

Final adopted by Village on October 28, 2019

Ordinance No. 2019-22

**An Ordinance Regarding Sewer Use Regulations -
Bristol Utility District 5**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Title 9, Chapter 4 of the Village of Bristol Code of Ordinances regarding sewer use regulations for Bristol Utility District 5 ("BUD5") is adopted to read as follows; it is the purpose of this Ordinance that existing Village of Bristol ordinances related to public sewer service, sewer hook-ups, charges, etc., shall generally not apply to BUD5 unless such ordinances pertain to an administrative or regulatory matter which is not addressed and preempted by this Ordinance:

Title 9 . Chapter 4

Sewer Use Regulations -

Bristol Utility District 5

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Sec. 9-4-1 Purpose.

The Village of Pleasant Prairie ("VOPP"), the Village of Pleasant Prairie Water Utility ("PPWU"), the Pleasant Prairie Sewer Utility ("PPSU") and Village of Bristol have entered into an Amended and Restated Water and Sanitary Sewer Service Agreement dated as of May 13, 2019 (the "W&S Agreement"). VOPP, PPSU, and PPWU are jointly referred to herein as "Village of Pleasant Prairie." The W&S Agreement provides that the Village of Pleasant Prairie will provide, in the manner identified in the W&S Agreement, public sewer service to an area within the Village of Bristol, described as Bristol Utility District 5 ("BUD5"), as a means of servicing this area efficiently. The standards and requirements of this Chapter pertain solely to this designated area in the Village of Bristol and are intended to provide appropriate compliance with the regulations and managerial requirements of the Village of Pleasant Prairie, Lake Michigan Sewer Utility District, as further defined in the W&S Agreement.

Sec. 9-4-2 Definitions.

- (a) **Chapter Definitions.** The following definitions are applicable in this Chapter:
- (1) **Apartment Complexes.** Buildings with five (5) or more residential living units on one (1) parcel.

- (2) **Approving Authority.** The Village Administrator of the Village of Pleasant Prairie and Lake Michigan Sewer Utility District, or a duly authorized deputy, agent, or representative of the Utility Districts.
- (3) **BOD (Biochemical Oxygen Demand).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20° C., expressed in 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) **Building Sewer.** A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer.
- (6) **Category A.** Those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 180 mg/l of BOD, suspended solids no greater than 200 mg/l, phosphorus no greater than 6 mg/l, and oil and grease no greater than 100 mg/l.
- (7) **Category B.** Those sanitary sewer users who discharge wastewater with BOD concentration in excess of 180 mg/l of BOD, 200 mg/l of suspended solids, 6 mg/l of phosphorus, or 100 mg/l of oil and grease. Users whose wastewater exceeds the concentrations for any one (1) of these parameters shall be in Category B and subject to a sanitary sewer surcharge unless and until the concentrations are below the thresholds listed for twenty-four (24) hours.
- (8) **Chlorine Requirement.** The amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
- (9) **Combined Sewer.** A sewer intended to receive both wastewater and storm- or surface water.
- (10) **Commercial.** Those users that operate an enterprise that sells, rents or provides services to customers or tenants, whether it operates as a for-profit or non-profit enterprise.
- (11) **Connection.** The physical connection of a private sewer or lateral to the public sewer shall be deemed to have been made, irrespective of when sewage flows through the line.
- (12) **Easement.** An acquired legal right for the specified use of land owned by others.
- (13) **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.
- (14) **Ground Garbage.** The residue from the preparation, cooking, dispensing, handling, storage, or 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 direction.

- (15) **Incompatible Pollutants.** Wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.
- (16) **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.
- (17) **Lake Michigan Sewer Utility District.** For purposes of this Chapter, Village of Bristol properties in BUD5 receiving sanitary sewer service from the Village of Pleasant Prairie.
- (18) **May.** Permissible.
- (19) **Municipality.** The Village of Pleasant Prairie, its Pleasant Prairie Sewer Utility, or Lake Michigan Sewer Utility District.
- (20) **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.
- (21) **Nonresidential.** Customers category which includes all sewer users other than residential users. Nonresidential customers include, but are not limited to, public buildings, commercial establishments, industrial establishments, recreation halls, municipal buildings, clubhouses, mobile home parks, apartment complexes, and funeral homes.
- (22) **Normal Domestic Strength Wastewater.** Wastewater with concentrations of BOD no greater than 180 mg/l, suspended solids no greater than 200 mg/l, phosphorus no greater than 6 mg/l, and oil and grease no greater than 100 mg/l.
- (23) **Person.** Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (24) **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 seven (7) and a hydrogen ion concentration of 10^{-7} .
- (25) **Phosphorus.** Total phosphorus and is expressed in mg/l of P (phosphorus).
- (26) **Private Sewer.** Any privately owned sewer, storm drain, sanitary sewer, or combined sewer with discharges into a public sewer, and, for purposes of this Chapter, to the extent the Village of Bristol allows private sewers, as long as there is no discharge into the Village of Pleasant Prairie public sewer system. Private sewers are required to discharge normal domestic-strength wastewater if they connect to the Sewer Utility. Any private sewer that discharges to the Sewer Utility wastewater above the listed thresholds will be listed as a Category B user.
- (27) **Public Authority.** Any government chartered by the Wisconsin State Statutes as a corporation that has the ability to levy taxes or user charges that is governed by an elected body.
- (28) **Public Sewer.** Any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.
- (29) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which

such facilities were designed and constructed except in periodic recalculation of seweruser fees.

