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## **CHAPTER 7: PUBLIC UTILITIES**

### **7.0100 WATER UTILITY**

#### **Article A Rules and Regulations**

##### **7.0101 COMPLIANCE WITH RULES**

All persons now receiving a water supply from the Marinette Water Utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

##### **7.0102 ESTABLISHMENT OF SERVICE**

- A. Application for water service shall be made in writing on a form furnished by the Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. (Note particularly any special refrigeration, fire protection, or water consuming air-conditioning equipment)
- B. Service will be furnished only if:
  - 1. Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to, and complied with, the provisions of the Utility's filed main extension rule,
  - 2. Property owner has installed or agrees to install a service lateral from the curb line to the point of use, that is laid not less than six (6) feet below the surface of an established or proposed grade, and according to Utility's specification, and
  - 3. Premises have adequate piping beyond metering point.
- C. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be a separate water utility account for the purpose of the filed rules and regulations.
- D. No division of the water service of any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water supply service lateral shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties. Duplexes may be

served by one lateral, provided that: (1) individual metered service and disconnection is provided, and (2) it is permitted by local ordinance.

- E. No applicant property owner may connect a private watermain to a public watermain without first submitting to the Water Utility a copy of the plans and the Department of Commerce approval for the proposed project.
- F. The Utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.
- G. Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

**7.0103 SERVICE CONTRACT**

- A. The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer, at his request, has been disconnected (meter removed) prior to expiration of his minimum contract period and his account is not delinquent, and where thereafter he requests the reconnection of service in the same or other location, a reconnection charge payable in advance, shall be collected. (See PSC Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.
- B. A reconnection charge shall also be required from the customers whose services are disconnected (shut off at curb stop) because of nonpayment of bills when due, (not including disconnection for failure to comply with deposit or guarantee rules). (See PSC Schedule R-1 for applicable rate.)
- C. A customer shall be considered as the same customer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

**7.0104 TEMPORARY METERED SUPPLY; METER AND DEPOSITS**

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See PSC Schedule BW-1 for the applicable rate.

**7.0105 WATER FOR CONSTRUCTION**

- A. When water is requested for construction purposes, or for filling tanks or other such uses, an application shall be made to the Utility, in writing, upon application provided for that purpose by the Utility, giving an estimate of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building

from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.

- B. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Water Utility, together with a statement of the actual amount of construction work performed/water used.
- C. Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the Utility. Any consumer failing to comply with this provision will have water service discontinued and will be responsible for the cost of the estimated volume of water used.

**7.0106 USE OF HYDRANTS**

- A. In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant (public or private) shall be used for other than fire-fighting purposes until the proper permit has been issued, and the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the Utility, or a Utility-approved party.
- B. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. See PSC Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the Water Utility to that effect.

**7.0107 OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER**

- A. Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take unmetered water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant (public or private) connected with the distribution system, except for the purpose of extinguishing fire (or reasonable fire-fighting training exercises), or who shall wantonly damage or impair the same shall be subject to a fine as provided by City Ordinance. Utility permission for the use of hydrants apply only to such hydrants as are designated for the specific use and only for the timeframe specified by the Utility.
- B. First Offense – Penalty. Any person who shall violate any provision of this section shall, upon conviction thereof, forfeit Three Hundred Dollars (\$300.00) together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

- C. Second and Subsequent Offense(s). Each violation shall constitute a separate offense, and shall be dealt with according to the procedures set forth in Section 1.0107, Code of Ordinances, City of Marinette, Wisconsin.

**7.0108 REFUNDS OF MONETARY DEPOSITS**

All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a hydrant valve and fixtures, if the water is used on an un-metered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the Utility's equipment.

**7.0109 SERVICE CONNECTIONS (OR WATER LATERALS)**

- A. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to, or disintegration of, the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping clean granular backfill around the pipe. There shall be at least six (6) inches of clean granular backfill free from hard lumps, rocks, stones, or other injurious material over the pipe.
- C. All water service laterals shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

**7.0110 REPLACEMENT AND REPAIR OF SERVICE PIPE**

- A. The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- B. If an owner fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the owner by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.
- C. If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the

Water Utility may require the abandonment of the water service at the water main. In such case the property owner may be responsible for all removal and/or repair costs, including the water main and the Utility portion of the water service lateral.

**7.0111 CHARGES FOR WATER WASTED DUE TO LEAKS**

See Wis. Adm. Code, Chapter PSC 185.35, which is hereby adopted by reference.

**7.0112 THAWING FROZEN SERVICES**

See Wis. Adm. Code, Chapter PSC 185.88, which is hereby adopted by reference.

**7.0113 STOP BOXES**

The curb stop box is the property of the Water Utility. The Utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.

**7.0114 INSTALLATION OF METERS**

- A. Meters will be owned, furnished and/or installed by the Utility or a Utility-approved contractor and are not to be disconnected or tampered with by the customer without prior written approval of the Utility.
- B. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing; such location to be designated or approved by the Superintendent, as provided in Section 7.0116.
- C. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation, but not less than twenty-five cents (\$ 0.25) per month.

**7.0115 REPAIRS TO METERS**

- A. Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- B. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

#### **7.0116 SERVICE PIPING FOR METER SETTINGS**

- A. In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes his service piping for his own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at his expense, provide a suitable location and the proper connections for the meter. The Superintendent's approval as to the type, size and location of meter setting is required.
- B. Where it is possible to set meters in an accessible basement (meeting OSHA entry/egress requirements), or other suitable place within the building, the installed service piping shall incorporate the proper meter spacer and couplings (available at the Water Utility office). Valves shall be installed within twelve inches before and after the meter. Piping shall be installed in such a manner as to support the meter in a horizontal position, and be flexible enough to allow easy removal of the spacer and insertion of the meter.
- C. Where the meter must be located in a space other than an accessible basement (meeting OSHA entry/egress requirements) the meter spacer and couplings (available at the Water Utility office) shall be installed within twelve inches of an access door or panel with a minimum size of sixteen inches high by twenty-four inches wide. Valves shall be installed within twelve inches before and after the meter. Piping shall be installed in such a manner as to support the meter in a horizontal position, and be flexible enough to allow easy removal of the spacer, and insertion of the meter. The access door or panel must be readily accessible and easily opened or removed. If in an unheated space, water lines are to be heat traced and meters are to be insulated with a pre-cast polystyrene jacket (no fiberglass insulation is permitted on the meter). If a meter jacket is not provided by the homeowner at the time of meter installation the water utility will provide one and bill the homeowner for the cost. (An illustrative drawing for the above is available from the Water Utility office.)
- D. No permit will be given to change from metered to flat rate service.

#### **7.0117 TURNING ON WATER**

The water may only be turned on for a customer by a duly authorized employee or representative of the Utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

#### **7.0118 FAILURE TO READ METERS**

- A. Where the Utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled and

credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases, shall more than three (3) consecutive estimated or minimum bills be rendered.

- B. If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method. See Wis. Admin. Code Chapter PSC 185.33.

**7.0119 COMPLAINT METER TESTS**

See Wis. Adm. Code PSC Sections 185.77 which is hereby adopted by reference.

**7.0120 INSPECTION OF PREMISES**

During reasonable hours any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. Whenever appropriate the Utility will make a systematic inspection of all un-metered water taps for the purpose of checking waste and unnecessary use of water.

**7.0121 RESERVED FOR FUTURE USE**

**7.0122 RESERVED FOR FUTURE USE**

**7.0123 RESERVED FOR FUTURE USE**

**7.0124 RESERVED FOR FUTURE USE**

**7.0125 RESERVED FOR FUTURE USE**

**7.0126 RESERVED FOR FUTURE USE**

**7.0127 RESERVED FOR FUTURE USE**

**7.0128 RESERVED FOR FUTURE USE**

**7.0129 ANNEXATION REQUIRED PRIOR TO NEW WATER CONNECTION**

No property outside of the corporate boundaries of the city may be connected as a new Marinette Municipal Water System customer unless that property has been annexed into the City of Marinette prior to the connection. In the event of inadvertent or mistaken connection of such a property without its annexation, upon the discovery of this fact, the Utility shall provide notice to the property owner that the owner has ninety (90) days within which to annex. If annexation does not occur within ninety (90) days of the notice, the service shall be immediately disconnected.

**Article B Customer's Deposits**

**7.0130 DEPOSITS FOR RESIDENTIAL SERVICE**

See Wis. Admin. Code Chapter PSC 185.36, which is hereby adopted by reference.

**7.0131 DEPOSITS FOR NON RESIDENTIAL SERVICE**

See Wis. Admin. Code Chapter PSC 185.361, which is hereby adopted by reference.

**7.0132 RESERVED FOR FUTURE USE**

**7.0133 RESERVED FOR FUTURE USE**

**7.0134 RESERVED FOR FUTURE USE**

**7.0135 RESERVED FOR FUTURE USE**

**7.0136 RESERVED FOR FUTURE USE**

**7.0137 RESERVED FOR FUTURE USE**

**7.0138 RESERVED FOR FUTURE USE**

**7.0139 RESERVED FOR FUTURE USE**

**Article C Disconnection and Refusal of Service**

**7.0140 DISCONNECTION AND REFUSAL OF SERVICE**

See Wis. Admin. Code Chapter PSC 185.37, which is hereby adopted by reference.

**7.0141 COLLECTION OF OVERDUE BILLS**

In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.0809, Wisconsin Statutes.

**7.0142 DEFERRED PAYMENT AGREEMENT**

See Wis. Admin. Code Chapter PSC 185.38, which is hereby adopted by reference.

**7.0143 DISPUTE PROCEDURES**

See Wis. Admin. Code Chapter PSC 185.37, which is hereby adopted by reference.

**7.0144 SURREPTITIOUS USE OF WATER**

A. When the Utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hour disconnection of service. When the Utility shall have disconnected the customer for any such reason, the Utility will reconnect the customer upon the following conditions:

1. The customer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the customer's bills for utility service to the Utility.
  2. The customer will be required to pay the Utility for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
  3. The customer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- B. Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

**7.0145 VACATION OF PREMISES**

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Utility by reason of failure to notify the Utility of vacancy.

**7.0146 REPAIRS TO MAINS**

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No rebate will be allowed to consumers for such temporary suspension of supply.

**7.0147 DUTY OF UTILITY WITH RESPECT TO SAFETY OF THE PUBLIC**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed proper signal lighting in such manner as will, so far as possible, insure the safety of the public.

