



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

AGENDA

Summit Utility District #2 Commission Meeting Thursday, June 12, 2025, at 6:15 p.m.

At Summit Village Hall, 37100 Delafield Road, Summit, WI

1. CALL TO ORDER
2. ROLL CALL AND CONFIRM POSTING
3. PUBLIC COMMENT

4. MINUTES: May 8, 2025 regular meeting

5. Discussion and action on May 2025 payables and Financial Report

6. Discussion and action on offering optional e-bill service for sewer billing customers

7. Discussion and action on owner's request for reimbursement of sewer service expenses related to lateral break at 2326 N 2nd Lane

8. Discussion and action on responsibility for sewer laterals within the public right-of-way in Summit Utility District #2

9. Discussion on May 2025 engineering report

10. Discussion and action on Resolution #2025-01 approving the Compliance Maintenance Annual Report (CMAR) for 2024

11. ADJOURN UTILITY COMMISSION MEETING

Respectfully Submitted,

Debra J Michael, WCMC
Village Administrator-Clerk/Treasurer

Next Regular Meeting: July 10, 2025

Posted: June 6, 2025

**** Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact the Village Hall at 567-2757.

It is possible that members of and possible a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any other governmental body except by the Utility Commission noticed above.



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MINUTES
SUMMIT UTILITY DISTRICT #2 COMMISSION
May 8, 2025

CALL TO ORDER

Chairperson Riley called to order the Summit Utility District #2 Commission meeting at 6:15 p.m. on Thursday, May 8, 2025 at Summit Village Hall, 37100 Delafield Road, Summit, WI.

ROLL CALL AND CONFIRM POSTING

Administrator Michael took roll call and confirmed that the meeting was noticed to the local media as required and requested and posted on the Village posting board and website. Commissioners present were: Kraig Arenz, Sr., Jim Petronovich, and Jeff Lee. Also, present were: Chairperson Jack Riley, Public Works Director Kamron Nash and Administrator-Clerk/Treasurer Debbie Michael. Commissioner Justin Phillips was absent.

PUBLIC COMMENT - None

MINUTES: April 10, 2025 regular meeting

MOTION: (Petronovich, Arenz) *to approve the minutes of the April 10, 2025 regular meeting.*
Carried.

Discussion and action on April 2025 payables and Financial Report

MOTION: (Petronovich, Lee) *to approve the payables and the financial report in the amount of \$817,210.57. Carried.*

Discussion and action on owner's request for reimbursement of sewer service expenses related to lateral break at 2326 N 2nd Lane

Director Nash explained that there was a break on the riser for a main sewer line to a property on 2nd Lane, this was installed as part of the project when the system was constructed. At the recommendation of the Engineer, SEH, we hired a contractor with the assumption that this was part of the Village's infrastructure. When the break happened, the property owner had back up in

their system and had it investigated and then turned it over to ASI to go out and they televised it and found what the issue was. DF Tomasini did the work and the property owners have now come back and they are requesting reimbursement for the bill for the contractor service call, and they have also asked for consideration of some expenses related to travel, they are seasonal residents so they were planning on traveling south for the Winter season and as the result of this break, they had to delay plane and vehicle rental.

Director Nash added that Debbie reached out to insurance company, generally when we have a claim like this, we submit it to insurance and they provided a response today and they're recommending that the claim is disallowed and have a number of reasons for that. Administrator-Clerk/Treasurer stated that it was the Village Attorney's opinion that this is not something the Village should be reimbursing.

Director Nash stated even though the insurance company has stated it will not approve the claim, there is opportunity for the Commission to make a decision to pay it out of operating expenses of the utility district.

Commissioner Petronovich stated from what he's reading it sounds like we shouldn't have even paid for the work done by Tomasini. Director Nash stated there is a little bit of a gray area in what it is that we cover, and she would like to have a conversation with SEH in terms of what we've covered in the past related to breaks because in general when we put in infrastructure in a system, we are responsible for everything except for the lateral and thinks since the break wasn't in the lateral but in the riser that leads to the lateral, that was the reason that SEH made the recommendation that we correct that. In the future, we need to get on the same page of what exactly is the utility district responsibility versus the private property owner's responsibility.

Commissioner Lee stated, it looks like the insurance company is counting the riser as part of the lateral. Director Nash stated that is their opinion. Commissioner Lee added but SEH believes it is part of. Director Nash replied that she hasn't had a discussion with SEH as this information from the insurance just came through today.

Commissioner Petronovich asked what about Tomasini, can we ask them. Director Nash responded that they wouldn't know anything about that. They were just hired to go out and do the repairs. Chairperson Riley asked how much we paid Tomasini. Director Nash replied just shy of \$8,000 for the repair and the Village DPW restored the landscaping along the road.

Chairperson Riley asked for confirmation that the insurance company knows the break was in the riser, not in the lateral. Director Nash stated yes.

Trustee Arenz stated that is the struggle he has, they can't have service to us without the riser and the lateral downstream, he fully agrees that where you connect on, just like pressure water, stops at the valve and the utility takes upstream from the valve stop and the customer takes the responsibility downstream of a valve stop. Commissioner Petronovich stated this is a gravity system so he doesn't think there are any stops on it. Commissioner Arenz stated but the riser is ours, the customer can't install the riser.

Commissioner Lee stated so if the crack is located there, he doesn't understand why the insurance company would be claiming that the riser is part of the lateral and belongs to the property owner. Commissioner Lee thinks we need to investigate this a little further before a decision because we are setting precedent here. He recommended a conversation with SEH and a follow up with the insurance company is in order before a decision is made on this.

Commissioner Petronovich asked who's opinion would this be. Trustee Arenz asked why we would pay Tomasini's bill. Commissioner Lee stated he doesn't disagree with that but we did that based on SEH's recommendation but the insurance company is saying something totally different.

