports as may be required concerning the operations of the District.

SEC. 9-4-5 SEWERAGE CONNECTION CHARGES.

- (a) **Basic Charge.** Prior to the issuance of a permit allowing connection to the sanitary sewerage system of the District, there shall be paid to the District and collected by the Village Treasurer on each lot, parcel of land or premises to be connected, a unit connection charge in the amount of **\$2,550**. The charge, to be paid upon the issuance of a building permit by the Village, shall be placed in a separate account and shall be used only for payment of operation and maintenance expenses, depreciation, and note or bond redemption.
- (b) **REU Charge.** In addition to the basic connection charge provided in (a) above, and prior to the issuance of a permit allowing connection to the sanitary sewerage system of the District, there shall be paid to the District and collected by the Village Treasurer on each lot, parcel of land or premises to be connected to the Districts' system a unit connection charge, in the amount of **\$2,550**, for each residential equivalent unit (REU) attributed to such lot, parcel of land or premises. The REU charge shall be paid upon the issuance of a building permit by the Village.
 - (1) For purposes of this subsection, each single-family residential housing unit shall constitute one REU, whether located within a one-family, multi-family, condominium, rental or owner-occupied unit. Cooperative residential buildings, institutional and nonresidential buildings shall be assigned REU numbers based upon the size of the water meter or meters servicing such buildings as set forth in the following table:

VILLAGE OF CALEDONIA/CALEDONIA SEWER UTILITY DISTRICT
REU RATIO

Meter Size (inches)	Meter Type	Flow (gpm)	REU Ratio
3/4 or less	Displacement	15	1.0
1	Displacement	25	2.5
1-1/2	Displacement	50	5.0
2	Displacement	80	8.0
2	Compound	80	8.0
2	Turbine - Cl. 1	80	8.0
2	Turbine - Cl.2	100	10.0
3	Compound	160	16.0
3	Turbine - Cl. 1	175	17.5
3	Turbine - Cl.2	240	24.0
4	Compound	250	25.0
4	Turbine - Cl. 1	300	30.0
4	Turbine - Cl. 2	420	42.0
6	Compound	500	50.0
6	Turbine - Cl. 1	625	62.5
6	Turbine - Cl. 2	920	92.0
8	Compound	800	80.0
8	Turbine - Cl. 1	900	90.0
8	Turbine - Cl. 2	1,600	160.0
10	Compound	1,150	115.0
10	Turbine - Cl. 1	1,450	145.0
10	Turbine - Cl. 2	2,500	250.0
12	Turbine - Cl. 1	2,150	215.0
12	Turbine - Cl. 2	3,300	330.0

(1) The connection charge collected under this subsection shall be placed in a separate account and shall be used for the payment of the costs of lift stations, force mains, detention facilities, interceptor mains and the expansion of Racine Wastewater facilities.

(c) **Exemption from Charge.** No basic charge or REU charge shall be collected by the Village Treasurer if the property to be serviced has been previously assessed for such connection charges.

- (d) **Refund of Sewer Connection Charges.** Sewer connection charges shall be refunded to the permittee upon the lapse of a building permit, within the meaning of Section 15-1-7.

SEC. 9-4-6 CONNECTIONS TO SEWER MAINS.

(a) **Definitions.**

- (1) **Accessory Use or Structure** shall mean a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal structure.
- (2) **Building** shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- (3) **Failure** shall mean a failing private sewage system as that term is defined in Sec. 145.245(4), Wis. Stats., as amended from time-to-time.
- (4) **Land Split** shall have the same meaning as defined in Sec. 14-1-2(c) of this Code of Ordinances.
- (5) **Subdivision** shall have the same meaning as defined in Sec. 14-3-2(x) of this Code of Ordinances.

(b) **Compulsory Connection.**

- (1) **Residential or Agricultural Use.** The owner of a Building in a residential or agricultural zoning district shall have all plumbing connected to a sewer main at the expense of the Building's owner if any part of the Building is within 500 feet of a sewer main or the right-of-way in which a sewer main is located. Mandatory connection is required, regardless of Building distance, for Subdivisions and Land Splits pursuant to Sec. 14-3-4(c)(6) of the Code of Ordinances. Any Building upon a parcel for which a conditional use permit is granted shall comply with the connection requirements of 9-4-7(b)(2) below. This subsection shall not apply to residential parcels in the Ponds of Caledonia Subdivision as originally platted or the Ponds II of Caledonia Subdivision as originally platted, both of which are conservation subdivisions existing prior to the effective date of this ordinance, and Oldfield Settlement Subdivision as originally platted, unless there is a Failure of any parcel's individual Private Onsite Wastewater Treatment System or a Failure of any private Community Onsite Wastewater Treatment System servicing more than one (1) parcel of land. In the event that a Failure occurs, all parcels within such subdivision shall be required to connect to a sewer main pursuant to this Section within eighteen (18) months of a determination of such Failure in accordance with Sec. 145.245(1)(a), as amended from time-to-time, or sooner if any applicable Federal law, Wisconsin Statute, Wisconsin Administrative Code, Racine County ordinance or other local regulation so requires. Notwithstanding the time-period required for connection to a public sewer main, the owner of any parcel served by a system that has failed shall take immediate action to address the Failure and abate any health hazard that may be caused by such Failure.

