

AN ORDINANCE INTRODUCED AT THE REQUEST OF THE VILLAGE OF POPLAR SEWER COMMISSION, AMENDING POPLAR CODE CHAPTER 7: SEWER OF THE CODE OF ORDINANCES OF THE VILLAGE OF POPLAR, WISCONSIN:

The Board of Trustees of the Village of Poplar, Wisconsin, does ordain as follows:

SECTION 1: POPLAR CODE CHAPTER 7: SEWER, of the Code of Ordinances of the Village of Poplar, Wisconsin, is hereby repealed and recreated to read as follows

POPLAR CODE

CHAPTER 7: SEWER

Footnotes:

State Law reference— Authority of the village to acquire, operate and maintain a sewage system, Wis. Stats. § 66.0821.

Section 7.1.00 Definitions.

The terms used in this chapter shall have the meanings given them in this section unless a different meaning is indicated by the context in which the particular term is used.

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

B.O.D. (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l).

Building drain means horizontal piping within or under a building, installed below the lowest fixture or the lowest floor level from which fixtures can drain by gravity to the building sewer.

Building sewer means that part of the drain system not within or under a building which conveys its discharge to a public sewer, private interceptor main sewer, private onsite wastewater treatment system or other point of discharge or dispersal.

Building sewer, sanitary means a building sewer which conveys wastewater consisting in part of domestic wastewater.

Building sewer, storm means a building sewer which conveys storm water, clear water, or both.

Combined sewage is a combination of sanitary sewage and surface or stormwater with or without industrial wastes.

Commercial unit of service, for purposes of user charges, is any aggregation of space or area occupied for a distinct purpose such as a retail store, office, laundry, restaurant or other like units, which is equipped with one or more water fixtures draining into the treatment works, separate and distinct from

other units of service. In office buildings or other premises containing more than one tenant, only those tenants shall be classified as users of service who occupy space or area equipped with a distinct opening or fixture or set of fixtures for the use of water separately from other tenants and with waste draining into the treatment works.

Commercial waste is normal domestic sewage discharged by a nonresidential or nonindustrial unit of service into the treatment works.

Compatible pollutant, for purposes of establishing federal requirements for pretreatment, means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES (*National Pollutant Discharge Elimination System*) permit if the publicly owned treatment works was designed to treat such pollutants and, in fact, does not remove such pollutants to a substantial degree. Examples of such additional pollutants may include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;
- (4) Nitrogen and nitrogen compounds;
- (5) Fats, oils and greases of animal or vegetable origin, except as prohibited under section 7-26.

Connection is a residential, commercial or industrial establishment or a contract customer, served by the Village of Poplar Sewer Utility. Establishments with more than one meter, the metered flow of which is subsequently discharged to the treatment works, are determined to have one connection for each such meter.

Garbage means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Hauled waste means sewage or other liquid waste brought by truck to the treatment plant or other point of discharge to the collection system

Industrial cost recovery is the system of recovery by the village of that portion of the federal grant amount allocable to the construction of facilities for the treatment of industrial wastes from industrial users.

Industrial unit of service for purposes of user charges is any aggregation of space or area occupied for a distinct purpose such as manufacturing which results in the discharge of industrial wastes, as defined herein, into the treatment works.

Industrial unit of service for the purposes of industrial cost recovery is any nongovernmental user of the treatment works which discharges industrial wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions as contained therein:

- (1) Division A, Agriculture, Forestry and Fishing.
- (2) Division B, Mining.
- (3) Division D, Manufacturing.
- (4) Division E, Transportation, Communications, Electric, Gas and Sanitary Services.
- (5) Division I, Services.

Industrial waste is trade or process waste, or nondomestic wastewater discharged from a unit of service which exceeds 25 gallons per employee per day or whose wastewater characteristics exceed 250 milligrams per liter BOD, 300 milligrams per liter suspended solids or 20 milligrams per liter phosphorus.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the village's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Maximum extent practicable has the meaning specified under Wis. Admin. Code NR Ch. 151.

National pollutant discharge elimination system (NPDES) permit means any permit or equivalent document or requirements issued by the environmental protection agency or where appropriate by the state department of natural resources, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Water Pollution Control Act.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means:

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such 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;
 - 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 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.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of the term "new source" in subsection (1)b. or (1)c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this section has commenced if the owner or operator has begun, or caused to begin, as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment;

- b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structure, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- c. 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 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 subsection.

Normal domestic sewage is wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities and sanitary facilities, i.e., resulting from normal living functions.

Operation and maintenance costs are the current, reasonable and necessary costs of operation and maintenance of the treatment works, paid or incurred, determined in accordance with general accepted accounting principles, including replacement costs, but excluding payments of principal of and interest on obligations issued to finance the costs of acquisition and construction of the treatment works.

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the village's NPDES permit, including an increase in the magnitude or duration of a violation.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Person means any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Pollutant means any pollutant which is not a compatible pollutant.

