

# TITLE 9

---

## **Public Utilities**

- |                  |                                     |
|------------------|-------------------------------------|
| <b>Chapter 1</b> | Sewer Use and Sewer Service Charges |
| <b>Chapter 2</b> | Private Well Abandonment            |
| <b>Chapter 3</b> | Wellhead Protection                 |

## Title 9 ► Chapter 1

---

# Sewer Use and Sewer Service Charges

<b>9-1-1</b>	Introduction and General Provisions
<b>9-1-2</b>	Definitions
<b>9-1-3</b>	Governing Authority
<b>9-1-4</b>	Compulsory Connection
<b>9-1-5</b>	Plumber's License
<b>9-1-6</b>	Use of the Public Sewers
<b>9-1-7</b>	Application for Septage Disposal; Load Characterization Form
<b>9-1-8</b>	Septage Acceptance Location
<b>9-1-9</b>	Special Arrangements
<b>9-1-10</b>	New Connections
<b>9-1-11</b>	Control of Industrial and Septage Wastes Directed to Public Sewers
<b>9-1-12</b>	Sewer Charges
<b>9-1-13</b>	Amount of Service Charges
<b>9-1-14</b>	Billing Practice
<b>9-1-15</b>	Audit, Notification and Records
<b>9-1-16</b>	Right of Entry, Safety and Identification
<b>9-1-17</b>	Sewer Construction and Connections
<b>9-1-18</b>	Notice of Violations
<b>9-1-19</b>	Appeals

### **Sec. 9-1-1 Introduction and General Provisions.**

- (a) **Purpose.** The purpose of this Chapter is to regulate the use of public and private sewers and drains, disposal of septage wastes into the public sewerage system, disposal of holding tank wastes into public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Utility Districts within the Village of Bristol. It provides for and explains the method used for levying and collection wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems, and enables the Village of Bristol to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, enforcement actions, and other discharge criteria which are required or authorized by the State of Wisconsin or federal law. Its intent is to derive the maximum public benefit by

regulating the characteristics of wastewater discharged into the Village of Bristol sewer systems and treatment system.

- (b) **General Operations; Administration; Revenue.** This Chapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Chapter shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Chapter shall supersede any previous Village of Bristol ordinance, rules or regulations; and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable statute, the state statute shall be controlling.

## **Sec. 9-1-2 Definitions.**

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Administrative Authority.** That employee employed by the Village Board for the purpose of administering this Chapter.
  - (2) **Ammonia ( $\text{NH}_3$ ).** A gas extremely soluble in water formed by the bacterial decomposition of protein, purines and urea.
  - (3) **BOD (denoting Biochemical Oxygen Demand).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20° Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".
  - (4) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
  - (5) **Category "A".** Those sanitary sewer users (residential) who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 200 mg/l, phosphorous no greater than 10 mg/l, and ammonia no greater than 24 mg/l and have unmetered water usage.
  - (6) **Category "B".**
    - a. In Utility District No. 1, shall be those sanitary sewer users (commercial, industrial, institutional) which discharge wastewater with concentrations equal to or less than any one or combination of the following: 200 mg/l of BOD, 200 mg/l of suspended solids, 10 mg/l of phosphorous, and ammonia no greater than twenty-four (24) mg/l and their water usage is metered.
    - b. Users whose wastewater exceeds the concentrations for any one of these metered waster usage parameters shall be in Category "B" and be billed a surcharge for each constituent in excess of the limit established.

- c. Category "B" sewer service charges in Utility District No. 3 shall be as determined by the City of Kenosha Water Utility.
  - d. Category "B" sewer service charges in Utility District No. 4 shall be as determined by Utility District No. 2, Town of Salem.
  - e. Category "B" sewer service charges in Utility District No. 5 shall be as determined by Utility District "D", Village of Pleasant Prairie.
- (7) **Category "C".** Those sanitary sewer users who discharge holding tank or septic tank pumpings into the Bristol Wastewater Treatment Facility. The charges for discharging the holding tank or septic tank pumpings shall be as presented in the appropriate Appendix.
  - (8) **Chlorine Requirement.** The amount of chlorine in mg/l, which must be added to final effluent to produce a residual chlorine concentration as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit (if any).
  - (9) **Control Authority.** The Village Board of the Village of Bristol, sometimes referred to as "the Board", or its duly authorized representatives (Director of Public Works).
  - (10) **County.** The County of Kenosha.
  - (11) **Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.
  - (12) **Compatible Pollutants.** BOD, suspended solids, phosphorous, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the Village's WPDES permit for its wastewater treatment facility, provided that such facility is designed to treat such additional pollutants, and in fact does remove such pollutants to a substantial degree.
  - (13) **Day Care Center (Preschool).** A service business provided to care for and/or educate preschool children either at a private residence, a public building, or private building. This service business shall be billed as a Category "B" sanitary sewer user.
  - (14) **Easement.** An acquired legal right for the specified use of land owned by others.
  - (15) **Floatable Oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
  - (16) **Ground Garbage.** The residue from the preparation, cooking, dispensing, handling, storage and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.
  - (17) **Incompatible Pollutants.** Wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment process or effluent quality or sludge quality if discharged to a wastewater collection and treatment facility.
  - (18) **Infiltration.** The water entering a sewer system and service connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.



- (19) **Inflow.** The water discharged into a sewer system, including service connections, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- (20) **Industrial Waste.** Any solid, liquid, or gaseous substance discharged or escaping from any industrial, manufacturing, or commercial establishment. Such term includes any wastewater which is not sanitary sewage.
- (21) **Licensed Disposer.** A person holding a license under Sec. 146.20(3)(a), Wis. Stats.
- (22) **Multi-Family.** Structures which provide separate living quarters (i.e., duplex, four-family, etc.) with separate kitchens and bathrooms. Also included are homes having more than four (4) foster children.
- (23) **Municipality.** Utility districts in the Village of Bristol.
- (24) **Natural Outlet.** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwaters.
- (25) **Normal Domestic Strength Wastewater.** Wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 200 mg/l, phosphorous no greater than 10 mg/l, and ammonia no greater than 24 mg/l.
- (26) **Operation, Maintenance, and Replacement Costs.** Shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs, all as determined from time to time by the Village of Bristol.
- (27) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (28) **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 and a hydrogen-ion concentration of  $10^{-7}$ .
- (29) **Phosphorous.** Total phosphorous and is expressed in mg/l of P (phosphorous).
- (30) **Public Sewer.** Any publicly-owned sewer, storm drain, sanitary sewer, or combined sewer.
- (31) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the lift station and/or wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.
- (32) **Sanitary Sewage.** A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.
- (33) **Septage.** Scum liquid, sludge, or other waste from a septic tank, soil absorption field, holding tank or vault toilet. This does not include waste from a grease trap or portable toilet.