- (2) **Other Use.** The owner of a Building zoned for any other purpose shall have all plumbing connected to a sewer main at the expense of the Building's owner if any part of the parcel, upon which the Building is located, is within 500 feet of a sewer main or the right-of-way in which a sewer main is located.
- (c) **Time to Connect and Connection Charge.** The connection shall be made within six (6) months from the date the owner or occupant of the property receives written notice from the Village or District that a sewer main is available to serve the property and the applicable connection charge shall be paid to the District and Village in accordance with Section 9-4-5 of the Village's Code of Ordinances.
- (d) **Sewerage Charge.** The initial sewerage charge applicable to the property shall be due when the connection to the sewer main is made, or sixty (60) days after written notice of sewer availability is given to the owner or occupant of the property, whichever comes first, whether or not a building on the premises is inhabited or not. This charge shall be due and payable regardless of whether the connection is made and/or whether the service is utilized once connected. Subsequent charges become due and payable on a quarterly basis.
- (e) **Connection to Manholes Prohibited.** Connections shall be made to the sewer main and not directly to a manhole, unless written permission is granted by the District Manager, and the connection is made as directed.
- (f) **Repair and Maintenance.** The property owner shall be responsible for (1) all repair, replacement and maintenance costs associated with the lateral from the private property line to the building being served, and (2) all costs associated with lateral cleaning and root removal from the sewer main to the building being served. Except for cleaning and root removal costs, the Utility shall be responsible for all repairs, replacement and maintenance costs for that portion of the lateral contained within the public road right-of-way.

SEC. 9-4-7 BASIS FOR SEWER SERVICE CHARGES.

- (a) **Basis.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the Village of Caledonia to levy and collect charges, rentals, or rates of service upon all the lands, lots, premises and additions served by the sanitary sewerage system of the Utility District.
- (b) **Sewer Customers.**
 - (1) Customers of the sewerage system of the District and additions shall be assessed upon the basis of the following units:

<u>Type Of Customer</u>	<u>Charge Units</u>
a. Single Family Dwelling	1
b. House Trailer	1
c. Multiple Family Dwelling	1st Unit = 1; Each Additional Unit = .75
d. Store	1 to 10
e. Tavern	2
f. Bowling Alley	1 for each 4 alleys
g. Hotel or Motel	1 for each 4 rooms

h.	Lunch Room	1 to 2
i.	Restaurant	1 to 10
j.	Garage	1 to 2
k.	Gas Station	1 to 2
l.	School	1 for each 50 pupils
m.	Church	1 to 5
n.	Hall	1 to 5
o.	Office Building	1st Unit = 1; Each Additional Unit = .75
p.	Building for Commercial/ Industrial Rentals	1st Unit = 1; Each Additional Unit = .75
q.	Post Office	1 to 2
r.	Barber/Beauty Shop	1 to 5
s.	Warehouse	1 to 10
t.	Club House	1 to 2
u.	Shops (Print, Welding, Shoemaker, Blacksmith, etc.)	1 or more
v.	Bakery	1 to 5
w.	Funeral Home	1 to 5
x.	Greenhouse	1 to 5
y.	Bank	1 to 5
z.	Feed Mill	1 to 5
aa.	Railroad Depot	1 to 10

- (2) Where the number of charge units specified above are variable or in a range, the District shall determine the number of such charge units as to reflect the estimated volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling. In no event shall any customer pay less than one charge unit.
- (3) Where the customer is not listed above, the District shall determine the number of charge units by (a) estimating the volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling or (b) estimating the volume of sewerage that will emanate from the customer based upon the metered volume of water used by the customer as compared to the usual volume of water used in a single family dwelling.
- (4) The District may increase or decrease, in its sole discretion, the number of charge units where the above schedule would result in an inequitable charge to the customer and/or would result in an insufficient number of charge units.

(c) **Amount of Sewer Service Charges.**

- (1) Category A. Customers as defined in s. 9-4-3(c) shall pay a total service charge of **\$109.00/quarter**, effective December 15, 2010.
- (2) Category B. Customers as defined in s. 9-4-3(d) shall pay a user charge, as determined by the Districts, based upon (without limitation) the costs of collection, treatment and disposal of wastewater, treatment and disposal of prohibited substances, and/or sampling, measurement and analysis performed by, or on behalf of, the District.

- (d) **Operation, Maintenance, and Replacement Fund Accounts.** The annual replacement revenues shall be maintained in a separate account by the District to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for those uses only with the approval of the Approving Authority. All revenues collected for the replacement fund and for operation and maintenance of the wastewater collection facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection facilities. All excess revenues collected from a customer class will be applied to the operation, maintenance, and replacement costs attributable to that class for the next year.
- (e) **Increased Charges.** Customers discharging toxic pollutants shall pay for any increased operation, maintenance, and replacement cost caused by the toxic pollutants, as determined by the Approving Authority.