Chairperson Riley stated that Commissioner Lee is on the right track and we need to clarify with insurance company and if the riser was installed as part of the system. Administrator-Clerk/Treasurer Michael stated that she sent the drawing from Robbie at SEH and the information related to the issue to the claims specialist and he is absolutely aware of that. Commissioner Lee responded so that person is basically saying that that is part of the lateral but if there was no house there, would the riser be there. Commissioner Arenz responded yes, it was built and designed as part of the system and then they connect to it there.

Commissioner Petronovich stated when he lived in West Allis he had an old house and the sewer caved in and it was the lateral, the part that went from the house to the main, he had to pay for that out of his pocket. Here, on Silver Lake, he has an impulse system and when he had that, he was told that the City owns up to the stop and everything from that stop up to his house is his responsibility.

Commissioner Arenz stated where does their lateral connect to, the riser or curb stop. Commissioner Petronovich responded that he doesn't know what a riser is, where it is located, any of that. Administrator-Clerk/Treasurer explained that the sewer main is in the road and because of change in topography or depth of the main and depth of connection to house is a significant number, the riser drops down from the main to where the pipe coming from the house (lateral) will be connected. Commissioner Arenz stated that he doesn't have a problem with getting more information but if the riser is part of the system and we were having Tomasini fix it, and it is on the original as-builts and we paid to have it put in there we just need clarification but he would call that ours. Commissioner Lee agreed but stated that the insurance company is stating that it isn't ours. Administrator-Clerk/Treasurer Michael stated that we shouldn't get hung up on the riser part because there was another clause that the insurance company provided that says we have immunity from damage and read point number four from the insurance company's response. Administrator-Clerk Treasurer Michael also added that this was the same situation in the Silver Lake Utility District with the issues on Indian Mound Road and the same insurance company for the City of Oconomowoc denied those claims for the same reason, immunity. That is the main reason for the statement that the claim would be denied, not who owns the riser. Commissioner Petronovich stated that the way he read the insurance's response is that the utility district basically gave a gift to the property owner in paying for the repair. The Commissioners agreed that we need to be careful with this decision because on that whole leg of the system, there are a lot of risers and we would be setting precedent with this decision.

Commissioner Lee asked if there are preventative measures that can be employed so that this doesn't happen in the future.

Chairperson Riley asked if it was a clog or a leak. Director Nash explained it was both and that what happened was tree roots got into the line so there was a leak but it was also clogged which is what caused the back up. The property owners stated that they did laundry and there was back up coming in through the floor drain in the basement.

Chairperson Riley said we probably should table this and get more information on it but what about preventative maintenance. Director Nash responded that if we are really concerned in this area because we know there are tree roots, we can do proactive maintenance like televising the laterals. There will be an expense related to that but we can talk to SEH about getting some quotes and then we would have to include in the budget. Chairperson Riley stated that the utility district doesn't own the laterals, the homeowners do. Director Nash stated we would go through and check the risers to make sure there are no issues and the main line.

Commissioner Arenz asked what are we asking staff to bring forward. Commissioner Lee stated the question is that SEH obviously thought this was a Village issue so it would be good to determine why they felt that way and what the supporting documentation is. The commissioners determined that we should have Robbie come to the next meeting and he should be prepared to talk about this. Director Nash thinks their interpretation is similar to what Jim said about Silver Lake Utility District, the infrastructure is owned up to the private property line and ultimately anything that's on private property is the responsibility of the property owners but in the public right of way up to where that infrastructure is installed generally falls on the municipality. Director Nash thinks the utility district needs to reach out to the insurance company and just get some clarification because if we are responsible for it but the insurance company isn't going to cover it, then we are always going to be on the hook for this.

Trustee Lee stated that the real question he has for the insurance company is if the bottom line is that a clog and broken sanitary sewer lateral pipe belongs to the claimant, as a homeowner am I supposed to have that televised periodically or what should a property owner be doing? Commissioner Arenz responded that in the same system, in a different area, on the island, people are required to flush their lines because they are the end of the line so that answer is yes but he doesn't know if there is any other place that has been identified by this group. Commissioner Lee stated the question for Robbie is what is the responsibility of the homeowner and what should the be doing.

MOTION: (Arenz, Lee) *to consider this at the next regularly scheduled meeting and ask staff to bring forward some additional information from both SEH and the insurance carrier. Carried.*

Discussion on March 2025 engineering report

The report was reviewed. Commissioner Lee asked what is televised, Director Nash stated the mains are televised and cleaned so this is preventative maintenance. How much riser is there and can it go into the riser when they are televising the mains.

Commissioner Petronovich asked about the Roger's remote metering system and who is paying SEH for that, the district or Rogers. Director Nash stated the initial investigation is being paid by the district but when the installation occurs there will be some time involved and Rogers will be responsible for all those fees, including the new meters. It is a mutually beneficial program. Administrator-Clerk/Treasurer Michael clarified that she believes Commissioner Petronovich is referring to SEH's time spent on this and if the district is charging Rogers. Director Nash replied no, the district has been paying for that so far. Commissioner Petronovich stated he thinks they should be billed for that. Director Nash explained that Rogers brought up the idea a while ago but then it went stagnant and we didn't hear anything about it but now they have brought it up so we will be asking for a commitment on this program.

Commissioner Petronovich asked about the WE Energies situation stating he didn't understand what this referred to. Director Nash explained this is related to the property on Elm Street that burned down a couple years ago and they are building a new home so there was a right of way permit that was pulled and as part of that they were going to be boring under the road for gas and electric but when the contractor came in, they said they don't blind bore sewers and they need to cut into the road to physically locate the sewer line. This is a brand new road just paved last year so the SEH went out after looking at the as-builts and pulled manhole covers and located the sewer line which is approximately 6' below the surface of the road and the contractor was only boring at 24 – 36 inches so we gave them the go ahead to do their boring with the statement that if they hit that sewer line and you're only going 36 inches then that is on the district. Commissioner Petronovich questioned if that work will be charged to the homeowner or the district. Director Nash responded this is charged to the district and is a right of way permit.