- (34) **Sewage.** The water-carried wastes created in and to be conducted away from residences, industrial establishments, commercial buildings, and public buildings.
- (35) **Sewer.** A pipe or conduit that carries wastewater or drainage water.
- (36) **Sewer Service Charge.** A charge levied on users of the wastewater collection and treatment facilities for payment of operation, maintenance and replacement expenses, debt service costs, and other expenses or obligations of said facilities.
- (37) **Shall** is mandatory; **May** is permissible.
- (38) **Slug.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and/or adversely affects the wastewater collection system and/or performance of the wastewater treatment facility.
- (39) **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (40) **Storm Sewer or Drain.** A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (41) **Suspended Solids.** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", and referred to as nonfilterable residue.
- (42) **Village of Bristol.** The Village Board of the Village of Bristol, sometimes referred to as "the Board" or "Approving Authority" whenever applicable.
- (43) **Unpolluted Water.** Water of quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.
- (44) **Utility District.** Any utility district created by the Village Board pursuant to Sec. 66.072, Wis. Stats., as may from time to time be amended.
- (45) **Wastewater.** The spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may be present (infiltration and inflow).
- (46) **Wastewater Collection Facilities (or wastewater collection system).** The structures and equipment required to collect and convey wastewater.
- (47) **Wastewater Treatment Facility.** An arrangement of devices and structures for treating wastewater and sludge, also referred to as wastewater treatment plant.
- (48) **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.** A document issued by the Wisconsin Department of Natural Resources which establishes effluent

limitation and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. WI-0022021-3 and modifications thereof pertain to the municipal wastewater treatment facility.

### **Sec. 9-1-3 Governing Authority.**

The governing authority of all utility districts within the Village of Bristol shall be the Village Board of the Village of Bristol.

### **Sec. 9-1-4 Compulsory Connection.**

- (a) **Septic Tanks Prohibited.** The maintenance and use of septic tanks, mound systems and other private sewage disposal systems within the area of the District serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after January 1, 1988, the use of septic tanks, mound systems or any private sewage disposal system within the area of the Utility Districts which is serviced by sanitary sewer shall be prohibited.
- (b) **Compulsory Connection Requirements.**
  - (1) Whenever sewer services become available to any existing building used for human occupancy within the Utility Districts, the owner, agent or occupant thereof shall cause said building to be connected to the Municipal Sewer System within one (1) year of the date in which the sanitary sewer becomes available to the property within the Utility Districts' boundaries. Then any system of on-site sewage disposal shall be disconnected and dismantled and abandoned as directed by the Plumbing Inspector and the Wisconsin Administrative Code.
  - (2) Any person who after notice fails to connect to the Municipal Sewer, or dismantled the on-site sewage disposal system, shall be subject to thirty (30) day notice that if the premises is not connected the Building (Plumbing) Inspector shall order the connection of such building to the sanitary sewer system, and the dismantlement of the on-site sewage disposal system, and any costs connected therewith shall be assessed against the property as a special tax, pursuant to Sec. 144.05, Wis. Stats.
  - (3) The Director of Public Works may extend the time for connection hereunder, or may grant other temporary relief where strict enforcement would cause an unnecessary hardship without corresponding public or private benefit.

### **Sec. 9-1-5 Plumber's License.**

- (a) **Plumber's License Requirement; Insurance.** No person shall carry on the business of plumbing, or installation of plumbing or sewer connection, or drain laying or performing

any of such works within the Village until they have first obtained a plumber's license prescribed by the State of Wisconsin, Department of Commerce, all as required by law, set forth in the Wisconsin Plumbing Code and have on file with the Village a copy of the license. Such person shall also carry sufficient insurance to cover the performance of those works, and any resultant bodily harm, or injury, or any other damage, and have on file with the Village a current Certificate of Insurance showing effective date and expiration date. Licensed utilities contractors may also perform outdoor work.

- (b) **Plumbing Inspector to Serve Utility Districts.** The Plumbing Inspector for the Village of Bristol shall serve as the Plumbing Inspector for any utility district.

## **Sec. 9-1-6 Use of the Public Sewers.**

- (a) **Sanitary Sewers.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, construction site surface or subsurface water, or cooling water to any sanitary sewer. Construction site surface and/or subsurface water, is strictly prohibited from being discharged into any sanitary sewer and/or appurtenance.
- (b) **Storm Sewers.** Storm water and all other unpolluted water shall be discharged to such sewers or storm sewers or to a natural outlet approved by the Director of Public Works and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Village Board, Director of Public Works, and other regulatory agencies, to a storm sewer, combined sewer or natural outlet.
- (c) **Prohibitions and Limitations.** Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following described waters or wastes to the wastewater and treatment system or storm sewer:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to man or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.
  - (3) Any waters or wastes having a pH lower than 5.5 or in excess of 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater collection and treatment facility.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, disposable diapers, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

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

- (5) The following described substances, materials, waters or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limbs, public property or constitute a nuisance. The Director of Public Works may set limitations more stringent than those established below, if such more stringent limitations are necessary to meet the above objectives. The Director of Public Works will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:
- a. Wastewater having a temperature higher than 104° Fahrenheit (40° Celsius).
  - b. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
  - c. Wastewater containing floatable oils, fat or grease. Any water or waste containing fats, wax, grease, or oil whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32° and 140° Fahrenheit (0° and 60° Celsius).
  - d. Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities. These limits include, but are not restricted to, those defined in Federal Regulations 40 CFR, Subchapter "N", "Effluent Guidelines and Standards". In addition, for nondomestic, noncategorically listed users for which federal, state or local limits have not been otherwise established, the following shall apply:

Any waters with constituents exceeding the pollutant concentration limits below:

	Milligrams Per Liter		Milligrams Per Liter
Aluminum	2.0	Manganese	1.0
Ammonia	24.0	Mercury	0.0005
Arsenic	0.25	Nickel	1.41
Barium	2.0	Phenols	0.30
Boron	1.0	Selenium	1.0
Cadmium	0.11	Silver	0.1
Chlorides	50.00	Zinc	1.0
Chromium Total	2.77		
Chromium, hexavalent	---	Fats, Oil Grease	60.00
Copper	3.38	Total Dissolved	
Cyanide	1.20	Solids	500.00
Fluorides	2.5	Total Suspended	
Iron, Total	7.0	Solids	200.00
Lead	0.72	Organics*	2.13

\* Total toxic organics include those organic compounds listed in 40 CFR 401.15, "Toxic Pollutants"; and those organic compounds listed in 40 CFR 433.11(e).

