

AN ORDINANCE TO AMEND CERTAIN
PROVISIONS OF THE SEWER USE AND
WASTEWATER TREATMENT CODE
OF THE CITY OF WAUKESHA, WISCONSIN

THE COMMON COUNCIL OF THE CITY OF WAUKESHA DO ORDAIN AS
FOLLOWS:

SECTION I. Chapter 29 of the Waukesha Municipal Code is
hereby amended to read as follows:

CHAPTER 29

SEWER USE AND WASTEWATER TREATMENT

- 29.01 Purpose and Policy
- 29.02 Definitions
- 29.03 Use of Public Sewers
- 29.04 Control of Industrial Wastes Directed to
Public Sewers
- 29.05 Right of Entry and Safety
- 29.06 Sewer Construction
- 29.07 Damage or Tampering with the System
- 29.08 Enforcement Procedures
- 29.09 Reporting Plant Upsets and Bypass, and
Record Retentions
- 29.10 Basis for Sewer Service Charges
- 29.11 Penalties
- 29.12 Sewer Service charges
- 29.13 Payment of Charges
- 29.14 Sewer Connection Charge
- 29.15 Applicable Fees
- 29.16 Review of Rates by Control Authority
- 29.17 Effective Date
- 29.18 Severability Clause

indirect discharge which, alone or in conjunction with the discharge or discharges from other sources, causes a violation or increases the magnitude or duration of a violation of any requirement of the City's WPDES permit, including the impairment of the use or disposal of the wastewater treatment facility's sludge under chs. 144 and 147, Wis. Stats.

(24) **LAWFUL.** In compliance with federal, state, and city laws, rules, regulations, and orders promulgated under the authority thereof.

(25) **MAY** is permissible.

(26) **NATURAL OUTLET.** Any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake, or other body of surface water or ground waters.

(27) **NEW SOURCE.** 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:

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

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

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

(28) **NON-SIGNIFICANT INDUSTRIAL USER.** A facility that meets all of the following criteria:

(a) The user discharges process wastewaters to the system which are regulated under Chapter 29 of the Municipal code;

(b) These process wastewaters are not subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subpart N;

(c) These process wastewaters are discharged at less than 10 gallons per day and less than 50 gallons per week; and

(d) The process wastewater does not have a reasonable potential for adversely affecting the operation of the wastewater treatment facilities as determined by the City.

(29) ON-SITE WASTE DISPOSER. Any truck which discharges septic tank, holding tank, industrial, leachate, or other wastestreams for treatment at the City's wastewater treatment facility.

(30) PARTS PER MILLION. A weight-to-weight ratio: the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

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

(32) PERMIT. Written permission to perform certain specified acts.

(33) PERSON. Any and all persons, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

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

(35) PHOSPHORUS. Total phosphorus, expressed in mg/l of P.

(36) PLANT. City of Waukesha wastewater treatment facility.

(37) POLLUTANT. Any dredged soil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or damaged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(38) POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT. See WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.

(39) POLLUTANTS, COMPATIBLE. Biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the wastewater treatment facilities receiving the pollutants if such

(2) **SAMPLING AND HANDLING FEES.** Each permitted user subject to compliance monitoring by the Control Authority shall pay applicable fees for each sample collected. For each compliance monitoring visit, the Control Authority shall charge the permittee a standard compliance monitoring visit fee along with the appropriate sample collection fees. These fees are payable within 30 days of receiving a statement from the Control Authority. A list of monitoring charges shall be updated by the Control Authority and mailed to the affected users annually.

(3) **ANALYTICAL FEES.** The Control Authority shall establish fees which will be charged to the permittee for each parameter analyzed. If a contract lab is retained for analysis, the charges to the City by the lab will be charged to the permittee. These fees are payable within 30 days of receiving a statement from the City.

29.16 REVIEW OF RATES BY CONTROL AUTHORITY. The City shall conduct a biennial audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system, and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.

29.17 EFFECTIVE DATE. This chapter shall take effect and be in force upon passage and publication.

29.18 SEVERABILITY CLAUSE. Should any section, clause, sentence or provision in this chapter be declared by a court of law to be invalid or unconstitutional, such determination shall not affect the validity of any other section, clause, sentence, or provision of the chapter which can be given effect without such invalid part or parts, as every section, clause, sentence, and provision of this chapter is deemed severable.

SECTION II. All Ordinances or parts of Ordinances inconsistent with or contravening the provisions of this Ordinance are hereby repealed.

SECTION III. This ordinance shall take effect and be in force from and after the date of its passage and publication.

Passed this 2nd day of June, 1992.

Approved this 3rd day of June, 1992.

Paul H. Vrakas
Mayor

ATTEST:

Thomas E. Neill
City Clerk