Discussion and action to award 2025 Sewer Cleaning & Televising Program contract

Director Nash stated the recommendation is to go with The Expeditors at a cost of \$8,013.66 and that the budget include \$10,000 for this work.

MOTION: (Arenz, Petronovich) *to award the 2025 Sewer Cleaning and Televising Program contract to The Expeditors, Inc. in the amount of \$8,013.66. Carried.*

ADJOURN UTILITY COMMISSION MEETING

MOTION: (Lee, Arenz) *to adjourn at 6:51 p.m. Carried.*

Respectfully Submitted,

Debra J Michael, WCMC
Village Administrator-Clerk/Treasurer

Next Regular Meeting: June 12, 2025

2025
Utility District
Financial Report

UD2	Amount \$\$
Bank 59 Balance 05/30/2025	\$ 1,671,822.57
AP MAY 2025	\$ (42,773.07)
<i>LOAN PAYMENT PRINCIPAL</i>	\$ -
<i>LOAN PAYMENT INTEREST</i>	\$ -
Interest Paid/Accrued 59 @ 4.70%	\$ 6,301.23
Available Funds	\$ 1,635,350.73
Interest Paid YTD 59	\$ 38,766.73
LOAN INFORMATION:	
GO Fund - Payoff: 5/2027	
Payments: 04/29/2025(Principal & Interest)	\$ 779,217.50
11/01/2025 November (Interest only)	\$ 16,667.50
2025 Principal & Interest payment	\$ 795,885.00
12/31/2025 YE Principal Balance	\$ 1,550,000.00
Silver Lake Utility District	
Amount \$\$	
Bank 59 Balance 05/30/2025	\$ 192,374.28
AP MAY 2025	\$ (8,024.80)
Interest Paid 59 @ 4.69%	\$ 682.40
Available Funds	\$ 185,031.88
Interest Paid YTD 59	\$ 3,622.18
Total Interest YTD	\$ 3,622.18

2025
Utility District
Financial Report

6 Month Tracking

MONTH	UD2	NOTE:
June-25	\$42,773.07	
May-25	\$817,210.57	Loan Payment/INT \$779,217.50
April-25	\$42,675.86	
March-25	\$46,328.89	
February-25	\$74,854.68	
January-25	\$29,063.82	
Total	\$230,916.32	Loan PMT Deducted from Total
Average	\$38,486.05	

6/05/2025 1:05 PM

In Progress Checks - Full Report - ALL

Page: 1

ALL Checks by Payee

ACCT

BANK 59 SUD#2

Dated From:

From Account:

Thru:

Thru Account:

Voucher Nbr	Check Date	Payee	Amount
<hr/>			
	6/13/2025	AREA SEPTIC INSTALLATION INC	
			Manual Check Nbr: 061325-1UD2
620-00-53659-000-000		CONTRACTUAL SERVICES	2,310.00
		4270	
			Total 2,310.00
<hr/>			
	6/13/2025	DELAFIELD-HARTLAND WATER POLLUTION CONTROL	
			Manual Check Nbr: 061325-2UD2
620-00-53632-000-000		TREATMENT EXPENSE	15,252.01
		051525	
			Total 15,252.01
<hr/>			
	6/13/2025	EVOQUA Water Technologies LLC	
			Manual Check Nbr: 061325-3UD2
620-00-53636-000-000		CHEMICAL TREATMENT	15,642.66
		1603236	
			Total 15,642.66
<hr/>			
	6/13/2025	EXCEL UNDERGROUND LLC	
			Manual Check Nbr: 061325-4UD2
620-00-53659-000-000		CONTRACTUAL SERVICES	626.00
		12835	
			Total 626.00
<hr/>			
	6/13/2025	EXCEL UNDERGROUND LLC	
			Manual Check Nbr: 061325-5UD2
620-00-53659-000-000		CONTRACTUAL SERVICES	1,871.25
		12761	
			Total 1,871.25
<hr/>			
	6/13/2025	MUNICIPAL LAW & LITIGATION GROUP SC	
			Manual Check Nbr: 061325-6UD2
620-00-53658-000-000		LEGAL FEES	433.40
		14792	
			Total 433.40
<hr/>			
	6/13/2025	VILLAGE OF SUMMIT	
			Manual Check Nbr: 061325-8UD2
620-00-53659-000-000		CONTRACTUAL SERVICES	5,083.34
		050125UD2	
			Total 5,083.34
<hr/>			

6/05/2025 1:05 PM

In Progress Checks - Full Report - ALL
ALL Checks by Payee
BANK 59 SUD#2

Page: 2
ACCT

Dated From:

From Account:

Thru:

Thru Account:

Voucher Nbr	Check Date	Payee	Amount
	6/20/2025	WE ENERGIES - UTILITY DISTRICTS	
	Lift Stations		
		Manual Check Nbr:	AUTOPAY7
620-00-53656-000-000		UTILITIES	1,554.41
	Lift Stations	0705131030-05/28/25	
		Total	1,554.41
		Grand Total	42,773.07

6/05/2025 1:05 PM

In Progress Checks - Full Report - ALL
ALL Checks by Payee
BANK 59 SUD#2

Page: 3
ACCT

Dated From:
Thru:

From Account:
Thru Account:

Amount

Total Expenditure from Fund # 620 - SUMMIT UD #2	42,773.07
Total Expenditure from all Funds	42,773.07



Village Hall, 262 567-2757
Fax, 262 567-4115
Highway Dept., 262 567-2422
Police Dept., 262 446-5070
Building Inspector, 262 490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Summit Utility District No. 2 Commission

From:

Date: June 6, 2025

Re: Discussion and Action on Summit Utility District No. 2 billing options

PURPOSE:

Present information on current Utility District No. 2 billing and cost to determine feasibility of initiating e mail billing.