- (30) **Residential.** Customer category which includes family dwellings and multifamily dwellings with less than five (5) residential living units.
- (31) **Sanitary Sewage.** A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.
- (32) **Sanitary Sewer.** A sewer that carries sewage or wastewater.
- (33) **Sanitary Sewer Surcharge.** A charge levied on users of the wastewater and treatment facilities to Category B users.
- (34) **Satellite Sewage Collection System.** A municipally owned or a privately owned sewage collection system which conveys wastewater to the Village of Pleasant Prairie Sewer Utility System which specifically would not include any part of BUD5.
- (35) **Sewage.** The spent water of a person or community. The preferred term is "wastewater."
- (36) **Sewer.** A pipe or conduit that carries wastewater or drainage water.
- (37) **Sewer Service Charge.** A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, depreciation, return-on-investment, and other expenses or obligations of said facilities.
- (38) **Sewer Utility.** The public sewer system described in the W&S Agreement, operated by the Village of Pleasant Prairie, serving all property and users in BUD5, as identified in the W&S Agreement.
- (39) **Shall.** Mandatory.
- (40) **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.
- (41) **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.
- (42) **Storm Sewer or Drain.** A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (43) **Suspended Solids.** Total suspended matter that either floats on the surface, or is in suspension in water, wastewater, or other liquids, and this is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as "nonfilterable residue."
- (44) **Treatment Authority.** The City of Kenosha Water Utility.
- (45) **Unpolluted Water.** Water(s) which may lawfully be deposited, without prior treatment, directly into the receiving stream. The term shall include, but not be limited to, potable water, stormwater, uncontaminated groundwater, and surface runoff water.

- (46) **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 stormwater that may be present.
- (47) **Wastewater Collection Facilities (or Wastewater Collection System).** The structures and equipment required to collect and carry wastewater.
- (48) **Wastewater Treatment Facility.** The wastewater treatment facility of the City of Kenosha.
- (49) **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.** A document issued by the Wisconsin Department of Natural Resources (WDNR) which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility or wastewater collection system.

Sec. 9-4-3 Compliance with City of Kenosha Regulations Required.

All residential and nonresidential customers discharging to sewers tributary to the City of Kenosha shall comply with the applicable requirements set forth in Section 32.08 of the City of Kenosha Code of Ordinances, which is adopted and incorporated herein by reference.

Sec. 9-4-4 Use of Public Sewers.

- (a) **Discharge of Unpolluted Waters.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to the Sewer Utility.
- (b) **Storm Sewers.** Stormwater and all other unpolluted water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village of Bristol and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Village of Bristol and other regulatory agencies, to a storm sewer or natural outlet.
- (c) **Prohibitions and Limitations.** No person shall discharge or cause to be discharged any of the following, measured at the point of discharge, into the Sewer Utility facilities unless and until specifically authorized to do so under the terms of a wastewater discharge permit issued by the Village of Pleasant Prairie, and then subject to any limitations imposed thereon by such permit:
 - (1) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment facility or to the operation of the wastewater treatment facility. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

- (2) Wastewater containing nonconventional pollutants or solids, liquids, or gases of any property, which, in sufficient quantity, either singly or by interaction with other wastes, may injure the system or contaminate the sludge.
- (3) Wastewater having a pH lower than 5.5.
- (4) Wastewater having a pH in excess of 9.
- (5) Solids which cannot penetrate a Tyler designation 20-mesh screen or viscous substances in quantities which may injure the system or contaminate the sludge.
- (6) Wastewater, which either alone or in combination with other wastewater, has the effect of raising the temperature of the wastewater being treated at the wastewater treatment facility to a temperature higher than 104° F. (40° C).
- (7) Wastewater containing more than 100 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (8) Garbage that has not been shredded so as to comply with Subsection (c)(5). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food.
- (9) Wastewater containing chromium, copper, zinc, and other nonconventional and priority pollutants to such degree that they are in concentrations exceeding levels specified within this rule or within applicable federal and state regulations. Categorically regulated waste streams shall be measured at the point of discharge from the regulated process, a discharge from a pretreatment process or at the point of discharge to the wastewater collection facilities but only when the use of the combined waste stream formula has been approved.
- (10) The following substances in excess of the limit below provided:

	Average Consecutive 4-Day (mg/l)	One-Day Maximum (mg/l)
Cadmium	0.7	1.2
Chromium (total)	4.0	7.0
Copper	2.7	4.5
Mercury	0.05	0.10
Nickel	2.6	4.1
Lead	0.44	0.69
Zinc	2.6	4.2
Cyanide	2.08	3.96
Notes		

NOTES:

*Hexavalent chrome shall be reduced to trivalent chrome before discharge to the wastewater collection facilities or be eliminated from the wastewater

stream. Should National Categorical Pretreatment Standards (NCPS) provide for more stringent limitations, the NCPS shall prevail. Removal credits, if granted, will affect the NCPS and the limits provided herein, and the most stringent limit of the two shall prevail where applicable.

- (11) Wastewater containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed by the wastewater treatment facility, or which are amenable to treatment only to such a degree that the wastewater treatment facility effluent cannot meet the requirements of law and of agencies of the federal and state governments having jurisdiction over the discharge thereof.
- (12) Wastewater which, by interaction with other wastewater, forms and releases obnoxious gases or forms suspended solids which may injure the system, is hazardous to human or animal health or which may contaminate the sludge.
- (13) Substances which exert or cause:
 - a. BOD, suspended solids, oil, grease or phosphorus in quantities above the quantities thereof contained in normal domestic strength wastewater.
 - b. A volume or concentration of wastewater constituting slugs in such quantities as to injure the system or contaminate the sludge.
 - c. Concentration of inert suspended solids, or inert dissolved solids, as to injure the system or contaminate the sludge.
- (d) **WPDES Permit.** No person shall cause or permit a discharge into the Sewer Utility that would cause a violation of the WPDES permit of the municipality or the Wastewater Treatment Authority.
- (e) **Dilution of Discharge Prohibited.** No person discharging into the wastewater collection facilities shall increase the use of potable or process water or mix separate wastewaters for the purpose of diluting prohibited wastewater as a partial or complete substitute for pretreatment or to otherwise avoid compliance with or circumvent this rule.
- (f) **Special Arrangements.** No statement contained in this Chapter shall be construed as prohibiting any special agreement between the approving authority 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 municipality without recompense by the person, and further provided that all rates and provisions set forth in this Chapter are recognized and adhered to.
- (g) **New Connections.** New connections to the Sewer Utility will be allowed only in compliance with the W&S Agreement.
- (h) **Mandatory Connection.**
 - (1) Connection to the Sewer Utility is mandatory when, as provided in Section 9.1 of the W&S Agreement, the Village of Bristol has notified the property owner that public sewer service is available to that property, and the landowner has applied for and secured a building permit from the Village of Bristol for the construction of a new building on that property ("Development Permit"). Owners and tenants of

land and buildings currently existing in BUD5 shall not be obligated to connect to the public Sewer Utility until these conditions have been met. A request for public sewer can be made in writing to the approving authority.

