

CHAPTER XXXII
KENOSHA WATER UTILITY
Water and Sewerage Systems

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32.01 KENOSHA WATER UTILITY-DEFINITION

Kenosha Water Utility (Water Utility) shall mean a municipally owned public water utility organized and existing under authority of §66.068, Wisconsin Statutes, and this Chapter.

32.02 MANAGEMENT AND OPERATION OF WATER, SEWERAGE, AND HOUSEHOLD HAZARDOUS WASTE

The Water Utility shall consist of three (3) separate fiscal units, as follows:

A. Water System. The Water System shall consist of the Water Pumping, Treatment and Distribution facilities and related personnel.

B. Sewerage System. The Sewerage System shall consist of the Wastewater Treatment and Wastewater Collection facilities and related personnel.

C. Household Hazardous Waste System. The Household Hazardous Waste System shall consist of the collection and disposal of household hazardous waste and related personnel.

The Water Utility shall have complete charge, management, and fiscal control of the operations of the Water, Sewerage and Household Hazardous Waste Units. The General Administration of the Water Utility shall be performed jointly for the Water, Sewerage and Household Hazardous Waste Units, under the direction of a General Manager, who shall report to the Board of Water Commissioners.

32.03 BOARD OF WATER COMMISSIONERS - Powers and Duties

A **Board of Water Commissioners, (Board)** created under the authority of §1.06 H. the City of Kenosha Code of General Ordinances, shall have the entire charge and management of the Water Utility as provided in §66.068, Wisconsin Statutes, and this Chapter. The powers and duties of the Board shall include, but not be limited to the following:

A. Establish policy.

B. Adopt Rules and Regulations.

C. Adopt an annual budget.

D. Establish and authorize charges, assessments, rates and other fees for the Water System, as authorized by the Public Service Commission of Wisconsin.

E. Establish and authorize charges, assessments rates and other fees for the Sewerage System, as authorized by this Chapter.

F. Install and construct public improvements, financed through bond issues, promissory notes and/or operating revenue and secure payment of such obligations.

G. Enter into contracts and agreements, including cooperation agreements with other units of government, and enter into development agreements with subdividers, real estate owners, developers and others.

H. Recover all or part of the cost of installing and constructing public improvements through impact fees or special assessments as authorized in Chapter 66, Wisconsin Statutes, and this Chapter.

I. Purchase and sell real estate and Utility assets, acquire and release easements, enter into right of entry agreements, and enter into leases and rental agreements.

J. Authorize the installation and construction of water or sewer mains and appurtenances by Water Utility crews or through public construction contracts.

32.04 GENERAL MANAGER

The Board shall appoint a General Manager who shall take and hold office under the City Civil Service Ordinance and rules, which are incorporated herein by reference. The appointment shall be from an eligible list supplied according to the Civil Service Ordinance and Rules and Regulations. The General

Manager shall have the charge and management of the Water Utility, subject to Board supervision, and the authority to execute contracts, and agreements and perform other activities approved or directed by the Board. The Assistant General Manager shall have authority to act for the General Manager in his/her absence, or unavailability. When the term General Manager is used in this Chapter, it shall include authorized designees thereof.

32.05 RULES AND REGULATIONS GOVERNING THE WATER UTILITY

Rule 05-01. Application for Water and/or Sewerage Service For Retail Customers.

Application for new water and/or sanitary sewerage service within the Retail Service Area of the Water Utility shall be made to the Water Utility by the owner of the property to be served or by an authorized agent thereof. An approved application shall constitute a contract between the property owner and the Water Utility under which the property owner will receive service in accordance with applicable Water Utility rules and regulations and subject to the payment of applicable fees, charges and deposits.

Rule 05-02. Application for Water and/or Sewerage Service for Customers Served by Other Municipalities.

Application for water and/or sanitary sewerage service outside the Retail Service Area of the Water Utility shall be made to the Clerk of the municipality within which the property to be served lies. The Water Utility will provide such service only in areas of municipalities which it has agreed to serve under the terms of a contract with such municipalities, and then, subject only in accordance with the procedures and conditions therein provided.

Rule 05-03. Water and/or Sewerage Service to New Owners of Previously Served Property.

The Water Utility may serve new owners of property previously served with water and/or sanitary sewerage without the requirement that a new application for such service be filed with and approved by the Water Utility under the theory that the receipt of service constitutes an implied contract to receive and pay for said service in accordance with applicable Water Utility rules and regulations and subject to the payment of applicable fees, charges and deposits.

Rule 05-04. Responsibility For Water And Sanitary Sewer Pipes, Appurtenances and Connections.

The Kenosha Water Utility is responsible for any necessary repairs to, or replacement of the water service pipe and curb stop, from the curb stop to the Kenosha Water Utility's water distribution main located in an easement or in the public right-of-way.

The property owner is responsible for the installation, maintenance, and any necessary repairs to, or replacement of and maintenance of the water service pipe and all appurtenances and connections from within the building to the curb stop, except for the water meter and meter horn. The Kenosha Water Utility is responsible for the installation, maintenance, and any repairs to, or replacement of the water meter and meter horn.

The property owner is responsible for the installation, maintenance, cleaning, repair and replacement of the sanitary sewer lateral from the building to the Kenosha Water Utility's sanitary sewer located in an easement or in the public right-of-way. In the event it becomes necessary to repair or replace that portion of the sanitary sewer lateral that lies underneath the public right-of-way, the Kenosha Water Utility will make the necessary repair or replacement at its initial cost upon the property owner signing an agreement that the property owner will pay the costs of the necessary sanitary sewer lateral repair and replacement and excavation and repair of the public right-of-way in the event such work is necessitated because of damage or blockage to the sanitary sewer lateral that was caused by property owner, or occurred during the homeowner's, or the homeowner's contractor's maintenance or cleaning of the sanitary sewer lateral or for other causes attributable to the homeowner or the homeowner's contractors.

In the event any repair or replacement of the water service pipe or sanitary sewer lateral outside of the public right-of-way is required of the owner, the owner, at their expense, must make the repair or replacement within thirty (30) days after receiving written notice from the Kenosha Water Utility that repair or replacement is required. If the necessary repair or replacement is not completed by the owner within said thirty (30) days, or if the condition requiring repair or replacement is of such a nature as to cause a danger to persons or property, the Kenosha Water Utility may disconnect the water or sanitary sewer connection or make the necessary repair or replacement and charge the cost to the property owner, and specially assess the property served. Any costs or expenses incurred by the Kenosha Water Utility which are the responsibility of the owner as stated in this Ordinance, shall be charged as costs to the property owner and may be specially assessed to the property served.

Rule 05-05. Entry Upon Customer Land and Buildings.

The General Manager of the Water Utility and any officer, employee or agent of the Water Utility duly appointed in writing by the General Manager shall be permitted by its customers, at all reasonable hours, to enter any place supplied with

water and/or sewerage service for the purpose of inspecting, examining, repairing, installing or removing the meters, pipes, fittings, wires and works for supplying or regulating the supply of water or sanitary sewerage service and for ascertaining the quantity of water supplied and/or sanitary sewerage treated.

Any owner, agent for owner, or tenant of premises to be entered may demand to inspect the written authority of the officer, employee or agent of the Water Utility as a condition of permitting entry hereunder.

It shall be unlawful for any person to directly or indirectly hinder any authorized officer, employee or agent from entering premises, or from making an inspection, examination, removal or installation under this Rule.

Rule 05-06. Water and/or Sanitary Sewer Main Extensions. The Board may, whenever it deems it expedient and necessary and in the best interests of the Water Utility, construct water and/or sanitary sewer mains, connections and appurtenances in any highway, street, right of way or utility easement. The cost of such main may be specially assessed against the benefited property as provided for in §66.60, Wisconsin Statutes, and this Chapter or pursuant to the terms of a development agreement with owner/developer of property to be served.

Rule 05-07. Water and Sanitary Sewer Mains - How Constructed on Divided Property. Construction of water and sanitary sewer mains which are to serve land divided by a plat of Subdivision, certified survey or plat of survey shall be in conformance with **Chapter 17** of the City of Kenosha Code of General Ordinances and with Water Utility plans and specifications. Water and sanitary sewer mains may be constructed to serve land divided under **Chapter 17** of the Code of General Ordinances only in accordance with a Development Agreement approved by the Board and executed by the General Manager of the Water Utility, and then, subject to the final approval and acceptance by the General Manager of the Water Utility.

A developer or subdivider shall pay to the Water Utility for the Water Utility's cost of any existing water or sanitary sewer which is stubbed to the property and will be used as main extensions, if the stubs had not previously been assessed and paid.

Rule 05-08. Water Main and Sanitary Sewer Main Special Assessments. Whenever the Board shall cause to be constructed a water main or a sanitary sewer main in any highway or street,

right-of-way, or utility easement, which is not the subject of a Development Agreement, the Water Utility, when legally possible, shall assess the abutting property owners for the cost thereof as provided for in this Chapter and in §66.60, Wisconsin Statutes, as authorized by the Board. The special assessment may be based upon a charge per front foot of main installed, or in the alternative, by another method of determining the cost to be assessed which is authorized by the Board to insure that property is assessed only to the extent benefited and to permit recovery of the costs authorized by law.

Upon completion of construction and installation, the Water Utility will provide the property owner with written notice thereof and with an option of paying the special assessment therein in full within thirty (30) days or in ten (10) equal annual installments. The amount of each installment shall be equal to one-tenth (1/10th) of the total special assessment, plus interest at a rate determined by the Board by November 15th of each year for the following calendar year and effective on the date of the special assessment. The rate may include an amount of interest sufficient to cover administrative and associated costs. Special assessments shall be placed on the real estate tax roll and collected in the manner provided by law.

Rule 05-09. Water and Sanitary Sewer Design. Water and sanitary sewer plans and specifications shall be prepared or approved by the Water Utility. The Water Utility shall approve the size of water and sewer mains and the location of hydrants, valves, manholes and appurtenances thereto.

Rule 05-10. Fire Hydrants. The cost of the installation of fire hydrants will not be specially assessed to abutting property owners, except as may be provided for in a Development Agreement.

Rule 05-11. Public Land Dedications. Special assessments shall not be forgiven or deferred as a consideration for any dedication of land for a public purpose.

Rule 05-12. Railroad and Utility Company Special Assessments. Railroad and utility companies shall be specially assessed for all water and/or sanitary sewer mains fronting their property when and to the extent a benefit to the property.

Rule 05-13. Double Special Assessments. Generally, the cost of water and/or sanitary sewer mains shall be specially assessed against benefited property on each side of a highway or street right-of-way. However, where property on one side of a highway or street right-of-way is the only beneficiary of such improvement or where the type or

width of highway or street installed requires the installation of parallel water and/or sanitary sewer mains, the Board shall establish a special assessment rate to recover the cost thereof which, in no event, may exceed two (2) times the current special assessment front foot or other applicable rate which would have been otherwise applicable.

Rule 05-14. Special Assessment/Change of Circumstances. Special Assessments which were valid and enforceable when made shall not be forgiven due to a subsequent change in circumstances.

Rule 05-15. Hookup Fees. Whenever the Board shall cause to be installed or constructed a water and/or sanitary sewer main, and/or water or sanitary sewer connection in any highway or street, right-of-way or easement and said water or sanitary sewer main and/or water or sanitary sewer connection may not be assessed under §66.60, Wisconsin Statutes, due to lack of authority to do so, the abutting property owner shall, as a condition of being permitted to hookup to the Water Utility System where such a hookup is otherwise authorized and permitted, shall pay a "Hookup Fee".

The "Hookup Fee" may be established through the use of the front foot assessment rate or such other rate as is determined by the Board to recover the Water Utility's cost and expense of serving the property, plus any connection charge effective at the time of connection.

The "Hookup Fee" shall be charged for all property within or outside of the City Limits that was not previously assessed, or was subject to a deferred special assessment, under §66.60, Wisconsin Statutes, due to the lack of authority to do so at the time of construction or any other reason. Where a "Hookup Fee" is paid, a special assessment for the same service shall not later be made against the property.

Required connection fees shall be in addition to the "Hookup Fee".

Deferred special assessments respecting property outside of the City limits are entered as such only for accounting purposes. Deferred special assessments in the City shall be noted as paid in the City's books of accounts upon a "Hookup Fee" being paid in an amount sufficient to cover the amount thereof.

"Hookup Fees" may be paid in installments upon the request of the property owner requesting service pursuant to a policy and interest rate determined by the Board of Water Commissioners and upon an

agreement that unpaid fees may be specially assessed against benefited property.

Rule 05-16. Deferred Special Assessments. No property within the City, unless zoned "agricultural", shall have any special assessment deferred for payment unless it is authorized by the Board, and then only pursuant to a uniform policy.