POTW (publicly-owned treatment works) means a treatment works and any sewers that convey wastewater to such treatment works which are owned by the village. This includes any devices or systems used by the village in the storage, treatment, recycling and reclamation of wastewater. The term also refers to village commissions, departments or divisions having jurisdiction over wastewater sources and discharges from such a treatment works.

Pretreatment means treatment of wastewaters from sources before introduction into the treatment works.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Private sewage system means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the county including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely, under the flow conditions normally prevailing in municipal sewers, with no particle greater than one-half inch in any dimension.

Recovery period is the 30-year period during which the industrial cost recovery charge shall be imposed upon industrial units of service of the treatment works.

Replacement costs are those costs incurred in obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the treatment works were designed and constructed.

Residential unit of service, for purposes of user charges, is any aggregation of space or area occupied as a single residence, and any apartment or flat which is equipped with one or more fixtures for supplying sewer service separate and distinct from the other users on the premises. In multiunit dwellings, only those divisions of the building will be considered as units of service where the suite or apartment has facilities for cooking.

Sanitary sewage means water and water-borne domestic wastes discharged into the sewage system from residences, business buildings, institutions and industrial establishments.

Sanitary sewer means a pipe or conduit designed and operated to carry sanitary sewage and industrial wastes.

Service sewer means building sewer or municipal sewer lateral.

Sewer utility means the administration, management, operation, and control of the sewerage system for the Village of Poplar.

Sewerage system includes all lateral, main and intercepting sewers, lift stations, pumps, sewage treatment and disposal plant or system, and structures and other appurtenances for the collection, transportation, treatment and disposition of sanitary sewage. This shall not include plumbing inside or in connection with buildings services or service sewers from a building to the street lateral.

Shall is mandatory; *may* is permissive.

Significant industrial user or *SIU* means:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the Sewer Commission on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2)b. of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the village may at any time on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during a normal operation.

Storm sewer means a pipe or conduit designed and operated to carry water and/or surface runoff but not sanitary or combined sewage.

Stormwater means runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

Stormwater conveyance system is a system defined, managed, and funded by a stormwater utility.

Stormwater utility is an enterprise established for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management services.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Treatment plant means facility forming a part of the sewage system which is utilized primarily to treat dry-weather sanitary sewage.

Treatment work or treatment works means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature or necessary to recycle or reuse water at the most economical cost over the estimated life of the work, including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Additionally, the term "treatment work" means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

User means a source of wastewater introduced to the POTW by any means, including, but not limited to, pipe, truck or rail car.

User charge is the fee imposed by Section 7.6.00 upon all units of service of the treatment works in a total amount sufficient to pay the costs of debt retirement, operation and maintenance, including costs of replacement, of the treatment works.

Wastewater means clear water, storm water, domestic wastewater, industrial wastewater, sewage or any combination of these.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination System Permit (WPDES) is a document issued by the Wisconsin State Department of natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

Section 7.2.00 Sewer Commission

7.2.01 The responsibility for nonpartisan management, operation, and control of the Village of Poplar municipal sewer utility for the Village of Poplar shall be vested in the Sewer Commission of the Village of Poplar as created by this chapter in accord with the provisions of Wisconsin State Statute 66.805. The board of sewer commissioners, under the general control and supervision of the Village of Poplar Board of Trustees, shall be responsible for the entire management of and shall supervise the operation of the Village of Poplar sewerage system utility. The Village of Poplar Board of Trustees shall exercise general control and supervision of the Sewer Commission by enacting ordinances governing the Sewer Commission's operation.

7.2.02 The Sewer Commission board shall consist of 5 commissioners. The commissioners shall be elected by the Village of Poplar Board of Trustees for a term, beginning on the first day of October, of as

many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.

7.2.03 The Sewer Commission shall choose a president and a secretary from its membership. The commission may appoint and establish the compensation of a manager. The commission may contract professional services and may employ and fix the compensation of subordinates as necessary. The commission may make rules for its proceedings and for the government of the department. The Sewer Commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public. All records, minutes, and all written proceedings thereof shall be kept by the Village Clerk/Treasurer and all financial records shall be kept by the Village Clerk/Treasure.

7.2.04 Sewer Commission expenditures shall be audited monthly by the board of commissioners, and if approved by the commissioners, shall be paid by the Village of Poplar Clerk/Treasurer as provided by Wisconsin State Statute s. 66.0607.

7.2.05 Conditioned upon full knowledge and approval of the Village of Poplar Board of Trustees, the Sewer Commission utility of the Village of Poplar through the Board of Commissioners of the Sewer Commission shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village of Poplar, and generally, to do all such work as may be found necessary or convenient in the management of the sewerage system. The Board of Commissioners of the Village of Poplar Sewer Commission shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervision in the performance of their duties under this ordinance, without liability therefore.