BACKGROUND:

Utility District No. 2 mails approximately 3000 hard copies of utility bills annually. Costs to mail have increased steadily over the past 5 years. There is a postage increase slated for July 2025 that will increase postage from .69 to .74. This postage adjustment should prompt the Utility District to consider alternatives for billing in the Utility District.

Cost to mail hard copies 3,000

Paper:	\$38.70
Envelopes:	\$420.00
Postage:	\$2,222.00
Total Cost:	\$2,693.30

Cost for alternative: e mail bills

Paper:	0.00
Envelopes:	0.00
Postage:	0.00
Software to support:	0.00*

*Workhorse offers the option to email bills as part of their Utility offering there is no additional cost.

* These numbers do not include the time paid to staff to fold, stuff and run Utility Bills through the postage meter.

E Mail Billing process:

Utility District No. 2 would initiate the process to gather e mail address for e mail billing. This is an opt in service for Utility District Customers.

- Finalize understanding the e mail billing process
- Create resident communication tools: Printed/Online
- An opt in to e mail billing option would be presented to residents' multiple touchpoints
- Printing on back of Utility District hard copy bill until such a time there is no need to further collect e mail addresses for online billing.
- Online via the Village of Summit Website
- Create Billing procedure for Utility District that includes online billing

RECOMMENDATION:

Village staff recommend that the SUD2 Commission consider the fiscal implications for pursuing alternative E Mail Billing option and move forward with the recommendation for the Utility District to pursue online/email billing options as long as at no additional cost to the District.

ATTACHMENTS:

1. 2025 USPS Notification of rate increase
2. Sample opt in form

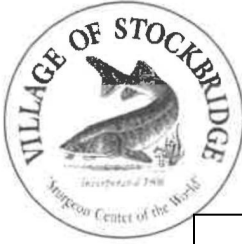
FISCAL IMPACT:

To be determined, based on Commission direction. If the Commission determines that online/ e mail billing options should be pursued the Utility District could experience reduced cost to bill customers.

Example: 10% opt in (300) = \$270.00 reduction in cost to bill
 20% opt in (600) = \$540.00 reduction in cost to bill

RECOMMENDED MOTION:

To be determined, based on SUD2 Commission direction



WATER UTILITY
P.O. Box 205 | Stockbridge, WI 53088

SEWER UTILITY
P.O. Box 203 | Stockbridge, WI 53088

(920) 439-1220 | villageofstockbridgeutilities@gmail.com | www.villageofstockbridge.org

Sample opt in e mail billing

Village of Stockbridge Utilities e-Bill Form / Sign up

The Village of Stockbridge Water & Sewer Utility offers our customers the choice of receiving their utility bills via e-bill. In order to switch your account from the standard postcard bill to e-bill, the Wisconsin PSC requires the utility to obtain written consent and the customer's signature.

Bills will be sent from the villageofstockbridgeutilities@gmail.com. Our Utility billing system Workhorse Software generates the e-bill to the customers. Due to the large quantity of e-bills being sent out to our customers at one time, your system may consider our emailed e-bill as spam. If you do not receive your e-bill please look in your spam folder. Once you sign up for e-billing, you would then not receive a postcard bill any longer.

Please provide the following information:

Customer Name: _____

Service Address: _____

Account Number: _____ - _____ - _____

Email Address: _____

(Please write clearly in block letters)

With your signature below - you authorize the Village of Stockbridge to send your Water & Sewer Bill to the email address listed above. Also understanding all questions about your e-bill are to be directed to the Utility email address of villageofstockbridgeutilities@gmail.com or call (920) 439-1220.

Customer Signature: _____

Date: _____



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Summit Utility District No. 2 Commission

From: Kamron Nash, P.E., Village Public Works Director

Date: June 5, 2025

Re: Discussion and Action on Owner's Request for Reimbursement of Sewer Service Expenses Related to Lateral Break at 2326 N 2nd Lane

PURPOSE:

To present a request by the property owners at 2326 N 2nd Lane for the reimbursement of service expenses related to the damaged sewer lateral adjacent to their property.

BACKGROUND:

At the May 8th SUD2 meeting, a request by the property owners of 2326 N 2nd Lane was presented to the Commission for expenses incurred to have a contractor diagnose the backup issues that they were experiencing in late December in the amount of \$544.38. The property owners also claim that they incurred approximately \$300 in plane ticket and rental car reservation changes, and they are inquiring if the Commission would consider compensating for those charges.

The District's insurance company has reviewed the claim and is recommending that the Commission disallow the claim for the reasons provided in their email dated May 8, 2025 to Administrator-Clerk/Treasurer Michael. The main reasons for the recommendation are summarized below:

- The break occurred in the sanitary system lateral, which is considered to be private plumbing that extends from the private home to the District's public sewer main.
- The issue with the lateral was an unnoticed clog and/or break, and the Village is not liable for causing it. Per Wis. Stat. 893.80, the Village would be afforded immunity from damage.

In addition, the Village attorney agrees with the insurance company's recommendation that the claim is disallowed.

RECOMMENDATION:

Village staff recommend that the SUD2 Commission follows the recommendation of the District's insurance company and the Village attorney and disallow the claim.

ATTACHMENTS: Email Correspondence from Glenn & Jacki Piller (dated March 30 – April 4, 2025)

Invoice from Mr. Holland’s Home Services (dated December 26, 2024)

FISCAL IMPACT: To be determined, based on Commission direction. \$544.38 for contractor expenses plus an additional estimated \$300 related to travel expenses has been requested.