Rule 05-17. Deferred Special Assessments Payable Upon Annexation. Upon annexation, all deferred special assessments for sanitary sewer and water mains and laterals shall become due, owing and payable in the same manner and to the same extent as if those assessments were validly assessed against said property on the effective date of annexation, except as heretofore provided. Deferred assessments for sanitary sewer and water mains and laterals shall be due, owing and payable at the charge or assessment rate prevailing on the effective date of annexation.

All deferred assessments shall be payable in installments where installment payments, authorized by City Ordinances, would have been available to any owner of property within the City for such improvements on the effective date of said Annexation Ordinance, although the annexing property owner(s) may, at their option, elect to pay the total amount due, owing and payable forthwith.

Where special assessments are paid on an installment basis, the carrying charges and interest rate in effect upon the effective date of annexation shall apply irrespective of whether or not that date controls in determining the appropriate charge or assessment rate.

Petitions for annexation shall contain a provision that in consideration for City approval of the petition for annexation, petitioners agree to the terms of this Ordinance and waive any rights, if any, which they may have to contest the amounts due, owing and payable or the manner of payment heretofore enumerated, except for potential mathematical errors in calculations and except for a challenge based upon legal benefit to the property. However, the failure of any property owner to agree as above set forth shall not in and of itself void the obligations specified in this Ordinance.

Rule 05-18. Method for Computing the Cost of Water and Sanitary Sewer Main Special Assessments on the Basis of Front Foot Assessment.

A. Front Footage. Mains are to be specially assessed based upon the front footage of each parcel of land which abuts a main and appurtenances

to the nearest one thousandth (.001) foot at the assessment rate effective at the date of approval of the petition.

B. Corner Parcels. Any parcel which has at least two (2) sides which face two (2) intersecting streets at the intersection shall be specially assessed for the full length of the side upon which the main is first installed. When mains are later installed on the other abutting street of the corner parcel there shall be a special assessment for the full length of the side less a maximum credit of one hundred and fifty (150) feet.

C. Standard Symmetric Cul-de-Sacs. Parcels fronting a standard symmetric cul-de-sac shall be specially assessed for the arc frontage.

Parcels which are tangent to a cul-de-sac, shall have a minimum special assessments based upon sixty (60') feet of frontage.

D. Offset or Nonsymmetric, Cul-de-Sacs. Parcels fronting offset or nonsymmetric cul-de-sacs shall be specially assessed in the same manner as a standard symmetric cul-de-sac.

E. Curved Streets. Parcels on curved streets shall be specially assessed for the frontage along the arc of the curve.

F. Corner Parcels on Curved Streets. Parcels on a curved street are considered corner parcels if there are intersecting streets. There shall be a credit of one hundred and fifty (150') feet when the main covers the full length of the frontage. There shall be a minimum special assessment based upon sixty (60') feet of frontage.

G. Curved Streets with Partial Cul-de-Sacs. Parcels fronting a curved street which has a partial cul-de-sac on the outside radius of the curve shall be specially assessed for the arc frontage. Where the parcel is also a corner parcel, special assessments shall be levied in accordance with **Subsection F.**

H. Trapezoidal Parcels. Trapezoidal parcels (any four-sided lot with unequal interior angles) which have one side fronting a main shall be specially assessed based upon the frontage.

I. Triangular Parcels. Triangular parcels (three-sided lots with one side facing a street with a main) shall be specially assessed based upon frontage. Triangular parcels (three-sided lots with two sides facing streets with a main) shall be specially assessed as corner parcel.

J. Double Frontage Parcels. Double frontage

parcels (two sides facing two nonintersecting streets) shall be specially assessed on the side(s) where the parcel is to be serviced.

K. Infrastructure Cost. The cost of providing infrastructure to serve the property may be built into the project assessment rate such as, but not limited to, water pumps, sanitary sewer lift station and mains in intersections.

Rule 05-19. Water Mains and Sanitary Sewer Mains and Connections Installed in Advance of Paving. Where streets are to be paved or repaved in full or part under circumstances where no mains or connections exist, the Water Utility may lay the necessary mains and connections before the paving work is performed and specially assess the abutting property for the cost thereof in accordance with §66.60, Wisconsin Statutes, and this Chapter.

Rule 05-20 - Locating of Sanitary Lateral or Water Service Stubs - Utility's Responsibility. When requested to locate a sanitary sewer lateral or water service stub, the Water Utility will field mark with a stake or paint the location per the latest records available. The records are available in the office of the Water Utility Engineering Services for anyone who wants a location without field marking.

The Water Utility shall not be responsible for any costs to the owner, developer or other persons for any inaccuracy or incompleteness of the records or any misinterpretation of the records.

32.06 RULES AND REGULATIONS GOVERNING THE WATER SYSTEM

Rule 06-01. Required Water Service and Connection.

A. Unsafe Well Water. Where inhabited property which fronts a Water Utility main is serviced by a private well, and where water from that well is bacteriologically unsafe or toxic, then the owner of said property shall be required to connect this property into an abutting water main and use Water Utility water for domestic purposes subject to Water Utility Rules and Regulations, within thirty (30) calendar days following notification to the property owner by the Health Department that such a connection is necessary.

B. Safe Well Water. Where inhabited property which fronts a Water Utility main is serviced by a private well which is the subject of a Well Permit under **§32.09**, and the water from that well is not bacteriologically unsafe or toxic, then the owner of said property shall be required to connect their property into an abutting water main within one (1)

year. The connection shall be extended into the property and a water meter shall be set. (See §32.09) Water from the Water Utility need not be used as long as a Well Permit is maintained and the water from the well is not bacteriologically unsafe or toxic.

Rule 06-02. Water Connection Charges. Charges for water connections shall be as authorized by the Wisconsin Public Service Commission. Water connection fees cover the cost of labor, equipment, material and appropriate indirect costs required to extend the water service from the water main to and including the curb box which is located between the property line and the curb line.

Rule 06-03. Water Service Pipe. Water service pipe extending from the building to the Water Utility shut off (curb stop) within the public right-of-way or easement, shall be installed in accordance with Chapter 82 of the State of Wisconsin Plumbing Code.

The recommended minimum size of service pipe from the curb stop to the water meter shall be one (1") inch in diameter. The minimum size service from water main to curb stop for a residential unit, where the distance from the water main to the meter is greater than one hundred (100') feet, shall be one and one-half (1-1/2") inch diameter. In all cases the domestic service shall be sized to provide a minimum of 12 gpm at 20 psi at the water meter.

Water service pipe and tubing shall conform to the standards listed in Chapter 84 of the State of Wisconsin Plumbing Code from the curb stop to the building. Water service pipe and tubing from the main to the curb stop shall be type K copper for 1", 1-1/2" and 2" services, poly-encased ductile iron pipe Class 53 for 4", 6" and 8" services, and poly-encased ductile iron pipe Class 52 for larger than 8" services. Alternate material may only be used upon written approval of the General Manager.

Water service pipe shall be laid at least five and one-half (5-1/2') feet below the planned finished grade of the street, lawn or below the existing grade, whichever is lower. The water service pipe may be laid in a sewer connection trench if it is properly shelved to one side of the trench or at least one (1') foot above the sewer lateral. No new or replacement service curb shutoff shall be laid deeper than six and one-half (6-1/2) feet below the established grade.

No person, party or contractor shall cover or permit the covering of any water connection line until the installation has been inspected and approved. The contractor shall subject the water piping to a test in the presence of a City Plumbing inspector, as required by the State Plumbing Code.

When a service pipe larger than two (2") inches is used to supply an individual service or a private water main extension, construction shall be tested in accordance with **Rule 06-29** prior to any pressure test or water usage.

A water service may cross one parcel to service another parcel provided only one parcel is served, and a copy of a recorded easement for the crossing is provided to the Water Utility.

Service pipes may not extend from one serviced parcel to another unless:

1. Approved by the General Manager of the Water Utility;
2. A copy of a recorded easement between parcel owners is delivered to the Water Utility; and,
3. A "Deed Covenant - Rights to Maintain Sewer and/or Water" (approved by the City Attorney) is recorded and a copy of the recorded document is delivered to the Water Utility.

No metered water service to a parcel may be extended to another parcel.

Where lead and copper pipes are to be joined together, flanged or ground joints are required.

Rule 06-04. Water Service Stop Boxes and Shut Off Valves. All stop boxes and shut off valves for controlling the supply of water to customers, shall be placed inside the curb line of the street, with the top of the box even with the grade of sidewalk or parkway. (See Appendix Drawing No. 3.) Each water service shall have a curb stop valve. When the water main is within ten (10') feet of the property line or within an easement, the tapping valve (corporation stop) of a service four (4") inch or greater in diameter may be considered to be the curb stop.

Rule 06-05. Number of Customers on One Water Service Pipe. Each parcel of property shall have only one (1) water service with only one (1) water meter (customer) unless otherwise authorized and approved in writing by the General Manager of the Kenosha Water Utility, except commercial or industrial customers may have a second water meter for "lawn sprinkling" (no sanitary sewer charge) in the same location as the domestic meter. A parcel with more than one building to be served may split a single service from the Water Utility to serve each building, if installed per the State Plumbing Code, each building must have a meter, and each meter has a separate exterior shutoff valve. The size of the service pipe shall be determined by the requirements provided in **Rule 06-03**.

Owners of multi-unit dwelling units or condominiums must apply, in writing, and must obtain approval from the General Manager of the Water Utility for the installation of separate water meters for each housing unit served by single service pipe.

Rule 06-06. Customer Responsibilities. The Water Utility, absent negligence on its part, shall not assume responsibility for any damages incurred by a customer or property owner arising out of a broken or defective water main or pipe where the installation thereof was performed in a good and workmanlike manner or from damages arising from insecure boilers, variation in water pressure, or the water hammer from the mains or from the collapse of any water fixture.

The Water Utility shall not be responsible for the cost of any water loss or property damage arising out of a broken or defective service pipe or appurtenance thereto where the property owner is responsible for the maintenance thereof.

Each customer shall be responsible for maintaining their premises which receive service in as safe a condition as the nature of the premises shall reasonably permit so as to protect employees of the Water Utility from harm when they enter said premises in the performance of their duties.

Each customer is also responsible for providing the Water Utility with access to their premises as provided in **Rule 05-05**. Water service may be temporarily discontinued (shut off) should a customer fail to comply with this Section.

Rule 06-07. Meters Required. All water services within the Retail Service Area shall be metered. All meters shall be furnished by the Water Utility and shall be installed by or under the supervision of the Water Utility. Only one meter will be installed for each service pipe, unless otherwise approved by the General Manager of the Water Utility, as provided in **Rule 06-05**. No tap to the service pipe shall be made before the meter. Submeters shall not be installed, read or maintained by the Water Utility.

Rule 06-08. Check Valve or Other Protective Devices. When water service is provided to a hot water boiler or other pressure vessel, a check and relief valve or other protective device shall be installed, as required by the State Plumbing Code. The Water Utility may require optional vacuum breakers, backflow preventers or check valves on any water service if it is found necessary to protect the public water supply, as may be determined by the General Manager of the Water Utility.

Rule 06-09. Water Meters, Remote Registers and Meter Bypasses - How Placed. Meters shall be placed in the basement where a basement exists. The meter must be placed on the service pipe within twelve (12") inches of the inside wall and between twelve (12") and twenty-four (24") inches above the floor. If no basement exists or the service pipe is extended beyond where the service enters the building foot print, the service pipe shall be buried under the concrete floor (no exposed pipe) until it rises to the meter. The service pipe riser to the meter shall be perpendicular to the floor and secured or reinforced to support the meter. The meter shall be so placed as to be easily accessible and shall be kept free from all obstructions so that it may be easily read and inspected and it shall be protected by the property owner from freezing and other damage. All meters of size from five-eighths (5/8") inch through one (1") inch shall be set with the use of a meter horn supplied by the Water Utility. Meter horns shall be furnished upon application for a meter and shall be installed by a licensed plumber. All meters shall have a gate valve on both the inlet and outlet side of meter. **See Appendix Drawing No. 1 for details.**

All meters one and one-half (1-1/2") inch or larger shall be provided with a bypass connection. The bypass connection shall be teed off the main service pipe before the inlet valve and after the outlet valve which are required at the meter. **See Appendix Drawing No. 2 for details.** The size of the bypass connection shall not be less than one normal pipe size less than the meter size. A locking valve shall be inserted on the bypass and will be sealed by the Water Utility. A meter test plug shall be provided between the outlet side of the meter and outlet valve for three (3") inch and larger meters.

A remote water meter register or remote reader is required for all water meters, and shall be attached directly to the outside of the building or structure wall. The remote register/reader shall be approximately four (4') feet above finish ground elevation and located by the Water Utility where it will be free of obstruction and be easily accessible.