**7.0148 HANDLING WATER MAINS AND SERVICE PIPES IN EXCAVATION TRENCHES**

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Wis. Stat. 182.0175. Where they are removed, cut, or damaged in the construction of a sewer, the contractor must, at his own expense, cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

**7.0149 SETTLING MAIN OR SERVICE TRENCHES**

Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first twelve (12) inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

## **Article D   Protective Devices**

### **7.0150   PROTECTIVE DEVICES IN GENERAL**

#### **A.   Generally**

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

#### **B.   Relief Valves**

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

#### **C.   Air Chambers**

An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air.

### **7.0151   PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS**

#### **(1) Definitions:**

**Backflow** — The undesirable flow of water or mixtures of water and other liquids, solids gases or other substances under positive or reduced pressure into the Marinette Water Utility (hereinafter "Utility") potable supply of water from any source.

**Backflow Preventer** — A device or means designed to prevent backflow caused by backpressure or backsiphonage; most commonly categorized as air gap, reduced pressure principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock,

laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.

Backpressure — An elevation of pressure in the downstream piping system (pump elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend a reversal of the normal direction of flow.

Back-Siphonage — The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.

Cross Connection — Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) Purity of supply not to be impaired by cross connections

(a) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the regular public water supply provided by the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.

(b) Inspections — It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross connection with the public water system is deemed possible.

Residential properties serviced by the Utility shall be inspected on a ten-year interval. All non-residential properties serviced by the Utility shall be inspected on a two-year interval. The Utility may, but is not required to, perform the cross connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross connections by a State of Wisconsin Certified Cross Connection Inspector or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility may charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after hours inspections or re-inspections.

(c) Right of Entry — Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross connection. If entry is refused, such representatives shall obtain a special inspection warrant under Chapter 66.0119, of the Wis. Stats. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(d) Authority to Discontinue Service — The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this article and Wisconsin Administrative Code NR 811, or if it is found that the means of backflow prevention required by this article has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in §7-1-51(2)(f) below.

(e) Reconnection of Service — Water service to any property discontinued under the provisions of this article shall not be restored until the cross connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this article. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(f) Emergency Discontinuance of Service — If it is determined by the Utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the City of Marinette and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of such emergency discontinuance.

(g) Owner Responsibility — The property owner shall be responsible for the elimination of, or protection from all cross connections on their premises. The property owner shall, at his or her expense, have installed, maintained, and tested any and all backflow preventers on his or her premises in compliance with Wisconsin Administrative Code NR 811 and Department of Commerce Chapter 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross connections and also any existing cross connection that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the

event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled “Recommended Practice for Backflow Prevention and Cross Connection Control”, unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

(h) Additional Protection — In the case of premises having (a) internal cross connections that can not be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(3) Wisconsin Administrative Code NR 811 is hereby adopted by reference. This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR 811, but is supplementary to it.

(4) The Wisconsin Uniform Plumbing Code Commerce Chapters 82-84 of the Wisconsin Administrative Code is hereby adopted by reference. This section does not supersede the Wisconsin Uniform Plumbing Code or the City of Marinette Plumbing Code, but is supplementary to it.

- 7.0152 RESERVED FOR FUTURE USE**
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- 7.0158 RESERVED FOR FUTURE USE**
- 7.0159 RESERVED FOR FUTURE USE**

**Article E    Water Main Extension Rules**

**7.0160 WATER MAIN EXTENSION RULES**

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to be collected through assessment against the abutting property, the procedure set forth under Section 66.0703 of the Wisconsin Statutes will apply, and no additional customer contributions to the Water Utility will be required.
- B. Where the City is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
  - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under (a).
  - 2. Part of the contribution required in Subsection (1) will be refundable. When additional customers are connected to the extended main within ten (10) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under (a) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under (a), nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under A (Ordinance 2011-2181 adopted 1-4-11).
- D. In the City’s sole discretion, it may finance part or all of the cost of the extension of a main rather than through assessment or customer financing.

- E. In regard to Paragraph C above, within thirty (30) days after the date of official notice from the Water Utility that the construction of a new water main extension has been completed, unless an extension is granted by the Water Utility, the owner(s) (as well as all successors and assignees) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, which are situated within the corporate limits of the City and abutting on any street, alley, or right-of-way in which contains said new water main extension, are required to pay a contribution to the City of Marinette in an amount equivalent to that which would have been assessed under Paragraph A, above, according to the following schedule:

**REGARDING PARAGRAPH C (ABOVE) PAYMENTS; EXTENSION OF WATER MAINS**

Any single payment due under this Chapter which is not paid within thirty (30) days of the date of billing shall be delinquent and begin to bear interest at that time at the rate of five percent (5%) per annum.

Any payment due under this Chapter in excess of \$200.00 may be paid in equal, annual installments, including interest at the rate of five (5%) per annum commencing on the due date of the first installment as follows:

<u>AMOUNT OF PAYMENT</u>	<u>ANNUAL INSTALLMENTS</u>
\$201.00 To \$1,000.00	THREE (3)
\$1,001.00 To \$2,500.00	FIVE (5)
\$2,501.00 To \$4,000.00	SEVEN (7)
\$4,001.00 AND OVER	TEN (10)

Under the installment payment plan, the first installment shall be due within thirty (30) days of the date of billing and subsequent installments, including accrued interest, on the same date of each successive year. All payments for a single project shall be combined to determine the repayment schedule.

Any delinquent single payment and any delinquent installment, including interest, remaining unpaid on November 1 of any given year shall be placed on the tax roll, and all such charges or expenses shall be assessed as a special tax against the property as provided in Wisconsin Statutes Section 66.0809. (Ordinance 2011-2191 adopted 5-3-11).

**7.0161 WATER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS.**

- A. Application for installation of water mains in regularly platted real-estate development subdivisions shall be filed with the Utility and shall set forth the following information:
  - 1. Name of subdivision.
  - 2. Legal description.
  - 3. Map showing streets, lots, and sizes of proposed mains and hydrants and street laterals.
  - 4. Date of approval of subdivision plan by State Department of Local Affairs and Development.
  - 5. Date of approval of proposed mains by State Department of Natural Resources.
  - 6. Number of houses presently under construction.
- B. Upon receipt of the application, the Water Utility will prepare detailed estimates of the cost of extending water mains and hydrants of the necessary size in the subdivision and submit same to the municipal governing body for approval of the extension as it pertains to public fire-protection service requirements.
- C. The applicant for water service to be supplied to a subdivision shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due, with the balance to be paid within thirty (30) days. If the final costs are less than estimated, a refund of overpayment will be made by the Water Utility.
- D. The applicant, with approval of the Water Commission, may elect to contract for the construction of water mains and hydrants in the subdivision. However, in this event he shall submit a duly executed completion bond, with corporate surety, to be approved by the Water Commission in an amount equal to the estimate of the costs of construction of all said improvements, certified by the City Attorney as good, valid, and enforceable by the Water Commissioner, securing the satisfactory completion of all said improvements in accordance with the description, plans, profiles, and specifications submitted by the subdivider and approved by the Water Commission.

**7.0162 COMPULSORY CONNECTION TO WATER**

Within three (3) months after the date of official notice from the Water Utility, unless an extension is granted by the Water Utility, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, requiring a potable water supply situated within the corporate limits of the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public water main, is required to

connect such facilities to, and make use of the public water supply in accordance with the provisions of this Ordinance. In addition to a Municipal Court citation or citations, any person failing to comply with this requirement shall be subject to a penalty equal to one hundred fifty percent (150%) of the minimum quarterly sewer service charge. The Water Utility may also cause the connection to the public water main to be made. In the latter case, the expenses shall be billed to the property owner. In any case, where bills or penalties remain unpaid for more than ninety (90) days, all such charges or expenses shall be assessed as a special tax against the property as provided in Wisconsin Statutes Section 66.0809.

**7.0200 SEWER USE ORDINANCE FOR MUNICIPAL WASTEWATER TREATMENT SERVICES**

**Article A 1984 Sewer Use Ordinance**

**7.0201 REPEALING 1984 SEWER USE ORDINANCE**

Marinette Municipal Code Sections 7.0201 through 7.0205 are hereby repealed.

**7.0202 FUTURE AMENDMENTS**

Reference made in this ordinance to any law, ordinance, rule, regulation, or permit shall include any future amendments made thereto.

**Article B Purpose and Policy**

**7.0203 INTENT, PURPOSE, AND OBJECTIVES**

- A. It is the intent and purpose of this Ordinance to establish requirements for discharges into the wastewater collection and treatment facilities serving the City of Marinette which enables the City to comply with its Wisconsin Pollution Discharge Elimination System (WPDES) permit and all applicable state and federal laws, including but not limited to the Clean Water Act of 1977, 33 USC 1251, et. seq., and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Ordinance are:
1. To regulate the use of public sewers;
  2. To regulate the installation and connection of building sewers into the system;
  3. To prevent the introduction of pollutants into the system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
  4. To prevent the introduction of pollutants into the system which do not receive adequate treatment in the publicly owned treatment works (POTW) and will, therefore, pass through the system or otherwise be incompatible with the system;
  5. To improve the ability to recycle and reclaim wastewater and sludge from the system;
  6. To prevent the introduction of pollutants into the wastewater treatment system which will cause unreasonable maintenance attention and expense;
  7. To provide penalties for violations of the rules and regulations in this Ordinance.
- B. This ordinance applies to each discharger to the Marinette Wastewater Treatment System. The Marinette Wastewater Utility shall administer and implement the provisions of this Ordinance, unless otherwise stated.

## **Article C   Definitions**

The following definitions are applicable to this Ordinance:

### **7.0204   ACCIDENTAL DISCHARGE(S)**

Any discharge which was not intentional or a discharge caused by gross negligence or wanton or reckless conduct.

### **7.0205   ACT**

The Federal Water Pollution Control Act, known as The Clean Water Act, 33 U.S.C. 1251 et seq., as amended.

### **7.0206   AMMONIA NITROGEN (NH<sub>3</sub>-N)**

One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub><sup>+</sup>. Quantitative determination of Ammonia Nitrogen shall be made in accordance with procedures set forth in the latest approved edition of "Standard Methods" or Chapter NR 149 of the Wisconsin Administrative Code.