RECOMMENDED MOTION: **Motion to disallow the claim submitted by the property owners of 2326 N 2nd Lane for expenses incurred related to a damaged sewer lateral adjacent to their property.**

From: [REDACTED]
To: [Kamron Nash](#)
Subject: Re: Mr. Holland's Home Services Invoice
Date: Thursday, April 3, 2025 10:35:01 AM
Attachments: [image001.png](#)

I appreciate that you have us on the agenda but wonder if we could postpone until the next month. We will in transit home when this meeting is scheduled. We would like input if necessary
Thank you
Jacki Piller

[Sent from the all new AOL app for iOS](#)

On Thursday, April 3, 2025, 8:29 AM, Kamron Nash <pwdirector@summitvillage.org> wrote:

Good morning, Glenn & Jacki.

Thank you for your email request. I will be adding this to the Summit Utility District No. 2 Commission meeting scheduled for next Thursday, April 10th that begins at 6:15 a.m. You are welcome to attend the meeting. You will have the opportunity to speak during public comment, which is at the beginning of the meeting. If the Commission has specific questions for you while they are discussing the agenda item, they may engage you later during the meeting.

If you have any questions, please do not hesitate to contact me.

Regards,

Kamron E. Nash, P.E.
Public Works Director
Village of Summit
37100 Delafield Road | Summit, WI 53066
262-567-2757 main | pwdirector@summitvillage.org
<https://summitvillage.org/>
Pronouns: she/her/hers



From: hunzjacki [REDACTED]
Sent: Sunday, March 30, 2025 3:08 PM
To: Kamron Nash <pwdirector@summitvillage.org>
Subject: Fw: Mr. Holland's Home Services Invoice

To whom it may concern & Cameron
We are snowbirds & returned to our home Dec 23rd. Our basement drain overflowed with any use of water. We just assumed the drains were clogged. We needed a quick assessment of the issue as we developed a flood in our basement & couldnt use any water until it was looked at. The only company that could come that week was Mr Holland. He came on the 26th, He did a snake of the issue and found a large issue in the sewer pipes causing blockage. We immediately went to the Village and thankfully Austin was able to come out that night to assess. The next day more of your folks showed up & so the rest of the story you know. It turned out the clog was on the Village side , therefore you fixed the issue. Of which we are grateful .
We are attaching Mr Hollands bill as we are hoping that bill will be reimbursed by the Village also as the sewer clog was on your property .

Our plans intially were to return to NV the AM of the 27th. Thankfully we were able to return later that evening but we did incur about \$300 in plane & car extensions. If you are willing to help compensate us for those charges also we would appreciate it and I will sure for receipts.

Thank you for your consideration in with these expenses.
Glenn and Jacki Piller
2326 N. 2nd Lane

----- Forwarded Message -----

From: hunzjacki [REDACTED]
To: Hunz [REDACTED]
Sent: Thursday, February 6, 2025 at 12:56:28 PM PST

Subject: Fw: Mr. Holland's Home Services Invoice

[Sent from the all new AOL app for iOS](#)

Begin forwarded message:

On Thursday, December 26, 2024, 1:25 PM, Mr. Holland's Home Services
[REDACTED] wrote:

Hello Jackie Piller,

Please find attached an invoice for work performed at 2326 North 2nd
Lane, Oconomowoc, WI 53066 USA.

Sincerely,
Your Friends at Mr. Holland's Home Services



Mr. Holland's Home Services
 PO Box 318
 Jackson, WI 53037
 (262) 677-1037

Invoice 159599174
 Invoice Date 12/26/2024
 Payment Term Due Upon Receipt

Billing Address
 Jackie Piller
 2326 North 2nd Lane
 Oconomowoc, WI 53066 USA

Job Address
 Jackie Piller
 2326 North 2nd Lane
 Oconomowoc, WI 53066 USA

Description of work

Expert arrived on site customer explained sewer line was replaced with PVC 20 years ago and main sewer line was backed up recommended power rodding. Power rod approximately 50, was able to restore flow line is 6" pvc and is broke recommend repair customer will call if the want to move forward no warranty

Service #	Description	Quantity	Your Price	Total
PL500	Attempt to clear the main drain from an inside access point using an electric snake.	1.00	\$516.00	\$516.00

Paid On	Type	Memo	Amount
12/26/2024	Visa		\$544.38

Potential Savings	\$51.00 - \$51.00	Sub-Total	\$516.00
		Tax	\$28.38
		Total	\$544.38
		Payment	\$544.38
		Balance Due	\$0.00

All repairs include labor unless specified. 2 year warranty on all repairs except refrigerant.

Job Estimate/Service Terms & Conditions Acknowledgement

By signing below, you represent that you are owner/authorized representative/tenant of the premises at the Job Address set forth above. You authorize Mr. Holland's to perform the work described above, using such labor and materials as Mr. Holland's deems advisable. All old parts will be removed from premises and discarded, unless otherwise specified above. You understand that the Amount above is the estimate to complete the described work based on known issues. In the event of unforeseen issues or issues that are not visible during the estimate, you agree to pay for any additional repair and material costs for such issues. You represent that all plumbing, heating, air conditioning, electrical, and drain systems are in good repair and condition, except as set forth above in the Description of Work. You understand that Mr. Holland's work may lead to the discovery of defective HVAC, electric or plumbing conditions that may require further repair. You agree to remove or protect any personal property that may be located in or near the work area. Any drain work is subject to a ninety (90) day limited warranty. All other work is subject to a two (2) year limited warranty unless otherwise specified above.

For any contract that requires Mr. Holland's to order materials, you must make 50% down payment of the Amount listed above at time of material order and pay the remaining balance when the work is completed. Otherwise, payment for all work performed is due immediately after completion of the work, unless Mr. Holland's has agreed in advance to invoice you for work at this Job Address. Certain extended performance contracts may require monthly invoicing and payments based on the monthly work performed.

By signing below, you agree that you have read this contract and agree to the Service Terms and Conditions, including the payment terms, limited warranty and limitation of liability.