7.2.06 Conditioned upon full knowledge and approval of the Village of Poplar Board of Trustees, The Board of Commissioners shall have power to purchase and acquire all real and personal property which may be necessary for the construction of the sewerage system, or for any repair, remodeling, or additions.

7.2.07 Condemnation of Real Estate. Conditioned upon full knowledge and approval of the Village of Poplar Board of Trustees, whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Board of Commissioners of the Sewer Commission, be necessary to the sewerage system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Board of Commissioners shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

7.2.08 Title to Real Estate and Personalty. All property, real, personal, and mixed, acquired for the construction, administration, operation, and maintenance of the sewerage system, and all plans, specifications, diagrams, paper, books, and records connected therewith and said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village of Poplar.

Section 7.3.00 Use of Municipal Sewerage System Required.

7.3.01 Municipal Sewerage area.

- (a) *Unlawful to discharge into natural outlet.* It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction of said municipality, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and where such discharge is in compliance with a currently in-force NPDES permit issued by the state.
- (b) *Unlawful to construct or maintain sewage disposal facility.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the area served by the Village of Poplar sewerage system.
- (c) *Suitable toilet facilities required.* The owner of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the municipality, is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper municipal sewer in accordance with the provisions of this chapter within 90 days after the date of official notice to do so, provided that said municipal sewer is within 300 feet of the property line. However, the buildings used for human occupancy at the time of passage of the ordinance from which this section is derived and located more than 300 feet from municipal sewer shall not be affected by this subsection.
- (d) The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village of Poplar served by the municipal sewerage system are hereby declared to be a public nuisance and a health hazard. From and after May 19, 2000, the use of septic tanks or any private sewage disposal system within the area served by the sewerage system shall be prohibited.

7.3.02 *Vacating of Premises and Discontinuance of Service.* Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Village Clerk/Treasurer shall be notified in writing of the intent. The owner of the premises shall be liable for any damages to the property as a result of the discontinuance of sewer service.

7.3.03 *Private sewage disposal.*

- (a) *Private sewage system.* Where a municipal sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with Wisconsin Administrative Code Chapter SPS 382, the Douglas County Zoning Regulations, and the Wisconsin Department of Safety and Professional Services.
- (b) *Permit for private sewage system.* Before commencement of construction of any private sewage disposal system, the owner shall first obtain a written Sanitary Permit from the Douglas County Zoning Department.
- (c) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Douglas County Health Department or the Douglas County Zoning Department.

Section 7.4.00 User Rules and Regulations.

The following rules and regulations governing licensed plumbers, excavators, and sewer users, and others are hereby adopted and established:

7.4.01 The rules, regulations, and sewer rates of the Village of Poplar hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the

sewerage system of the Village of Poplar; and every such person, company, or corporation to be connected with the sewerage system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said Village of Poplar may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection), and shall not be reestablished except by approval of the Sewer Commission. Approval of reestablishment shall be based on payment of all arrears, payment of all expenses and established charges of shutting off and reconnecting, and such other terms as the Sewer Commission may determine. Approval of reestablishment shall also be based on receiving a satisfactory understanding with the violating party that no further cause for complaint shall arise. In case of such future violation, the said Sewer Commission furthermore, may declare that any payment made for past reestablishment of service by the party or parties shall be forfeited.

7.4.02 No plumber, pipe fitter, or other person will be permitted to do any plumbing, pipe fitting, and/or associated work involving the sewerage system without first receiving a license from the State of Wisconsin.

- (a) No unauthorized person shall uncover, make any modification, connection, reconnection with or opening into, use, alter or disturb any municipal sewer or appurtenance without first obtaining approval from the Poplar Sewer Commission in the form of a written permit issued for such work.
- (b) Any person desiring sewer service from the municipal sewer system for premises not theretofore connected with the system shall apply to the Village Clerk/Treasurer for a permit application. There shall be two classes of building sewer connection/service permits:
 - (1) For residential service; and
 - (2) For commercial service and establishments producing industrial wastes.
- (c) All costs and expenses incidental to the installation and connection, reconnection or modification of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building. No building sewer may pass through or under a building to serve another building unless:
 - (1) The building sewer serves farm buildings or farm houses, or both, which are all located on one property; or
 - (2) The building sewer or private interceptor main sewer serves buildings located on the same property and a document, which indicates the piping and distribution arrangement for the property and buildings, shall be recorded with the register of deeds no later than 90 days after installation. Under exceptional circumstances where an industrial or institutional establishment maintains its own internal sewer system serving multiple buildings, the Sewer Commission may waive the provisions of this section.
- (e) Building sewers shall be connected to sewer mains tributary to the main wastewater treatment facility. Connection to "relief sewers" that convey sewage from diversion chambers to auxiliary treatment facilities shall be prohibited unless approved in writing by Sewer Commission.
- (f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the owner's licensed plumbing contractor to meet all requirements of this division.