### **7.0207   AUTHORIZED REPRESENTATIVE**

- A. A responsible corporate officer, if the Industrial User is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
  - 1. a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
  - 2. the manager of one or more manufacturing, production, or operation facilities employing 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars).
- B. A general partner or proprietor if the discharger is a partnership or sole proprietorship respectively.
- C. A duly authorized representative of the individual designated in paragraph (a) or (b) of this section if:
  - 1. The authorization is made in writing by the individual described in paragraph (a) or (b);
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - 3. The written authorization is submitted to the Control Authority.

- D. If an authorization under paragraphs (a), (b) and (c) of this section is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraphs (a), (b) and (c) must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.
- E. The Administrator of the Marinette Wastewater Utility or other person designated by the Marinette Wastewater Utility.

**7.0208 BIOCHEMICAL OXYGEN DEMAND (BOD5)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD5 shall be made in accordance with procedures set forth in 40 CFR, PART 136.

**7.0209 BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which conveys the wastewater from soil, waste, and other drainage pipes inside the walls of the building to the building sewer.

**7.0210 BUILDING SEWER OR HOUSE CONNECTION**

Shall mean the extension from the building drain to the public sewer or other place of disposal. Once constructed, the portion of the building sewer located within the public right-of-way or easement shall be considered an integral part of the public sewer for purposes of access. The property owner shall be responsible for all maintenance up to the property line.

**7.0211 CATEGORICAL PRETREATMENT STANDARD; NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (USEPA) in accordance with 40 CFR 403, and/or Section 307(b) and (c) of the Act, which applies to a specific category of industrial dischargers.

**7.0212 CITY**

Shall mean the City of Marinette or its duly authorized representative.

**7.0213 CLEARWATER WASTES**

Shall mean liquids other than storm water runoff (see Storm Sewer definition 7.0254) including, but not limited to noncontact cooling water, condensate drainage from refrigeration compressors and air conditioning equipment, drainage of water used for equipment chilling purposes and cooled condensate from steam heating systems or other equipment.

- 7.0214 COMBINED SEWER**  
Any sewer intended to serve as both a sanitary sewer and a storm sewer.
- 7.0215 COMMERCIAL USER**  
Business entities and institutions that provide goods or services, and buildings comprised of multiple-dwellings with three (3) or more units served through a single water meter.
- 7.0216 COMPATIBLE POLLUTANT**  
Biochemical oxygen demand, suspended solids, phosphorus, or fecal coliform bacteria, plus additional pollutants received at the publicly owned treatment works if such works were designed to treat such additional pollutants.
- 7.0217 CONTROL AUTHORITY**  
The Marinette Wastewater Utility or its duly authorized representative.
- 7.0218 COOLING WATER**  
Water discharged in which the only pollutant present is heat.
- 7.0219 DEVELOPER**  
A person or organization owning and/or developing lands and requesting a sewer extension to the area being developed.
- 7.0220 DISCHARGER**  
Any person, business, or other entity that discharges wastewater to the wastewater collection and treatment system.
- 7.0221 EASEMENT**  
An acquired legal right for the specific use of land owned by others. A permanent easement shall be a minimum of twenty (20) feet wide, ten (10) feet on each side of the sewer line as actually constructed.
- 7.0222 EMERGENCY**  
Any event actual or reasonably threatened, which has a reasonable potential to cause harm.
- 7.0223 FATS, OIL, GREASE**  
A group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials as analyzed in accordance with 40 CFR Part 136.
- 7.0224 FLOATABLE OIL AND GREASE**  
Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall

be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the system.

**7.0225 GARBAGE**

Solid wastes from the domestic and commercial preparation, cooking, dispensing, handling, storage, and sale of food.

**7.0226 GROUND GARBAGE**

The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

**7.0227 INCOMPATIBLE POLLUTANT**

Any and all pollutants that the wastewater treatment facilities either are:

- A. Not designed to remove, or
- B. Incapable of removing through the then existing wastewater treatment process.

**7.0228 INDUSTRIAL USER**

Those users engaged in the manufacture, production, or distribution of goods.

**7.0229 INDUSTRIAL WASTEWATER**

Any trade or process waste resulting from production, manufacture, or distribution, and which is distinct from normal domestic wastewater.

**7.0230 INJURE THE SYSTEM**

Damage or destroy wastewater treatment facilities; to cause an upset; to obstruct or interfere with the flow of wastewater anywhere in the system; to cause a public nuisance; or to cause, alone or in combination with other users, a violation of the City's WPDES Permit.

**7.0231 INTERFERENCE**

- A. A discharge which, alone or in conjunction with a discharge or discharges from the 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 Clear 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 Marinette Protection, Research and Sanctuaries Act.

**7.0232 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) OR (NPDES PERMIT)**

A permit issued pursuant to Section 402 of the Act.

**7.0233 NEW SOURCE**

- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - 1. the building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 2. the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - 3. the production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is 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.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 7.0233(A)(1)(2)(3) of this ordinance but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - 1. begun, or caused to begin as part of a continuous onsite construction program:
    - (a) Any placement, assembly, or installation of facilities or equipment; or
    - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

**7.0234 NORMAL DOMESTIC WASTEWATER**

- A. Sanitary wastewater resulting from normal domestic activities, in which the pollutants do not exceed concentrations of:
1. A five day, 20 degree Celcius, BOD5 concentration of not more than 275 mg/l;
  2. A suspended solids concentration of not more than 355 mg/l;
  3. A total phosphorus concentration of not more than 8.0 mg/l.

**7.0235 PASS THROUGH**

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

**7.0236 PERSON**

Any individual, firm, company, association, society, corporation, governmental entity, group, or any other entity.

**7.0237 pH**

Logarithm of the reciprocal of the hydrogenion concentration, used to express the acidity or alkalinity of a solution on a scale of 0 to 14 standard units, where less than 7 represents acidity, 7 neutrality, and more than 7 alkalinity.

**7.0238 PHOSPHORUS (P)**

Total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphate, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in 40 CFR Part 136.

**7.0239 POLLUTANT**

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radio-active materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

- 7.0240     **PRETREATMENT****  
The preliminary treatment or processing of wastewater required to render the wastewater acceptable for discharge to the wastewater collection facilities.
- 7.0241     **PRIVATE SEWER****  
Any sewer owned and maintained by a person which is located on private property.
- 7.0242     **PUBLIC AUTHORITY****  
An agency of the local, state, or federal government, or representatives of a local, state, or federal entity.
- 7.0243     **PUBLIC SEWER****  
Any sewer provided by or subject to the jurisdiction of the Control Authority. It shall also include sewers within or outside the corporate boundaries of the City that ultimately discharge into the system.
- 7.0244     **RESERVED FOR FUTURE USE****
- 7.0245     **SANITARY SEWER****  
A sewer that carries sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface water that are admitted unintentionally.
- 7.0246     **SANITARY WASTEWATER****  
A combination of wastewater from residences, business buildings, institutions, and industrial plants (other than industrial wastewater).
- 7.0247     **SEWAGE****  
The spent water of a community before treatment by the POTW. See "wastewater", Section 7.0260.
- 7.0248     **SEWER****  
A pipe or conduit that carries wastewater or drainage water.
- 7.0249     **SHALL****  
SHALL is mandatory; MAY is permissible.
- 7.0250     **SIGNIFICANT INDUSTRIAL USER (SIU)****
- A. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
  - B. Any industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather

hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [See 40 CFR 403.12(A)].

**7.0251 SIGNIFICANT LOAD**

A discharge of conventional pollutants which makes up five percent or more of the average dry weather conventional pollutant capacity of the Marinette Wastewater Treatment Facility or incompatible pollutants in such quantity as to exceed limitations in the discharger's permit and/or imposed by law.

**7.0252 SIGNIFICANT NON-COMPLIANCE**

- A. A violation of a wastewater discharge permit where:
  - 1. Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (by any magnitude of exceedance), or,
  - 2. Thirty-three percent of the measurements exceed the same daily maximum limit or the same average limit by more than the factor 1.4 for compatible pollutants or by more than the factor 1.2 for the incompatible pollutants (except pH) in a six-month period. Where a user surcharge system or compatible pollutants is applied instead of a discharge limit, exceedances of compatible pollutant limits are not instances of significant non-compliance; or
  - 3. The Control Authority determines the discharge, either alone or in combination with other wastewaters, causes an adverse impact on treatment system operation or performance; or
  - 4. The Control Authority determines the discharge caused imminent endangerment, and/or resulted in the Control Authority exercising its emergency authority to reduce or prevent such a discharge; or
- B. A violation of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance where any milestone is achieved 90 days or more after the schedule date; or
- C. Any failure to provide required reports within 30 days from the due date; or
- D. Any failure to accurately and timely report non-compliance;
- E. Any other violation or group of violations which the Control Authority considers to be significant.

**7.0253 SLUG**

Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.

- 7.0254 STORM SEWER**  
A drain or sewer for conveying storm water, ground water, subsurface water, or unpolluted water from any source.
- 7.0255 STORM WATER RUNOFF**  
That portion of a rainfall that is drained into the storm sewers.
- 7.0256 SUSPENDED SOLIDS (SS)**  
Solids that either float on the surface of, or are in suspension in water, wastewater, or other liquid, and that are removable by laboratory filtering as prescribed in 40 CFR Part 136, ("residue, nonfilterable").
- 7.0257 SYSTEM (WASTEWATER TREATMENT)**  
The wastewater collection facilities and/or the wastewater treatment facilities and all personnel and appurtenances thereof.
- 7.0258 TOXIC SUBSTANCES**  
Those pollutants identified in Section 302(a) of the Act or Section 147.07(1) Wisconsin Statutes, as amended.
- 7.0259 USER CLASSES**  
Are categories of users having similar flow and wastewater characteristics, i.e., levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, and other parameters. For the purpose of the User Charge System, there shall be four user classes: residential, commercial, industrial, and public authority.
- 7.0260 WASTEWATER**  
The spent water of a community; it may be a combination of sanitary and industrial wastewater, together with any ground water, surface water, and storm water that may be present in the wastewater treatment system.
- 7.0261 WASTEWATER COLLECTION FACILITIES**  
The sanitary sewer mains, structures, and equipment designed and used to collect and transport wastewater from the point of discharge to the wastewater treatment facilities. This term includes all sanitary sewers located at the wastewater treatment facility which carry wastewater prior to wastewater treatment.
- 7.0262 WASTEWATER TREATMENT FACILITY**  
The publicly owned treatment works, including its personnel, designed and used for the treatment of wastewater prior to the discharge into the receiving stream.
- 7.0263 WASTEWATER UTILITY BOARD**  
The Board of the Marinette Wastewater Utility of the City of Marinette, Wisconsin, having direct control over the Marinette Wastewater Treatment Facility.