SEC. 9-4-8 BILLINGS.

- (a) **Calculation of Sewer Service Charges.** Sewer service charges shall be assessed to District sewer customers according to the rates and formulas presented in this chapter.
- (b) **Billing Periods.** Sewer service charges shall be billed by the District to the sewer customers on a quarterly basis.
- (c) **Payment of Sewer Service Charges.** Persons billed by the District for sewer service charges shall pay those charges on or before the 20th day of April, July, October, and January of each year.
- (d) **Collection.** Sewer service charges levied by the District against the sewer customers shall be a debt due to the District and shall be a lien upon the property serviced. In the event the District is unable to collect this debt, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- (e) **Right of Entry.** The Approving Authority or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of Section 66.0119, Wisconsin Statutes.
- (f) **Right to Enter Easements.** The Approving Authority or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District or the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of the duly negotiated easement.
- (g) **Annual Audit.** The District shall conduct an annual audit, to maintain the proper proportion between customers and customer classes of the sewer service charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses, replacement costs and/or debt service costs.

SEC. 9-4-9 SEWER CONSTRUCTION AND CONNECTIONS.

- (a) **Permit.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance without first obtaining a written permit from the Approving Authority. Failure of a permittee and/or contractor to notify the Utility of a connection made to the sewer main shall make the permittee and/or contractor jointly and severally liable with the property owner for Utility back-charges for sewer service. All sewer-related work and materials used must comply with the Utility District Standard Specifications (“Standard Specifications”), as adopted and amended from time-to-time by the Commission. The District Manager may issue written waivers to the Standard Specifications, in his/her discretion.
- (b) **Cost of Sewer Connection.** All costs and expenses related to the installation and connection of the building sewer shall be the responsibility of the permittee. The permittee shall indemnify the District and the Village of Caledonia from loss or damages that may directly or indirectly result from the installation of the building sewer.
- (c) **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings, if upon examination and testing by the Approving Authority are found to meet all requirements of this ordinance.
- (d) **Materials and Methods of Construction.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District and the Village.
- (e) **Building Sewer Grade.** Whenever practical, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (f) **Storm and Groundwater Drains.** No person shall connect roof downspouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 10 days of the date of an official written notice from the Village. Any exception to this policy shall be approved by the Approving Authority.
- (g) **Barricades and Restoration.** The permittee shall ensure that all excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the permittee in a manner satisfactory to the Approving Authority.

SEC. 9-4-10 APPEALS/WAIVERS.

- (a) **Procedures.**
 - (1) Any person affected by any decision, action, or determination, including cease, and desist orders, made by the District interpreting or implementing the provisions of

this chapter or in any permit issued, may file with the District a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the customer's request for reconsideration. The Commission shall render a decision on the request for reconsideration to the customer, permit applicant, or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Commission is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Village Board. The written appeal shall be heard by the Village Board within forty-five (45) days from the date of filing. The Village Board shall make a final ruling on the appeal within sixty (60) days from the date of filing.

SEC. 9-4-11 REIMBURSEMENT OF COSTS.

- (a) **Reimbursement of Costs Required.** All engineering, inspection, planning, legal and administrative costs incurred by the District (“District Costs”) shall be reimbursed to the District as set forth below:
 - (1) District Costs related to applications for rezoning and/or conditional use permits shall be reimbursed to the District in accordance with Title 16, Chapter 6 of the Village’s Zoning Code, which is incorporated herein by reference.
 - (2) District Costs related to proposed land splits and/or subdivisions shall be reimbursed to the District in accordance with Title 14 of the Village’s land division regulations, which is incorporated by reference.
 - (3) District Costs related to applications for permits pertaining to sewer or water utility services shall be reimbursed to the District in accordance with Wis. Stat. Section 66.0628.

SEC. 9-4-12 VIOLATIONS AND PENALTIES.

- (a) **Written Notice.** Any person found to be violating any provision of this chapter shall be served by the District with a written notice stating the nature of the violation and provided with a reasonable time for its satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a forfeiture, pay an amount to cover the damage, as established by the District.
- (c) **Continued Violations.** Any person who continues any violation beyond the time limit provided, shall, upon conviction, forfeit not more than \$500 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be subject to further proceedings in accordance with Section 800.095, Wis. Stats. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
- (d) **Liability for Losses.** To the extent permitted by law, any person violating any provisions of this chapter shall become liable to the District and the Village of Caledonia for any

expense, loss or damage occasioned by reason of such violation which the District or Village may suffer as a result of the violation.

- (e) **Notification.** The District shall be notified immediately by any person becoming aware of any violations that occur.

SEC. 9-4-13 VALIDITY.

- (a) **Superseding Previous Ordinances.** This chapter shall supersede all previous ordinances of the Village as they relate to the sanitary sewer system of the District.
- (b) **Invalidation.** Any section, clause, sentence or provision in the Ordinance determined to be invalid shall not affect the validity of any other section, clause, sentence or provision of this chapter.