Wiring from meter to remote register or reader will be exposed both interior and exterior of a residential (single family or duplex) building unless the owner at his expense provides a 1/2" conduit. Any owner or builder of a new duplex, who receives authorization for two separate meters, shall provide a 1/2" conduit with a pair of #18 wires from each meter to the remote reader. The remote reader shall be field located and approved by the Water Utility Meter Supervisor.

Wiring from meter to remote register or reader shall be a pair of #18 wires in a 1/2" conduit for each

meter for commercial and industrial buildings. The remote register or reader shall be field located and the location shall be approved by the Water Utility Meter Supervisor.

Remote water meter registers or readers shall be installed only by authorized employees of the Water Utility. The Water Utility does not assume responsibility for the defacement or damage of property caused by necessary holes, fastenings or other work required for proper installation.

The remote water meter registers or readers, wiring and other appurtenances required for the installation shall be and remain the property of the Water Utility. The Water Utility shall have the right of access to install, read, remove, test and inspect the meter and installation as a condition of providing water service as provided in **Rule 05-05**.

Rule 06-10. Location of Meters--Not Obstructed. In the event that a meter is situated in a location that is inaccessible or difficult of access, the Water Utility shall notify the owner or consumer of such condition, and if such condition is not remedied in a manner satisfactory to the General Manager of the Water Utility within thirty (30) days after receipt of such notice, the water service shall be discontinued (shut off) by the Water Utility and remain discontinued (shut off) until such condition is remedied.

Rule 06-11. Meter Pits. All meters must be placed just inside of the basement wall through which the service enters, except in places where there is no basement under the building in which case the meter shall be placed in a suitable location provided by the owner or customer. A meter pit may be set in the floor of the premises and an outside register may be required.

If a meter pit must be placed outside of the premises, the owner must request special written permission therefore and construct the pit according to specifications of the Water Utility to obtain water service. **See Appendix Drawing #4 for details.**

In all cases of existing or new meter pits, the owner is responsible for the maintenance of the pit. The meter must be accessible for meter reading and testing at all times and is subject to all other rules governing meters.

Rule 06-12. Private Fire Service Pipe. Private fire service pipe may be unmetered or metered as authorized by the General Manager of the Water Utility. Fire service pipe meters must be set in accordance with **Rule 06-10** where their use is required by the Water Utility. **See Appendix Drawing #5 for details.**

The rates for Private Fire Protection service shall be based on the service pipe size as authorized by the Public Service Commission.

Rule 06-13. Seasonal or Intermittent Use. Charges for seasonal or intermittent use are authorized by the Wisconsin Public Service Commission.

Rule 06-14. Meters Not to be Interfered With. Meters shall be left in the condition and manner as set by the Water Utility and shall not be tampered with by anyone in any manner whatsoever. No meter shall be moved, or disturbed without special permission from the Water Utility, and then only by a licensed plumber. In no case shall a service pipe coupling bypass be inserted in the service pipe in place of a meter, except that in case of frozen service pipes or frozen meters. Only a licensed plumber, upon notification to the Water Utility, or the Water Utility will be permitted to make such insertion. Any person violating this provision will be required, as a condition of future water service, to pay an amount equal to the amount of damage sustained by the Water Utility by reason of loss of, or damage to the meter, and the loss of revenue from the sale of water by reason of inaccurate water usage registration on meter.

Rule 06-15. Permits for Temporary Water Service. Permits for temporary water service shall be issued and obtained from the City of Kenosha Department of Neighborhood Services and Inspections or the Water Utility business office. Applicants for a new Building Permit shall also make application for Temporary Water Service Permit. Charges for Temporary Water Service Permits shall be as authorized by the Wisconsin Public Service Commission.

No Occupancy Permit for a building serviced by a water service exceeding two (2) inches in diameter shall be approved until such time as the Water Utility has provided the Plumbing Inspector with written verification that the water service which services the building has been successfully tested in accordance Markwith **Rule 06-29**.

Rule 06-16. Adjustment of Water Bill. An adjustment of a water bill may only be made in accordance with Wisconsin Administrative Code, Section (PSC 186.35).

Rule 06-17. Testing Meters. Water meters shall be tested according to Wisconsin Administrative Code, Section (PSC 185.6).

Rule 06-18. Meters Failing to Register. Water meters failing to register shall be billed in accordance

with Wisconsin Administrative Code, Section (PSC 185.6).

Rule 06-19. Breaking Seals Prohibited. No person shall break any seal upon any meter, remote register, valve, private fire hydrant or other fixtures that may be sealed by the Water Utility.

Rule 06-20. Meter Repairs. All meters, damaged by frost, hot water or causes other than ordinary wear and tear, will be repaired or replaced by the Water Utility and the cost thereof shall be charged to the owner of the property served. All repairs or replacements due to ordinary wear and tear of the meter will be made by the Water Utility at the expense of the Water Utility.

Rule 06-21. Water Rates--When Due--How Paid--Failure to Pay When Due. Water rates and payment policies are authorized by the Wisconsin Public Service Commission and approved by the Board.

Rule 06-22. Discontinuance of Service. Any property owner desiring to discontinue the use of water service must give written notice to the Water Utility Business Office of such discontinuance, providing within such notice the location of the relevant premises served and the date water service is to be discontinued. Water service discontinuance policies are in accordance with the Wisconsin Administrative Code, Section (PSC 185.3).

Rule 06-23. Disconnection of Water Service Prior To Razing or Moving Buildings. Prior to razing or moving any building, or portion thereof, the party to whom a Razing or Moving Permit is issued shall request the Water Utility, in writing, to remove the meter and shall cause the water service to be disconnected and capped at the front property line. A permit therefor is required pursuant to **Rule 06-15**. If the capped water service from the property line to the connection at the water main in the public right-of-way is constructed of lead or galvanized steel, the entire water service shall be abandoned and is not permitted for reuse.

Rule 06-24. Cross-Connections and Interchanges. Cross-connections and interchanges are prohibited, except as provided in NR 811.09 and ILHR 82.41 of the State Administrative Code.

Rule 06-25. Fire Hydrants. No person, except an employee of the Water Utility, Street Department or Fire Department, in the course of their employment, or person obtaining a permit from the Water Utility, shall open and take water from a fire hydrant or in any way interfere with, injure, break, or deface any fire hydrant belonging to the Water Utility.

No building, structure, tree, pole, post, sign, or any other obstruction shall be placed, located or maintained within a five (5') foot radius of any fire hydrant connected to the Water Utility water supply system.

Any unauthorized person taking water from a fire hydrant shall pay to the Water Utility a Hydrant Permit fee and water usage charge as payment for the water diverted from the fire hydrant in addition to any applicable civil forfeitures resulting from prosecution and conviction for a violation of this Ordinance.

Rule 06-26. Permits for Use of Fire Hydrants. Fire Hydrant Permit fees and policies are authorized by the Wisconsin Public Service Commission.

Rule 06-27. Frozen Service Pipes. Frozen service pipes from the main to the meter will be thawed out by the Water Utility at no charge for the first occurrence within a Winter season. Should the Water Utility be called upon to thaw the same service pipes additional times within a Winter season, there shall be a fixed charge, sufficient to recover the cost of the service performed, billed to the customer. "Winter season", as used herein, shall mean the period of time from November 1st through April 30th. The customer will be notified if other corrective action is required to avoid the freezing of service pipes and meters in the future. The Water Utility may refuse to honor calls to thaw service pipes if such suggested corrective action is not taken.

Charges for thawing of frozen services after the first occurrence within a Winter season shall be determined by the Board each year for the following calendar year, pursuant to Wisconsin Administrative Code Section (PSC 185.89).

The Water Utility is not responsible for thawing frozen plastic pipes under any circumstances.

Rule 06-28. Fire Protection. The Water Utility, as a public service, may install and maintain fire hydrants which shall be used for Public Fire Protection. The fire hydrants shall be installed in accordance with the National Board of Fire Underwriters recommendations. However, the Water Utility does not assume liability for any failure to act in this regard as the performance of such service is not guaranteed within any particular time frame or as to any particular location.

Rule 06-29. Testing of Water. The Wisconsin Department of Natural Resources has approved and authorized the Water Production Laboratory of the Water Utility to test water to determine if it is safe for domestic purposes.

Any connections greater than two (2") inches shall be flushed by the installer and tested by the Water Utility laboratory and be certified with two consecutive bacteriologically safe samples at least twenty-four (24) hours apart prior to use for any purpose. A water line pressure test shall be made only after bacteriologically safe samples (per the latest revision of AWWA Standard C-651) have been obtained, unless the line to be pressure tested is not connected to the Water Utility system.

Preparation for flushing and testing shall consist of providing a flushing assembly at the end of the installed line before any other piping is connected. The flushing assembly is to consist of a two (2") inch minimum connection to the end of the line, a three-quarter (3/4") inch female pipe tee for a test faucet, a test faucet and necessary hose to discharge the flushing water in to a drain. The size of the hose shall be one and one-half (1-1/2") inches for water main sizes smaller than eight (8") inches and hose lengths two hundred (200') feet or less. All others require hoses two and one half (2-1/2") inches in diameter.

Flushing shall proceed only upon approval and under the supervision of the Water Utility. All samples for newly constructed services or water mains shall be taken by Water Utility personnel. Metering of flushing water is required.

Flushing water may only be turned off upon notification by the Water Utility that the installation has been determined to be bacteriologically safe.

Rule 06-30. Water Pipe Breaks on Private Property. The Water Utility, as a public service, and upon the request of the property owner, may enter private property which receives its water supply from the Water Utility to locate a water pipe break. The Water Utility shall not perform or arrange to perform any repair work on private property, but may temporarily shut off water service with the permission of the property owner or occupier. The Water Utility may, in its discretion, shut off water services to the premises without the consent of the owner or occupier, where there is evidence that the water leak may endanger person, damage property, or create a public nuisance.

Rule 06-31. Lead Service Replacement. The Kenosha Water Utility will replace a residential lead water service by installing a new one (1") inch copper water service from the water main to the curb stop at no expense to the property owner only for residential class of service.

If the property owner does not have an existing copper water service from the curb stop to the

building, the property owner, at their expense, must install a new copper water service to qualify for the Kenosha Water Utility residential class replacement service.

32.07 RULES AND REGULATIONS GOVERNING THE SEWERAGE SYSTEM

Rule 07-01. Sewer Inspection Permit Required. A Sewer Inspection Permit shall be obtained from the Water Utility before any extension is made to the sanitary sewer main or lateral. Any work on sanitary sewers within the street right-of-way or any Water Utility easement shall be done according to Water Utility specifications and inspected by the Water Utility Engineering Division.

Rule 07-02. Sewer Lateral Charges. Charges for sewer laterals shall be determined annually by the Board by November 15th of each year for the following calendar year. Sewer lateral fees cover the cost of labor, equipment and material required to extend the sewer connection from the sanitary sewer main to property line. The Water Utility shall not install sewer laterals outside the Water Utility Retail Area.

Rule 07-03. Sewer Lateral Specifications. Sanitary sewer lateral from the sewer main to the property line shall be a minimum of six (6) inch PVC pipe with rubber gaskets or solvent cemented joints. If a tee or wye is not available for connection, a saddle of the proper size shall be used. Saddle shall be installed with sealant and stainless steel straps as recommended by manufacturer. Hole cutter or sabre saw shall be used to cut PVC sewer pipe.

Rule 07-04. Customer Responsibility. The Water Utility shall not assume responsibility for any damages incurred by a customer or property owner arising out of a broken or defective sanitary sewer main where the installation thereof was performed in a good and workmanlike manner.

The Water Utility shall not be responsible for the cost of any property damage arising out of a broken or defective service pipe or appurtenance thereto where the property owner is responsible for the maintenance thereof.

Each customer shall be responsible for maintaining their premises which receives service in as safe a condition as the nature of the premises shall reasonably permit so as to protect employees of the Water Utility from harm when they enter said premises in the performance of their duties.

The customer is also responsible for providing the Water Utility with access to their premises so that

employees of the Water Utility may read meters and make other inspections as authorized or required by the Board or this Chapter. Sanitary sewer service may be temporarily discontinued (shut off) should a customer fail to comply with this Rule.

Rule 07-05. Required Building Connections to Sanitary Sewer. For each parcel of property, there shall be one lateral connection, unless otherwise authorized and approved in writing by the General Manager of the Water Utility. To assure preservation of the public health, comfort and safety, it is required that any building used for human habitation or intended for human habitation and located adjacent to a sanitary sewer main or in a block through which such main extends, be connected with such sanitary sewer main by means of individual connections or private interceptor mains. If any person fails to comply for more than one hundred eighty (180) days after notice in writing, the Water Utility may impose a penalty or may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property. The owner may, within thirty (30) days after the completion of the work, file a written request with the City Clerk asking that the special assessment be payable in five (5) equal annual installments, and the amount shall be so collected with interest at a rate authorized by City Ordinances, the unpaid balance to be a special tax lien on benefit real estate.