- e. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes. Any substance which results in the presence of toxic gases, vapors, or fumes within the sewage system in a quantity that may cause acute worker health and safety problems.
- f. Materials which exert or cause:
  1. Unusual BOD, chemical oxygen demand (COD) or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
  2. Unusual volume of flow or concentration of wastes constituting a "slug" as defined herein.
  3. Unusual concentrations of inert suspended solids (such as, but not limited to, sodium sulfate).
  4. Excessive discolorations (such as, but not limited to, dye wastes, vegetable tanning solutions, and photographic materials).
  5. Incompatible pollutants in excess of the allowed limits as determined by city, state, and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency and as contained in 40 CFR 403 as amended from time to time.
  6. Any construction site surface or subsurface waters.



**9-1-6**

- g. Any radioactive wastes or isotopes of such half-life or concentration in quantities that exceed the limits established by the Village and in compliance with applicable state or federal regulations.
  - h. Detergents, surface-active agents or other substances that may cause excessive foaming in the sewerage system.
  - i. Any substance which creates a fire or explosion hazard in the sewerage system including, but not limited to, waste streams with a closed cup flash point of less than 140° Fahrenheit or 60° Centigrade using the test methods specified in 50 C.F.R. 261.21 and NR 605.08(2), Wis. Adm. Code.
  - j. Any substances regulated as hazardous waste under federal or state law.
  - k. Any substance that will cause the Village to violate its WPDES permit.
  - l. Used anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, oil-based paint, and paint thinners if the material is in a collectible and recyclable quantity.
  - m. Medical wastes or infectious wastes, except as specifically authorized by the Village
- (6) In addition to the prohibitions and limitations in this Section, users may not discharge any pollutant to the sewerage system in a quantity or concentration that, alone or in conjunction with other discharges:
- a. Inhibits or disrupts the sewerage system or its sludge processes; or
  - b. Will cause a violation of the Village's WPDES permit or other regulatory requirements; or
  - c. Increases the magnitude or duration of a WPDES violation; or
  - d. Prevents the use or disposal of wastewater sludge in compliance with any applicable local, state, or federal statutes, ordinances, regulations, permits or other requirements.
- (d) **Pass Through.** Users may not discharge to the sewerage system any pollutant in a quantity or concentration that, alone or in conjunction with other discharges, is a cause of a discharge from the sewerage system to waters of the state that violated the utility's WPDES permit or increases the magnitude or duration of a violation.
- (e) **Septage Disposal.** No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within the Village of Bristol Utility District without written approval from the Director of Public Works.

## **Sec. 9-1-7      Application for Septage Disposal; Load Characterization Form.**

- (a) **Application.**
- (1) Between August 1 and September 1 of each year, every licensed disposer desiring to discharge septage to the Bristol Utility District No. 1 wastewater treatment facility

shall file a nonrefundable annual filing fee as prescribed in Section 1-3-1 and an application in writing to the Bristol Village Board or the Director of Public Works in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be available at the office of the Village Clerk at the Bristol Village Hall. The application must state fully and truly the type, frequency, quantity, quality, and location of generated septage to be disposed at the Bristol Utility District No. 1 wastewater treatment works.

- (2) During the month of September, the Director of Public Works will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the Bristol Utility District No. 1 wastewater treatment facility. The Director of Public Works shall approve or reject all applications by October 1 of each year. If Bristol Utility District No. 1 cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service area.
- (b) **Conditions of Approval.** All Director of Public Works' approvals for septage disposal shall have the condition attached that any time the wastewater treatment works has operational problems, maintenance problems, or threat of a WPDES permit violation, the Director of Public Works may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.
- (c) **Load Characterization Form.**
  - (1) Each shipment of hauled waste shall be accompanied by a completed load characterization form supplied by the Village or its utilities. The form shall include:
    - a. An identification of the waste;
    - b. The total gallons delivered;
    - c. The name, address, license number and signature of the hauler;
    - d. Operator and the source generator name, address, telephone number; and
    - e. Generator facility type, date, and generator signature.
  - (2) The form shall be presented to an authorized treatment plant employee prior to the disposal of the hauled waste. The treatment plant employee must sign the form to allow the disposal and will provide a sample bottle. A sample shall be required of each load of hauled waste.
- (d) **Certification Statement.** All wastewater discharge permit applications, reports and any other certifications required by this Chapter shall contain the following certification statement and be signed by a representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and



belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(e) **Signature Requirements.**

- (1) The reports required by this Chapter, and in particular by this Section, shall be signed according to this Subsection.
- (2) If the user submitting a report is a corporation, the report shall be signed by one (1) of the following persons:
  - a. President;
  - b. Secretary;
  - c. Treasurer;
  - d. Vice-President in charge of a principal business function;
  - e. A person who performs similar policy-making functions for the corporation;
  - f. The manager of one (1) or more facilities employing two hundred and fifty (250) or more persons or having gross annual sales or expenditures exceeding Twenty-Five Million Dollars (\$25,000,000.00) in second quarter dollars if authority to sign documents has been assigned or delegated to the manager according to corporate procedures; or
  - g. A representative of one (1) of the persons listed in Subsections (e)(2)a-f above if the representative is authorized according to Subsection (e)(5) below.
- (3) If the user submitting the reports is a partnership, the reports shall be signed by a general partner or a representative authorized according to Subsection (e)(5) below.
- (4) If the user submitting the reports is a sole proprietorship, the reports shall be signed by the proprietor or a representative authorized according to Subsection (e)(5) below.
- (5) A representative may sign a report if:
  - a. That representative holds a position with responsibility for:
    1. The overall operation of the facility from which the discharge occurs, such as a plant manager; or
    2. The overall environmental matters for the company, such as a corporate environmental officer.
  - b. The representative has written authorization to sign the report from a person described in Subsections (b), (c), or (d);
  - c. The authorization specifies either an individual or a position having responsibility for the overall operation of the user or having overall responsibility for environmental matters for the user;
  - d. The written authorization is submitted to the Village of Bristol;
  - e. If the authorization submitted according to Subsection (e)(4) becomes inaccurate, the user shall submit a new authorization before or together with the next report.

**Sec. 9-1-8 Septage Acceptance Location.**

- (a) Septage shall only be discharged to the Utility District's treatment works by Village Board accepted and State of Wisconsin licensed disposers and at locations, times and conditions as specified by the Village Board or designee. All holding tank and septage shall only be excepted by Bristol Utility District No. 1
- (b) Septage discharges are limited to the normal working hours of the Bristol Utility District and require written documentation of the discharge to be submitted to the operator in one working day prior to the discharge to the Bristol Utility District Wastewater Treatment Facility.
- (c) Septage discharges shall only be to the Bristol Utility District septage holding facility at the wastewater treatment facility and be limited to the posted normal working hours of the facility, except by special arrangement with the Utility.