- (2) For areas within BUD5, a customer shall not be required to connect to the Sewer Utility if public water is not also available to the property. Connection to only one service is not permitted.

Sec. 9-4-5 Control of Industrial and Nonresidential Wastes Directed to Public Sewers.

(a) Submission of Basic Data.

- (1) The approving authority may require each person who discharges or seeks to discharge industrial wastes to the Sewer Utility to prepare and file with the Approving Authority, 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. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers.
- (2) Industrial discharges are further subject to the applicable rules and regulations set forth in Section 32.08 of the City of Kenosha Code of Ordinances regarding submittal of applications, operational data and reports, baseline monitoring reports, compliance reports, chemical analysis, etc.

(b) Industrial Discharges. If any waters or wastes are discharged or are proposed to be discharged to the Sewer Utility, which waters or wastes contain substances or possess the characteristics which, in the judgment of the Approving Authority or the City of Kenosha wastewater treatment facility, have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the approving authority 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; and/or
- (4) Require 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.

(c) Control Manholes.

- (1) Each industrial or nonresidential discharger shall, at the discretion of the approving authority, construct and maintain one (1) or more control manholes or access points together with measuring and sampling devices 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 Approving Authority. All measuring and/or sampling devices shall be of a type acceptable to the Approving Authority.
- (3) Control manholes, access facilities, and related equipment shall be installed by the industrial or nonresidential discharger, at the discharger's expense, and shall be maintained by the discharger so as to be in a 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 Approving Authority prior to the beginning of construction.

- (d) **Measurement of Flow.** The volume of flow when used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the municipality except as noted in Subsection (e) below.
- (e) **Metering of Waste.** Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed and owned by the industrial or nonresidential discharger, subject to the approval of the Approving Authority. The Approving Authority may require or undertake at the discharger's expense necessary metering calibration and maintenance of metering devices. Following approval and installation, such meters may not be removed without the consent of the approving authority. The Approving Authority may require reporting in accordance with Subsection (k) below.
- (f) **Waste Sampling.**
 - (1) Industrial and nonresidential wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made for the industry and nonresidential user as often as may be deemed necessary by the Approving Authority.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority. 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.
 - (3) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the industrial or nonresidential discharger and shall be subject to the approval of the Approving Authority. The Approving Authority may require the discharger to use a contractor from a list of prequalified contractors.
 - (4) Access to the sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times.
 - (5) The Approving Authority shall collect and analyze the samples. If the sample is significantly different from prior samples or out of sample range, the Approving Authority may choose to resample for that month.
 - (6) An industry or nonresidential discharger may split samples with the Approving Authority upon request. Samples must be tested at a laboratory certified by the Wisconsin Department of Natural Resources using the same testing methods as the laboratory contracted by the Village of Pleasant Prairie. If there is a significant difference between the split samples, the discharger can request a resample at its cost.
 - (7) In the event of a resample, the Approving Authority may choose the most appropriate sample or average the two (2) samples.
 - (8) Industrial or nonresidential dischargers shall pay for all costs incurred by the Approving Authority or its contracted representative for the metering, monitoring and sampling required under this Section, whether taken by the discharger or the

Approving Authority. These charges are separate from and in addition to the sewer service charges in Sections 9-4-6 and 9-4-7.

- (9) Any waste sampling results over the listed thresholds for a Category B user under Section 9-4-2 will subject the discharger to a sanitary sewer surcharge under Sections 9-4-6 and 9-4-7, until the sampling result concentrations are below the Category B thresholds for twenty-four (24) consecutive months.
- (10) In addition to the foregoing, for satellite systems, the following requirements shall be required unless waived by the Approving Authority upon application of the satellite system:
 - a. Sampling of the volume of the discharge from the satellite system shall be monitored by a continuous flow monitor (not less than five-minute increments) maintained by the Approving Authority. The Approving Authority shall download the data monthly and provide the data to the satellite system within eighteen (18) days.
 - b. Sampling of the waste characteristics of the discharge shall be performed by the approving authority on no less than a monthly basis.
 - c. Samples may be tested for fats, oils and grease (FOG), biological oxygen demand (BOD), total suspended solids (TSS), phosphorus (P) and any other test deemed necessary based on the nature of the discharge. Certified laboratory results from any sample shall be sent to the satellite system eighteen (18) business days after the sample is taken in the field.
 - d. If the satellite system wants to request a resample of any test result, it must do so within three (3) days of receiving the sample result.
- (g) **Pretreatment.** Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes:
 - (1) If the Approving Authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants.
 - (2) In the event such person shall provide at his/her such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.
- (h) **National Categorical Pretreatment Standards.** National Categorical Pretreatment Standards (NCPS), as promulgated by the United States Environmental Protection Agency, shall be met by all dischargers of the regulated industrial categories.
- (i) **State Requirements.** State requirements and limitations on discharges to the publicly owned treatment works shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this Chapter or any other applicable ordinance.
- (j) **Grease, Oil, and Sand Interceptors.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, 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 ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be

responsible for 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 Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Wisconsin Department of Natural Resources rules and regulations.

(k) Analyses.

- (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of *Standard Methods* and with the Federal Regulations, 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", as amended from time to time.
- (2) Unless otherwise set forth in this Section, sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.
- (3) The industrial or nonresidential discharger shall report any and all sampling data which it undertakes to the Approving Authority in a time and format specified by the Approving Authority.

(l) Accidental Discharges.

- (1) Each industrial discharger shall provide protection from accidental discharge of prohibiting or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Approving Authority for review and shall be approved by the Approving Authority before construction of the facility. Review and approval of such plans and operating procedures by the Approving Authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.
- (2) Dischargers shall notify the approving authority immediately upon the occurrence of a slug load, or accidental discharge of substances prohibited by this Chapter. The notification shall include location of discharge, date, and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the wastewater facilities or wastewater treatment works, in addition to the amount of any fines imposed on the Approving Authority on account thereof under state or federal law.
- (3) Signs shall be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to the emergency notification procedure.