Rule 07-06. Sewerage Service Charges.

07-06(01). Cost of Service. Sewerage Service Charges are composed of operation, maintenance, replacement, capital and debt costs. These costs of service are distributed to wastewater volume, BOD, suspended solids, phosphorus and customer service.

Customer service costs associated with water meter rental, water meter reading, billing and collecting bills are assessed equally to all sewer customers as a fixed charge.

The Utility will annually allocate the cost of operations, maintenance, replacement and capital expenses as appropriate to each user class. Users will be notified annually of the user charges attributable to wastewater treatment services.

New connections will be allowed to connect to the system if there is available capacity in the existing wastewater collection and treatment facilities. The Utility has the right to reject connections of users or other municipalities if capacity of the system is not adequate.

07-06(02). Replacement Fund (DNR). Replacement Fund costs are determined by annual

depreciation cost to equipment with a life of 20 years or less. These allocations are then distributed to volume, BOD, suspended solids and phosphorus. This is a restricted fund used for replacement of existing equipment.

07-06(03). Capital Costs. Capital expenses are allocated to the wastewater parameters based upon their relation to the parameters. Outlying community customers are not charged for any collection system capital expenditures. A return on investment is charged to outlying communities to collect revenues to reimburse the Utility for capital expenses incurred in the past for older wastewater treatment facilities and interceptors that are still in use.

07-06(04). Operation and Maintenance Costs. Operation and maintenance costs are allocated to wastewater parameters and customer services. For the outlying communities, the unit costs for volume are adjusted by subtracting out the cost of sewer mains and lateral maintenance and sewer service building maintenance. The outlying communities will pay for a portion of the sewer maintenance and treatment of infiltration/inflow that is attributable to their usage of the interceptor sewer system.

07-06(05). Rates and Fees. The Board shall establish, adopt, and from time to time modify rates and fees. The Board shall develop a sewerage service charge system that will:

1. Meet Department of Natural Resources' requirements as may be required.
2. Develop rates that will allow the Water Utility to generate revenue to pay expenses, cover debt service, and receive an adequate return on investments.
3. Establish fair and equitable rates for the City of Kenosha retail customers, outlying municipalities, waste haulers and any other customers receiving service from the Water Utility.

All rates and fees for sewer service shall be adopted by the Board and shall relate to the following categories:

A. Category A Retail Charges. Category A Retail is defined as City of Kenosha customers with normal domestic strength wastewater having BOD concentrations of no greater than 200 mg/l, suspended solids no greater than 250 mg/l, phosphorus no greater than 5.0 mg/l.

1. The service charge for Category A Retail customers shall be the fixed charge plus a volume charge. The service charge for Category A Retail dischargers discharging to the wastewater collection

facilities and being served by the Water Utility with water metered service shall be based on the volume of water used, as measured by the Water Utility water meter upon the premises receiving water service from the Water Utility, plus a fixed charge.

2. Industrial dischargers will be assessed an additional charge for the purpose of defraying the cost of the Wastewater Discharge Permit and pretreatment program.

3. The service charge for Category A Retail residential dischargers discharging to the wastewater collection facilities and receiving part or all of their water supply from sources other than the Water Utility, shall be based upon the estimated volume of wastewater discharged to the wastewater collection facilities where there is no meter measuring the total water supply used. Where desired, the owners or occupiers of such property shall install sewage meters, at their cost and expense. Where such a meter has been installed, the service charge shall be based upon the volume of wastewater discharged, plus a fixed charge. Commercial or industrial dischargers discharging to the wastewater collection facilities and receiving part or all of their water supply from sources other than the Water Utility, shall be required to install water or sewage meters for billing calculation purposes. The cost of the meters and installation shall be paid by the customer. Testing of meters to ensure the proper operation and accuracy shall be performed as required by the Water Utility.

4. Where a significant amount of metered water does not reach the wastewater collection facilities due to process water that is discharged into the storm sewer system or ground watering, etc., the discharger can, at their own cost and expense, through the Water Utility, install a second meter which would monitor the flow of such water. Requests for a second meter must be made, in writing, and approved by the General Manager of the Water Utility. Upon approval and verification by the Water Utility of the separated piping systems, the second meter will be installed.

5. The Water Utility may determine a sprinkling credit, which is a reduction in the Sewerage Service Charge, to be given for summer water consumption in excess of normal winter consumption. This credit is given based on the average usage during the winter season subtracted from the actual usage during the summer season. There is a minimum usage of 1,000 cubic feet per month for summer consumption. This provision applies only to retail residential dischargers within the City of Kenosha.

B. Category B Retail Charges. Category B Retail is defined as City of Kenosha customers

having wastewater concentrations of BOD greater than 200 mg/l, suspended solids greater than 250 mg/l, phosphorus greater than 5.0 mg/l.

Dischargers whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B Retail. The service charge for Category B Retail wastewater shall be the fixed charge and volume charge as established in Category A Retail, plus a unit charge for BOD greater than 200 mg/l, suspended solids greater than 250 mg/l, phosphorus greater than 5.0 mg/l. Category B Retail service charges for volume, BOD, suspended solids and phosphorus shall be computed in accordance with the formula presented below:

$$C = F + (V \times CV) + 0.00624 V [(B \times CB) + (S \times CS) + (P \times CP)] \text{ where:}$$

C is the Charge to sewer user for collection and treatment of wastewater;

F is the Fixed charge per billing period;

B is the Concentration of excess BOD in mg/l in the wastewater (concentration minus 200 mg/l equals B);

S is the Concentration of excess suspended solids in mg/l of wastewater (concentration minus 250 mg/l equals S);

P is the Concentration of excess phosphorus in mg/l of wastewater (concentration minus 5.0 mg/l equals P);

V is the Wastewater volume in 100 cubic feet for the billing period; CV is the Cost per 100 cubic feet;

CB is the Cost per pound of BOD;

CS is the Cost per pound of suspended solids;

CP is the Cost per pound of phosphorus;

0.00624 equals Conversion factor.

C. Wholesale/Municipal Metered Charges.

Wholesale/Municipal Metered Service Charges for outlying communities are established for customers flowing into master sewer meters. The charges for this class of customer shall be determined by actual readings and monitored loadings from the master meter. Fixed charges shall be calculated based on actual costs for service, including, but not limited to, metering, monitoring, testing, billing and administration.

D. Wholesale/Municipal Unmetered Charges.

Wholesale/Municipal Unmetered Service Charges for outlying communities are established for customers not flowing into master sewer meters. Sewer service charges for outlying community's customers not having master sewer meters shall be based on average sewer metered flows and loadings, from their respective village, town or district, less any industrial/commercial flows and loadings, divided by the number of nonindustrial/commercial customers

connected to the metered system. Fixed charges shall be calculated based on actual costs for service.

Industrial dischargers will be assessed an additional charge for the purpose of defraying the cost of the Wastewater Discharge Permit and Pretreatment Program.

07-06(06). Billing Procedure for Service Charges.

A. Sewerage Service Charge Billing Period.

Service charges shall be billed pursuant to a schedule recommended by the General Manager of the Water Utility and approved by the Board.

B. Payment of Service Charges. Sewerage service charges shall be payable twenty (20) days after the billing date, at the Water Utility Business Office or authorized payment station.

C. Penalties. A late payment charge of 1-1/2% per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total balance for sewerage service, including late payment charges.

07-06(07). Service Charge for Haulers. No hauler in the business of collecting and disposing of septic tank sludge, holding tank sewage, leachate or other wastes shall discharge such material to the wastewater collection facilities unless a Wastewater Discharge Permit therefor has been first obtained from the Water Utility. "Hauler Dumping Rates" for service charges shall apply to all haulers.

07-06(08). Charges to Industrial Dischargers in the Wastewater Discharge Permit Program. In addition to service charges, industrial discharges in the Wastewater Discharge Permit Program shall pay an annual charge which is based upon the volume of wastewater discharged per year to the wastewater collection facilities. The annual charges shall be billed in September of each year irrespective of permit application or renewal. Charges are also assessed to pay for costs incurred by the Water Utility for the sampling and analysis of each of the priority pollutants and/or other regulated pollutants.

07-06(09). Laboratory Testing Charges. Laboratory fees for testing metals, oil & grease, ph, B.O.D., suspended solids, phosphorous, leachate sampling and other testing shall be based on time, material and overhead.

Rule 07-06(10). Charge For Unlawful Storm Water Discharge. In the event the Kenosha Water Utility determines that storm (rain) water from a downspout or sump pump located on property

receiving sanitary sewer service is discharged in violation of Section 32.08, Rule 08-02(02) of the Code of General Ordinances, the Kenosha Water Utility may assess a charge, as established by the Board of Water Commissioners, to cover the cost of treatment.

The owner or occupant of the violating property will be provided with a written notice of the violation and given 30 days to permanently disconnect the unlawful connection prior to the imposition of the charge.

The charge, based on the estimated volume of storm (rain) water entering the sanitary sewer system plus administrative cost, will be added to the customer's service bill. This charge is in addition to all other remedies and ordinance enforcement measures provided for in the Ordinance.

32.08 WASTEWATER REGULATIONS

These regulations set forth uniform requirements for dischargers discharging into the wastewater collection facilities of the Water Utility and enables said Water Utility to comply with the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. and the Pretreatment Regulations, 40 CFR Part 403. This Section also allows the POTW to operate pursuant to legal authority enforceable in Federal, State and local courts, which authorizes or enables the POTW to apply and to enforce the requirements of Sections 307(b) and (c), and 402(b)(8) of the Act and any regulations as hereafter provided for. The objectives of this Section are as follows:

A. To prevent the introduction of discharges into the wastewater collection and treatment facilities which could cause injury thereto, not amenable to removal, or could contaminate sludge;

B. To provide for the equitable distribution of the costs and expenses of the system and of operating an industrial wastewater pretreatment program through the granting of Wastewater Discharge Permits.

C. To provide for the regulation and monitoring of dischargers discharging into the wastewater collection facilities through the issuance of permits and enforcement of general regulations.

These regulations apply to all wastewater discharged into the Water Utility's wastewater collection system and/or treated at the Water Utility's wastewater treatment facilities.

Rule 08-01. Definitions. The following terms shall have the meaning specified therefor in the

accompanying definition. All other terms shall have their common meaning:

- **Accidental Discharge(s).** An accidental discharge is a discharge which was not intentional and may include a discharge caused by gross negligence or wanton or reckless conduct.
- **Act.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- **Authorized Representative.**
 - A president, secretary, treasurer, or vice president of the corporation in charge of a principle business function, if the industrial user is a corporation;
 - A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or,
 - An authorized representative of the individual designated above if (i) such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates, (ii) the authorization is in writing, and (iii) the written authorization is submitted to the POTW.
- **BOD (Biochemical Oxygen Demand).** The BOD Concentration is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days. BOD concentrations are expressed in milligrams per liter (mg/l).
- **Bypass.** An intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
- **CFR.** Code of Federal Regulations.
- **Chlorine Requirement.** The quantity of chlorine required to produce a residual amount of chlorine, measured in mg/l.
- **City.** The City of Kenosha, Wisconsin, and its officers, employees and agents.
- **Contaminate the Sludge.** To cause sludge to become toxic or to otherwise interfere with the Water Utility's sludge management program. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with §405 of the Act (33 U.S.C.1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act (TSCA), or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- **Discharge.** The intentional or accidental depositing of wastewater into the wastewater collection facilities.
- **Discharger.** Any person who shall discharge wastewater into the wastewater collection facilities, either by discharging directly into such facilities within the Water Utility service area or by discharging into sanitary sewers within a municipality where such discharge flows into the Water Utility wastewater collection facilities.
- **Environmental Protection Agency (EPA).** The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- **Facility(ies).** This term includes land, buildings, structures, the plant, equipment and records.
- **Field Staking.** The physical marking of the approximate location of a sanitary sewer stub, lateral or wye.
- **Hauler.** A person who picks up and transports septic or holding tank sewage and discharges same into wastewater collection facilities.
- **Industrial Discharger.** Any building, structure, facility, or installation from which there is or may be a discharge of pollutants to the wastewater collection facilities.
- **Industrial Wastewater Specialist.** A Water Utility employee responsible for the administration of the Industrial Pretreatment Program as authorized by this Section.
- **Injure the System.** To damage or destroy facilities being a part of the system; to cause an upset; to obstruct or interfere with the flow of wastewater anywhere in the system; to cause a public nuisance; or to cause a violation of the Water Utility WPDES Permit.