**Sec. 9-1-9 Special Arrangements.**

No statement contained in this Chapter shall be construed as prohibiting any special agreement between the Director of Public Works and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Utility without recompense by the person, and further provided that all rates and provisions set forth in this Chapter are recognized and adhered to.

**Sec. 9-1-10 New Connections.**

New connections to the Utility District's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities and required connection fees are paid. The property owner is responsible for the cost of laterals up to and including the connection to the main for both sewer and water service.

**Sec. 9-1-11 Control of Industrial and Septage Wastes Directed to Public Sewers.**

- (a) **Submission of Basic Data.** The Director of Public Works may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment

facilities. The report shall be filed with and be approved by the Village prior to the discharge of any waste into the wastewater collection and treatment facility (see also Section 9-1-7). In the case of a new connection, the Director of Public Works shall require that this report be prepared and submitted with the request for a building permit. In either case, the certification and signature requirements of Section 9-1-7 shall also be complied with.

- (b) **Industrial Discharges.** Any waters, wastes, or septage discharged or proposed to be discharged to public sewers or at the wastewater treatment facility, which waters, wastes, or septage contain substances or possess the characteristics enumerated in Section 9-1-6(c)(5) and which in the judgment of the Village Board have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or health or constitute a public nuisance, the Village Board may:
  - (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require control over the quantities and rates of discharge.
  - (4) Requirement payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Chapter.
  - (5) Require the payment of surcharges.
- (c) **Control Manholes.**
  - (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage.
  - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the Director of Public Works. If metering and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Board. (See Appendix A for Control Manhole Detail, on file with the Director of Public Works.)
  - (3) Control manhole, access facilities, and related equipment shall be installed by the person discharging the waste at that person's expense and shall be maintained by that person so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Director of Public Works prior to the beginning of construction.
- (d) **Metering of Waste.** Devices for measuring the volume of waste discharged may be required by the Director of Public Works if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Director of Public Works.
- (e) **Waste Sampling.**
  - (1) Industrial wastes and septage discharged into the public sewer and/or wastewater treatment facility shall be tested daily, twice weekly, monthly, quarterly, yearly, or

- every five (5) years, dependent upon characteristics and concentrations of said characteristics as determined by the wastewater treatment facility lead operator.
- (2) The costs of sampling and analyzing the wastes of the industry or disposer shall be borne by said industry or disposer. Any costs incurred by the Director of Public Works in performing said sampling and analysis of the wastes of an industry or disposer shall be invoiced separately to the said discharger. All results of sampling and analysis required by the Director of Public Works shall be provided to the Utility District.
  - (3) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling shall be accomplished by the use of mechanical equipment acceptable to the Director of Public Works.
  - (4) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Director of Public Works. Access to sampling locations shall be granted to the Director of Public Works or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. The Village shall hire the contractors to perform necessary waste sampling; the cost thereof shall be paid by the discharging party to the Village and shall be payable within thirty (30) days.
- (f) **Pretreatment.** Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the Director of Public Works determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants. In that event, such person shall provide, at that person's expense, such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the wastewater collection and treatment system.
- (g) **Grease, Oil, and Sand Interceptors.**
- (1) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this Chapter, or any flammable wastes, sand, or other harmful substances, except that such interceptors shall not be required for private living quarters or dwelling units.
  - (2) All interceptors shall be of a type and capacity approved by the Director of Public Works, and shall be so located as to be readily and easily accessible for cleaning and inspection. Outside location interceptors are required for all new installations.
  - (3) In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director of Public Works.

**9-1-11**

- (4) Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Wisconsin Department of Natural Resources rules and regulations.
- (h) **Analyses.** All measurements, tests, and analyses of the characteristics of waters, wastes, and septage to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standards Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants" and with NR219, Wis. Adm. Code, as amended from time to time. Sampling methods, location, time, duration, and frequencies are to be determined on an individual basis subject to approval by the Director of Public Works.
- (i) **Submission of Information.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, monitoring, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Director of Public Works prior to the start of their construction if the effluent from such facilities is to be discharged into the wastewater collection and treatment system. No construction of such facilities shall commence until said approval has been granted.
- (j) **Dilution.** Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards of this Chapter.
- (k) **Inspections.** Representatives of the Village of Bristol and pertinent utilities may inspect the facilities governed by this Chapter for performance and regulatory compliance. Such inspections may take place at any time, day or night.

## **Sec. 9-1-12 Sewer Charges.**

- (a) **Procedure.** A sewer service charge (user rates) shall be determined by the Village Board, upon the recommendation of the Director of Public Works with categories as set forth herein. Said sewer service charges shall be amended from time to time to reflect the costs of sewer collection and wastewater treatment.
- (b) **Standby Charges.** A standby charge (the connection fee) based on the user rate schedules shall be made for any building used for human occupancy and not connected to the utility sanitary sewer system, where the sewer system is available, within one hundred eighty (180) days after the sewer system becomes operable, all as provided in Sec. 66.076(5), Wis. Stats.
- (c) **Connection Fees.**
  - (1) The Village Board, upon the recommendation of the Director of Public Works, shall set a connection fee for each Utility District which shall be paid before a permit is issued by the Plumbing Inspector. (See Section 1-3-1 for Connection Fees.)



- (2) In each district there shall be a connection charge assessed against all commercial, industrial, private and public institutions connecting to the system. The charge shall be determined on an individual basis, taking into account the volume, strength of effluent, additional costs of treatment, and such other factors as the Board may consider to establish an equitable sewer connection charge.
- (d) **Sewer Users.** Category "A" users discharging wastewater into the sanitary sewers will be billed based on a flat rate quarterly charge. Category "B" users will be billed a flat rate plus a charge based on their volume of metered waster, if greater than the flat rate coverage and/or an assessed surcharge if their pollutant concentrations as monitored are greater than normal domestic strength wastewater.

### **Sec. 9-1-13 Amount of Service Charges.**

- (a) **Sewer Service Charge Unit Costs.** The unit costs for the sewer service charge are in Appendix "C" for Utility District No. 1, Appendix "D" for Utility District No. 3, and Appendix "E" for Utility District No. 4 (each Appendix is on file with the Village).
  - (1) **Category "A" Sewer Service Charge.** The sewer service charge for Category "A" sewer users shall be as set forth in the appropriate Appendices.
  - (2) **Category "B" Sewer Service Charge.** The sewer service charge for Category "B" sewer users is in the appropriate Appendices.
  - (3) **Category "C" Sewer Service Charge.** The sewer service charge for Category "C" sewer users is in the appropriate Appendices.
- (b) **Operation, Maintenance, and Replacement Fund Accounts.**
  - (1) All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct account to be used solely for replacement costs, as defined in Section 9-1-2(a)(28). All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct account. (Audits of the Utility District funds shall show operation, maintenance, and replacement funds as separate line items.)
  - (2) All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

### **Sec. 9-1-14 Billing Practice.**

- (a) **Calculation of Sewer Service Charges.** Sewer service charges shall include the cost of operation, maintenance and replacement, wastewater treatment, administration, and debt retirement and be computed according to the rates and formula presented in this Chapter.