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Summit Utility District No. 2 Commission

From: Kamron Nash, P.E., Village Public Works Director

Date: June 5, 2025

Re: Discussion and Action on Responsibility for Sewer Laterals within the Public Right-of-Way in Summit Utility District No. 2

PURPOSE:

To present information regarding responsibility of lateral connections to the public sewer system in SUD2.

BACKGROUND:

At the May 8th SUD2 meeting, there was a significant amount of discussion revolving around responsibility of sewer infrastructure and laterals within the public right-of-way (e.g., between the private property line and the sewer main). Staff were given direction to get more information regarding responsibility within the public right-of-way and to reach out to SEH and the District insurance company to get more information on whether laterals, risers, etc. should be the responsibility of the private property owner or the District.

Survey of Local Utilities/Municipalities

Director Nash reached out to several sewer utilities in the area for information:

- The City of Oconomowoc, Dela-Hart, Village of Dousman, City of Waukesha, City of Brookfield, Village of Mukwonago, Milwaukee Metropolitan Sewerage District, City of Hartford, Village of Slinger, City of Jefferson, City of Fort Atkinson, and Madison Metropolitan Sewerage District all place responsibility for maintenance on the property owner to the sewer main. The includes Silver Lake Utility District facilities, as our agreement reflects the City's ordinance requirements. The City of Watertown performs all work related to installation and repair to sewer laterals, but they charge a fee to the property owner to recover expenses of the work. Many of these communities include specific language in their ordinances that defines the building sewer and public sewer clearly to identify which components are included.
- The Village of Johnson Creek is responsible for sewer laterals from the main to the property line. I have reached out to them to determine how their insurance coverage is impacted, but they have not responded.

I also had a conversation with Tim Reel, the Operations Manager for Oconomowoc Wastewater. Although the City of Oconomowoc puts responsibility on the private owner for the entirety of the lateral to the sewer main, he is familiar with utilities that take responsibility to the property line. He explained that this is generally a policy taken by larger systems with inflow and infiltration issues, which can lead to higher operating costs for a wastewater utility. Maintaining control of the maintenance and repair within the ROW allows the utility to control the quality of work and ensure that issues are addressed. Often, these utilities utilize their own staff for maintenance and repair will implement a “lateral service fee” for all customers. The lateral service fee funds are used for any lateral repairs in the ROW that are not part of the sewer main infrastructure.

Insurance Company Feedback

The District’s insurance company maintains that SUD2 does not have to take responsibility for the lateral, riser, or other infrastructure that extends between the connection to the sewer main and the building that it serves, even if it is located within the public right-of-way. In general, claims for breaks in laterals would be unlikely to be approved by the insurance company due to inherent protections that Wis. Stat. 893.80 provides, aside from acts of negligence on the part of the District or failure to adhere to any ministerial duty or mandate regarding design, development, or maintenance of the system. The insurance contact did state that they have worked with other municipalities who have taken the position to repair sanitary laterals within the public right-of-way.

SEH Feedback

I spoke with Mike Court regarding responsibility of laterals within the ROW. He indicated that it was SEH’s assumption that, since the Village installed the lateral connection from the sewer main to the property line when the system was constructed, the District would assume responsibility for this infrastructure. SUD2 is a relatively new and small system, and there have not been many repairs to laterals in the ROW that the District has had to address.

Mike was also asked about routine maintenance activities to identify issues with root infiltration or other blockages in mains or laterals, and he advised that he does not believe it is common to proactively inspect or televise laterals for roots (this type of activity is more common for identifying lead service lines in older systems). Roots generally are located at the surface in the ROW, as road construction compacts soils.

SUD2 Ordinance

Ordinance No. 01-2011 Summit Utility District #2 Sewer Use and User Charge Ordinance has verbiage that addresses responsibility.

In the definitions under Chapter 2, the following are defined:

- Building Sewer shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with the public sewer.
- Public Sewer shall mean any sewer owned or provided by or subject to the jurisdiction of the District, the Del-Hart Commission or any other District.
 - Of note is that the Public Sewer definition is vague and states “any sewer owned or **provided by**” the District, which may be interpreted to include the portion of lateral installed by the District up to the property line. As mentioned previously, many ordinances more clearly define what the Public Sewer is or will provide a

more clear definition for a Sewer Lateral or a Building Sewer. One clear example of a Sewer Lateral definition is: *“A sewer lateral is the pipeline that connects the property to the local sanitary sewer main. The sewer lateral is owned and maintained by the property owner including any part which may extend into the street or public right-of-way.”*

- The Ordinance also addresses maintenance of connecting sewers or appurtenances that serve a property by private property owners in Chapter 3. However, the language does not specifically state which part is the responsibility of the District or the property owner.
- Chapter 4, Section 4.6 states that “In the event of any blockage, damage or break in any Building Sewer, which occurs within a public street, alley, highway, or other public right of way, the District shall have the exclusive right and option to repair the Building Sewer within said street, alley, highway, or right of way. In such event, the owner of the Building Sewer shall promptly reimburse the District for all costs so incurred. If not so reimbursed, the same shall be added to the owner’s sewer service charges and collected in the same manner as such charges are so collected.”
 - This section of the Ordinance is more specific to infrastructure within the ROW and indicates that there are segments of Building Sewer (private responsibility) that may be located within the ROW.
- Chapter 4, Section 4.14 states that “Notwithstanding anything contrary contained herein, any connection to the public sewers shall be subject to the provisions of the Del-Hart Ordinance, as amended from time to time, to the extent applicable. In the event of any conflict between the provisions of the Del-Hart Ordinance, the Del-Hart Ordinance shall control.”
 - The Del-Hart Ordinance states the following in Chapter 7, Section 7.12 Maintenance of Building Sewers”: Each User shall maintain the Building Sewer, from the said Users’ structure to the connection at the Sanitary Sewer, or the equivalent thereof, including all piping and ancillary facilities. All Building Drains and Sewers shall be maintained free of defective conditions, including, but not limited to, cleaning or clearing the Building Drain and Building Sewer by rodding or flushing, by and at the expense of the User or occupant of the property.”