**7.0264 WATERCOURSE**

A natural or artificial channel for the passage of water either continuously or intermittently.

**7.0265 WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) DISCHARGE PERMIT**

Is a document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for the wastewater treatment facility. For all purposes of this Ordinance, "WPDES Permit", shall mean WPDES Permit No. WI-0026182-4.

**7.0266 RESERVED FOR FUTURE USE**

**7.0267 RESERVED FOR FUTURE USE**

**7.0268 RESERVED FOR FUTURE USE**

**7.0269 RESERVED FOR FUTURE USE**

**7.0270 RESERVED FOR FUTURE USE**

**Article D Use of the Public Sewers**

**7.0271 SANITARY SEWERS**

No person shall discharge any clear water wastes, such as storm water or subsurface drainage, to any sanitary sewer. When and if storm water is polluted, it may be discharged to the sanitary sewer if permission is granted from the Control Authority. Industrial cooling water discharged to the sanitary sewers is considered industrial process wastewater by the Wisconsin Department of Natural Resources and shall be regulated as such by the City.

**7.0272 STORM SEWERS**

Storm water other than that exempted under Marinette Municipal Code Section 7.0266, Article D, and all other unpolluted drainage, shall be discharged to storm sewers or to a natural outlet approved by the Board of Public Works. Unpolluted industrial cooling water or process waters may be discharged, on approval of the appropriate state agencies, to a storm sewer or natural outlet.

**7.0273 PRIVATE SEWERS**

No private sewer shall be connected to the wastewater treatment system unless approved by the Control Authority prior to such connection.

**7.0274 USER CONNECTIONS**

Within three months after the date of official notice from the Control Authority, unless an extension is granted by the Control Authority, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the corporate limits of the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be

located a public sanitary sewer, is required to connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance. Any person failing to comply with this requirement shall be subject to a penalty equal to 150 percent of the minimum quarterly sewer service charge. The Control Authority may also cause the connection to the public sewer to be made. In the latter case, the expenses shall be billed to the property owner. In any case, where bills or penalties remain unpaid for more than 90 days, all such charges or expenses shall be assessed as a special tax against the property as provided in Section 66.069, Wisconsin Statutes.

**7.0275 NEW CONNECTIONS**

- A. A new lateral shall be required for every new connection to the sanitary sewer system. The Control Authority may waive this requirement in its sole discretion.
- B. Extensions to the sanitary sewer system shall not be permitted if the Control Authority determines there is insufficient capacity in the treatment works to adequately transport and/or treat the additional wastewater anticipated to be received from such connections. If the capacity and treatment capabilities exist for new connections, connection authorization and construction approval shall be obtained from the Control Authority. Applicants for connection authorization shall provide such information as the Control Authority directs, including but not limited to plans and specifications of the proposed work, wastewater characteristics and quantities, and any other pertinent information required by the Control Authority.
- C. Application for wastewater service shall be made in writing on a form furnished by the Control Authority. The application shall contain the legal description of the property to be served, name of the owner, name of the contractor, the exact use to be made of the service, and the size of the lateral to be installed.

**7.0276 ANNEXATION REQUIRED PRIOR TO NEW SEWER CONNECTION**

No property outside of the corporate boundaries of the city may be connected as a new Marinette Municipal Sewer System customer unless that property has been annexed into the City of Marinette prior to the connection. In the event of inadvertent or mistaken connection of such a property without its annexation, upon the discovery of this fact, the Utility shall provide notice to the property owner that the owner has ninety (90) days within which to annex. If annexation does not occur within ninety (90) days of the notice, the service shall be immediately disconnected.

- 7.0277 RESERVED FOR FUTURE USE**
- 7.0278 RESERVED FOR FUTURE USE**
- 7.0279 RESERVED FOR FUTURE USE**
- 7.0280 RESERVED FOR FUTURE USE**

**Article E    Sewer Plans and Construction**

**7.0281    PLANS AND SPECIFICATIONS**

- A. Before construction work is started on any alteration or replacement of any building sewer, plans of the proposed construction shall be submitted to the Control Authority. The Control Authority may request or require changes if the plans do not comply with its rules and regulations.
- B. Before construction work is started on any alteration or replacement of any sanitary sewer, plans and specifications of the proposed construction shall be submitted to the Control Authority and the Board of Public Works. The Control Authority may request or require changes if the plans and specifications do not comply with its rules and regulations. All plans presented to the Control Authority must be prepared and certified by a Professional Engineer registered in Wisconsin.
- C. All plans and specifications shall be prepared following the guidelines established by the latest edition of Standards for Sewer Works adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers and in accordance with local plumbing codes and appropriate Wisconsin Administrative Codes.
- D. This section does not apply to residential building sewers.

**7.0282    CONSTRUCTION SUPERVISION, INSPECTION**

- A. No person shall work on any building sewer or any public sewer unless that person:
  - 1. possesses an appropriate license from the State of Wisconsin, except in cases where State law permits building owners to do their own work without being licensed;
  - 2. obtains a permit from the Control Authority; and
  - 3. posts a \$10,000 bond with the Control Authority, except in the case of residential building sewers.

**7.0283    COST OF SEWER CONSTRUCTION AND CONNECTION**

- A. All costs and expenses incurred during the installation and connection of a building sewer or public sewer shall be borne by the property owner or developer. The property owner or developer shall indemnify the Control Authority from any loss or damage that it may directly or indirectly incur during the installation, modification, or connection of a building sewer.
- B. All charges incurred by the Control Authority for installation of a public sewer under this Article may be treated as a special assessment in accordance with the provisions of Section 66.60, Wisconsin Statutes.

**7.0284 BARRICADES AND RESTORATION**

All excavations for a public sewer or building sewer installation shall be in accordance with Wisconsin Department of Transportation standards and applicable City ordinances. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be properly restored.

**7.0285 SEWER MAIN EXTENSION RULES**

Sewer mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to be collected through assessment against the abutting property, the procedure set forth under Section 66.60 of the Wisconsin Statutes will apply, and no additional customer contributions to the Sewer Utility will be required.
- B. Where the City is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
  - 1. The applicant(s) will advance as a contribution in aid of construction one hundred percent (100%) of the project costs.
  - 2. Part of the contribution required in Subsection (1) will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion, each additional customer shall pay a connection fee equal to the original principal amount which would have been assessed under Subsection (a) for the abutting property requesting connection. This amount shall be refunded to the original contributor(s).
- C. When a new customer(s) is connected to an existing main not financed by contribution, it shall not be considered a main extension and no connection fee may be collected from the new customer(s) under this section.
- D. In the City's sole discretion, it may finance part or all of the cost of the extension of a main rather than through assessment or customer financing.

**7.0286 USE OF OLD BUILDING SEWERS**

Old building sewers may be used in combination with new construction only when the old sewer is examined by the Control Authority and found to meet all requirements of this ordinance. All costs and expenses for this inspection shall be paid by the property owner.

**7.0287 MATERIALS AND METHODS OF CONSTRUCTION**

The size, slope, alignment, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Chapter ILHR 82, Wisconsin Administrative Code, the Wisconsin Department of Natural Resources, the Marinette City Building and Plumbing Code, and other applicable rules and regulations. In the absence of code provisions, the procedures set forth in appropriate specifications of Standard

Specifications for Sewer and Water Construction in Wisconsin (latest approved edition), ASTM, and WPCF Manual of Practice No. 9 shall apply.

**7.0288 BUILDING SEWER GRADE**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means approved by the City of Marinette's plumbing inspector and discharged to the building sewer.

**7.0289 STORM AND GROUND WATER DRAINS**

- A. No person shall discharge, or cause to be discharged, any storm water, foundation drain water, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling waters to any sewer connected to the Utility's wastewater treatment plant.
- B. All roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater connected to a building sewer or building drain which are connected directly or indirectly to a public sanitary sewer shall be disconnected. No person shall make connection of downspouts, groundwater drains, or other surface runoff sources, directly or indirectly, to a public sanitary sewer.
- C. Any person in violation of this section shall disconnect all downspouts or groundwater drains, no later than thirty days from the date of an official written notice by the Control Authority. If any person fails to comply after the expiration of the time provided, the Control Authority may cause disconnection to be made. The expense thereof shall be assessed as a special tax against the property. The Control Authority may waive these requirements for good cause shown.

**7.0290 CONFORMANCE TO PLUMBING CODE**

- A. The connection of the building sewer into the public sewer shall conform to the requirements of state and local building and plumbing codes and other applicable rules and regulations, or procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9 when not otherwise specified. All such connections shall be made gas- and water-tight. The Control Authority may grant variances to the requirements upon prior written request by the building owner or developer.
- B. All connections to existing sewer mains shall be made with saddle "T" or "Y" fittings set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe. Connection shall be made with solvent-welded joints.

**7.0291 RESERVED FOR FUTURE USE**

**7.0292 RESERVED FOR FUTURE USE**

**7.0293 RESERVED FOR FUTURE USE**

**7.0294 RESERVED FOR FUTURE USE**

**7.0295 RESERVED FOR FUTURE USE**

**Article F Regulations Governing Waste Haulers**

**7.0296 PERMIT REQUIRED**

No person in the business of collecting and disposing of septic or holding tank wastes or leachates shall discharge these wastes to any portion of the wastewater treatment system unless a permit for disposal is obtained from the Control Authority. Written application for this permit shall be made to the Control Authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of a permitted disposal unit. The permit holder shall provide evidence of adequate financial resources to meet all obligations under this Ordinance and applicable State and Federal laws and regulations, and shall in addition pay such application fee and annual permitting fee as the Control Authority shall from time to time direct. The time and place of disposal shall be designated by the Control Authority. The Control Authority may impose such conditions as it deems necessary on any permit.