- (g) The alignment and construction materials of a building, 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 the State of Wisconsin building and plumbing codes or other applicable rules and regulations of the village and State of Wisconsin.
- (h) The size and slope of the building sewer shall be subject to the Wisconsin State Plumbing Code and approval of the Sewer Commission, but in no event shall the diameter be less than four inches. The minimum pitch of building sewers 10 inches or less in diameter shall be in accordance with Table SPS 382.30-3 of the Wisconsin State Plumbing Code. It shall be required that the service stub or the connection and the building drain shall be uncovered, and the differential elevation be determined before construction is begun. Where practicable, the building connection shall be laid on a uniform grade between those two points.
- (i) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- (j) In all buildings in which any building drain is too low to permit gravity flow to the municipal sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- (k) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (l) The connection of the building sewer into the municipal sewer shall be made at a branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located branch is available, the owner shall at his or her expense install a branch in the municipal sewer at the location specified by the Sewer Commission or authorized representative. For the purposes of this section the term "branch" shall require a factory manufactured wye fitting unless otherwise specified by the Sewer Commission or authorized representative.
- (m) The applicant for the building sewer permit shall notify the Sewer Commission when the building sewer is ready for inspection and connection to the municipal sewer. The connection shall be made under the supervision of the Sewer Commission or their representative.
- (n) After the building sewer connection has been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same issued by the Sewer Commission.
- (o) All users and owners shall keep their own service pipe, building sewer, or service lateral in good repair and protected from frost in accord with the Wisconsin State Plumbing Code and at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
- (p) No user or owner shall allow others or other sewer services to connect to the sewer system through their sewer lateral connection.
- (q) Every user or owner shall permit or allow the Sewer Commission, or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes

and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

(r) All building sewers under construction shall be inspected by a designated representative of the Village of Poplar. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and pressure testing. Any sewer that is backfilled prior to inspection shall be re-excavated to allow inspection.

(s) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Poplar.

(t) No permit shall be issued for a sewer connection unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant including biochemical oxygen demand and suspended solids capacity.

(u) No premises shall be connected to the sewage system unless properly designed and constructed. For those parts of the sewage system designed to carry only sanitary sewage or sanitary and industrial sewage, no new connections shall be permitted from such sources as roof leaders, yards, area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from private storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street wash waters, or drainage

(v) All service pipes, building sewers, or laterals shall be installed in accordance with the State of Wisconsin Administrative Code Chapter SPS 382 "Design, Construction, Installation, Supervision and Inspection of Plumbing".

7.4.03 Exclusion from use of treatment works.

No person or unit of service shall discharge wastes in violation of this chapter. No person or unit of service shall discharge any wastes which are in any way detrimental to the safe, efficient or thorough operation of any part of the sewerage system. When, in the opinion of the Sewer Commission, a discharge of waste which is in violation of this chapter or which is detrimental to the safe, efficient or thorough operation of any part of the sewage system is imminent or is recurring, the Sewer Commission may take such actions, including immediate termination of sewer service, which will avoid such discharge. All remedies set forth in this section shall be in addition to any other remedy or sanction permitted by law.

7.4.04 Recommendation of the Sewer Commission.

The Village of Poplar Sewer Commission recommends that back-water valves, back-flow prevention valves, or similar state approved plumbing devices or equipment be installed by the property owner where a chance of sewage back up exists.

7.4.05 Excavations:

(a) In making excavations in the streets or highways for laying service pipe or sewer laterals or making repairs, the paving and earth removed must be deposited in a way that will occasion the least inconvenience to the public.

(b) No Person shall leave any excavation made in any street or highway open at any time without barricades, and during the night, warning lights must be maintained at such excavations.

(c) In refilling the opening, after the service pipes or service laterals are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. The work together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Sewer Commission or their designee.

Section 7.5.00 Sewer Connection Fees.

7.5.01 The owner or his or her agent shall make an application on a sewer service application form furnished by the Village Clerk/Treasurer. The sewer service application form shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer Commission. The application must state fully and truly the proposed uses of the sanitary sewer service connection. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application form. The application may be for service to more than one building, or more than one unit of service through one service connection. In such case, charges shall be made accordingly. If it appears that the service applied for will not provide adequate service for the contemplated use, the Sewer Commission may reject the application. The Village Clerk/Treasurer shall issue the sewer connection/service permit after approval by the Sewer Commission.

7.5.02 Sewer connection fees shall be paid before any sewer connection work is started and after the sewer service application is approved by the Sewer Commission.

7.5.03 Sewer connection fees shall be the following:

(a) One- or two-family dwelling, 1 or 2 sewer user units	\$2,000.00
(b) Multi-family or Commercial user, up to 6 user units	\$3,000.00
(c) Multi-family or Commercial user over 6 user units	\$4,000.00
(d) Industrial or any other user	\$4,000.00

Section 7.6.00 Sewer User Fees.