- **Intentional Discharge(s).** A willful discharge, irrespective of whether or not the consequences of such discharge were known or anticipated by the discharger.
- **Interference.** A discharge which alone or in conjunction with another discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of the POTW's WPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with regulations or permits issued thereunder.
- **Law(ful).** Includes Federal, State and local laws, rules and regulations. Lawful means in compliance with Federal, State and local laws, rules, regulations and orders promulgated under the authority thereof.
- **Milligrams per Liter (mg/l).** The weight to volume ratio used to express a concentration. Milligrams per liter and parts per million are interchangeable terms and have the same meaning.
- **Municipality.** Any Town, Village or Sanitary District that is located within the County of Kenosha and discharges wastewater from its service area into the Water Utility wastewater collection facilities.
- **National Categorical Pretreatment Standard (NCPS).** A regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§307(b) and (c) of the Act, which apply to specific industrial discharges.
- **New Source.** Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,
- The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- **Nonconventional Pollutant(s).** Any and all pollutants which are not characteristic of normal domestic strength wastewater.
- **Normal Domestic Strength Wastewater.** Wastewater with concentrations of BOD no greater than 200 mg/l, total suspended solids no greater than 250 mg/l, phosphorus no greater than 5.0 mg/l, and oil no greater than 100 mg/l.
- **Opportunity for Hearing.** A meaningful nonadversary hearing held at a meaningful time. A hearing shall be afforded to any person who may be directly affected by the operation of §32.08, or when and if such person files a timely written request for a hearing with the officer, employee or agent of the Water Utility proposing to act pursuant to the authority of the above mentioned Sections to the alleged detriment of such person.
- **Pass Through.** A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's WPDES Permit (including an increase in the magnitude or duration of a violation).
- **Permit.** Provides written permission to perform certain specified acts.
- **Person.** Any and all persons, including an individual, partnership, firm, company, municipality, corporation, association, society, institution, enterprise, governmental agency or any other entity.
- **pH.** The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is measured in Standard Units (SU).

- **Phosphorus.** The element phosphorus expressed as total P in mg/l.
- **Publicly Owned Treatment Works (POTW).** The publicly owned facilities designed and used for the treatment of wastewater prior to discharge thereof into the receiving stream. Wastewater treatment facility and POTW have the same meaning. In Kenosha, the POTW is the sewage treatment plant located at 7834 - 3rd Avenue.
- **Potable Water.** Water which is fit for human consumption without further treatment.
- **Priority Pollutant(s).** The elements and compounds listed below:

acenaphthene
 acrolein
 acrylonitrile
 benzene
 benzhidine
 carbon tetrachloride
 chlorobenzene
 1, 2, 4 - trichlorobenzene
 hexachloroethane
 1, 2 - dichloroethane
 1, 1, 1 - trichloroethane
 hexachlorobenzene
 1, 1 - dichloroethane
 1, 1, 2 - trichloroethane
 1, 1, 2, 2 - tetrachloroethane
 chloroethane
 bis (2 - chloroethyl) ether
 2 - chloroethyl vinyl ether
 2 - chloronaphthalene
 2, 4, 6 - trichlorophenol
 p-chloro-m-cresol
 chloroform
 2 - chlorophenol
 o - dichlorobenzene
 m - dichlorobenzene
 p - dichlorobenzene
 3, 3 - dichlorobenzidine
 1, 1 - dichloroethylene
 trans-1, 2 -dichloroethylene
 2, 4 - dichlorophenol
 1, 2 - dichloropropane
 cis-1,3-dichloropropene
 2, 4 - dimethylphenol
 2, 4 - dinitrotoluene
 2, 6 - dinitrotoluene
 1, 2 - diphenylhydrazine
 ethylbenzene
 benzo(b) flouranthene
 chrysene
 acenaphthylene
 anthracene

benzo (ghi) perylene
 fluorene
 phenanthrene
 benz(a)anthracene
 indeno (1,2,3-c,d)pyrene
 fluoranthene
 4 - chlorophenyl phenyl ether
 4 - bromophenyl phenyl ether
 bis (2-chloroisopropyl) ether
 bis (2-chloroethoxy) methane
 dichloromethane
 chloromethane
 bromomethane
 tribromomethane
 bromodichloromethane
 chlorodibromomethane
 hexachlorobutadiene
 hexachlorocyclopentadiene
 isophorone
 naphthalene
 nitrobenzene
 2 - nitrophenol
 4 - nitrophenol
 2, 4 - dinitrophenol
 4, 6 - dinitro-o-cresol
 N-nitrosodimethylamine
 di-n-propylnitrosamine
 pentachlorophenol
 phenol
 bis (2-ethylhexyl) phthalate
 butyl benzyl phthalate
 di-n-butyl phthalate
 di-n-octyl phthalate
 diethyl phthalate
 dimethyl phthalate
 dibenzo(a,h)anthracene
 benzo (a) pyrene
 benzo(k) flouranthene
 endrin aldehyde
 heptachlor
 epoxide
 α - BHC
 β - BHC
 γ - BHC
 δ - BHC
 Aroclor 1242
 Aroclor 1254
 pyrene
 tetrachloroethylene
 toluene
 trichloroethylene
 vinyl chloride
 aldrin
 dieldrin
 chlordane (technical mixture & metabolites)
 4, 4-DDT
 4, 4-DDE
 4, 4-DDD
 α - endosulfan

β - endosulfan
 sulfate
 endrin
 selenium (total)
 thallium (total)
 2, 3, 7, 8 - tetrachlorodibenzo-p-dioxin
 (TCDD)
 Aroclor 1221
 Aroclor 1232
 Aroclor 1248
 Aroclor 1260
 Aroclor 1016
 toxaphene
 antimony (total)
 arsenic (total)
 beryllium (total)
 cadmium (total)
 chromium (total)
 copper (total)
 cyanide (total)
 lead (total)
 mercury (total)
 nickel (total)
 silver (total)
 zinc (total)
 acetonitrile
 pentachlorodibenzo-p-dioxin

- **Process Water.** Water which is utilized in any industrial or commercial operation.
- **Prohibited Wastewater.** Wastewater which shall not be discharged into the wastewater collection facilities unless and until authorized under the terms of a Wastewater Discharge Permit.
- **Receiving Stream.** The body of water into which treated or untreated wastewater is discharged. Lake Michigan is the receiving stream for the Water Utility POTW.
- **Sanitary Sewer.** A pipe or conduit designed and used to transport wastewater.
- **Service Charge(s).** The various fees to be paid by dischargers discharging to (users of) the wastewater collection facilities determined by the Board of Water Commissioners in accordance with any law and in accordance with orders of the Wisconsin Public Service Commission and Wisconsin Department of Natural Resources, as applicable.
- **Severe Property Damage.** Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which

can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
- **Significant Industrial User (SIU).** Any industrial user subject to Categorical Pretreatment Standards; uses an average of 25,000 gallons of process wastewater per day or more (excluding noncontact cooling and boiler blowdown wastewater), or has a potential for adversely affecting the wastewater collection facility operation, or for violating any local standard or requirement.
- **Significant Load.** A discharge of conventional pollutants which is greater than normal domestic strength wastewater or which contain toxic or nonconventional pollutants in such quantity as to exceed limitations thereon imposed by law.
- **Significant Noncompliance (SNC).** An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
 - Any chronic violation of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all the measurements taken during a six-month period exceeded the daily maximum limit or average limit for the same pollutant parameter.
 - Any Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
 - Any violation that the Water Utility believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Water Utility personnel or the general public);
 - Any discharge of a pollutant that caused imminent endangerment to human

health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority.

- Any failure to meet, within 90 days of the scheduled date, a compliance milestone contained in a Wastewater Discharge Permit or enforcement order for starting or completing construction, or attaining final compliance.
 - Any failure to provide, within 30 days of the due date, any required reports such as baseline monitoring reports, 90 day final compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, and failure to accurately report noncompliance.
 - Any violation(s) which the Water Utility determines will adversely affect the implementation of pretreatment.
- **Sludge.** A solid by-product of wastewater treatment removed from wastewater at the POTW. (Bio-solids)
 - **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 which may injure the system.
 - **Storm Sewer.** A pipe or conduit designed and used to transport runoff water from rain, snow or other unpolluted source.
 - **Storm Water Collection Facilities.** The storm sewers, structures and equipment designed and used to collect and transport unpolluted water from the point of origin to the receiving stream.
 - **System.** Either individually or jointly, the wastewater collection facilities and the wastewater treatment facilities and all appurtenances thereof.
 - **Total Dissolved Solids.** The quantity of solids dissolved in water, wastewater, or other liquids that are not removable by laboratory filtering, as prescribed in 40 CFR Part 136.
 - **Total Suspended Solids (TSS).** The quantity of solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are
- removable by laboratory filtering, as prescribed in 40 CFR Part 136.
 - **Unpolluted Water.** Water which may lawfully be deposited, without prior treatment, directly into the receiving stream. The term shall include, but not be limited to, potable water, and uncontaminated storm water, ground water or surface runoff water.
 - **Upset(s).** An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - **Wastewater.** The sewage, being a combination of liquids and solids carried in water, originating in residential, commercial and industrial facilities, and discharged into the wastewater collection facilities.
 - **Wastewater Collection Facilities.** The sanitary sewer mains, structure and equipment designed and used to collect and transport wastewater from the point of discharge to the wastewater treatment facilities, both within the City and within any municipality. This term shall include all sanitary sewers located at the wastewater treatment facility which carry wastewater prior to the treatment thereof.
 - **Water Utility.** The Kenosha Water Utility of the City of Kenosha, Wisconsin, shall mean a municipally owned public water utility organized and existing under authority of Section 66.068, Wisconsin State Statutes, and this Chapter. The term Water Utility shall include its officers, employees and agents.
 - **Wisconsin Pollutant Discharge Elimination System Discharge Permit (WPDES).** A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for the Water Utility's POTW. WPDES Permit No. WI-0028703 and modifications thereof pertain to the Water Utility's POTW.

Rule 08-02. Discharge to the Wastewater Collection Facilities.

Rule 08-02(01). Unpolluted Waters Prohibited in Sanitary Sewers. No person, shall discharge or cause to be discharged any unpolluted waters into the wastewater collection facilities. Unpolluted waters may only be discharged into storm sewers and such other outlets as permitted by law.

Rule 08-02 (02). Downspouts and Sump Pumps Discharge Prohibited. No downspout or sump pump of any house, building, structure or outlet of any cistern or drain shall be connected to or discharged to the wastewater collection facilities. In the event of such a connection, the Water Utility shall provide the owner or occupier of the violating property with a written notice to permanently disconnect the unlawful connection, within a reasonable time. It shall be unlawful for any person to fail to promptly comply with such order, unless an extension of time has been requested from and granted by the Water Utility prior to the date specified in an order to disconnect.

Rule 08-02(03). Wastewater Prohibited in Storm Water Collection Facilities. No person shall discharge, or cause to be discharged, any wastewater into the storm water collection facilities, unless specifically authorized to do so under the terms of a specific WPDES Permit.

Rule 08-02 (04). Prohibited Wastewater. No person shall discharge or cause to be discharged any of the following, measured at the point of discharge, into the wastewater collection facilities.

A. Gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquids, solids or gases, which by reason of their nature or quantity may be sufficient, either alone or by interaction with other substances to create a fire or explosion hazard or be injurious to the POTW. Other elements and compounds are included, but are not limited to wastestreams with a closed cup flashpoint of less than 140 degrees F or 60 degrees C using the test methods specified in 40 CFR 261.21.

B. 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, or cause air pollution above allowable levels.

C. Wastewater discharged with a pH of less than 5.5 or greater than 10.0 or which will cause corrosive structural damage to the wastewater collection or treatment facilities.

D. Solids which cannot penetrate a Tyler designation 20 mesh screen or viscous substances in

quantities which may injure the system or contaminate the sludge.

E. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40 degrees Celsius).

F. Wastewater containing more than 100 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin or in amounts that will cause interference or pass through.

G. Garbage which has not been shredded so as to comply with **Rule 08-02(04)D**. (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.)

H. Wastewater containing chromium, copper, zinc, and other nonconventional and priority pollutants to such degree that they are in concentrations exceeding levels specified within this Section or within applicable Federal and State laws, rules and regulations. Categorically regulated wastestreams 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 when the use of the combined wastestream formula has been approved.

I. The following substances in excess of the limit below provided:

PARAMETER	Consecutive 4 Day Average Limit (mg/L)	Daily Maximum Limit (mg/L)
Cadmium	1.00	1.75
Chromium (Total)*	10.0	15.0
Copper	1.5	2.63
Lead	10.0	15.0
Mercury	0.0010	0.00175
Nickel	3.00	5.25
Silver	3.00	5.25
Zinc	10.0	15.0
Cyanide	0.96	1.7

*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.

J. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the wastewater treatment facility, or which are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of the Federal and State laws, rules and regulations.