**9-1-14**

If the receiving Utility is other than the Village of Bristol Wastewater Treatment Facility, sewer service charges may be based on costs determined by the receiving Utility.

- (b) **Sewer Service Charge Billing Period.** Sewer service charges for Utility District No. 1 and Utility District No. 4, shall be billed by the Utility to the sewer users on a quarterly basis. Utility District No. 3 shall be billed on a monthly basis.
- (c) **Payment of Sewer Service Charges.**
  - (1) Service charges billed by Utility District No. 3 shall be paid within twenty (20) days after the billing date and shall be a debt due to the Utility and a lien upon the property. Any charges not paid within thirty (30) days shall be deemed delinquent. Residential users (Category "A") shall be subject to a late payment charge per Section 1-3-1, and may be collected as provided by law, including but not limited to being placed on next year's tax roll as a special assessment pursuant to Sec. 61.0609, Wis. Stats. Category "B" and "C" users shall be subject to a late payment charge of one and one-half percent (1-1/2%) per month on the unpaid balance, with waste haulers (Category "C") no longer allowed to discharge at the wastewater treatment facility.
  - (2) A change of ownership or occupancy of the premises found delinquent shall not be cause for reducing or eliminating charges and penalties.
- (d) **Reassignment of Sewer Users.** The Director of Public Works will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.
- (e) **Charge for Toxic Pollutants.** Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the wastewater treatment facility shall pay for such increased costs as may be determined by the Director of Public Works.

## **Sec. 9-1-15 Audit, Notification, and Records.**

- (a) **Biennial Audit.** The Village Board shall review, at least every two (2) years, the wastewater contribution of its sewer users, the operation, maintenance, replacement, and debt expenses of the wastewater collection and treatment facilities and the sewer service charge system, if necessary to accomplish the following:
  - (1) Maintain a proportionate distribution of operation, maintenance, and replacement expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.
  - (2) Generate sufficient revenues to pay the operation, maintenance, replacement, and debt expenses of the wastewater collection and treatment facilities.
  - (3) Apply excess revenues collected from a class of users to the operation, maintenance, and replacement expenses attributable to that class of uses for the next year and adjust the sewer service charge rates accordingly.

- (b) **Annual Notification.** The Director of Public Works shall notify its sewer users annually as to the sewer service charge rates. The notification shall occur in conjunction with a regular bill.
- (c) **Records.** The Director of Public Works shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Waste Act.

### **Sec. 9-1-16 Right-of-Entry, Safety and Identification.**

- (a) **Right-of-Entry.** The Director of Public Works or other duly authorized employees, bearing proper credentials and identification shall be permitted to enter all public or private properties at any time, including easements, for the purpose of inspection, observation, repair, maintenance, record examination, or testing, all in accordance with the provisions of this Chapter. Only personnel with Director of Public Works approval and officials with the Wisconsin Department of Natural Resources and the federal Environmental Protection Agency (EPA) have the right to enter the public sewer system; all other entries are illegal.
- (b) **Safety.** While performing necessary work on private premises referred to in Section 9-1-11, duly authorized Village employees shall observe all safety rules applicable to the premises established by the property owner and communicated to the Village employee in writing.
- (c) **Unauthorized Entry on Village/Utility Facilities.** No unauthorized entry is allowed into Village/Utility facilities. While present on Village/Utility facilities, necessary safety gear shall be worn and safety regulations complied with. Outside parties authorized to be present on such facilities shall provide their own safety gear and equipment.

### **Sec. 9-1-17 Sewer Construction and Connections.**

- (a) **Work Authorized.** No unauthorized person shall uncover, make any connection with or into, use, alter, or disturb the public sewers or appurtenance thereof without first obtaining a written permit from the Director of Public Works. If a connection is made to the sewer system, the party causing the connection shall uncover the unauthorized connection in order that it can be easily and totally inspected. The party causing the unauthorized connection shall also be charged with a fine as presented in Section 9-1-18(e).
- (b) **Cost of Sewers.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.
- (c) **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public



Works, to meet all requirements for this Chapter, in particular that they only provide service to the wastewater discharged from a building and *do not* provide service to drain footings or roof drains, or provide access to any extraneous infiltration or inflow.

- (d) **Materials and Methods of Construction.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall conform to the requirements of the Village Building and Plumbing Code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- (e) **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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (f) **Storm and Groundwater Drains.** No person shall make connection of rood downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer, and all such connections or sources of surface runoff or groundwater shall be disconnected within thirty (30) days of the date of an official written notice by the Director of Public Works.
- (g) **Plumbing Codes.** The connection of the building sewer into the sanitary sewer shall conform to the requirements of the Building and Plumbing Codes of the State of Wisconsin as adopted by the Village of Bristol or other applicable rules and regulations or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation.
- (h) **Inspection of Connection.** The person making a connection to a public sewer shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Plumbing Inspector prior to backfilling.
- (i) **Barricades and Restoration.** All excavations for the building sewer installation shall be adequately guarded with barricades and light so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director of Public Works.

## **Sec. 9-1-18 Notice of Violation.**

- (a) **Alternative Enforcement Options and Jurisdiction.** By connecting to or using the Village's sewerage system, all persons and users are submitting to the jurisdiction of the

Village, applicable administrative agencies, and municipal court and circuit court for enforcement purposes under this Chapter. Enforcement may occur as permitted below, including but limited to the following:

- (1) Administrative notices of noncompliance, notices of violation, orders, or revocation of permits issued by the Village or appropriate utility/sanitary district, their staff, or another administrative agency having jurisdiction, such as the Wisconsin Department of Natural Resources (DNR);
- (2) Citations issued by the Village and forfeitures prosecuted in municipal court; and/or
- (3) Complaints filed by the Village or subunits in small claims or circuit court for injunctive, equitable or other legal relief and penalties.