7.6.01 Declaration of intent.

These rules, regulations and rates are declared to be necessary for the efficient, economic and safe operation of the village's treatment works and for the protection of the health, safety and general welfare of the public. The Sewer Commission shall assure that each user of the sewerage system pays a proportionate share of the cost of such service. The rates and charges hereby imposed are intended to distribute the costs of operation and maintenance of the treatment works in the most proportionate manner possible upon all users of the treatment works and in compliance with applicable standards and regulations of the Wisconsin State Department of Natural Resources, United States Environmental Protection Agency, Douglas County and the Village of Poplar.

7.6.02 It shall be the policy of the Sewer Commission to obtain sufficient revenue to pay the cost of:

- (a) The annual debt retirement payment on any bonded indebtedness.
- (b) Any other annual debt retirement.

- (c) The FmHA Reserve Account costs.
- (c) Any designated cash reserve account payment, and;
- (d) The operation and maintenance of the sewerage works, including a replacement fund or cash account to be used for future repair or replacement of equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance of the sewerage system.

7.6.03 The unmetered sewer user rate per user unit shall be determined for the next calendar year by the Sewer Commission on or before September 15th of each year. Notification shall be provided to each sewer user by first class mail and by posting as a public notice at all Village of Poplar public notice posting locations.

7.6.04 Review and amendment of charges.

An annual audit shall be made of the village sewerage system, including such detail as is necessary and appropriate to determine the annual fixed costs thereof and annual operation and maintenance costs. An annual audit shall also be made of the system of industrial cost recovery, including such detail as is necessary and appropriate to determine the total amount of federal grant funds to be recovered, the proportionate share of industrial cost recovery to be received from each industrial unit of service, and the proper accounting of funds recovered from such industrial users pursuant to applicable federal regulations. As soon as practicable following receipt of the report of audit, the Sewer Commission shall review the sewer user rate per user unit for sewage service imposed hereby, and the charges for industrial cost recovery, and review the same as necessary to insure their continuing compliance with all applicable state, federal, and local regulations.

7.6.05 All unmetered sewer users shall be charged per total user units for sewer use in accord with the USER UNIT DETERMINATION TABLE of **Section 7.7.00**. All metered sewer users shall be charged in accord with the user's separately determined sewer use agreement, or agreement to accept waste water, or other comparable agreement between the user and the Village of Poplar or the Village of Poplar Sewer Commission.

7.6.06 Unmetered sewer use charges shall be computed by multiplying the sewer user rate per user unit times the total units per classification of all the sewer classifications at the sewer connection.

7.6.07 User charges shall be invoiced on a monthly billing cycle and shall be payable on the last day of each month.

7.6.08 Late fees of \$10.00 per user unit (or portion of user unit) per month will be added for each monthly payment delinquent at the time of the next subsequent monthly billing due date. A failure to receive a bill shall not excuse nonpayment.

7.6.09 All delinquent sewer use charges, late fees, and service charges shall be a lien on the property served in accord with Wisconsin State Statute Section 66.0809(3). On October 15 in each year notice shall be given to the owner of the lots or parcels of real estate to which utility service has been furnished prior to October 1 by the Village of Poplar sewer utility operated by the Sewer Commission and payment for which is owing and in arrears at the time of giving the notice. The Village of Poplar Sewer Commission shall furnish the Village Clerk/Treasurer with a list of the lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be issued by the Villager Clerk/Treasurer. The notice shall be in writing and shall state the amount of arrears, including any penalties assessed pursuant to

subsection 7.6.08; that unless the amount is paid by November 1, a penalty or additional penalty of 10 percent of the amount of arrears will be added; and that unless the arrears, with any added penalties, are paid by November 15, the arrears and penalties will be levied as a special charge, as defined under s. 74.01 (4), against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. The notice may be served by delivery to the owner, or by letter addressed to the owner at the post-office address of the lot or parcel of real estate as recorded with the register of deeds.

On November 16, the Village Clerk/Treasurer shall certify and file with the Douglas County Clerk a list of all lots or parcels of real estate, giving the legal description, for which notice of arrears was given and for which arrears remain unpaid, stating the amount of arrears and penalty. Each delinquent amount, including the penalty, becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the delinquent amount and penalty as a special charge, as defined under s. 74.01 (4), against the lot or parcel of real estate.

All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes apply to the special charge under if it is not paid within the time required by law for payment of taxes upon real estate.

Section 7.7.00 Sewage Unit Determination Table

7.7.01 The Sewer USER UNIT DETERMINATION TABLE as provided by this section shall be used to calculate the user charges for all unmetered sewer users.