RECOMMENDATION:

Village staff recommends that the SUD2 Commission makes a determination on whether they believe the intent of the ordinance is to place responsibility for the sewer lateral on the private property owner or the District. Although language in the SUD2 Ordinance is not entirely clear in all sections where maintenance and repair responsibility and definitions are defined, the intent appears to be that the responsibility falls on the property owner. The Commission may consider changing the Ordinance language where appropriate to be more clear.

ATTACHMENTS:

Ordinance No. 01-2011 Summit Utility District #2 Sewer Use and User Charge Ordinance (published and posted February 11, 2011)
Dela-Hart Sewer Use and User Charge Ordinance (effective January 1, 2011) – *in electronic packet only*

FISCAL IMPACT: To be determined, based on Commission direction. In the event that the Commission determines that responsibility of the sewer lateral within the public right-of-way is the District's, there may be additional costs related to repairs.

RECOMMENDED MOTION: To be determined, based on SUD2 Commission direction.

ORDINANCE NO. 01-2011

SUMMIT UTILITY DISTRICT #2
SEWER USE AND USER CHARGE ORDINANCE

The Village Board of the Village of Summit, Waukesha County, Wisconsin, DO
ORDAIN as follows:

SECTION 1: The attached ordinance entitled "Summit Utility District #2; an Ordinance Amending the Sewer Use and User Charge Ordinance" is hereby incorporated herein and adopted by reference. This ordinance is adopted by the Village Board to regulate Summit Utility District #2.

The attached ordinance is adopted as a code pursuant to Wisconsin Statutes Section 66.0103. A copy of said code has been made available for public inspection not less than two weeks prior to its adoption. A copy the Sewer Use and User Charge Code for Sanitary District #2 shall be maintained and available for public inspection in the office of the Village Clerk.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Passed and adopted this 10 day of February, 2011.

VILLAGE OF SUMMIT



Jack Riley, Village President

ATTEST:



Debra J. Schueler, Village Clerk

Published and posted this 11 day of February, 2011.

SEWER USE AND USER CHARGE SYSTEM ORDINANCE

CHAPTER 1

INTRODUCTION AND GENERAL PROVISIONS

Section 1.1 INTRODUCTION. This Ordinance regulates the use of public and private sewers and drains, connections to the public sewer system, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the area served by the Village of Summit Utility District No. 2 (the "District"). It also provides for and explains the method used for levying and collecting wastewater treatment services charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the District to comply with administrative provisions, and other discharge criteria that are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sewerage system.

Section 1.2 GENERAL PROVISIONS.

- (a) The operation, management, and control of the wastewater collection system is vested in the Village of Summit Utility District No. 2 (the "District"). The District, its agent, or representative, shall keep all records of the District in the Village of Summit Village Hall, or such other place as may be officially designated by the District Board.
- (b) This Ordinance provides a means for regulating the use of the public sewers, effectuating connections thereto, determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining the wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes.
- (c) This Ordinance shall supersede any previous Ordinances, Rules or Regulations of the District relating to the subject matter hereof; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Wisconsin Statute, the Wisconsin Statute shall control in such instance.
- (d) Notwithstanding anything to the contrary in this Ordinance, the District's adoption of this Ordinance is not intended to constitute an abridgment, amendment or waiver of the Village of Summit or District's rights under that certain agreement between the Village of Summit and the Delafield-Hartland Water Pollution Control Commission ("Del-Hart"), as amended from time-to-

time. The governance and authority of the Commission with respect to its relationship with the District shall be governed exclusively by the terms of said agreement as amended. In the event of any conflict between the terms of this Ordinance and said agreement, then the conflicting provision(s) of this Ordinance shall be given no effect.

Section 1.3 LEGAL AUTHORITY. This Ordinance is enacted pursuant to the power and authority conferred by Section 66.0821, Stats., as amended from time to time.

CHAPTER 2

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 2.1 APPROVING AUTHORITY of the District shall mean its District Board or its duly authorized committee, agent, or representative.

Section 2.2 BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the Building Sewer.

Section 2.3 BUILDING SEWER shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with the public sewer.

Section 2.4 CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20EC when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with Standard Methods.

Section 2.5 COMMISSION shall mean the Delafield-Hartland Water Pollution Control Commission.

Section 2.6 COMPATIBLE POLLUTANTS shall mean carbonaceous biochemical oxygen demand, suspended solids, total kjeldahl nitrogen, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.

Section 2.7 FLOATABLE OIL shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.

Section 2.8 GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Section 2.9 GROUND GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

Section 2.10 INCOMPATIBLE POLLUTANTS OR WASTEWATER shall mean wastewater or septage with pollutants of such a strength that will adversely affect or disrupt the

wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.

Section 2.11 INDUSTRIAL WASTE shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

Section 2.12 MAY is permissible.

Section 2.13 DEL-HART ORDINANCE shall mean the Sewer Use & User Charge Ordinance of the Delafield-Hartland Water Pollution Control Commission (herein the "Del-Hart Commission") adopted in January 16, 2007, and effective February 27, 2007 and any amendments thereto or restatements thereof.

Section 2.14 MUNICIPAL WASTEWATER shall mean the wastewater of a District, including that of the District. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residential, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the sewerage system of the District.

Section 2.15 DISTRICT shall mean the Village of Summit Utility District No. 2.

Section 2.16 NATURAL OUTLET shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.

Section 2.17 PARTS PER MILLION shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Section 2.18 PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.

Section 2.19 pH shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Section 2.20 PUBLIC SEWER shall mean any sewer owned or provided by or subject to the jurisdiction of the District, the Del-Hart Commission or any other District.

Section 2.21 SANITARY SEWAGE shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.

Section 2.22 SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.