(b) **Powers and Authority of Inspectors.**

- (1) The Wastewater Operations Manager, other authorized employees of the Village, Wisconsin Department of Natural Resources (DNR) representatives, and federal Environmental Protection Agency (EPA) representatives bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, records examination, observation, measurement, sampling and testing in accordance with the provisions of this Chapter to determine the compliance with the requirements of this Chapter.
- (2) While performing the necessary work on private properties referred to in Subsection (b)(1) above, the Wastewater Treatment Facility Superintendent other authorized employees of the Village, the DNR and/or EPA shall observe all safety rules applicable to the premises established by the Village and its utilities.
- (3) The Wastewater Treatment Facility Superintendent, other authorized employees of the Village, the DNR and EPA bearing proper credentials and identification shall be permitted to enter all private properties through which the Village and/or its utilities holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- (4) The user shall allow representatives of the Village and its utilities, the DNR and the EPA, upon presentation of credentials of identification to enter upon the premises of the user at all hours for the purposes of inspection, sampling or record examination and copying. The Village and its utilities shall have the right to set up and maintain on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering.

(c) **Notice of Noncompliance.**

- (1) If the Village or its utilities has determined that a user has violated or is violating this Chapter, the user's wastewater discharge permit, or any other applicable local, state, or federal law, then the Village or its utilities may issue to the user a Notice of

**9-1-18**

Noncompliance. Nothing in this Section shall limit the authority of the Village or its utilities to take action, including emergency or other enforcement action without first issuing a Notice of Noncompliance.

- (2) A Notice of Noncompliance shall identify the violation and the consequences of further violation.
- (3) As appropriate to the circumstances, the Notice of Noncompliance may:
  - a. Require description of the nature and cause of the violation;
  - b. Require a description of the remedy;
  - c. Require additional sampling, information and corrective action;
  - d. Set a schedule for actions required and the user's response;
  - e. Contain other provisions that promote a return to compliance.

**(d) Notice of Violation.**

- (1) If the Village or its utilities has determined that a user has violated or is violating this Chapter, the user's wastewater discharge permit, or any other applicable local, state, or federal law or has failed to adequately respond to a Notice of Noncompliance, then the Village or its utilities may issue to the user a Notice of Violation. Nothing in this Section shall limit the authority of the Village or its utilities to take any action, including emergency or other enforcement action without first issuing a Notice of Violation.
- (2) Any Notice of Violation issued by the Village or its utilities shall:
  - a. Be in writing;
  - b. Be either hand-delivered or delivered by certified mail, return receipt requested;
  - c. State the nature of the violation;
  - d. If the Village or its utilities has determined that the user meets the criteria set forth in Subsection (i), indicate that the Village or its utilities intends to publish the user's name according to that Subsection; and
  - e. Describe the administrative procedures that are available to review the determination of the Village or its utilities.
- (3) A Notice of Violation may require the user to:
  - a. Attend a meeting with the Village or its utilities.
  - b. Submit a plan for remedial action and a compliance schedule.
  - c. Take other action to identify the nature of the violation(s), the cause of the violation(s), or a remedy for the violation(s), and to correct violation(s).

**(e) Orders.**

- (1) If the Village or its utilities have determined that a user has violated or is violating this Chapter, the user's wastewater discharge permit, or any other applicable local, state, or federal law, then the Superintendent may order the user to take certain action before a certain time to remedy or otherwise address a violation. Orders are effective and enforceable upon service unless a later effective date is specified or agreed to by the Village or its utilities.

- (2) An order under Subsection (e)(1) above shall:
  - a. Except for orders under Subsection (f)(1)a, be written;
  - b. State the reasons for the order;
  - c. Describe the procedures that are available to review the Village's or the utility's determination;
  - d. Be either hand-delivered or delivered by certified or registered mail, return receipt requested; and
  - e. State the action that is required by the user to comply with the order.
- (f) **Emergency Suspension of Service.**
  - (1) Pursuant to NR 211.22(9) and (10), Wis. Adm. Code, the Village or its utilities may suspend sewer service by order to a user when it appears to the Village or its utilities that an actual or threatened discharge presents or threatens to present an imminent or substantial danger under the following conditions:
    - a. When there is a threat to public health, safety or welfare, immediately after informal notice;
    - b. When there is a threat to the environment or the sewerage system, after written notice and an opportunity to respond, unless the threat necessitates a shorter period. Users shall have three (3) business days to respond.
  - (2) Any user notified of the suspension shall, within a reasonable period of time as determined by the Village or its utilities, cease all discharges.
  - (3) In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the Village or its utilities may order insertion of a bulkhead as set forth in Subsection (g).
  - (4) The Village or its utilities shall reinstate the wastewater treatment service pending proof by the user, and judged sufficient by the Village or its utilities, of the elimination of the conditions creating the threat of imminent or substantial danger as set forth above.
- (g) **Bulkheads.**
  - (1) The Village or its utilities may issue a written order for the insertion of a bulkhead in a user's sewer connection if the Village or its utilities have determined that:
    - a. The user has failed to adequately respond to a Notice of Noncompliance, a Notice of Violation, or an Emergency Suspension of Service Order for discharging prohibited substances or toxic pollutants; or
    - b. The user has discharged or will imminently discharge a prohibited substance or toxic pollutant in an amount likely to harm the environment, the sewerage system, or the public.
  - (2) Before the Village or its utilities may insert a bulkhead, the Village or the utility shall deliver to the user a written notice describing the reason for the bulkhead order. The Village or utility shall make a reasonable attempt to deliver the notice to the person who appears to be in control of the user's facility.
  - (3) After delivery of the notice, the Village or the utility may immediately insert the bulkhead.

- (4) Except as provided in Subsection (g)(5) below, no person may remove or tamper with a bulkhead.
- (5) A user may remove a bulkhead only after the user has received written permission to do so from the Village or its utility.
- (h) **Wastewater Discharge Permit Revocation.**
  - (1) The Superintendent, by order under Subsection (e), may revoke the permit of any user who violates any of the following conditions:
    - a. Failure to accurately report the wastewater constituents and characteristics of its discharge.
    - b. Failure to report significant changes in operations, wastewater constituents or other characteristics.
    - c. Refusal of reasonable timely access to the user's premises or records for the purpose of inspection or monitoring.
    - d. Violation of the conditions of the permit, this Chapter, an order of the Village or a Village utility, a judicial order or any other applicable local, state or federal law.
    - e. Tampering or other interference with sampling or flow measurement equipment, samples and/or analyses being conducted by or at the direction of the Village or a Village utility.
    - f. Failure to submit timely reports.
    - g. Failure to pay the charges, fines or other costs imposed upon the user by the Village or a Village utility.
    - h. Discharging any substance prohibited by this Chapter.
  - (2) After a user has received notice that the Village has revoked the user's waste hauler's license or wastewater discharge permit, the user shall immediately cease all discharges to the sewerage system from the disposal unit to which the license applied or the facility to which the permit applied.
- (i) **Abatement of Nuisance Without Notice.** If the Director of Public Works determines that a public nuisance exists within the utility and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health and safety, the Director of Public Works may cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance as the case may be.
- (j) **Discharge of Prohibited Wastewater.** Any person who shall discharge, or cause to be discharged, into the collection system prohibited wastewater as defined in this Chapter shall immediately orally notify the Director of Public Works or the Wastewater Treatment Facility Superintendent and shall advise of the date, time, place and cause of such prohibited discharge, the nature, volume and concentration, and any corrective action taken. The oral notice shall be reduced to writing and submitted to the Wastewater Treatment Facility Superintendent within five (5) days of the accidental discharge. In addition thereto, any person who shall be found responsible for allowing an unauthorized discharge into the



sanitary sewer system, and which causes damage to the system or the treatment facility shall, in addition to any fine or forfeiture, be responsible for any damages to the collection system or treatment facility resulting from an unauthorized discharge.