- (m) Submission of Facility Information.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to

be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

- (n) **Discharges From Satellite Systems.** Each satellite system discharger shall adopt and implement a capacity, management, operation, and maintenance (CMOM) program, in substantial conformance with the provisions of NR 210.23(4), Wis. Adm. Code, subject to the review and approval of the Approving Authority.
- (o) **Reports.** Industrial and nonresidential dischargers shall keep records of the sampling results and maintenance performed for seven (7) years and submit an annual report to the Approving Authority containing a summary of this information by February 10 each year unless the Approving Authority agrees to an alternative schedule for reporting.

Sec. 9-4-6 Basis for Sewer Service Charge.

(a) Basis.

- (1) It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Villages of Pleasant Prairie and Bristol to levy and collect charges, rentals, or rates of service upon all the lands, lots, and premises served by and having connections with the sewerage system of the Pleasant Prairie Sewer Utility and Lake Michigan Sewer Utility District. The Village of Bristol shall charge a Hook-Up Fee (for building inspection-related work) and the Village of Pleasant Prairie shall charge a Connection Fee.
- (2) For dischargers in BUD5, such user charges are collected when dischargers are connected to the public sewer system, not when the service is available but not actually used. Sewer service charges for dischargers in BUD5 are to be billed by and paid to the Village of Pleasant Prairie, except as otherwise provided herein.
- (3) "Connection Fees" shall be established by a \$/meter equivalent based on water meter size for the premises, as provided in 9-4-10 below, and shall be payable to the Village of Pleasant Prairie.
- (4) "Hook-up Fees" shall be defined to be the cost to be paid to the Village of Bristol for the building permit, and the time of the Village of Bristol Building Inspector to inspect the connection of the premises to the sewer lateral serving the property, and, if necessary, the cost to inspect the abandonment of any private septic system which formerly served the property.
- (5) At any time after public sewer connections are available to a property, the Village of Bristol may levy a special assessment against the property, deferred until the Development Permit is issued, for the costs of extending the sewer system to the property, and any oversizing costs of the sewer system, along with impact fees and other charges, all payable to the Village of Bristol at the time of issuance of the Development Permit.
- (6) In the event of nonpayment of sewer service charges, Hook-Up Fees, or Connection Fees, the Village of Bristol may levy special assessments or special charges to secure payment, with such collected past due sewer service charges and Connection Fees so collected by the Village of Bristol to be paid over to the

Village of Pleasant Prairie, and all other Hook-Up Fees and special assessments retained by the Village of Bristol.

- (b) **Classification of Sewer Users.** Sewer users shall be classified as residential, commercial, industrial, or public authority as defined in Section 9-4-2. A totally unit-based charge shall be used for customers without municipal water, a flow-based charge shall be used for all customers that are connected to municipal water.
- (c) **Category B Users.** Category B users shall be charged a surcharge, in addition to monthly customer charge plus volume charge, based on the prevailing Category B service charges for BOD, suspended solids, and phosphorus. Any wastewater test results found over the Category B thresholds will place the customer as a Category B user for a minimum of twenty-four (24) months.
- (d) **Residential User Equivalents (RUEs).** Each nonresidential customer shall be assigned an RUE value to be used as the basis of computing user charges. The RUE totals will be assigned by the Approving Authority and shall be based on estimated water use, considering a use of two hundred and ten (210) gallons per day as equal to one (1) RUE. Residential User Equivalents assignments will be reviewed annually. [Note: Sewer service charges are payable to the Village of Pleasant Prairie, as are Connection Fees, while the separate sewer Hook-Up Fees are payable to the Village of Bristol].
- (e) **Deduct Meters.**
 - (1) If an industrial or nonresidential user feels that a significant amount of metered water does not reach the sanitary sewer, he/she can, at his/her own expense and with the approval of the Approving Authority, install such additional meters or metered services as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewer shall not be subject to sewer service charges.
 - (2) Requests to install additional meters shall be made in writing to the Approving Authority.
 - (3) The Village of Pleasant Prairie will adopt all fees by resolution with a fee schedule, which may be amended from time to time, and such fee schedule is adopted herein by reference and is applicable in this Chapter. The fees applicable in BUD5 shall be the same as for Village of Pleasant Prairie customers.
 - (4) The Village of Pleasant Prairie shall install deduct meters.
- (f) **Winter Base Volume.** The winter base volume shall be that volume of water that can be verified through the use of municipal water meter readings for a four (4) month period closest to December 1 through March 31. This volume shall serve as the basis for determining the sewer volume charges for residential customers for five (5) billing periods closest to May 1 through September 30. To establish a winter-based average volume, two
 - (2) months of readings in the four (4) month evaluation period (December 1 through March 31) is necessary. Zero usage is considered a non-reading. Volume is based on a customer, not a location. Any customer that does not have two (2) readings in the four (4) month evaluation period shall be charged actual volume during the summer months.