K. Wastewater which, by interaction with other wastewater, forms and releases pollutants which result in the presence of toxic gases, vapors, fumes or suspended solids which may injure the system or enter the POTW in a quantity that may adversely affect worker health or contaminate the sludge.

L. Pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

M. Substances which exert or cause:

1. A volume or concentration of wastewater consisting of slugs in sufficient quantities to injure the system or contaminate the sludge.

2. Concentrations of inert suspended solids, or inert dissolved solids, sufficient to injure the system or contaminate the sludge.

Rule 08-02(05). 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 Section.

Rule 08-02(06). Flow Interruption Permits. No person shall destroy, damage or interrupt the flow of the sanitary sewer system, or loosen the ground in the vicinity thereof without obtaining, in advance, a Flow Interruption Permit to do so from the Water Utility. There shall be no fee for a Flow Interruption Permit. Application for a Flow Interruption Permit shall be made on authorized forms. This subsection shall not apply to actions taken by the owner or operator of a private system where no sewer easement rights are held by others.

Rule 08-02(07). Notice of Accidental Discharge of Prohibited Wastewater. Any person who does not hold a Wastewater Discharge Permit who discharges or causes to be discharged prohibited wastewater into the wastewater collection facilities shall immediately orally notify the Water Utility thereof. Such notice shall include the date, time, place and cause of such discharge, the nature, volume and concentration of such discharge and any corrective action taken. The oral notice must be reduced to writing and submitted to the Water Utility within ten (10) days of an accidental discharge.

Rule 08-03. Wastewater Discharge Permits.

08-03(01). Dischargers Required to Obtain a Permit. The following Dischargers shall be required to obtain a Wastewater Discharge Permit prior to and as a condition of any wastewater discharge into the wastewater collection facilities:

A. Industrial Dischargers currently discharging to the wastewater collection facilities.

B. Industrial Dischargers not currently discharging to the wastewater collection facilities who intend to discharge within ninety (90) days.

C. Haulers.

D. Municipalities.

08-03 (02). Procedures for Application. Applications for Wastewater Discharge Permits shall be made on Water Utility supplied forms. It shall be unlawful for any person to intentionally file an incomplete or inaccurate application. A Wastewater Discharge Permit will not be processed or issued until a complete and accurate application is filed. The application for a Wastewater Discharge Permit must be signed by an authorized representative of the industrial user, municipality or hauler, and must contain the following information prior to being processed:

A. The name, address and location of the industrial discharger, hauler or municipality and the location of the point of discharge if different from the business address.

B. The SIC number of the facility.

C. The probable constituents and characteristics of wastewater that will be discharged.

D. The expected time and duration of discharges.

E. The expected average daily wastewater

discharge rates, in gallons per day, including seasonal variations, if any.

F. 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.

G. General description of activities, facilities, and plant processes on the premises, including all materials that may be discharged.

H. A listing of each product produced by type, expected quantity, process or processes, and anticipated rate of production.

I. The type and quantity of raw materials utilized, which may be discharged.

J. Whether or not the Facility will be in compliance with this Section on a consistent basis.

08-03(03). Amendments to Applications. An industrial discharger, municipality, or hauler, must submit an amended application for a Wastewater Discharge Permit 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: change in the characteristics and constituents of wastewater, change in the volume of wastewater discharged by twenty (20%) percent or more, or change in the operations or processes utilized by the discharger. 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.

08-03(04). Insufficient Information. Where an application for a Wastewater Discharge Permit contains insufficient or inaccurate information, the Water Utility 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.

08-03(05). Permit Approval. Ninety (90) days after a fully completed and accurate application is submitted for a Wastewater Discharge Permit, such permit shall be issued in accordance with the provisions of this Section, 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. Wastewater Discharge Permits are

granted by the General Manager.

08-03(06). Permit Terms, Conditions and Limitations. The following terms, conditions and limitations shall be specified in Wastewater Discharge Permits:

A. Limitations on the monthly average and daily maximum constituents and characteristics of wastewater discharges.

B. Limitations on the average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.

C. Requirements for inspection and sampling. Cost incurred by the Water Utility for sample collection and analysis shall be billed to the Industrial User.

D. Special conditions imposed by the Water Utility under particular circumstances, including sampling locations, frequency of sampling and monitoring, the number and types of analytical tests, reporting schedule, and special technical reports or discharge reports. The special conditions imposed shall be reasonable and necessary to carry out the objectives of this Section. In each case, at the discharger's written request, the Water Utility may provide to the discharger a full and complete explanation of the reason for the special condition(s).

E. Requirements for reporting and action plans in the event of an accidental discharge of prohibited wastewater. 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 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 Water Utility.

F. Requirements for pretreatment. Where pretreatment is required, the discharger shall submit a plan therefor to the Water Utility. Such plan may not be implemented until approved by the State of Wisconsin and the Water Utility. Effluent limitations will be based on applicable Federal and State pretreatment standards and this Ordinance. It shall be unlawful for a discharger to fail to obey an order for pretreatment for any phase of the implementation of pretreatment. Pretreatment shall be at the sole cost and expense of the discharger.

G. Provisions for self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on Federal and State laws, rules and regulations and this Ordinance. 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 Water Utility. Access to sampling sites, processes that discharge wastewater, pretreatment facilities and wastewater self-monitoring records shall be granted to the Water Utility and its authorized representatives.

H. Provisions of discharge by haulers. The permit will identify each vehicle and the license number thereof which will discharge into the wastewater collection facilities. Permits shall be nonassignable and nontransferable, except in the case of replacement of a vehicle for which a permit has been issued. The Water Utility may require a bond to guarantee payment of all fees and charges. The time and place of discharge into the wastewater collection facilities will be designated by the Water Utility. The Water Utility may impose such conditions as it deems necessary on any permit granted.

Haulers must carry public liability and motor vehicle insurance in an amount no less than Three Hundred Thousand (\$300,000) Dollars covering loss through death, injury and property damage caused in any way or manner by an action, or omission, of a hauler or the employees or agents thereof. A Certificate of Insurance must be furnished to the Water Utility with the application.

Haulers shall post a bond for Five Thousand (\$5,000) Dollars to indemnify and hold harmless the Water Utility against injury to the system, contamination of the sludge, and costs associated with the correction of upsets in process at the wastewater treatment facility. Permit holders may not discharge prohibited wastewater into the system unless their permit so authorizes, and then only to the extent permitted.

Haulers shall pay a service charge as determined by the concentration of the waste pursuant to **Rule 07-06(04)** of this Chapter, or as determined by agreement with the Water Utility. All trucked or hauled wastewater must be discharged at the point(s) designated by the Water Utility.

I. A statement that dischargers discharging on the effective date of this rule shall comply with said Section where it is stricter than Federal or State laws, or regulations, within fifteen (15) days after the effective date of said Section. If compliance with

Section 32.08 is not met within the allotted fifteen (15) days, stepped enforcement actions will be initiated.

J. A statement of applicable civil and criminal penalties for violation of this Ordinance, pretreatment standards and requirements, and any applicable compliance schedule.

K. Compliance by existing industrial sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is otherwise specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users.

L. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

08-03(07). Equivalent Limits. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration.

The POTW shall calculate equivalent mass-per-day limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. New sources shall use projected production in place of actual production.

Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits shall notify the POTW within two (2) business days after the user has a reasonable basis to know that the production level will significantly change.

08-03(08). Permit Duration. All Wastewater Discharge Permits shall be issued for four (4) years, subject to conditions of this Section.

08-03(09). Limitations on Permit Assignment and Transfer. A Wastewater Discharge Permit is issued to a specific industrial discharger, municipality, or hauler for a specific operation and is not valid for operations not described in the application, is not

assignable to another discharger, or transferable to any other location without prior notification and approval from the Water Utility.

08-03(10). Permit Amendments by Issuer. The Water Utility may amend any Wastewater Discharge Permit issued to a discharger subject to the discharger being given an opportunity to be heard, for the purpose of correcting any errors or omissions made by the Water Utility and to incorporate revised limitations on prohibited wastewater required by law. A compliance schedule shall be issued if an industry cannot meet any new or modified requirements on their effective date, unless prohibited by Federal or State law, rule or regulation.

08-03(11). 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 the 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.

08-03(12). Opportunity for Hearing Relative to Permit Conditions and Limitations. Any discharger, within thirty (30) days of the granting of a Wastewater Discharge Permit, may file with the Water Utility a request to be heard relative to the application of any permit conditions and limitations. An opportunity to be heard will be provided before the General Manager of the Water Utility within ten (10) days of the receipt thereby of a request for hearing.

Rule 08-04. Reporting and Monitoring Requirements for Holders of Wastewater Discharge Permits.

08-04(01). NCPS Incorporated by Reference. The NCPS, and all amendments which may be made thereto, is incorporated herein by reference.

08-04(02). Application of Rule 08-04. Rule 08-04 is applicable to all holders of Wastewater Discharge Permits where NCPS are applicable.

08-04(03). Notice to Holders of Wastewater Discharge Permits. Where applicable, the Water Utility shall provide written notification to all holders of Wastewater Discharge Permits, that NCPS are applicable, as follows:

A. At the time of granting a Wastewater Discharge Permit, such notice will be provided within such permit, and limitations provided for by NCPS will

be a term and condition of such permit.

B. At such time as the Water Utility is aware of new NCPS.

C. At such time as the Water Utility is aware that a holder of a Wastewater Discharge Permit is subject to NCPS.

However, lack of notice furnished by the Water Utility will not relieve the holder of a Wastewater Discharge Permit of their obligation to timely comply with NCPS.

8-04(04). Baseline Monitoring Report (BMR) Filing Requirements. All Baseline Monitoring Reports shall be filed with the Water Utility as follows:

A. Any industrial discharger subject to NCPS that plans to connect to the wastewater collection facilities shall file a BMR with the Water Utility no later than sixty (60) days prior to discharging any wastewater to the collection facilities.

B. New industrial dischargers subject to NCPS shall file a BMR with the Water Utility no later than ninety (90) days prior to the initial discharge of wastewater to the collection facilities.

C. An existing discharger that becomes an industrial discharger subject to NCPS after promulgation of an applicable pretreatment standard shall file a BMR with the Water Utility within one hundred eighty (180) days following the effective date of the categorical standard.

08-04(05). Required Contents of BMR. A BMR shall be on a Water Utility form and shall contain the following information respecting industrial dischargers subject to NCPS:

A. Identifying Information. The name and address of the discharger, and the names of the persons who own and operate the facility from which there will be a discharge of wastewater into the wastewater collection facilities; and the SIC of the operator.

B. Permits. A listing of any environmental control permits held or applications pending.

C. Description of Operations. A description of the unit processes that the facility plans to use in production.

D. Production. A description of the nature and average rate of production.

E. Points of Discharge. A process schematic

diagram indicating points of wastewater discharge.

F. Pretreatment Equipment. Any pretreatment equipment employed at the facility.

G. Flow Measurement. The discharger shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from all wastestreams.

H. Measurement of Pollutants. The discharger shall identify the pretreatment standards applicable to each regulated process. Sampling and analysis shall be done on wastestreams that are regulated and results shall identify the nature and concentration of regulated pollutants. Sampling and analysis shall be performed per 40 CFR 403.12(b)(5)(ii)-(viii).

I. Certification. A statement, reviewed by an authorized representative of the discharger and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the discharger to meet the pretreatment standards and requirements.

08-04(06). Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial discharger subject to NCPS shall submit to the Water Utility a report containing the information described in 40 CFR 403.12 (b) (4)-(6). For all other industrial dischargers subject to NCPS expressed in terms of allowable pollutant discharge per unit of production, this report shall include the discharger's actual production during the appropriate sampling period. This report shall be signed by an authorized representative of the discharger and certified by a qualified professional.

08-04(07). Periodic Reports on Continued Compliance. Any industrial discharger subject to NCPS shall submit to the Water Utility a report indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. This report shall also include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in **Rule 08-04 (05)(G)**. Compliance reports shall be submitted to the Water Utility during the months of July and January, unless required more frequently by the Water Utility. Flow shall be reported on the basis of actual measurement, except that where cost or feasibility considerations justify, the Water Utility may accept reports of average and maximum flows estimated by

verifiable techniques.

08-04(08). Pretreatment Reporting Requirements. Industrial dischargers subject to NCPS shall comply with the following reporting requirements:

A. All dischargers shall notify the POTW immediately of all discharges that could injure the system or contaminate the sludge, including any slug loadings by the discharger.

B. If sampling performed by a discharger indicates a violation, the discharger must notify the POTW within twenty-four (24) hours of becoming aware of the violation. The discharger shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the discharger is not required to resample if the POTW performs sampling between the discharger's initial sampling and the time when the discharger receives the results of this sampling.