- (k) **Holding Tank Waste Discharge.** The discharge of holding tank wastes is acceptable. The discharger must obtain a permit from the Wastewater Treatment Facility Superintendent. The annual permit fee shall be as prescribed in Section 1-3-1. The discharger must provide information identifying that the contents of the load will not cause problems to the Bristol system as well as the discharger must draw a sample from the load and turn it over to the Wastewater Treatment Facility Superintendent for analysis.
- (l) **Costs of Damage.** Any user violating any of the provisions of this Chapter or who has a discharge which causes a deposit, obstruction, damage or other impairment to the sewerage system shall become liable to the Village or its utilities for any expense, loss or damage caused by the violation or discharge. The Village or its utilities may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Chapter.
- (m) **Falsifying Information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall, upon conviction, be subject to a forfeiture of not less than One Thousand Dollars (\$1,000.00) per violation per day together with the cost of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned for a period not to exceed thirty (30) days.
- (n) **Penalties for Violations.**
  - (1) Any person who shall be convicted of any violation of this Chapter shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) together with the costs of prosecution for the first violation and not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for conviction of a second violation of this Chapter within one (1) year of the first conviction. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
  - (2) In addition to any fine or forfeiture, any person violating any provisions of this Chapter shall become liable to the utility for any expense, loss or damage by reason of such violation.
  - (3) The penalty for unauthorized sewer construction and connections shall be a minimum fine of Five Hundred Dollars (\$500.00) payable prior to obtaining a permit after once noticed. If upon notice the connection is not immediately uncovered and inspection

made, an additional fine of One Hundred Dollars (\$100.00) per calendar day shall be charged.

- (4) The penalty for unauthorized septage discharge of holding tank material into the system shall not be less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs involved with *any loss, damage, or costs* caused or which result from said material being discharged into the system.
- (5) Any licensed disposer discharged to the wastewater treatment facility or to a public sewer, found to be violating a provision of this Chapter or any conditions of the Bristol Village Board or Director of Public Works approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.
- (6) The penalty for unauthorized entry into the sanitary sewer system (i.e. physical entry into a public sanitary sewer manhole, lift station, or the discharge of trash, garbage, rocks, miscellaneous debris, and construction site surface or subsurface water) shall be not less than Two Thousand Dollars (\$2,000.00), together with the costs involved with any loss or damages or costs caused or which resulted from said material being discharged to the system.

## **Sec. 9-1-19 Appeals.**

- (a) **Procedures.** Any user, permit applicant or permit holder affected by any decision, action, or determination, including cease and desist orders made by an Approving Administrator interpreting or implementing the provision of this Chapter or in any permit issued herein, may file with the Approving Administrator a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Administrator shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Director of Public Works of the Village of Bristol.
- (b) **Appeal Fee.** A fee as prescribed in Section 1-3-1 shall accompany any appeal to the Village Board for its ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
- (c) **Appeal Hearing.** The written appeal shall be heard by the Village Board within thirty (30) days from the date of filing. The Village Board shall make a final ruling on the appeal within ten (10) days from the date of hearing.

## Title 9 ► Chapter 2

---

# Private Well Abandonment

### 9-2-1 Private Well Abandonment

#### Sec. 9-2-1 Private Well Abandonment.

- (a) **Purpose.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may be illegally cross-connected to the municipal water system of the Bristol Municipal Water Utility are properly abandoned.
- (b) **Applicability.** This Section applies to all wells located on any premises served by the Village of Bristol Municipal Water Utility.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Municipal Water System.** A system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Sec. 49.10(12)(f)1., Wis. Stats, or a privately owned water utility serving any of the above.
  - (2) **Noncomplying.** A well or pump installation which does not comply with the provisions of Ch. NR 812, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
  - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
  - (4) **Unsafe.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards or Chs. NR 109 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
  - (5) **Unused.** A well or pump installation which is not in use or does not have a functional pumping system.



**9-2-1**

- (6) **Well.** An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- (7) **Well Abandonment.** The filling and sealing of a well according to the provisions of Ch. NR 812, Wis. Adm. Code.
- (d) **Abandonment Required.** All private wells located on any premises which are served by the public water system of the Village of Bristol Municipal Water Utility shall be properly filled. Only those wells for which a well operation permit has been granted by the Building Inspector may be exempted from this requirement, subject to conditions of maintenance and operation.
- (e) **Well Operation Permit.** The Building Inspector may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years, providing the conditions of this Section are met; such well operation permits may be reapplied for to allow continued use. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Bristol Municipal Water Utility, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility. The following conditions must be met for issuance or renewal of a well operation permit:
  - (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report must be on file with the Wisconsin Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Wisconsin Department of Natural Resources.
  - (2) The well has a history of producing bacteriologically safe water and presently produces bacteriologically safe water as demonstrated by providing a copy of the results of a waste sample [three (3) samplings two (2) months apart] analyzed at a state-certified laboratory within three (3) months preceding the request for the well operation permit or permit renewal. No exception to this condition may be made for unsafe wells, unless the Wisconsin Department of Natural Resources approves, in writing, the continued use of the well.
  - (3) There are no cross-connections between the well and pump installation and the municipal water system.
  - (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures.**
  - (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to the procedures and methods of Ch. NR 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

- (2) The owner of the well, or the owner's agent, shall notify the Bristol Municipal Water Utility at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Bristol Municipal Water Utility or its agent.
- (3) An abandonment report form, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Bristol Municipal Water Utility and the Wisconsin Department of Natural Resources within ten (10) days of the completion of the well abandonment.
- (g) **Penalties.** Any person, firm, or well owner, violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6, and the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