USER UNIT DETERMINATION TABLE

<u>Classification #</u>	<u>Description</u>	<u>Unit Value</u>
1	One-family Dwelling	1 Unit
2	Two-family Dwelling	1 Unit per dwelling
3	Single owner occupant within a one- or two-family Owner occupied dwelling	3/4 Unit per the owner's dwelling
4-9	(Reserved for future use)	
10	Multi-family (apartments)	1 Unit per apartment
11	General Retail Business Small I (one restroom)	1.5 Units
12	General Retail Business Small II (two restrooms)	1.75 Units
13	General Retail Business Medium (two restrooms and additional sink or mop sink)	2.5 Units
14	General Retail Business Large (Two multi-stall restrooms or more than two restrooms)	4 Units
15-19	(Reserved for future use)	
20	Non-profit Organization w/o kitchen	1.5 Units
21	Non-profit Organization Small with kitchen	2 Units
22	Non-profit Organization Medium with kitchen	3 Units
23	Non-profit Organization Large with kitchen	4 Units
24	Hardware/Parts Store (one restroom)	1.5 Units
25	Hardware/Parts Store (two restrooms and an additional sink or mop sink)	2 Units

26-29	(Reserved for future use)	
30	Bank	1.5 Units per 3000 sq. ft. (or fraction thereof)
31	General Office Building	1 Unit per 1500 sq. ft. (Or fraction thereof)
32	Auto and/or Truck Repair Garage	½ Unit per bay
33	Grocery Store	1 Unit per 3000 sq. ft. (Or fraction thereof)
34	General Industry (Domestic strength waste only)	1 Unit per 3000 sq. ft. (Or fraction thereof)
35	Restaurant without Bar	1 Unit per 600 sq. ft. (Or fraction thereof)
36	Restaurant and/or Bar	1 Unit per 400 sq. ft. (Or fraction thereof)
37-41	(Reserved for future use)	
42	Gas station	½ Unit per pump bay
43	Autobody shop	¼ Unit per work bay
44-49	(Reserved for future use)	
50	Mobile Home Park	1 Unit per MH plus ½ Unit per MHP office
51	Motel/Hotel	1 Unit per 4 rooms
52	Laundromat	1 Unit per 1.5 washers
53	Campground	1 Unit per 7 sites
54	Barber Shop/Beauty Salon	1 Unit per 2 stations

Users not included or described in the USER UNIT DETERMINATION TABLE shall be assigned a classification by the Sewer Commission that most closely fits the sewer use of the user.

Charges for industrial users discharging industrial waste or other than normal domestic sewage shall be calculated on a case by case basis

Section 7.8.00 Prohibited Discharge or Use of the Sewerage System

7.8.01 Use of municipal sewers.

- (a) *Discharges.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- (b) *Stormwater and surface runoff.* Stormwater and surface runoff shall be directed to inlets of sewers as are specifically designated combined or storm sewers or to a natural outlet approved by the Sewer Commission
- (c) *Discharges must conform to state pretreatment standards.* No person shall discharge or cause to be discharged any waters or wastes that do not conform to the pretreatment standards established by the state department of natural resources and the United States Environmental Protection Agency. No sewage, water or waste, including commercial and industrial waste shall contain any substance which is determined to be in violation of any state or federal pretreatment standards, the NPDES permit requirements or which may otherwise be determined by the Sewer Commission to be unduly

deleterious or harmful to the sewage system or operation of the sewage system. All industrial users shall comply with applicable federal, state, and local pretreatment standards and requirements. A user may not introduce into the POTW any pollutants which cause pass through or interference.

- (d) *Additional prohibited discharges.* In addition to the requirements of subsection (c) of this section, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either alone or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (3) The following pollutant limits are established to protect against pass through and interference to the wastewater treatment plant. The limits apply at point of discharge from industry where pipes meet with Village of Poplar sewer. No person shall discharge wastewater containing an excess of the any of the following pollutants:

Pollutant of concern local limit (mg/L)

5-day BOD* 250

Cadmium 1.15

Copper 10.45

Lead 15.20

Mercury 0.02

Oil and grease* 150

Phosphorus* 5.0

Total suspended solids* 500

*If industrial loading exceeds these limits, charges may apply.

New standards shall take effect January 2018.

- (4) Any waters or wastes having a pH lower than 5.5 or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage system.
 - (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works 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.
- (e) *Other prohibited discharges.* No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Sewer