**7.0297 DENIAL OR REVOCATION OF PERMITS**

The Control Authority reserves the right to review all permit applications on a case-by-case basis, and deny or revoke permits for reasons, including but not limited to: failure to submit manifests or reports as required by the Control Authority, submission of false data to the Control Authority, failure to follow any or all of the applicable provisions of this Ordinance, or failure to comply with any of the rules or requirements of the Control Authority. Violation of any of the provisions of this article shall subject the permit holder to immediate suspension of its permit, and upon hearing before the Control Authority revocation of its permit. The permit holder is also subject to all other provisions of this Ordinance. The Control Authority reserves the right to suspend or revoke any disposal privileges immediately if, in the opinion of the Control Authority, the acceptance of such wastewater will cause the treatment works to violate the provisions of its WPDES permit due to the volume or character of the wastes. In such cases, the Control Authority shall give priority to wastewater generated within the service area.

**7.0298 FEES AND CHARGES**

Charges for disposal shall be established in accordance with the User Charge System. Bills shall be mailed on a monthly basis and if payments are not received within 30 days, disposal privileges shall be suspended. The current schedule of permit fees and charges is attached as Schedule "A", and shall be updated from time to time.

**7.0299 INSURANCE REQUIREMENT**

Every permit holder under this section shall maintain public liability insurance (general and automobile) in a total amount not less than \$300,000, and workmen's compensation insurance meeting statutory limitations, in order to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or failure to act, by the permit holder's or their employees. A permit applicant shall furnish certification that such insurance is in full force and effect before the Control Authority issues or re-issues a waste hauling permit.

**7.02100 PROHIBITED DISCHARGES**

All wastes discharged to the treatment works under a permit for disposal shall be of domestic origin only. At no time shall the Control Authority accept septic or holding tanks wastes from commercial or industrial facilities without prior authorization. The waste hauler shall also certify that he shall comply with the provisions of this Ordinance and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or any other deleterious substances into any manhole, nor allow any earth, sand, or other solid material to pass into any part of the treatment works.

**7.02101 SAMPLING AND REPORTING REQUIREMENTS**

- A. All permit holders must complete a discharge report form providing the date, time, duration of discharge, name, and address of the producer of each waste discharged. The volume, waste characteristics and the name and billing address of the permit holder shall also be provided.
- B. The Control Authority reserves the right to sample any or all wastes discharge to the treatment works. The permit holder shall pay any and all sampling and analytical costs for all waste loads discharged.
- C. All discharges shall be at the location specified by the Control Authority.

**7.02102 HOLD HARMLESS PROVISION**

Any permit holder under this section shall as a condition of holding this permit, agree to indemnify and hold harmless the Control Authority from any and all liability and claims for damages arising out of acts of the permit holder.

**7.02103 RESERVED FOR FUTURE USE**

**7.02104 RESERVED FOR FUTURE USE**

**7.02105 RESERVED FOR FUTURE USE**

**7.02106 RESERVED FOR FUTURE USE**

**7.02107 RESERVED FOR FUTURE USE**

**7.02108 RESERVED FOR FUTURE USE**

**7.02109 RESERVED FOR FUTURE USE**

**7.02110 RESERVED FOR FUTURE USE**

## **Article G    Regulations**

### **7.02111    GENERAL PROHIBITIONS**

- A. No discharger shall discharge any wastes, which will detrimentally affect the performance of the Marinette Wastewater Collection and Treatment System.
- B. Every discharge to the sanitary sewer system, which will detrimentally affect the wastewater treatment works, is hereby prohibited and subject to the violation penalties of this Ordinance. (Article K)

### **7.02112    SPECIFIC DISCHARGE PROHIBITIONS**

- A. No discharger shall discharge or cause to be discharged any of the following, measured at the point of discharge into the wastewater collection facilities:
  - 1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius or lower than 32 degrees Fahrenheit (0 degree Celsius)).
  - 2. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids, or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment facility or the operation of the wastewater treatment facility. 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 five percent nor any single reading over ten percent of the Lower Explosive Limit (LEL) of the meter.
- B. This prohibition includes pollutants which create a fire or explosion hazard in the collection system or wastewater treatment facility including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified in 40 CFR 261.21.
- C. Garbage from homes, hotels, restaurants, institutions, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or for consumption off the premises when served by caterers.
- D. Any garbage other than ground garbage, is defined in Section 7.0226 of this Ordinance.
- E. Solid or viscous substances in quantities, or of such size, that it is capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

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

- F. Any waters or wastes having a pH lower than 6.0 s.u. or higher than 9.0 s.u., or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment or personnel of the system.
- G. Any water or waste which contains fat, oil, or grease, emulsified or not, in concentrations greater than 100 mg/l by weight as analyzed by the methods described in 40 CFR, Part 136 or Chapter NR 219 of the Wisconsin Administrative Code or in concentrations that will cause interference or pass-through at the wastewater treatment plant.
- H. Any water or waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure any person and/or to interfere with any waste treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the receiving waters of the wastewater treatment facility.
- I. Any industrial waste, which exceeds the limitations, set forth in the categorical standards.
- J. Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with the National Pollutant Discharge Elimination System or are likely to cause damage or be hazardous to the system or personnel operating the system.
- K. Any slug (as defined in Section 7.0253 of the ordinance).
- L. Any waters or wastes, which, alone or in combination with other wastes, cause excessive discoloration, and/or cause the Marinette Wastewater Utility to violate its WPDES permit.
- M. Any substances in concentrations, which are not compatible with the treatment processes, employed at the wastewater treatment facility.

**7.02113 SPECIFIC POLLUTANT LIMITATIONS**

To protect Wastewater Treatment Plant processes, enhance sludge handling and disposal, control pass-through of pollutants into receiving water, and protect the Treatment Plant and Collection System workers, the following pollutants shall not exceed the listed limits:

**A. Local Limits**

Parameter	num Limit (mg/L)	Surcharge Limit (mg/L)
ARSENIC	0.1	----
BOD5	NONE	275.00
CADMIUM	0.14	----
CHROMIUM	2.41	----
COPPER	1.4	----
CYANIDE	0.19	----
LEAD	2.02	----
MERCURY	0.01	----
NICKEL	1.35	----
PHENOLS	25.0	----
SELENIUM	0.12	----
SILVER	0.5	----
SUSPENDED SOLIDS	NONE	355.00
ZINC	2.25	----
pH	6.0 - 9.0	----
PHOSPHORUS	NONE	8.0
OIL AND GREASE	100.00	----

Any discharge in excess of a surcharge limit is subject to the fees and charges in Schedule "A".

**B. Standards for Petroleum Based Contaminated Ground Water Discharge. No discharger shall, without approval of the control authority; discharge contaminated ground water to the sanitary sewer. Approval shall be based on the following criteria:**

1. No free product or visible sheen shall be observed in an open depression or storage vessel
2. Volatile Organic Compounds, Semi Volatile Organic Compounds and Polynuclear Aromatic Hydrocarbon limiting factors may vary and shall be evaluated on a case by case basis

3. Total Benzene, Toluene, Ethylbenzene, Xylene (BTEX) concentration shall be less than 150ug/l as measured at the wastewater treatment plant head-works. Total BTEX result shall be calculated as a ratio to head-works flow
4. Comply with Section 7.02113(A) (Local Limits)
5. Untreated Contaminated Groundwater - Fee based on Holding Tank Waste as described in “Schedule A” (Fees and Charges)
6. Treated Contaminated Groundwater – Fee based on normal domestic waste as described in “Schedule A” (Fees and Charges) and must meet all criteria as non treated contaminated ground water
7. Hauled contaminated ground water, treated or not, shall be by a Marinette Wastewater Permitted Waste Hauler
8. Barreled contaminated ground water shall be sampled and tested within one month of proposed discharge
9. Direct sanitary discharge sample and testing time frame shall be handled on a case by case basis and may require subsequent analysis after discharging commences

**7.02114 EXCESSIVE DISCHARGE, DILUTION**

- A. No discharger shall increase the use of process water, or in any way attempt to dilute a discharge in lieu of adequate treatment in order to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other limitation established by this Ordinance or by the State.
- B. The Control Authority may impose mass limitations on permittees, which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

**7.02115 ACCIDENTAL DISCHARGE**

- A. Each discharger shall provide adequate protection from accidental discharge of prohibited materials, total toxic organics, or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained by the discharger. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review and shall be approved by the Control Authority and any other appropriate agency before construction of the facility. The Control Authority shall stipulate the time period allowed for the dischargers to complete and submit this plan. Review and approval of such plans and operating procedures shall not relieve the discharger from the responsibility for modification of the facility, as necessary, to meet the requirements of this Ordinance. In the case of any accidental discharge, which could cause problems to the wastewater

treatment system, including slug loads, it is the responsibility of the discharger to immediately notify the Control Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. Such notification shall not relieve the discharger of any liability, which may be incurred as a result of the discharge.

- B. Written Notice. Within 5 working days following an accidental discharge the discharger shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the discharger to prevent similar future occurrences. Such notification shall not relieve the discharger of any liability, which may be incurred as a result of the discharge.

#### **7.02116 GREASE, OIL, AND SAND INTERCEPTORS**

Grease, oil, and sand traps shall be provided by the discharger when, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, (as specified in Article G, Section 7.02112(G)), or any flammable wastes, sand, or other harmful materials. Traps shall not be required for residential users. All traps shall be readily and easily accessible for cleaning and inspection. The discharger shall be responsible for the proper maintenance of approved traps, and for the removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates, and means of disposal. These records shall be subject to review by the Control Authority. Any removal and hauling of the collected materials not performed by the discharger must be performed by a licensed waste disposal firm.