## Title 9 ► Chapter 3

---

# Wellhead Protection

### 9-3-1 Wellhead Protection Regulations

#### Sec. 9-3-1 Wellhead Protection Regulations.

- (a) **Title.** This Section shall be known, cited and referred to as the "Wellhead Protection Ordinance" (WHP Ordinance) of the Village of Bristol, Wisconsin.
- (b) **Purpose; Authority; Application.**
  - (1) **Purpose.** Residents in the Village of Bristol depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this WHP Ordinance is to institute land use regulations and restrictions to protect the Village of Bristol's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the Village of Bristol.
  - (2) **Authority.** Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in Section 62.23(7)(a) and (c), Wis. Stats. Under these statutes, the Village of Bristol has the authority to enact this Section, effective in the incorporated areas of the Village of Bristol, to encourage the protection of groundwater resources.
  - (3) **Application.** The regulations specified in this WHP Ordinance shall apply within the Village's corporate limits.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Aquifer.** A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
  - (2) **Existing Facilities.** Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village of Bristol. Existing facilities include but are not limited to the type listed in the Wisconsin Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.
  - (3) **Recharge Area.** The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the Village of Bristol.

- (4) **Groundwater Protection Overlay District.** That area described within the Village of Bristol's Wellhead Protection Plan.
- (5) **Well Field.** A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.
- (d) **Groundwater Protection Overlay District.**
  - (1) **Separation Distances.** The following minimum separation distances shall be maintained within the Groundwater Protection Overlay District:
    - a. Fifty (50) feet between a well and storm sewer main.
    - b. Two hundred (200) feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 Specifications. In no case may the separation distance between a well and sanitary sewer main be less than fifty (50) feet.
    - c. Four hundred (400) feet between a well and a septic tank or soil absorption unit receiving less than eight thousand (8,000) gallons per day, a cemetery or a storm water drainage pond.
    - d. Six hundred (600) feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under COMM 10.10, Wis. Adm. Code.
    - e. One thousand (1,000) feet between a well and land application of municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under NR 718, Wis. Adm. Code, while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving eight thousand (8,000) gallons per day or more.
    - f. Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceed NR 140, Wis. Adm. Code, enforcement standards that is shown on the Wisconsin Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce or its designated agent under COMM 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

- (2) **Overlay District Zones.** This District is hereby divided into Zone A and B:
- a. **Zone A.** Identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone A is more restrictive than Zone B.
  - b. **Permitted Uses – Zone A.** The following uses are permitted uses within the groundwater protection Zone A. Uses not listed shall be considered prohibited uses:
    1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
    2. Playgrounds.
    3. Wildlife areas.
    4. Non-motorized trails, such as bike, skiing, nature and fitness trails.
    5. Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).
  - c. **Zone B.** Identified as a secondary source of water for the municipal wells because of the large cone of depression and a greater time of travel. Zone B is less restrictive than Zone A.
  - d. **Permitted Uses – Zone B.** The following uses are permitted uses within the groundwater protection Zone B. Uses not listed shall be considered prohibited uses:
    1. All uses listed as permitted uses in Zone A.
    2. Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.
    3. Above-ground petroleum product storage tanks less than six hundred (600) gallons. All new or replaced tanks shall be installed in compliance with COMM 10, Wis. Adm. Code.
    4. Residential, commercial and industrial property which is municipally sewered or has a state-approved sewer and septic system.
    5. Motor vehicle filling and service stations that have received written approval from the Wisconsin Department of Commerce under COMM 10, Wis. Adm. Code.
  - e. **Mapping.** The location and boundaries of the zoning districts established by this Section are set forth in the Village of Bristol Wellhead Protection Plan. Said plan, together with everything shown therein and all amendments thereto, shall be as much a part of this Section as though fully set forth and described herein.
- (e) **Review of Permit Application.**
- (1) **Public Works Committee Review.** The Village of Bristol Public Works Committee shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District. All determinations shall be made by the Village of Bristol Public Works Committee within sixty (60) days of any request for approval,

provided however, that this sixty (60) day period of limitation may be extended by the Village of Bristol Public Works Committee for "good cause", as determined in the sole and absolute discretion of the Public Works Committee.

- (2) **Review Criteria.** Upon reviewing all requests for approval, the Village of Bristol Public Works Committee shall consider all of the following factors:
  - a. The Village's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
  - b. The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the Village of Bristol or the Village's recharge area.
  - c. The economic hardship which may be faced by the landowner if the application is denied.
  - d. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
  - e. The proximity of the applicant's property to other potential sources of contamination.
  - f. The then existing condition of the Village's groundwater public water wells and well fields, and the vulnerability to further contamination.
  - g. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
  - h. Any other hydrogeological data or information which is available from any public or private agency or organization.
  - i. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.
- (3) **Exemptions; Conditions.** Any exemptions granted will be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The Village of Bristol Public Works Committee may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.
- (4) **Applicant's Responsibility for Costs.** The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:
  - a. The cost of an environmental impact study if so required by the Village of Bristol or its designee.
  - b. The cost of groundwater monitoring or groundwater wells if required by the Village of Bristol or its designee.



- c. The costs of an appraisal for the property or other property evaluation expense if required by the Village of Bristol or its designee.
- d. The costs of Village of Bristol employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the Village, representing the Village's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
- e. The cost of Village equipment employed.
- f. The cost of mileage reimbursed to the Village employees.

(f) **Requirements for Existing Facilities and Land Uses.**

- (1) **Other Approvals and Certifications.** Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village of Bristol.
- (2) **Additional Environmental or Safety Monitoring.** Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village of Bristol Public Works Committee, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.
- (3) **Equipment Upgrades.** Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (4) **Emergency Contingency Plans.** Existing facilities shall have the responsibility of devising and/or filing with the Village of Bristol a contingency plan satisfactory to the Public Works Committee for the immediate notification of the appropriate Village of Bristol officers in the event of an emergency.
- (5) **Agricultural Exemptions.** Property owners with an existing agricultural use shall be exempt from requirements of this Section as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the property owners in existence at the time of passage of the Section and this exemption shall not constitute a covenant running with the land.

(g) **Enforcement and Penalties.**

- (1) **Incidents.** In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the Village of Bristol.
- (2) **Responsibility for Costs.** The individual/facility shall be responsible for all costs of cleanup and the Village of Bristol consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:
  - a. The cost of Village employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined

by the Village, representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

- b. The cost of Village equipment employed.
  - c. The cost of mileage reimbursed to the Village employees attributed to the clean-up.
- (3) **Additional Monitoring.** Following any such discharge, the Village may require additional test monitoring or other requirements as outlined in Subsections (f) and (g) herein.
- (4) **Violations.** It shall be unlawful to construct or use any structure, land or water in violation of this Section. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Section.
- (5) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to the real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.