Commission that such wastes can harm either the sewers, wastewater treatment process or equipment; have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. Informing an opinion as to the acceptability of these wastes, the Sewer Commission will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any liquid or vapor stream which would cause the temperature of the wastes as received at the influent of the wastewater treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 50 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
- (3) Any garbage that has not been properly shredded.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment works exceeds the limits established by the Sewer Commission for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Sewer Commission as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Commission in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in minimum of 5.5 or excess of 9.5.
- (9) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids such as, but not limited to Fuller's earth, lime slurries, and lime residues or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree

that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (f) *Discharged waters and wastes containing characteristics enumerated in this section.*
- (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, or which in the judgment of the Sewer Commission, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Commission may:
 - a. Reject the waste;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge; and/or
 - d. Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges.
 - (2) If the Sewer Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and a approval of the Sewer Commission, and subject to the requirements of all applicable codes, ordinances and laws.
- (g) *Grease, oil, and sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sewer Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Commission, and shall be located to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
- (h) *Maintenance of flow-equalizing facilities.* Where preliminary treatment of flow-equalizing facilities is provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
- (i) *Control manhole, meters, and other appurtenances.* When required by the Sewer Commission, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Sewer Commission. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her to be safe and accessible at all times.
- (j) *Measurements, tests and analyses of water and wastes.* All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with the Environmental Protection Agency's "test procedures for analysis of pollutants" found in the Federal Register issue of October 16, 1973 (40 CFR 136), including any subsequent amendments and shall be determined at the regulated outfall for categorical industrial users or at the outfall to the municipal sanitary sewer system for non-categorical industrial users. Sampling shall be carried out in conformance with the requirements established by the Wis. Admin. Code NR Ch. 211 to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is

appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples.

(k) *No waiver of federal pretreatment standard or requirement.* No statement contained in this article shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor, by the industrial concern. Such contracts will be governed by all provisions and rates set forth in applicable ordinances. No special agreement under this provision may constitute a waiver of any state or federal pretreatment standard or requirement.

(l) *Village's Sewer Commission's rights regarding characteristics and volume of discharge.* The Sewer Commission shall have the right at all times to measure the characteristics and volume of sewage discharged by any user, by installing meters or conducting tests, or by any other systems or techniques considered appropriate and necessary under the circumstances. Each residential, commercial, and industrial user may be required to meter and sample its wastes, and to conduct tests and provide such additional information as necessary to enable the Sewer Commission to conform to requirements of the state department of natural resources and the United States Environmental Protection Agency. The Sewer Commission shall maintain records of all information concerning industrial waste discharges obtained pursuant to this section, which shall be subject to audit by the United States Environmental Protection Agency or the state department of natural resources.

Section 7.9.00 Industrial Users

7.9.01 Pretreatment standards.

- (a) Each industrial user, or commercial user discharging industrial waste, shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 7-26 of this chapter within the time limitations specified by EPA, the state, or Village of Poplar, whichever is more stringent. No sewage, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards in violation of or which may otherwise be determined by the department of public works to be unduly deleterious or harmful to the operation of the sewage system or treatment works.
- (b) Industrial users shall monitor discharges and shall maintain complete records of the dates, places, methods, techniques and results of each monitoring along with the names of all persons performing the monitoring. Industrial users shall maintain such records for a minimum of three years which time may be enlarged upon order of the Sewer Commission. All records required under this section shall be made available upon request to the Sewer Commission.
- (c) Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Sewer Commission for review, and shall be acceptable to the Sewer Commission before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Sewer Commission under the provisions of this chapter.
- (d) *Measurements, tests and analyses of water and wastes.* All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with the Environmental

Protection Agency's "test procedures for analysis of pollutants" (40 CFR 136). This includes any subsequent amendments and shall be determined at the regulated outfall for categorical industrial users or at the outfall to the municipal sanitary sewer system for non-categorical industrial users. Sampling shall be carried out in conformance with the requirements established by the Wis. Admin. Code NR Ch. 211 to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. Particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples.

- (e) *Industrial users.* Industrial users must comply with provisions of the industrial pretreatment program found in the program document and all federal and state pretreatment standards and requirements. The program requires the following:
 - (1) Compliance with program regulations and procedures as approved by the Wisconsin DNR.
 - (2) Compliance with the terms and conditions of industrial user discharge permits issued in accordance with the program.
 - (3) Significant industrial users pay for the operation of the program through a fee system established to generate funds to be used only to pay program costs.
- (f) *Accidental discharge/slugging discharge control plans.* The Sewer Commission shall evaluate whether each SIU needs an accidental discharge/slugging discharge control plan or other action to control slugging discharges. The Sewer Commission may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slugging discharges. If the Sewer Commission requires a user to develop and implement such a plan, the Sewer Commission approved plan shall be included, by reference, in that user's industrial pretreatment permit. An accidental discharge/slugging discharge control plan shall address the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the wastewater treatment plant of any accidental or slugging discharge;
 - (4) Procedures to prevent adverse impact from any accidental or slugging discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

If, at any time, there is a change at the facility that could affect either the approved plan or the need to have an approved plan, the facility shall immediately notify the Sewer Commission of such change.

7.9.02 Individual Industrial Wastewater Discharge Permits.

- (a) When requested by Sewer Commission, a user must submit information on the nature and characteristics of its wastewater within 14 days of the request. The Sewer Commission is authorized to prepare a form for this purpose and may periodically require users to update this information.