#### **7.02117 BYPASS**

- A. Definitions
  1. "Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
  2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. Bypass Not Violating Applicable Pretreatment Standards or Requirements. An industrial User may allow any bypass to occur which does not cause Pretreatment Standard or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

C. Notice.

1. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.
2. An Industrial User shall submit oral notice of an unanticipated bypass that exceed applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Prohibition of Bypass

1. Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods or equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtimes or preventative maintenance; and
  - (c) The Industrial User submitted notices as required under paragraph (C) of this section.
2. The Control Authority may approve an anticipated bypass, after considering its adverse effect, if the Control Authority determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

- 7.02118 RESERVED FOR FUTURE USE**
- 7.02119 RESERVED FOR FUTURE USE**
- 7.02120 RESERVED FOR FUTURE USE**
- 7.02121 RESERVED FOR FUTURE USE**
- 7.02122 RESERVED FOR FUTURE USE**
- 7.02123 RESERVED FOR FUTURE USE**
- 7.02124 RESERVED FOR FUTURE USE**
- 7.02125 RESERVED FOR FUTURE USE**

**Article H Measurements, Monitoring, Analysis, and Inspection**

**7.02126 MONITORING FACILITIES**

Significant Industrial Users (SIUs) of the wastewater treatment system may be required by the Control Authority to provide and operate, at the SIU's expense, a facility containing flow measuring, recording and sampling equipment which shall allow for the monitoring and sampling of the SIU's discharge as necessary to demonstrate compliance with this Ordinance. SIUs shall adhere to these procedures unless other special arrangements have been established with the Control Authority. The facility sampling manhole shall be constructed and maintained in accordance with all applicable construction standards and specifications required by the Control Authority, and shall be maintained at all times in a safe and proper operating condition at the SIU's expense. Construction shall be completed within 120 days following written notification by the Control Authority of a requirement for a monitoring facility. Construction shall not commence until the Control Authority approves the plans and specifications for the monitoring facility.

**7.02127 COMPLIANCE MONITORING AND LABORATORY ANALYSES**

The Control Authority shall conduct compliance monitoring and analyses as necessary. The number, type, and frequency of laboratory analyses to be performed shall be determined by the Control Authority to assure compliance with Federal, State, and Local standards. Monitoring for the SIUs shall be developed by the Control Authority with approval by the Wisconsin Department of Natural Resources.

**7.02128 SAMPLING**

A minimum of two (2) samples per year shall be taken by the Control Authority. Additional monitoring and analyses may also be performed by the Control Authority when an upset or other disruption of the system operation occurs, which may have been caused by an industrial source. The SIU shall be billed for the costs of compliance monitoring.

**7.02129 SELF-MONITORING**

Self-monitoring shall be required for SIUs in accordance with 40 CFR 403.12. The type, frequency, and number of samples shall be specified in each SIU's Wastewater Discharge Permit. Each SIU shall send the results of self-monitoring reports to the Control Authority by compliance dates stated in their Wastewater Discharge Permits. If the results of self-monitoring indicate a violation of permit limits, this violation should be reported immediately to the Control Authority regardless of the established reporting date. The SIU shall repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days. The Control Authority reserves the right to conduct increased sampling in lieu of self-monitoring. The costs of this self-monitoring shall be paid by the user.

**7.02130 CONFIDENTIAL INFORMATION**

- A. Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.
- B. When the person furnishing a report satisfies the POTW that such a person has made the demonstration required by (a), the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this ordinance, the NPDES permit, or the pretreatment program. Confidential portions of a report shall be available for use by the State or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

**7.02131 INSPECTION**

Representatives of the Control Authority shall be authorized to enter any premises of any IU in which a discharge source or treatment system is located or in which records are required to be kept under 40 CFR 403.12(m) to assure compliance with Federal Pretreatment Standards.

- 7.02132 RESERVED FOR FUTURE USE
- 7.02133 RESERVED FOR FUTURE USE
- 7.02134 RESERVED FOR FUTURE USE
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- 7.02140 RESERVED FOR FUTURE USE

**Article I    Pretreatment Requirements**

**7.02141    DISCHARGERS WHO ARE REQUIRED TO PRETREAT**

- A. The Marinette Wastewater Utility may direct a discharger to provide pretreatment and/or pretreatment facilities when:
  - 1. The discharger is a Significant Industrial User as defined in Article C, Section 7.0250; or
  - 2. The discharger is subject to specific Federal Categorical Pretreatment Standards; or
  - 3. The discharger discharges an industrial waste in violation of Article G, Section 7.02112 or 7.02113 of this Ordinance; or
  - 4. It is required to do so by the State or Federal government.

**7.02142    PRETREATMENT FACILITIES**

- A. Any SIU required to provide pretreatment facilities in order to comply with this Ordinance or applicable Federal Categorical Pretreatment Standards shall submit plans and specifications of its proposed pretreatment facilities to the Control Authority and the Department of Natural Resources for review and approval. It shall be the obligation of the SIU to construct pretreatment facilities adequate for compliance with the Pretreatment Program. Plan approval by the Control Authority and/or the Department of Natural Resources does not release the SIU from this obligation.
- B. Pretreatment facilities shall be maintained continuously in satisfactory and effective operation. In the event that a failure occurs in such facilities, the SIU shall notify the Control Authority immediately.
- C. All costs incident to pretreatment and all expenses incident to the acquisition, installation, operation and maintenance, and repair of pretreatment facilities shall be borne by the SIU.

- D. In addition, any extraordinary administrative or investigative expenses incurred by the Control Authority as a result of the installation and use of the SIU's pretreatment facilities shall be borne by the SIU.
- E. Pretreatment facilities of every SIU under the pretreatment program shall at all times be subject to inspection by the Control Authority, DNR, or EPA.

**7.02143 ADMINISTRATION AND PERMITS**

A. Wastewater Discharges

SIUs shall not discharge or convey, permit, or allow to be discharged or conveyed, any wastewater to the wastewater treatment system without a Wastewater Discharge Permit.

B. Wastewater Discharge Permits

- 1. General Permits. Each SIU shall obtain a Wastewater Discharge Permit prior to connecting or contributing to the sewer system.
- 2. Permit Application. SIU's shall complete and file with the Control Authority an application, in the form prescribed by the Control Authority and accompanied by the appropriate fee. Existing SIU's shall apply for a Wastewater Discharge Permit within 90 days after the effective date of this Ordinance and new SIU's shall apply at least ninety days prior to connecting to or contributing to the sewer system. In support of the application, the SIU shall submit, in units and terms appropriate for evaluation, the following information:
  - (a) Name, address, and location of discharger;
  - (b) Standard Industrial Classification (S.I.C.) number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - (c) Wastewater constituents and characteristics, including but not limited to those mentioned in Article G, as determined by bonafide chemical and biological analysis. Sampling and analysis shall be performed in accordance with procedures established by the USEPA and contained in 40 CFR, Part 136, as amended, and Chapter NR 149 of the Wisconsin Administrative Code;
  - (d) Time and duration of discharges;
  - (e) Average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly, and seasonal variations, if any. All flows shall be measured unless the Control Authority approves other verifiable techniques to measure flow rates;
  - (f) Detailed site plans, floor plans, mechanical and plumbing plans and other details to show all sewers, sewer connections,

inspection manholes, sampling chambers and appurtenances by size, location, and elevation;

- (g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the wastewater collection facilities;
- (h) Brief description of the nature, average rate of production and operations carried out by the industry, including a schematic process diagram which indicates points of discharge to the wastewater collection facilities from each regulated process;
- (i) Each product by type, amount, process, and rate of production;
- (j) Type and amount of raw materials utilized (average and maximum per day);
- (k) Total number of employees during periods of maximum and minimum production, hours of operations of the plant, and proposed or actual hours of operation of the pretreatment system;
- (l) Name of the authorized representative of the industry to contact regarding wastewater discharges;
- (m) The nature and concentration of any pollutants discharged or likely to be discharged by the User which are limited by this Ordinance, the State of Wisconsin, or Federal Categorical Pretreatment Standards, and a statement signed by an authorized representative of the discharger regarding whether or not compliance with these standards is being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required in order to comply with these standards;
- (n) Where additional pretreatment and/or operation and maintenance activities are required to comply with these standards, the SIU shall provide the shortest schedule by which the SIU shall provide such additional pretreatment and/or implementation of operational and maintenance activities:
  - (1) The schedule shall contain dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for compliance with the requirements of these standards. The schedule shall include dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with these standards. No single step referred to above shall require more than nine months.

- (2) Periodic progress reports shall be submitted to the Control Authority. Reports shall be submitted no later than 14 days after each significant date in the original schedule. The report shall demonstrate compliance with the schedule or document the reasons for noncompliance and present steps that shall be taken to return to schedule.
  - (o) Name of the representative authorized to sign certifications of compliance on behalf of the SIU.
  - (p) Any other information as may be deemed to be necessary by the Control Authority to evaluate the permit application.
- 3. Amendments to Applications. Any SIU or permit holder must submit an amended application for a wastewater discharge permit within 30 days following any material change in the information required and previously submitted on an application form, and 30 days prior to any of the following: initial discharge of regulated wastewater, change in the characteristics and constituents of wastewater, change in volume of wastewater discharged by 20 percent or more, and change in the operations or processes utilized by the discharger. An amended application shall be processed the same as if it were an original application. This subsection does not apply to temporary variations in production schedules which do not materially effect discharges to the system.
- 4. Insufficient Information. Where an application for a wastewater discharge permit contains insufficient or inaccurate information, the Control Authority may require more complete and accurate information. Applicants shall be provided 30 days from the date of receipt of written notice of an incomplete or inaccurate application in which to furnish more complete or accurate information.
- 5. New Dischargers. SIU's and haulers who were not discharging into the wastewater collection facilities on the effective date of this Ordinance must apply for a wastewater discharge permit prior to their connection to or discharge to the wastewater collection facilities.
- 6. Permit Approval. Thirty days after a fully completed, accurate, and sufficient application for a wastewater discharge permit has been submitted to the Control Authority, the Wastewater Utility shall do a full facility inspection prior to granting a wastewater discharge permit in accordance with the provisions of this Ordinance. The permit shall specify wastewater which is totally prohibited, place limits on the constituents and characteristics of wastewater, and provide for the pretreatment of certain wastewater prior to its discharge to the wastewater collection facilities. These permits shall be interim pending review and approval by the Wisconsin Department of Natural Resources. Upon such approval, these permits become final.

Conditions specified in interim permits shall be enforceable as if in the final permit.