C. The reports required in **Rule 08-04 (07)** shall be based upon data which is representative of conditions occurring during the reporting period. Appropriate sampling and analysis shall be performed during the period covered by the reporting period. The POTW shall require such frequency of monitoring as necessary to assess and assure compliance by discharger, with applicable pretreatment standards and requirements.

D. If a discharger subject to the reporting requirement in **Rule 08-04(07)** monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this Section, the results of this monitoring shall be included in the report required in **Rule 08-04(07)**.

08-04(09). Reports from Noncategorical Significant Industrial Dischargers. The POTW shall require appropriate reporting from those significant industrial dischargers with discharges that are not subject to NCPS. Significant noncategorical industrial dischargers shall submit to the Water Utility at least once every six months, in the months of July and January, a report indicating the nature, concentration, and flow of the pollutants required to be monitored by the Water Utility. These reports shall be based on sampling, and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques described in 40 CFR Part 136 are inappropriate for the pollutants in question, or where the Administrator determines that the sampling and

analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons approved by the EPA Administrator. This sampling and analysis may be performed by the POTW. Where the POTW itself collects all information required for the report, the noncategorical significant industrial discharger will not be required to submit the report.

08-04(10). Notification of Changed Discharge.

All industrial dischargers shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under **08-04(11)**.

08-04(11). Hazardous Waste Notification.

A. Any industrial discharger who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial discharger discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial discharger: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences.

B. Dischargers are exempt from the hazardous waste notification requirement during a calendar month in which they discharge fifteen (15) kilograms or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a onetime notification.

Rule 08-05. General Provisions Governing Dischargers Discharging to the Wastewater Collection Facilities.

08-05(01). Measurement of Flow. The volume of flow used for computing service charges shall be

the metered water consumption of the discharger as shown in the records of meter readings maintained by the Water Utility, except that devices for measuring the volume of wastewater discharged may be required by the Water Utility if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be approved by the General Manager of the Water Utility and installed, owned, and maintained by the discharger. Such meters, upon approval and installation, shall not be removed without the consent of the General Manager of the Water Utility. New categorical dischargers shall install, maintain, and own flow monitoring equipment for processes which generate categorical wastewater discharges. When a pretreatment system is updated or newly constructed, flow monitoring equipment shall be installed, maintained, and owned by the industrial user.

08-05(02). Sampling Manholes. A discharger which discharges wastewater in excess of normal domestic strength wastewater, including all food service facilities, and/or which discharges nonconventional pollutants, shall be required to construct and maintain one (1) or more sampling manholes to facilitate observation, measurement, and sampling of its wastewater. Sampling manholes shall be located as prescribed by or approved by the General Manager of the Water Utility. Sampling manholes and related equipment shall be installed by the discharger at its cost and expense, and shall be maintained by the discharger so as to be safe, accessible, and in proper operating condition at all times. Plans for the installation and construction of sampling manholes and related equipment shall be approved by the General Manager of the Water Utility prior to the commencement of construction or installation. This requirement shall apply to all new construction, change in occupancy, and renovation of existing facilities.

08-05(03). Wastewater Sampling. Any wastewater discharged into the wastewater collection facilities shall be subject to periodic inspection by the Water Utility to determine the character and concentration thereof, without notice to the discharger.

08-05(04). Grease and Oil, Sand Separators and Sand Basins. A discharger (other than cooking and/or food waste) who utilizes a garage catch basin, or grease or oil interceptor/separator which is connected to the wastewater collection facilities shall install, at its cost and expense, a sampling manhole on the sewer lateral. The manhole shall be located outside of the building, on private property and, if possible, accessible by a van truck. The design of the manhole shall be as shown in "Standard

Specifications for Sewer and Water Construction in Wisconsin" Fifth Edition March 1, 1988, or as approved by the General Manager of the Utility.

Dischargers of fats, oils, grease or similar waste products of cooking and food preparation, (See ILHR 82.34 (5)).

New Construction - shall be required, at discharger's cost and expense, to install an Exterior Grease Interceptor sized according to the State Plumbing Code.

08-05(05). Monitoring of Municipalities.

Municipalities shall monitor their wastewater and report their findings as to the wastewater volume, BOD, suspended solids, phosphorus, and oil at the cost and expense of the municipality, as directed by the General Manager of the Water Utility. Metering stations may be required by the General Manager of the Water Utility to be installed and maintained at the cost and expense of the municipality. The General Manager of the Water Utility shall have the right to install flow monitoring and sampling equipment to check the results reported by a municipality, and in the event of a dispute or conflict, the findings and determinations of the Water Utility shall control, all in accordance with the municipality's Wastewater Discharge Permit.

08-05(06). Analysis. All measurements, testing and analysis shall be performed in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, as approved by the Administrator. Sampling method, location, time, duration and frequency are determined on a case-by-case basis, subject to the approval by the Water Utility.

08-05(07). Confidential Information.

Information and data obtained by the Water Utility pursuant to this Section with respect to the nature and frequency of wastewater discharges shall be available to the public or other governmental agencies, without restriction, unless the discharger specifically requests confidentiality and is able to satisfactorily demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets. When the Water Utility grants a request for confidentiality, the portions of a report which are

confidential shall not be made available for inspection to the public, but shall be made available, upon written request, to governmental agencies for uses related to this Section. The National Pollutant Discharge Elimination System (NPDES) Permit, and Wisconsin Pollutant Discharge Elimination System (WPDES) Permit shall also be available for use by any party involved in judicial or administrative review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics are not recognized as confidential information.

08-05(08). Bypass. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

A. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise or reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,

C. The industrial user submitted notices as required under this subsection.

If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass, if possible.

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW

determines that the user will meet the three conditions listed above in **08-05(08) A, B, and C.**

08-05(09). Upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of the next paragraph are met.

An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

A. An upset occurred and user can identify the cause(s) of the upset.

B. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

C. The user has submitted the following information to the POTW within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

1. A description of the discharge and cause of noncompliance.

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish occurrence of an upset shall have the burden of proof.

E. The user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Rule 08-06. Incorporation of Laws, Rules and Regulations by Reference. Any Federal, State or local laws, rules and regulations, quoted herein, and specifically Sections 62.11, 62.18 and 62.19, Wisconsin Statutes, are incorporated herein by reference, as they exist on the date of enactment of this Chapter and as they may be amended in the future. Should any reference thereto in this Chapter be incomplete or incorrect, the language of the

applicable law, rule or regulation shall prevail.

Rule 08-07. Reassignment of Dischargers.

The General Manager of the Water Utility will reassign dischargers into appropriate service charge categories where Water Utility records indicate facts supporting such a change. Dischargers will be given an opportunity to be heard on the proposed action before it becomes effective.

Rule 08-08. Enforcement of Wastewater Discharge Permit.

08-08(01). Written Notice of Violation. Any discharger in violation of a Wastewater Discharge Permit issued to it, shall be served with a written notice stating the nature of the violation and the action proposed to be taken by the Water Utility, in response to such violation.

08-08(02). Administrative Order(s). The General Manager of the Water Utility shall have the following courses of action as options which may be taken, jointly or severally, in response to a violation of a Wastewater Discharge Permit:

A. To issue an order to immediately cease the unlawful conduct identified in a notice of violation.

B. To issue an order to cease the unlawful conduct identified in a notice of violation within a specified period of time.

C. To pursue penalties and legal remedies as provided in Section **32.10.**

D. To make a claim for damages occasioned by injury to the system or contamination of the sludge.

E. To suspend or revoke a Wastewater Discharge Permit.

F. To commence an action at law or in equity in the State or Federal Courts for a declaratory judgment, monetary damages, and/or a temporary or permanent injunction.

G. To commence an action at law for a court imposed compliance schedule.

08-08(03). Opportunity for and Purpose of Hearing. The notice of violation shall provide the discharger with an opportunity for a hearing prior to enforcement action being taken. Such notice shall provide a time within which the discharger may request a hearing, which time limit shall be reasonable under the circumstances. Following a request for a hearing, a hearing shall be held before the General Manager of the Water Utility and the

violator shall be notified, in writing, of the time, date and place thereof. The purpose of such hearing shall be to determine the existence of mitigating factors, if any, and to determine the factual basis underlying the alleged violation. The failure to make a timely, written request for a hearing shall constitute a waiver of the right to such hearing. However, in the event of an emergency, an order under **Rule 08-08(02)A.** may be issued without a written notice and prior hearing, provided that such written notice and hearing are provided as soon as possible following the issuance of said order.

08-08(04). Written Determination. Within ten (10) days following the hearing, or in the absence of a timely request for a hearing, within ten (10) days following the last day on which a hearing could have been requested, a written determination report shall be made.

08-08(05). Grounds for Suspension, Revocation or NonRenewal of Wastewater Discharge Permit. The General Manager of the Water Utility may commence an administrative proceeding, upon written notice, and an opportunity to be heard, to seek the suspension, revocation or nonrenewal of any Wastewater Discharge Permit should a discharger:

A. Fail to factually report to the Water Utility the constituents and characteristics of its wastewater discharge.

B. Fail to promptly report to the Water Utility any violation by it of this Section or of any order promulgated under authority of this Section or any violation of any permit it may hold issued pursuant to this Section.

C. Fail to promptly report to the Water Utility any significant change in the constituents and characteristics of its wastewater discharge.

D. Fail to provide to the Water Utility reasonable access to its premises for inspection, sampling and monitoring purposes.

E. Fail to abide by the terms and conditions of this Section, any order promulgated under authority of this Section, any permit issued pursuant to this Section or any court order enforcing this Section and orders promulgated under its authority.

F. Fail to provide accurate and truthful information and statements to the Water Utility.

G. Attempt to or tamper with any sampling, or monitoring equipment or with the analysis or reports required by this Chapter.

H. Fail to timely file an amended permit application where one is required by this Section.

Rule 08-09. Service of Notices, Findings and Determinations. Service of notices, findings and determinations provided for in this Section shall be by personal service or by Certified Mail with Return Receipt. Notices to the Water Utility shall be served at or delivered to the Water Utility Business Office.

Rule 08-10. Procedures for Review. Any discharger, permit applicant, or permit holder adversely affected by any decision, action or determination made by the General Manager of the Water Utility interpreting or implementing the provisions of this Section or of any permit issued herein, may file with the General Manager of the Water Utility a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts and arguments supporting the request for reconsideration. The General Manager of the Water Utility shall render a decision on the request for reconsideration, in writing, within fifteen (15) days of receipt of the request. If the decision on the request for reconsideration made by the General Manager of the Water Utility is unsatisfactory to the party requesting the reconsideration, then such party may, within ten (10) days after notification of such decision, file a written appeal with the Board of Water Commissioners. The written appeal shall be heard by the Board of Water Commissioners within forty-five (45) days from the date of filing. The Board of Water Commissioners shall make a final ruling on the appeal within sixty (60) days from the date of the filing of an appeal.

Rule 08-11. Annual Publication of Enforcement Proceedings. The Water Utility shall annually publish, in the largest daily newspaper published in Kenosha, a list of industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. Significant noncompliance and/or criteria are listed in **08-01.**

Rule 08-12. Record Retention by Dischargers. Dischargers subject to this Section shall retain and preserve, for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling and chemical analyses made in connection with its wastewater discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Water Utility pursuant hereto shall be retained and preserved by the discharger until all enforcement activities and related review proceedings have

concluded and all periods of limitation with respect to any and all appeals have expired. Records of any contractor or agent of the discharger must be retained by the discharger.

Rule 08-13. Annual Audit - Excess Revenues.

The Water Utility shall conduct an annual audit to provide financial information which may be used to determine if excess revenues are collected from a discharger class. The Water Utility will apply these excess revenues to operation and maintenance costs attributable to that class for the next year.

Rule 08-14. Validity and Conflict.

08-14(01). Saving Clause. Should any section, clause, sentence or provision in this Section be declared by a court of law to be invalid or unconstitutional, such determination shall not affect the validity of any other section, clause, sentence or provision of this Section which can be given effect without such invalid part or parts, as every section, clause, sentence and provision of this Section is deemed severable.

08-14(02). Conflicts. Should any Ordinance, rule or regulation of the City or Water Utility be in conflict with this Section, the terms and conditions of this Section shall control.

32.09 PRIVATE WELL PERMIT WHERE WATER SERVICE IS AVAILABLE

Rule 09-01. Prohibition. No person, whose premises are served with water from the Water Utility shall maintain or use a private well as a source of domestic potable water, within the Water Utility service area, without first obtaining and maintaining a permit thereafter as hereinafter provided.

Rule 09-02. Requirement. Within twelve (12) months following connection of any premises to the Water Utility water system, the owner shall discontinue use of any private well serving the premises and fill the well as hereinafter provided, unless a permit to maintain a private well is obtained from the General Manager of the Water Utility.