- (g) **When Charges Begin.** Charges for sanitary sewer service begin at the time the rough plumbing permit is issued and property is actually connected to the Sewer Utility. Charges shall be based upon average winter base rate for residential customers for residential customers for residential construction. Multifamily dwelling units charges shall be based upon the number of dwelling units multiplied by the average residential winter base rate. All other classifications of customers shall be charged based upon waste stream analysis to be supplied at the time of their site and operation plan review. Notwithstanding any discretion granted herein to the Sewer Utility, the W&S Agreement provides that the Village of Pleasant Prairie shall not discriminate against BUD5 in setting any rates or costs, or in applying its regulations.
- (h) **Control of Industrial Wastes Directed to Public Sewers; Waste Sampling.**
- (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made for the industry as often as may be deemed necessary by the Approving Authority.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.
 - (3) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority 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.
 - (4) The Approving Authority shall determine whether sampling by utility employees and/or contractor's findings shall be used when presented with contrary sampling information. An industry may split samples with the utility districts upon request by the industry.
 - (5) Sanitary sewer surcharge testing shall measure the biological oxygen demand (BOD), which is the strength of effluent, the total suspended solids (TSS), and phosphorous (P). The Village of Pleasant Prairie, BUD5 through its arrangement with the Village of Pleasant Prairie, discharges all sewer flow to the City of Kenosha, Kenosha Water Utility, which in turn places a sanitary sewer surcharge for all flow received. The Village of Pleasant Prairie monitors the discharge flow from manufacturing, commercial, private sewer systems, restaurants, and other users with a history of discharging sewer flows above the allowable limits. The following limits have been established: BOD, 180 mg/l; TSS, 200 mg/l; and P, 6 mg/l. Each of the test limits has an established fee as established by Village of Pleasant Prairie ordinance.
 - (6) Fats, oil and grease (FOG) testing shall be used as an indicator to assist sanitary sewer surcharge test users that discharge effluent with high BODs. Users that operate kitchens, restaurants, industrial companies which handle meat, and private sewer system owners are examples of sewer users who would receive this test. However, the use of private sewer systems is prohibited within the area of BUD5.

Sec. 9-4-7 Amount of Sewer Service Charges.

- (a) **Category A User Charges.** For user charges for Category A customers in the Pleasant Prairie Sewer Utility, Lake Michigan Sewer Utility, and BUD5, the Village of Pleasant Prairie will adopt all fees by resolution with a fee schedule, which may be amended from time to time, and such fee schedule is adopted herein by reference and is applicable in this Chapter. The fees applicable in BUD5 shall be the same as for Village of Pleasant Prairie customers.
- (b) **Category B User Charges.** For the user charges for Category B customers, the Village of Pleasant Prairie will adopt all fees by resolution with a fee schedule, which may be amended from time to time, and such fee schedule is adopted herein by reference and is applicable in this Chapter. The fees applicable in BUD5 shall be the same as for Village of Pleasant Prairie customers.
- (c) **Replacement Fund Account.** All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Section 9-4-2. All revenues for the replacement fund must be used solely for the replacement of equipment.
- (d) **Septic Tank Sludge and Holding Tank Sewage Prohibited.** No person shall dispose of septic tank sludge or holding tank sewage or transfer such material into the public sewer.
- (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 treatment authority's wastewater treatment facility shall pay for such increased costs, as may be determined by the Approving Authority.
- (f) **Laboratory Testing Fees.** The Village of Pleasant Prairie will adopt all fees by resolution with a fee schedule, which may be amended from time to time, and such fee schedule is adopted herein by reference and is applicable in this Chapter. The fees applicable in BUD5 shall be the same as for Village of Pleasant Prairie customers.

Sec. 9-4-8 Billing Practices.

- (a) **Calculations of Sewer Service Charges.** Sewer service charges shall be computed by the Sewer Utility according to current rates and formulas, which may be amended from time to time. The fees applicable in BUD5 shall be the same as for the Village of Pleasant Prairie customers.
- (b) **Sewer Service Charge Billing Period.** Sewer service charges shall be billed by the Sewer Utility to the sewer users on a monthly basis.
- (c) **Payment of Sewer Service Charges.** Those persons billed by the municipality for sewer service charges shall pay such charges within twenty (20) days after the billing date.
- (d) **Nonpayment Penalties.**
 - (1) Sewer service charges levied by the municipality against the sewer users in accordance with this Chapter shall be a debt due to the municipality and shall be a lien against the property. If this debt is not paid within twenty (20) days after when due, the debt shall be deemed delinquent with a penalty of one percent (1%) on the unpaid balance after the notice in Subsection (d)(2) below is given. Such debt will be placed on the next year's tax roll by the Village of Bristol, with an additional

penalty of ten percent (10%) added and collected as other property taxes are collected.

- (2) For such debts incurred by customers located in BUD5, the municipality shall take steps to collect such debts, but, if such debts remain unpaid as of October 1 of each year, the municipality shall provide the Village of Bristol with a list of such customers and the amounts of their delinquent sewer service charges, including interest and penalties. The Village of Bristol shall place such amounts owed as a special charge against the applicable customer properties, and, as such monies are subsequently received, shall pay over such amounts to the Village of Pleasant Prairie.

Sec. 9-4-9 Right of Entry; Safety and Identification.

- (a) **Right of Entry.** The Approving Authority, the Village of Bristol, or other duly authorized employees of either, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Chapter. This requirement shall be a condition incorporated in all utility easements in BUD5.
- (b) **Safety.** While performing the necessary work on private premises referred to in Subsection (a) above, the duly authorized employees shall observe all safety rules applicable to the premises established by the person.
- (c) **Identification and Right to Enter Easements.** The Approving Authority or other duly authorized employees of the municipality or Village of Bristol, bearing proper credentials and identification, shall be permitted to enter all private properties through which the municipality or Village of Bristol holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

Sec. 9-4-10 Sewer Construction and Connections.

- (a) **Work Authorized.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the municipality, in consultation with the Village of Bristol.
- (b) **Cost of Sewer Connection.** All costs and expenses incident to the installation, connection, and maintenance of the building sewer lateral shall be borne by the person making the connection.
- (c) **Hook-Up and Connection Fees.**
 - (1) A Hook-Up Fee will be levied by the Village of Bristol upon all residential and nonresidential customers prior to connection or issuance of a plumbing permit for any new or expanded use of the sanitary sewer system. Hook-Up Fees for new or existing buildings shall be paid at the time that a building permit is applied for.