7. **Permit Modifications.** Within nine months of the promulgation of Federal Categorical Pretreatment Standards or revised local effluent limits, Wastewater Discharge Permits shall be revised to comply with the standards. If an SIU has not previously submitted an application for a Wastewater Discharge Permit as required by this Ordinance, the SIU shall apply for a Wastewater Discharge Permit within 90 days after the promulgation of the applicable limits. In addition, an SIU with an existing Wastewater Discharge Permit shall submit the information required by paragraphs (m.) and (n.) of Article I, Section 7.02143(B)(2) of this Ordinance to the Control Authority within 90 days after the promulgation of new or revised Federal Categorical Pretreatment Standard or revised local effluent limits.
8. **Permit Conditions.** Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, fees established by the Wastewater Utility, as well as state and federal regulations. Permits may contain, but are not limited to, the following conditions as established by the Control Authority:
  - (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
  - (b) Limits on the average and maximum wastewater constituents and characteristics;
  - (c) Limits on average and maximum flow rates and allowable time of discharge for purposes of flow equalization;
  - (d) Requirements for installation and maintenance of inspection and sampling facilities;
  - (e) Specifications for monitoring programs which may include sampling location, frequency of sampling, number, types and standards for tests, and reporting schedule;
  - (f) Compliance schedules;
  - (g) Requirements for submission of technical reports or discharge reports;
  - (h) Requirements for maintaining and retaining plant records relating to wastewater discharges as specified by the Control Authority, and affording access thereto;
  - (i) Requirements for notification of the Control Authority of any new introduction of different wastewater constituents or substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

- (j) Requirements for notification of accidental discharges, accidental spill prevention plans, and placarding at the SIU facility; and
  - (k) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance.
9. Permit Duration. Wastewater discharge permits when issued shall continue in effect for 5 years, subject to amendment, suspension, or revocation as provided for in this Ordinance. Any fees payable shall not be prorated. The terms and conditions of the permit may be subject to modifications by the Control Authority as limitations or requirements identified in Article IX are modified, or other good cause exists. The SIU shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Where an SIU is required to install pretreatment facilities to meet discharge limitations, a compliance schedule will be established by the Control Authority on a case-by-case basis.
10. Permit Transfer. Wastewater Discharge Permits shall be issued for specific operations. A Wastewater Discharge Permit shall not be assigned, transferred or sold to a new developer, new SIU, to a different premise, or to a new or changed operation without the approval of the Control Authority. For these purposes, transfer of ownership of the majority interest of the ownership of any permit holder shall constitute a change in ownership.

#### **7.02144 REPORTING REQUIREMENTS FOR SIU'S**

- A. NCPS Incorporated by Reference. The NCPS, and all amendments which may be made thereto, are incorporated herein by reference.
- B. Application to Section 7.02144. Section 7.02144 is applicable to all holders of Wastewater Discharge Permits determined to be significant industrial users including those where NCPS are applicable.
- C. Notice to Holders of Wastewater Discharge Permits that NCPS are Applicable. The Control Authority shall notify, in writing, all holders of Wastewater Discharge Permits, where NCPS are applicable, of such fact, as follows:
  - 1. At the time of granting a Wastewater Discharge Permit, such notice shall be provided within such permit, and limitations provided for by NCPS shall be a term and condition of such permit.
  - 2. As soon after such time as the Control Authority becomes aware of new NCPS as is practical.
  - 3. At such time as the Control Authority is aware that a holder of a Wastewater Discharge Permit is subject to NCPS. However, lack of notice furnished by the Control Authority shall not relieve the holder

of a Wastewater Discharge Permit of its obligation to comply with a NCPS.

- D. **Deadline for Compliance With Categorical Standards.** Compliance deadlines will comply with CFR 403.6(b).
- E. **Baseline Monitoring Report (BMR).** The BMR is a report submitted by industrial users, where NCPS are applicable, to the Control Authority. The contents of the BMR (detailed in Section 7.02144(F)) sets up the basis or a "baseline" from which the Control Authority determines industrial compliance with an NCPS. The information is also used to calculate pollutant loadings and may provide the basis for limitations in a wastewater discharge permit. All Baseline Monitoring Reports shall be filed with the Control Authority as follows:
  - 1. Dischargers who were required under law to file a BMR with agencies of the Federal or State government, shall, within thirty days following the effective date of this Ordinance, file a BMR with the Control Authority.
  - 2. Dischargers who were required under law to file a BMR within 180 days after the effective date of a newly enacted NCPS or within 180 days after the final administrative decision made upon a category determination submittal under 40 CFR 403.6(a)(4), shall file a BMR with the Control Authority. When the 180 days has elapsed without a BMR submittal to the Control Authority, the Control Authority will start enforcement procedures. For newly-enacted NCPSs, a BMR shall be submitted to the Control Authority within 180 days of the effect date of the new NCPS or final administrative decision.
- F. **Content of BMR.** A BMR shall be on a form provided by the Control Authority and shall contain the following information:
  - 1. **Identifying Information.** The name and address of the discharger from which there will be a discharge of wastewater into the wastewater collection facilities, the names of the persons who own and operate the discharger's premises, and the name and phone number of the authorized representative.
  - 2. **Permits.** A list of any and all environmental control permits held.
  - 3. **Description of Operation(s).** A brief description of the nature, average rate of production and Standard Industrial Classification of the discharger's operation(s). This description should include a schematic process diagram indicating all points of wastewater discharge to the wastewater collection facilities.
  - 4. **Flow Measurement.** A report indicating the measured average daily and maximum daily flow, in gallons per day, of regulated process streams and other wastewater discharged to the wastewater collection facilities, as necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e).

5. Measurement of Pollutants. A report identifying the Pretreatment Standards applicable to each regulated process. In addition, the discharger shall report the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass where required) shall be reported. The sample shall be representative of daily operations. Sampling and analysis shall be performed in accordance with 40 CFR 403.12(b)(5).
  6. Certification. A statement, reviewed and signed by an authorized representative of the discharger and certified to by a qualified professional, indicating whether pretreatment standards and requirements are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the discharger to meet the pretreatment standards and requirements.
- G. Compliance Date Report. A final compliance report shall be submitted to the Control Authority within ninety days following the final compliance date as established by a Wastewater Discharge Permit or an NCPS. The report shall indicate the constituents and characteristics of all regulated waste streams covered by the Wastewater Discharge Permit or an applicable NCPS, and the average and maximum daily flow in gallons of its wastewater discharged to the wastewater collection facilities. The report shall also state whether the applicable pretreatment standards and requirements have been and are being met on a consistent basis and, if not, what additional operation and/or maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by the authorized representative of the discharger. See also Section 7.02128 of this Ordinance.
- H. Periodic Compliance Reports. All SIU's shall submit periodic compliance reports as per 40 CFR 403.12(e)(h)(l) to the Control Authority. The report, covering discharge data for the previous six months, shall contain a description of the nature, concentration, and flow of pollutants required to be reported by the Control Authority. Flows shall be based on actual measurements unless a variance has been granted in a Wastewater Discharge Permit. Sufficient information shall be submitted to allow use of the combined wastestream formula as provided in 40 CFR 403.6(e). The reports shall be submitted to the Control Authority in July and December, unless a variance is granted. All periodic compliance reports required shall be signed by the authorized representative of the discharger, as defined in Section 7.0207 of this Ordinance.
- I. All Data Reported. If the discharger monitors its wastewater effluent more frequently than required, the results shall be reported to the Control Authority.

**7.02145 CATEGORICAL PRETREATMENT STANDARDS: SUBCATEGORIES**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance.

**7.02146 FEES**

A. Charges and Fees. The Control Authority shall adopt charges and fees which shall cover the cost of administering and implementing the Industrial Pretreatment Program. Charges and fees shall include but shall not be limited to the following:

1. Fees for reimbursement of costs of setting up and operating the Control Authority's pretreatment program;
2. Fees for monitoring, testing, inspections, and surveillance procedures;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for permit applications;
5. Fees for filing appeals; and
6. Other fees as the Control Authority may deem necessary to carry out the requirements of this Ordinance.

B. Types of Fees

1. Administrative: SIUs shall be assessed an annual charge to cover the cost of administration of the industrial pretreatment program. Such charge shall be updated annually to reflect current costs.
2. Monitoring fees: SIUs shall be responsible for payment of costs associated with the compliance monitoring program. The specific fee structure shall be established by the Control Authority on an annual basis.
3. Laboratory Testing Fees shall be based on actual expenses incurred for each parameter tested as specified in a fee schedule which the Control Authority shall approve and issue on an annual basis. These fees relate solely to the matters covered by the articles of this Ordinance and are separate from all other fees.

- 7.02147 RESERVED FOR FUTURE USE
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- 7.02155 RESERVED FOR FUTURE USE

**Article J    Enforcement**

**7.02156 WRITTEN NOTICE OF VIOLATION**

- A. Any person determined by the Control Authority to be in Significant Noncompliance shall be served with a written notice stating the nature of the violation and the action proposed to be taken in response to such violation. A written notice of violation shall be served for any of the following permit violations:
  - 1. An accidental discharge or slug load (as defined in Section 7.0204 and 7.0253 of this Ordinance, respectively), that could cause the Industrial User to violate Article G.
  - 2. Exceedance of discharge limits as reported on semi-annual reports.
  - 3. Exceedance of discharge limits as determined by the Control Authority compliance monitoring, or data from other State of Wisconsin registered or certified labs.
  - 4. Violation of a compliance schedule where a milestone date is exceeded by more than 90 days.
  - 5. Failure to provide required reports within 30 days from the due date.
  - 6. Failure to allow authorities access to premises for monitoring and/or inspection purposes. For an initial discharge violation, the notice shall provide a date by which the Control Authority shall hold an inspection of the facility in violation.

**7.02157 CONTROL AUTHORITY RESPONSE TO VIOLATION**

- A. The Control Authority shall have any or all of the following options in response to a violation of a Wastewater Discharge Permit. The Control Authority may:
  - 1. Issue an order to immediately cease the unlawful conduct identified in the Notice of Violation (NOV).
  - 2. Issue an order to cease the unlawful conduct identified in the NOV within a specified period of time.
  - 3. Shut off water and/or sewer service to a discharger if an imminent or actual threat to environment, human health and welfare, or proper operation of the wastewater treatment system is determined to exist.
  - 4. Commence a civil forfeiture action to collect penalties.
  - 5. Make claim for damages sustained to the system, or as a result of contamination of the sludge.
  - 6. Suspend or revoke a Wastewater Discharge Permit.
  - 7. Commence an action at law or in equity in a State or Federal Court for declaratory judgment, money damages and/or a temporary and/or permanent injunction.