- (b) No significant industrial user shall discharge wastewater to the wastewater treatment plant without first obtaining an individual wastewater discharge permit from the Sewer Commission. Other non-significant industrial users may be required to obtain an individual wastewater discharge permit.
- (c) All users required to obtain an individual wastewater discharge permit must submit a permit application. Information includes identifying information, environmental permits, description of operations, and location of discharge, flow measurement, pollutant measurement, information of all chemicals used in process, and any other information deemed necessary to evaluate the permit application.
- (d) Individual wastewater discharge permits shall contain the following as a minimum:
 - a. Permit issuance date, expiration date, and effective date;
 - b. A statement that the permit is not transferable without prior notification to the Sewer Commission;
 - c. Effluent limits, including best management practices, based on applicable pretreatment standards;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements;
 - e. Noncompliance conditions and reporting.

Individual wastewater discharge permits may contain requirements for development and implementation of spill control plans, development and implementation of waste minimization plans to reduce amount of pollutants discharged to wastewater treatment plant, or other conditions deemed appropriate by the Sewer Commission to ensure compliance.

- (e) Individual wastewater discharge permit may be revoked by the Sewer Commission for a good cause, including, but not limited to, the following reasons:
 - a. Failure to notify of significant changes to wastewater prior to changed discharge;
 - b. Misrepresentation or failure to fully disclose all relevant facts relating to wastewater discharge permit application;
 - c. Falsifying self-monitoring reports and certification statements;
 - d. Tampering with monitoring equipment;
 - e. Refusing to allow Sewer Commission or other authorized employee timely access to facility premises and records;
 - f. Failure to meet effluent limitations, pay fines, pay sewer charges, or to meet compliance schedules;
 - g. Failure to complete wastewater discharge permit application;
 - h. Failure to provide advanced notification of transfer of business ownership;
 - i. Violation of any pretreatment standard or requirement or any terms in the wastewater discharge permit or this chapter.

Section 7.10.00 Sewage Waste Haulers.

The Village of Poplar Sewerage System shall not accept discharge material originating from septic tanks, sewage-holding tanks, vaults, storage compartments, camping trailer sewage holding tanks, motor home sewage holding tanks, or other similar facilities or similar vehicles.

Section 7.11.00 Miscellaneous Regulations.

7.11.01 Penalties.

- (a) Any person who shall violate any section of this chapter shall be subject to penalties described in subsection 7.11.8.
- (b) Any person violating any of the provisions of this chapter shall also be liable to the municipality for any expense, loss, or damage occasioned by the municipality by reason of such violation.
- (c) The industrial pretreatment program specifies remedies for noncompliance with program provisions.
- (d) The village shall publish annually, in a newspaper of general circulation that provides meaningful public notice in the area served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

7.11.02 Powers and authority of inspections.

- (a) The Sewer Commission and other duly authorized employees of the village bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this division. The Sewer Commission and other duly authorized employees of the Village of Poplar bearing proper identification shall be permitted to examine and review all records of any person (per Section 7.1.00 Definitions. *Person*) which pertain to the nature and quantity of industrial waste discharged into the sewage system or waterways. Except as provided above, the Sewer Commission or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in subsection (a) of this section, the Sewer Commission or duly authorized employees of the village shall observe all safety rules applicable to the premises established by the person. The person shall be held harmless for injury or death to village employees and against liability claims and demands for personal injury or property damage asserted against the person and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in Section 7.4.00.
- (c) The Sewer Commission and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.11.03 Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 business days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

7.11.04 Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 business days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject's private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

7.11.05 Cost of abatement of the violation.

Within 15 business days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 business days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

7.11.06 Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

7.11.07 Compensatory action.

In lieu of enforcement proceedings, penalties and remedies authorized by this article, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

7.11.08 Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety and welfare and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

7.11.09 Prosecution.

Any person who violates any provision of this article shall be subject to a penalty of up to \$1,000.00 per violation per day.

7.11.10 Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the Village of Poplar to seek cumulative remedies.

7.11.11 Adoption of other Rules.

There is hereby adopted all the rules and regulations of the Wisconsin State Plumbing Code, the Wisconsin State Building Code, and the Department of Natural Resources of the State of Wisconsin insofar as they are applicable to the Village of Poplar. All extensions of the system shall comply with the administrative rules NR108 and NR110 of the Wisconsin Department of Natural Resources.

7.11.12 Interpretation.

The provisions of this division shall be interpreted whenever possible as being in conformity with applicable federal, state, and local regulations, and with other ordinances that may be adopted from time to time by the Board of Trustees prescribing additional terms and conditions for users of the sewerage system

7.11.13 Severability.

If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Trustees declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this ____ day of _____, 2018.
(Please fill in date of Board of Trustees meeting)

Approved this ____ day of _____, 2018.
(Please fill in date of Board of Trustees meeting)

Attest: _____

Village President

Village Clerk/Treasurer