- (2) Residential Hook-Up Fees are as follows:
 - a. Single-family: Per dwelling unit as provided in the Village of Bristol's current Fee Schedule.
 - b. Multifamily: Per dwelling unit as provided in the Village of Bristol's current Fee Schedule.
- (3) All residential and non-residential owners shall pay a Connection Fee to the Village of Pleasant Prairie at the time that a building or plumbing permit is applied for. This is to determine commercial and non-residential connection charges. Such fees shall be the same for BUD5 and Village of Pleasant Prairie customers. Non-residential, commercial and industrial user Connection Fees shall be calculated on an equivalent meter basis, as determined according to AWWA C-700 schedule of meter operating capacity as follows:

Water Meter Size (Inches)	Capacity	Meter Equivalent
5/8	20	1
5/8 X 3/4	20	1
1	50	2.5
1-1/2	100	5
2	160	8
3	300	15
4	500	25
6	1,000	50

- (4) The initial Hook-Up Fee as set forth in this Section for a new or existing building shall be paid at the time that a building or plumbing permit is applied for. The initial Connection Charge for a new or existing structure shall be paid before the actual connection is made to the system.
 - (5) For Connection Fees for customers in BUD5, the Village of Pleasant Prairie will adopt all fees by resolution with a fee schedule, which may be amended from time to time, and such fee schedule is incorporated herein by reference and is applicable to this Chapter.
- (d) Materials and Methods of Construction.**
- (1) The size, scope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the municipality's building and plumbing codes and other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in pertinent specifications of the *ASTM and WPCF Manual of Practice No. 9* shall apply.
 - (2) Sanitary sewer service laterals shall be located, whenever possible, outside of any paved, hard-surface driveway approaches or driveway areas where a new sanitary

sewer service is installed. In all new land divisions created by subdivisions, certified survey maps or condominium plats, sanitary sewer service laterals must be utilized in their designated and approved locations on such plat or as otherwise shown in an easement to the Approving Authority. If the sanitary sewer service lateral falls within a paved area, the property owner shall sign a letter of indemnification with the Village of Bristol and the Village of Pleasant Prairie and include a notation on the easement holding the both Villages harmless for any and all future liability, loss, or damage associated with any work as may be required by the Villages within the property owner's paved portion area which is located in the Village of Bristol's or the County's road right-of-way. This letter of indemnification, or an easement including that indemnification, shall be recorded with the Register of Deeds with the recording fee paid by the property owner.

- (3) Each building shall require its own sanitary sewer service lateral.
- (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 Water and Groundwater Drains.** No person shall make connection of roof down spouts, 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. All existing down spouts or groundwater drains, etc., connected directly or indirectly to the Sewer Utility shall be disconnected within thirty (30) days of the date of an official written notice from the approving authority.
- (g) **Conformance to Plumbing Codes.** The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the municipality or the procedures set forth in appropriate specifications of the *ASTM and WPCF Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.
- (h) **Inspection of Connection.**
 - (1) The utility contractor or master plumber making a connection to a public sewer shall notify the municipality and the Village of Bristol during the normal working hours of 8:00 a.m. to 3:00 p.m. as to when the building sewer is ready for inspection and connection to the public sewer. The Village of Pleasant Prairie shall inspect and approve all public mains and connections to public sewer mains, while the Village of Bristol shall inspect and approve private sewer services and lateral connections.
 - (2) Before the Village of Bristol approves a sanitary sewer lateral connection for an existing property that is also abandoning a private on-site sewage disposal system, the contractor shall schedule two (2) separate inspections with the Village. An inspection of the lateral installation to verify the existing plumbing connection in the dwelling shall comply with the State Plumbing Code. This inspection shall require Village of Bristol inspectors to enter the dwelling to complete the inspection. A second inspection shall be scheduled prior to any filling of an

existing tank with slurry. At the time of the tank inspection, a pumping ticket from a licensed solid waste contractor shall be provided to the inspector(s) of the Village of Bristol and the Village of Pleasant Prairie to verify that the solid waste has been properly removed from the tank.

- (i) **Barricades; Restoration.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the routine course of the work shall be restored in a manner satisfactory to the Approving Authority.

Sec. 9-4-11 Notice of Violations; Nuisance Abatement; Accidental Discharge Penalties; Liability for Losses.

- (a) **Written Notice of Violations.** Any person found to be in violation of any provision of this Chapter shall be declared a public nuisance and shall be served by the municipality and Village of Bristol with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. A copy of the notice shall also be provided to the Village of Bristol. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) **Abatement of Nuisance Without Notice.** If the Approving Authority, which for purposes of this Section may be either or both the Village of Pleasant Prairie or the Village of Bristol depending on the area of responsibility or jurisdiction, determines that a public nuisance exists within the municipality or BUD5 and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals, or decency, the approving authority 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.
- (c) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water shall, in addition to a fine, pay an amount to cover any damages, both values to be established by the municipality.
- (d) **Continued Violations.** Any person, partnership, or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid noticed time limit provided, shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. 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 a violation is continued beyond the aforesaid noticed time limit shall be deemed a separate offense.
- (e) **Liability to Municipality for Losses.** Any person violating any provisions of this Chapter shall become liable to the municipality, which may be the Village of Bristol or the Village of Pleasant Prairie or both, for any expense, loss, or damage occasioned by reason of such violation which the municipality may suffer as a result thereof.

Sec. 9-4-12 Appeals.

(a) Procedures for Reconsideration; Appeal.

- (1) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease-and-desist orders, made by the Village of Bristol or Village of Pleasant Prairie interpreting or implementing the provisions of this Chapter or in any permit issued herein, may file with the Village of Bristol or Village of Pleasant Prairie, as the case may be, 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.
- (2) The municipality with whom the reconsideration request is filed 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 the appeals request.
- (3) If the determination on the request for reconsideration made by the applicable municipality is unsatisfactory in the opinion of the appellant, the party who requested reconsideration may, within ten (10) days after notification of the action, file a written appeal with the appropriate Village Board.

- (b) **Fees; Appeals Determination.** A fee of Fifty Dollars (\$50.00) shall accompany any appeal to the appropriate Village Board for its ruling. This fee may be refunded if the appeal is sustained in favor of the appellant. The written appeal shall be heard by the Village Board within forty-five (45) days from the date of filing. The Village Board shall make a final ruling on the appeal within sixty (60) days from the date of filing.

Sec. 9-4-13 Audits; Notification of Users; Records.