**7.02158 OPPORTUNITY FOR AND PURPOSE OF HEARING**

- A. The notice of violation shall provide the discharger with an opportunity for a hearing prior to enforcement action being taken. Such notice shall provide a time within which the discharger may request a hearing. Following a request for a hearing, a hearing shall be held before the Control Authority and the alleged violator shall be notified, in writing, of the time, date, and place thereof. At such hearing, the alleged violator shall be entitled to be represented by counsel, to present witnesses, and to cross examine all witnesses who testify.
- B. The purpose of such hearing shall be to determine the existence of mitigating factors, if any, and to determine the factual basis underlying the alleged violation.
- C. The failure to make written request for a hearing within the specified time frame shall constitute a waiver of the right to such hearing. In the event of an emergency, an order under Section 7.02157(A)(1) of this Ordinance may be issued by the Control Authority without a written notice and prior hearing, provided that such written notice and hearing are provided following the issuance of the order as soon thereafter as is practical, but in no event greater than ten days after the order is issued.

**7.02159 WRITTEN DETERMINATION**

Within ten days following the hearing, or in the absence of a hearing request within ten days following the last day on which a hearing could have been requested, a written finding and determination shall be made.

**7.02160 SUSPENSION, REVOCATION, OR NON-RENEWAL OF PERMIT**

A. The Control Authority may commence an administrative proceeding, upon notice and an opportunity to be heard, to seek the suspension or revocation of any Wastewater Discharge Permit if a discharger:

1. Fails to factually report to the Control Authority the constituents and characteristics of its wastewater discharger;
2. Fails to report to the Control Authority any violation of this Ordinance, or of any order promulgated under authority of this Ordinance, or any violation of discharger's permit issued pursuant to this Ordinance;
3. Fails to report to the Control Authority any significant change in the constituents and characteristics of its wastewater discharge, or a change of +/-20% in discharger's wastewater discharge flow;
4. Fails to provide the Control Authority or other regulatory agency access to its premises for inspection, sampling, or monitoring purposes;
5. Fails to abide by the terms and conditions of this Ordinance, any order promulgated under authority of this Ordinance, any permit issued pursuant to this Ordinance, or any court order enforcing this Ordinance and orders promulgated under its authority;
6. Fails to provide accurate and truthful information to the Control Authority;
7. Attempts to tamper with any sampling or monitoring equipment, or with the analysis or reports required by this Ordinance; or
8. Fails to file an amended permit application where one is required by this Ordinance.

**7.02161 SERVICE OF NOTICE, FINDINGS, AND DETERMINATIONS**

Service of notices, findings, and determination provided for in this Ordinance shall be by personal service or by Certified Mail with Return Receipt. Notices to the Control Authority shall be served at or delivered to the Wastewater Utility Business Office located at 501 Water Street, Marinette, Wisconsin 54143

**7.02162 PROCEDURE FOR REVIEW**

A. Any discharger, permit applicant, or permit holder who may be adversely affected by a decision, action, or determination made by the Pretreatment Coordinator interpreting or implementing the provisions of this Ordinance

or of any permit issued herein, may file with the Administrator of Utilities a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts and arguments supporting the request for reconsideration. The Administrator of Utilities shall render a decision on the request for reconsideration, in writing, within fifteen days of receipt of the request.

- B. If the decision on the request for reconsideration made by the Administrator of the Wastewater Utility is unsatisfactory to the party requesting the reconsideration, then such party may, within ten days after notification of such decision, file a written appeal with the Board of the Wastewater Utility. The appeal shall be heard by the Board of the Marinette Wastewater Utility within forty-five days from the date of filing. The Board shall make a final ruling on the appeal within sixty days from the date the appeal is filed.

#### **7.02163 ANNUAL PUBLICATION OF ENFORCEMENT PROCEEDING**

- A. In accordance with 40 CFR 403.8(f)(2)(vii), a list of all significant violators which were the subject of enforcement proceedings to this Ordinance during the past calendar year, shall be published by the Control Authority in the official newspaper in the month of February of each year.
- B. A summary of the nature of the violation and the enforcement action taken shall be published by the Control Authority at the same time. If any action taken was the subject of a review proceeding, the status of the review proceeding shall also be published.

#### **7.02164 PROCEDURES FOR ENFORCEMENT OF REPETITIVE WASTEWATER DISCHARGE PERMIT VIOLATIONS**

- A. Any notice of a reportable quantity of an accidental discharge of regulated wastewater and/or exceedance of a wastewater discharge permit based on data from a State of Wisconsin registered or certified lab indicating a violation shall require the Control Authority to issue a Notice of Violation to the discharger. In addition, the Notice shall provide that the Control Authority shall hold a facility inspection. The Control Authority shall prepare a post-inspection report which shall be made available for any ensuing hearings or as part of any written determination as provided in Section 7.02159
- B. Any reportable quantity of an accidental discharge reoccurring within a 6-month period shall be subject to the penalties as provided in Article K, Section 7.02172. A Notice of Violation shall be served by the Control Authority.
- C. An exceedance of limitations established in a wastewater discharge permit for incompatible pollutants verified by analysis from a State of Wisconsin registered or certified laboratory, where the violation results in the discharger being in significant non-compliance, shall be subject to the penalties established in Article K, Section 7.02173(b)(1). A Notice of

Violation shall be served on the facility in violation by the Control Authority. In addition, the facility in violation shall self-monitor its wastewaters each working day for a period of not more than ninety days and not less than seven days. Analysis of samples shall be performed by a State of Wisconsin certified or registered laboratory. The Notice shall specify the period of analysis and parameters to be sampled.

- D. For any exceedance of limitations resulting in the discharge being in Significant Non-Compliance for two consecutive 6-month periods, the discharger shall be subject to the penalties established in Article K, Section 7.02173(B)(1). A Notice of Violation shall be served on the facility in violation by the Control Authority. In addition, the facility in violation shall self-monitor its wastewater each working day for a period of not more than 180 days and not less than seven days. Analysis of samples shall be performed by a State of Wisconsin certified or registered laboratory. The Control Authority shall also conduct monitoring to assure compliance. The Notice shall specify the period of analysis and parameters to be sampled.
- E. For the purposes of enforcement, intermittent non-compliance events shall be considered discrete violations. Continuous violations occurring daily or weekly involving the same pollutant parameters shall be considered continuous non-compliance events and remain so until the violation is terminated. After the non-compliance event is terminated, any future non-compliance event begins a second violation. Whether violations are intermittent or continuous shall be determined by, and be in the discretion of, the Control Authority. Each day of violation is a separate offense and shall be assessed a fine consistent with Article K of this Ordinance.

**7.02165 RESERVED FOR FUTURE USE**

**7.02166 RESERVED FOR FUTURE USE**

**7.02167 RESERVED FOR FUTURE USE**

**7.02168 RESERVED FOR FUTURE USE**

**7.02169 RESERVED FOR FUTURE USE**

**7.02170 RESERVED FOR FUTURE USE**

**Article K Penalties**

**7.02171 GENERAL**

Except where a specific penalty is otherwise stated, any person who shall violate any provision of this Ordinance, or orders authorized by this Ordinance shall, upon conviction thereof, be subject to the penalties as outlined in Section 1.0107 of the Marinette Municipal Code. In addition, dischargers shall be liable for the costs to repair damage to the wastewater treatment system, and any forfeitures, fines, and costs assessed to the Control Authority resulting from violations of this Ordinance. Each day a violation continues shall be deemed a separate offense. If a

discharger defaults on payment of such forfeiture and costs, the violator shall be incarcerated under applicable Section 66.119(3) of Wisconsin Statutes for violators of municipal ordinances. The forfeiture specified in this Section 7.02171 shall be in addition to all other remedies specified in this Ordinance or available in law or equity.

**7.02172 PENALTIES FOR ACCIDENTAL DISCHARGE OF A REPORTABLE QUANTITY OF REGULATED WASTEWATER**

Any reported accidental discharge which enters the sanitary sewer shall require a forfeiture of One Thousand Dollars (\$1,000.00) from the discharger. The penalty for not reporting an accidental discharge shall be a forfeiture of One Thousand Dollars (\$1,000.00).

**7.02173 PENALTIES FOR EXCEEDING LIMITATIONS OF THE WASTEWATER DISCHARGE PERMIT**

- A. Compatible Pollutants. Facilities discharging compatible pollutants shall be governed by the rate structure established by the User Charge System, and specified on the fee schedule released annually by the Control Authority.
- B. Incompatible Pollutants. Facilities discharging incompatible pollutants in excess of limits provided in applicable wastewater discharge permits shall be governed according to the following rate structure:
  - 1. For any discharge violation resulting in the discharger being in Significant Non-Compliance, the penalty shall be a minimum of One Thousand Dollars (\$1000) per violation. Should the Control Authority incur additional monitoring and analytical costs, these costs shall be assessed the discharger in addition to the above penalty.
- C. Any discharger whose discharge, alone or in conjunction with other discharges, causes the Control Authority's wastewater treatment facility to be in violation of its WPDES discharge permit shall be liable for all direct and indirect costs, and a forfeiture of not more than One Thousand Dollars (\$1000) per day.

- 7.02174 RESERVED FOR FUTURE USE**
- 7.02175 RESERVED FOR FUTURE USE**
- 7.02176 RESERVED FOR FUTURE USE**
- 7.02177 RESERVED FOR FUTURE USE**
- 7.02178 RESERVED FOR FUTURE USE**
- 7.02179 RESERVED FOR FUTURE USE**
- 7.02180 RESERVED FOR FUTURE USE**

**Article L    Validity**

**7.02181    CONFLICTING ORDINANCE**

All Ordinances or parts of Ordinances or regulations in conflict (only to the extent of the conflict) with this Ordinance are hereby superseded.

**7.02182    INVALIDATION CLAUSE**

If any provision, paragraph, section, sentence or article of this Ordinance is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, sections, sentences, and articles shall continue in full force and effect.

**7.02183    COMPLIANCE WITH ORDINANCE**

Whenever, throughout this ordinance, provision is made for inspection, approvals or reviews, such activities are undertaken for the exclusive purpose of assuring compliance with this ordinance and no person may rely upon such activity for any other reason.

**7.02184    RESERVED FOR FUTURE USE**

**7.02185    RESERVED FOR FUTURE USE**

**7.02186    RESERVED FOR FUTURE USE**

**7.02187    RESERVED FOR FUTURE USE**

**7.02188    RESERVED FOR FUTURE USE**

**7.02189    RESERVED FOR FUTURE USE**

**7.02190    RESERVED FOR FUTURE USE**

**Article M    Enacting Clause**

**7.02191    DATE OF EFFECT**

This Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

**7.0300 COMMUNITY ANTENNA TELEVISION**

Reserved For Future Use