Rule 09-03. Private Well Permits. The General Manager of the Water Utility may issue a Private Well Permit for a period not to exceed thirty-six (36) months, subject to the following conditions:

A. The well and pump installation meet the requirements of Chapter NR 812, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of

the Department of Natural Resources.

B. The well has a history of producing bacteriologically safe water as evidenced by three (3) samplings, two (2) weeks apart.

C. No physical connection shall exist between the piping of the public water system and the private well.

Rule 09-04. Disconnection. The owner of any premises possessing a nonpermitted private well shall discontinue the use thereof and fill it as hereinafter provided.

Rule 09-05. Private Well Filling Requirements. Private wells to be abandoned hereunder shall be filled according to the procedures outlined in Chapter NR 812.26, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. An obstruction or liner must be removed.

Rule 09-06. Reports and Inspection. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency, immediately upon completion of the filling of the private well. The filling of the private well must be observed by a representative of the Water Utility. Notice of appropriate DNR fillings shall be provided by the well owner to the Water Utility as soon as possible.

32.10 PENALTIES AND LEGAL REMEDIES

Rule 10-01. Legal Remedies. Any person who violates any of the provisions of this Chapter, shall, in addition to the forfeiture hereinafter provided, be liable for any damage to the Water Utility including loss of revenue from the sale of water or sewerage service resulting from a violation of these rules and regulations. Where the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specially assessed for such work. The payment of damages and the correction of violations may be a condition of providing future water or sewerage service.

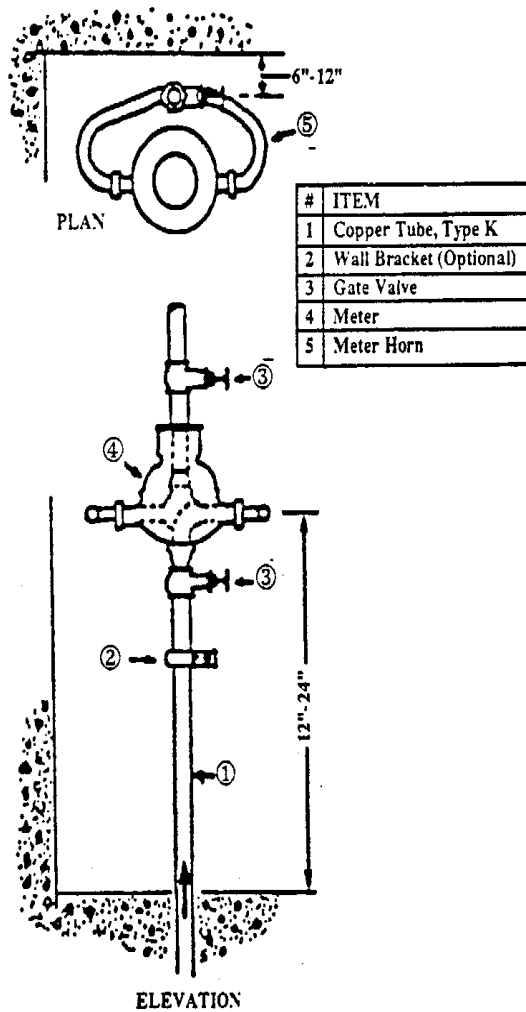
Rule 10-02. Penalties. Any person who violates any provision of this Chapter, or orders authorized by this Chapter, may, upon conviction thereof, forfeit not less than One Thousand (\$1,000) Dollars, together with the costs of prosecution for each violation. Each day a violation continues shall be deemed a separate offense. In default of the timely payment of such a forfeiture and costs, the violator shall be imprisoned in the Kenosha County Jail for not more than thirty (30) days. The forfeiture above provided for shall be in addition to all other remedies specified in this

Chapter or available in law or equity.

APPENDIX
DRAWING #1

Kenosha Water Utility Meter Setting 1987

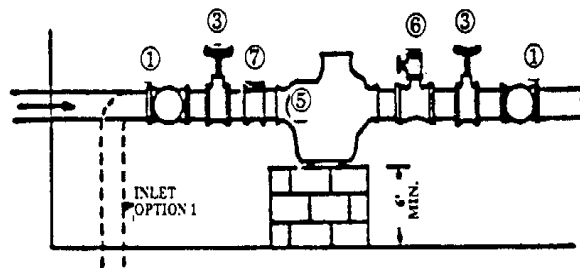
BASEMENT TYPE
5/8 Inch - 1 Inch



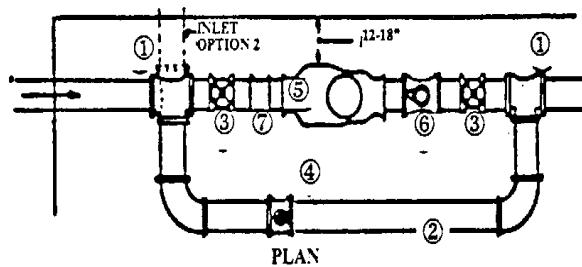
APPENDIX
DRAWING #2

KENOSHA WATER UTILITY METER SETTING 1987

LARGE METERS
2 Inches & Larger



ELEVATION



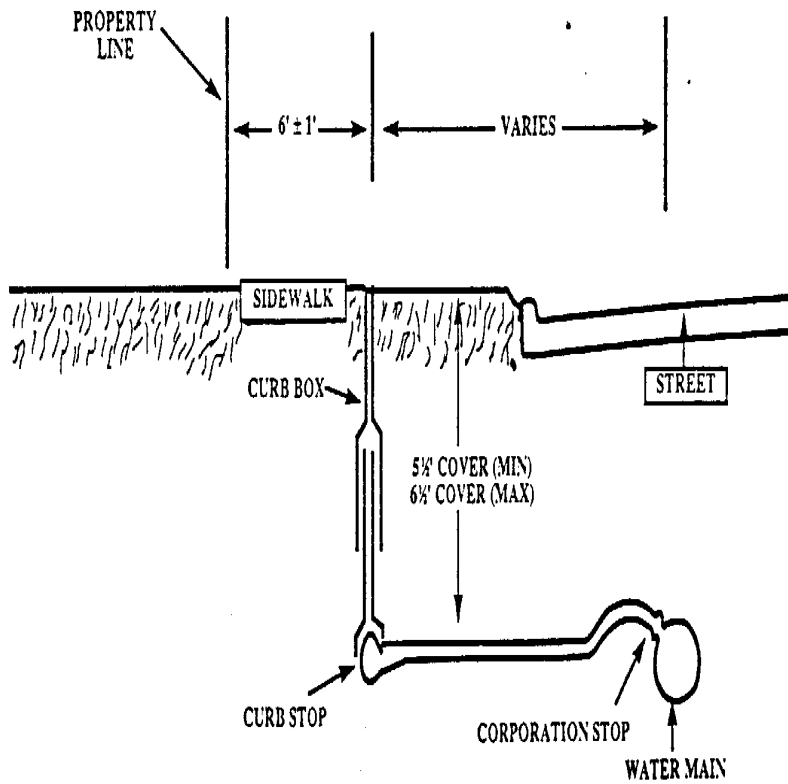
PLAN

#	ITEM
1	Tee for Bypass
2	Solid Bypass
3	Gate Valve
4	Sealed Gate Valve
5	Meter
6	Test Tee with Gate Valve:(not required with 2" meter) 2 inch Gate Valve for 3-6 inch meters 3 inch Gate Valve for 8-10 inch meters
7	Solid Sleeve

NOTE: All flanges must be 125# standard. All steel must be galvanized.

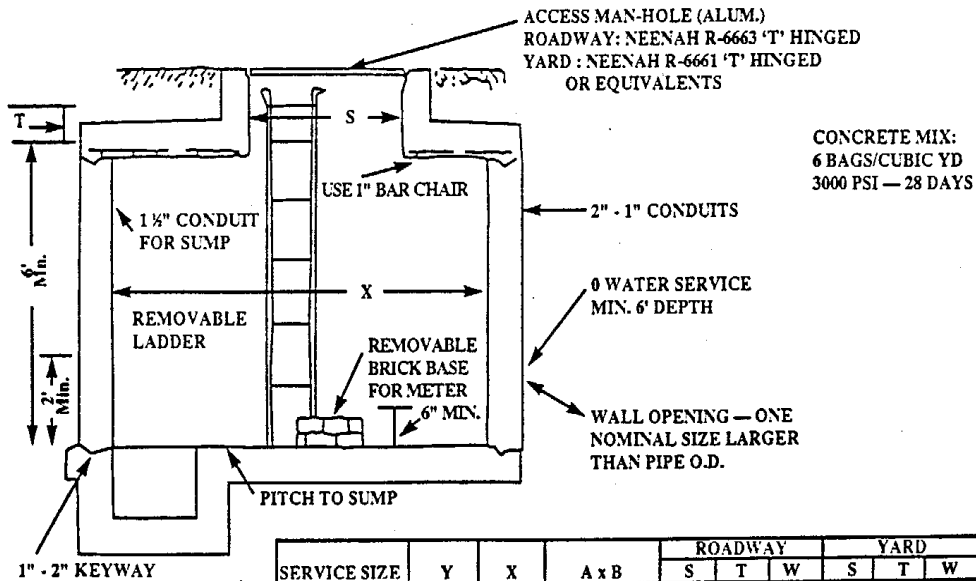
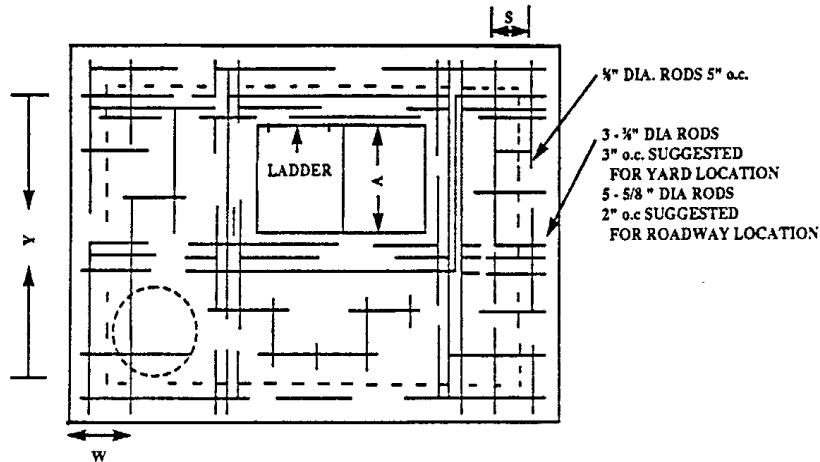
APPENDIX
DRAWING #3

KENOSHA WATER UTILITY
WATER SERVICE PIPING
1987



APPENDIX
DRAWING #4

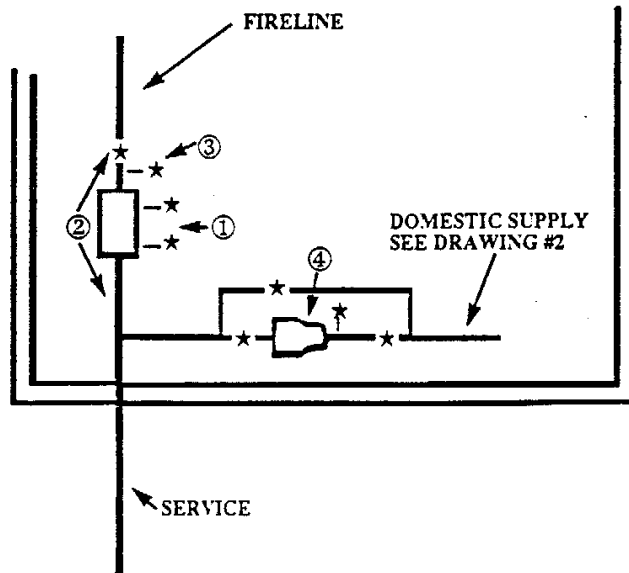
KENOSHA WATER UTILITY METER PIT 1987
LARGE SERVICES (2 Inches & Larger)



SERVICE SIZE	Y	X	A x B	ROADWAY			YARD		
				S	T	W	S	T	W
2 - 3"	5 - 6"	7 - 6"	24 x 36	7	8	8	9	8	8
4"	6 - 0"	8 - 6"	24 x 36	6	8	8	8	8	8
6"	6 - 6"	10 - 3"	24 x 48	5	8	12	7	8	8
8"	7 - 6"	12 - 4"	24 x 48	5	10	12	6	10	10
10"	8 - 0"	13 - 9"	34 x 58	4	10	12	5	10	10

APPENDIX
DRAWING #5

KENOSHA WATER UTILITY FIRELINE SERVICE 1987



#	ITEM
1	Director Check
2	Gate Valve
3	Test Tee with Gate Valve
4	Meter