- (a) **Biennial Audit.** The Village of Pleasant Prairie shall review at least every two (2) years the wastewater contribution of its sewer users, the operation and maintenance 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 and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.
 - (2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities.
 - (3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to the class of users for the next year and adjust the sewer service charge rates accordingly to maintain uniformity with other sewer users.
- (b) **Annual Notifications.** The Village of Pleasant Prairie shall notify its sewer users annually as to the sewer service charge rates. The notification shall show what portion of the rates is attributable to the operation and maintenance expenses, any debt service costs of the wastewater collection system and wastewater treatment by the City of

Kenosha. The notification shall occur in conjunction with the adoption of a budget for the ensuing year in accordance with Sec. 65.90, Wis. Stats.

- (c) **Records.** The Village of Pleasant Prairie shall maintain records regarding wastewater flows, costs of wastewater collection and treatment facilities, sampling programs and other information which is necessary to document compliance with 40 CFR 35 of the Clean Water Act, and shall provide this information to the Village of Bristol.

Sec. 9-4-14 Wastewater Discharge Permits.

(a) **Application.**

- (1) Property owners or users shall apply to the Village of Pleasant Prairie for a wastewater discharge permit prior to connection with the Sewer Utility, with a copy of such permit application sent to the Village of Bristol.
- (2) The Village of Pleasant Prairie and Village of Bristol shall follow all provisions relating to the regulation of wastewater discharge into the Kenosha Water Utility wastewater collection system as defined in Chapter 32 of the City of Kenosha Code of Ordinances, the provisions of which are incorporated herein by reference.

- (b) **Required Information.** Applications for wastewater discharge permits shall be made on forms supplied by the Village of Pleasant Prairie and the Village of Bristol. The applications for wastewater discharge permits must be signed by an authorized representative of the industrial discharger or municipal discharger and must contain the following information prior to being processed. It shall be unlawful for any person to intentionally file an incomplete or inaccurate application. Wastewater discharge permits shall not be issued until complete and accurate applications are filed. Applications shall include the following:

- (1) The name, address, telephone numbers, email address, and location of the industrial discharger or municipal discharger.
- (2) The Standard Industrial Classification (SIC) number according to the *Standard Industrial Classification Manual, Bureau of the Budget, 1972 (amended)*.
- (3) Disclosure of the constituents and characteristics of prohibited wastewater, as determined by a bona fide chemical and biological analyses.
- (4) Disclosure of the time and duration of discharges.
- (5) Disclosure of average daily wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any.
- (6) Disclosure of site plans, floor plans, mechanical and plumbing plans, and details which show all sanitary sewers, sanitary sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- (7) General description of activities, facilities, and plant processes on the premises, including all materials that are or may be discharged.
- (8) Disclosure of whether or not compliance with this Chapter is being achieved on a consistent basis.
- (9) Disclosure of each product produced by type, amount, process or processes, and rate of production.

- (10) Disclosure of the type and amount of material utilized, which is or may be discharged into the wastewater collection facilities, stating the average and maximum per day.
- (c) **Amendments to Application.**
 - (1) An industrial discharger or municipal discharger must submit an amended application for wastewater discharge permits within thirty (30) days following any material change in the information required and previously submitted on an application form, and thirty (30) days prior to the following:
 - a. Commencement of discharge of prohibited wastewater.
 - b. Change in the characteristics and constituents of wastewater.
 - c. Change in volume of wastewater discharged by twenty percent (20%) or more.
 - d. Change in the operations or processes utilized by the discharger.
 - (2) An amended application will be processed the same as if it were an original application. This Subsection does not apply to temporary variations in production schedules.
- (d) **Insufficient Information.** Where an application for a wastewater discharge permit contains insufficient or inaccurate information, the Village of Pleasant Prairie or Village of Bristol may require more complete and accurate information. Applicants shall be provided thirty (30) days from the date of receipt of written notice of an incomplete or inaccurate application in which to furnish more complete or accurate information.
- (e) **New Discharges.** Property owners and users who were not discharging into the wastewater collection facilities on the effective date of this Chapter shall apply for wastewater discharge permits from the Village of Pleasant Prairie and Village of Bristol prior to their connecting to or discharging to the wastewater collection facilities.
- (f) **Approval of Permit Applications.** Thirty (30) days after fully completed, accurate and sufficient applications for wastewater permits have been submitted to the Village of Pleasant Prairie and the Village of Bristol, the Village of Pleasant Prairie shall grant a wastewater discharge permit in accordance with the provisions of this Chapter, with a copy to the Village of Bristol, which will specify wastewater which is totally prohibited, place limits on the constituents and characteristics of wastewater, and provide for the pretreatment of certain wastewater prior to its discharge to the wastewater collection facilities.
- (g) **Permit Terms, Conditions and Limitations.** Wastewater discharge permits shall specify the following:
 - (1) Fees and charges to be paid to the Village of Pleasant Prairie, as identified herein, as a condition of permit issuance.
 - (2) Limits on the average and maximum wastewater constituents and characteristics of discharge.
 - (3) Limits on average and maximum rate, time of discharge and requirements for flow regulations and equalization.
 - (4) Requirements for the installation and maintenance of inspection and sampling facilities.
 - (5) Special conditions imposed by the respective municipalities required under each permit for particular circumstances of a given discharger, including sampling

locations, frequency of sampling, number types and standards for tests and reporting schedules, and special technical reports or discharge reports in addition to those specifically prescribed by this Chapter. The special conditions imposed by this Section shall be reasonable and shall be necessary to carry out the objectives of this Chapter. In each case, if the discharger so desires, the appropriate utility shall provide the discharger a complete explanation of the reason(s) for the special conditions.

- (6) Dischargers which have a potential for an accidental discharge of prohibited wastewater shall be required to develop a written plan designed to prevent accidental discharges of prohibited wastewater, and in the event of such an accidental discharge, to mitigate potential damages which could be caused thereby. Such plan shall include a provision that dischargers place signs in conspicuous places on their premises advising officers, employees and agents thereof of the procedure to be utilized to report a discharge of prohibited wastewater to the municipalities' systems.
- (7) Where pretreatment is required, the discharger shall be required to submit a plan to the Village of Pleasant Prairie, with a copy to the Village of Bristol, by a certain date. Such plan may not be implemented until approved by the municipalities. Such plan shall include a schedule, known as "milestone dates," for hiring an engineer, preliminary plans, final plans, letting contracts, commencement of and completion of construction, hiring of appropriate personnel, and date of initial operation. Such schedule must be strictly complied with unless such schedule is modified by the appropriate municipal utility. Dischargers shall have the obligation of filing for extensions of time to meet such milestone date with the appropriate municipal utility prior to the expiration of any milestone. A hearing will be held by the appropriate municipality on timely extension requests. No discharger shall fail to timely obey an order for pretreatment, fail to submit a schedule of milestone dates to implement pretreatment or fail to meet scheduled milestone dates or authorized extensions thereof, for any phase of the implementation of pretreatment. Pretreatment shall be at the sole cost and expense of the discharger. No later than fourteen (14) days following each milestone date, the discharger shall submit a progress report to the appropriate municipal utility. If a specific milestone date is not met, the report shall state the reason for the delay, the expected time for complying with said milestone date and the steps being taken to achieve said milestone by the date proposed. In the event more than nine (9) months elapse between milestone dates, a progress report shall be submitted not less than every nine (9) months. Should a milestone date not be met and should a timely extension request not have been made and granted, an after-the-fact extension request shall be applied for following the same procedure as should have been utilized by the discharger for a timely request for additional time to meet a milestone date. However, the approval of an after-the-fact time extension shall not relieve the discharger of liability for a forfeiture or other sanction for having missed a milestone date without first having requested and been granted an appropriate extension of time.
- (8) A provision which states that samples shall be collected in such a manner as to be representative of the composition of the wastewater and as provided for in the

permit. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the appropriate municipal utility. Installation, operation and maintenance of the sampling facilities shall be at the cost and expense of the discharger and shall be subject to the approval of the appropriate municipal utility. Access to sampling locations, industrial processes that pertain to wastewater discharge and pretreatment facilities, and records of wastewater self-monitoring shall be granted to the appropriate municipal utility, or duly authorized representative thereof, at all reasonable hours. Care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that which existed at the time the sample was taken.

- (9) A statement that dischargers discharging on the effective date of this Chapter shall comply with this Chapter where it is stricter than federal or state laws, rules or regulations, within eighteen (18) months after the effective date of this Chapter. The appropriate municipal utility may provide additional time for compliance with this Chapter where such additional time is mandated by technical considerations.
- (h) **Permit Duration.** All wastewater discharge permits shall be initially issued for four (4) years and renewals shall be issued for eight (8) years provided that the provisions of this Chapter have been complied with, subject to amendment, suspension or revocation as provided for in this Chapter.
- (i) **Limitations on Permit Assignment and Transfer.** Wastewater discharge permits are issued to a specific industrial discharger or municipal discharger for a specific operation and is not valid for operations not described in the applications, is not assignable to another discharger or transferable to any other location without the prior written approval of the appropriate municipal utility.
- (j) **Permit Amendments by Issuer.** The Village of Pleasant Prairie may amend any wastewater discharge permit issued by it, subject to notice of its intent to do so to the discharger and the Village of Bristol, and subject to the discharger being given an opportunity to be heard for the purpose of correcting any errors or omissions made by the municipal utility and to incorporate revised limitations on prohibited wastewater required by law. A reasonable time schedule shall be set to meet any new or modified requirements. A minimum of thirty (30) days will be provided to the discharger to meet any new or modified requirements.
- (k) **Extensions of Permit Time Schedules.** Whenever any industrial discharger, municipality or hauler believes that any time schedule contained in a wastewater discharge permit is unreasonable under the circumstances, such discharger may request, in writing, an extension of time to meet such schedule prior to expiration of any such time limit. Time extensions may be given after the fact, but the discharger is subject to the penalties herein provided for failure to meet such time schedule.
- (l) **Hearing Relative to Permit Conditions and Limits.** Any discharger, within thirty (30) days of the granting of a wastewater discharge permit, may file with the appropriate municipal utility a request to be heard relative to the correct application of any permit conditions and limitations. An opportunity to be heard shall be provided before the administrator of the appropriate municipal utility within ten (10) days of the receipt thereby of a request for hearing.

Sec. 9-4-15 Standards and Regulations Adopted by Reference.

For purposes of this Chapter, the following design standards are adopted by reference and made a part of this Chapter as if set forth in their entirety:

- (a) *Village of Pleasant Prairie Standard Construction Specifications (2019 or most recent edition).*
- (b) *Village of Pleasant Prairie Code of Ordinances, Chapter 405, Incorporating "Design Standards and Construction Specifications for the Village of Pleasant Prairie (2019 or most recent edition).*

Sec. 9-4-16 Effective Date.

This Chapter shall take effect and be in force from and after the effective date of this Chapter. However, as provided in the W&S Agreement, if the Wisconsin Public Service Commission has not approved the Public Water System-Retail, on or before December 31, 2019, and the W&S Agreement is terminated, the Village of Bristol may also repeal this Chapter.

Sec. 9-4-17 Violations and Penalties.

Except as otherwise provided in this Chapter, any person who shall violate any provision of this Chapter, or any regulation, rule or order made hereunder, shall, upon conviction thereof, be subject to a penalty as provided in Section 1-1-6 of the *Village of Bristol Code of Ordinances*.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28th day of October, 2019.

VILLAGE OF BRISTOL, WISCONSIN

Michael Farrell
Village President

Amy Klenko
Village Clerk-Treasurer

INTRODUCED: 10/28/19

ADOPTED: 10/28/19

PUBLISHED: _____

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village of Bristol Village Board on the 28th day of October, 2019 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 29th day of October, 2019

Amy Klenko
Village of Bristol Clerk-Treasurer

ACKNOWLEDGEMENT

The Village of Pleasant Prairie by the Village Engineer and the Village Clerk hereby acknowledges receipt of Village of Bristol Ordinance No. 2019-22 entitled An Ordinance Regarding Sewer Use Regulations – Bristol Utility District 5.

Dated this 11th day of November, 2019.



Matthew Fineour, Village Engineer



Jane C. Snell, Village Clerk