Section 2.23 SEPTAGE shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

Section 2.24 SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.

Section 2.25 SEWER SYSTEM means the public sanitary sewers within a sewerage system. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are owned and maintained by the District. For example, a Building Sewer is not part of the sewer system.

Section 2.26 SEWERAGE SYSTEM means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main, i.e., a Building Sewer.

Section 2.27 "SHALL" is mandatory.

Section 2.28 SLUG LOAD shall mean any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

Section 2.29 STATS. shall mean the Wisconsin Statutes in effect from time to time.

Section 2.30 STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.

Section 2.31 STORM DRAIN (sometimes termed "STORM SEWER") shall mean drain or sewer for conveying surface water, groundwater, or subsurface water other than polluted water from any source.

Section 2.32 STORM WATER RUNOFF shall mean that portion of the rainfall that is collected and drained into the storm sewers.

Section 2.33 SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non-filterable residue.

Section 2.34 TOTAL KJELDAHL NITROGEN (TKN) shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.

Section 2.35 TOTAL PHOSPHOROUS (TP) shall mean the quantity of total phosphorous as determined in accordance with the Standard Methods.

Section 2.36 WASTEWATER FACILITIES shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.

Section 2.37 WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes used as synonymous with "waste treatment plant", "wastewater treatment plant", or "water pollution control plant".

Section 2.38 WATERCOURSE shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

CHAPTER 3

MANAGEMENT, OPERATION, AND CONTROL

Section 3.1 MANAGEMENT. The management, operation, and control of the sewer system for the District shall be vested in its District Board. All records, minutes and all written proceedings thereof shall be kept by the secretary. The treasurer shall keep all the financial records thereof.

Section 3.2 CONSTRUCTION AUTHORITY. The District shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the public alleys, streets, and public grounds located within the District; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The District shall have power by itself, its officers, agents, and servants, to enter upon any land in the District for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefor; and the District shall have power to purchase and acquire for the District all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto. District officers, agents, employees and contractors should first seek an owner's consent before entering upon private property. Where the District has an easement granting a right to access private property for the specific purpose, however, the District's officers, agents, employees, and/or contractors may access such property after attempting to provide reasonable notice to the owner.

Section 3.3 INDIVIDUAL SEWAGE PUMPS FURNISHED BY THE DISTRICT.

- (a) All individual sewage pumps furnished to the property owner by the District shall be the property of the property owner. All individual connecting sewers installed by an individual property owner between a building or structure to which sanitary sewer service is provided and the point of connection with the sewer main, shall be the property of the individual property owner.
- (b) The owner of each individual property receiving sanitary sewer service shall install, at said property owner's expense, the individual sewage pumps needed to serve said property and all necessary connecting sewers, all in accordance with Wisconsin Administrative Code Chapter COMM 83.
- (c) The owner of each individual property receiving sanitary sewer service shall be required to provide and pay for the operation, maintenance, repair, and replacement of any sewage pump, and any connecting sewer and appurtenance, including any building sewer connected to the sewage pump from the sewer main in the public right-of-way or easement to the sewage pump, and from the sewage pump to the premises served. Said maintenance, repair, and replacement of any individual sewage pump furnished by the District shall only be performed by a licensed plumber.

- (d) If the owner of any property receiving sanitary sewer service shall fail to properly maintain a connecting sewer or appurtenance serving said property, the District shall have the right to enter onto said property for the purpose of performing such maintenance, repair, or replacement and bill the property owner for all costs and expenses related thereto. If said costs and expenses are not paid within thirty (30) days, said costs and expenses shall be referred to the Village of Summit for assessment as a special charge against the individual property. At the time said property owner applies for a plumbing permit authorizing connection to the sewer, said owner shall, as a condition of receiving said permit, execute all documents necessary to establish and evidence said rights, duties, and responsibilities.

Section 3.4 TITLE TO REAL ESTATE AND PERSONAL PROPERTY. All property, real, personal, and mixed, including but not limited to easements, acquired for the construction of the District's sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of and titled in the name of the District.

Section 3.5 NO LIMITATION. Nothing contained in this Ordinance shall be construed as limiting the power and authority of the District as provided for by applicable Wisconsin Statutes; and the District shall have all rights and authority as provided for by law.

Section 3.6 ADDITIONS TO DISTRICT. Territory may be added to the District in the manner provided for by law. In the event of any such addition, the District may condition the provision of sewer service to such territory upon the owner thereof making such contributions, dedications and payments as the District may reasonably require in order to provide such sewer service.

CHAPTER 4

ADMINISTRATIVE RULES AND REGULATIONS

The following rules, regulations and ordinances for the regulation of licensed plumbers, sewer users, property owners and others, are hereby adopted and established:

Section 4.1 GENERAL PROVISIONS

- (a) Agreement to Rules and Regulation. All persons now receiving sewerage service from the District or who may hereafter make application for such service or who otherwise receive such service, shall be considered as having agreed to be bound by all of the terms and provisions of this Ordinance, as amended from time to time; and such agreement is a condition precedent to the provision of such sewerage service.
- (b) Application for Service. Every person desiring to connect property, buildings or structures to public sewers shall make application in writing to the District on such forms as are prescribed for that purpose, prior to commencing use of such service. The application must describe fully and truthfully all the wastes which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. Persons connected to the public sewers of the District are referred to herein as "Users." By submitting such an application, all users are deemed to have agreed to be bound by this Ordinance, as amended from time to time. If it appears that the service applied for will not provide adequate service for the contemplated use, the District may reject the application. If the District approves the application, it shall issue a connection permit as shown on the application. No service shall be provided or application approved without prior payment of all applicable fees.
- (c) Application Fee. Where the application for service is for a connection to the District's public sewers, the application shall be accompanied by an Application Fee(s) in an amount to be determined from time to time by the District. Such fee shall cover the cost of processing the application and inspection of the connection. Application Fees may vary in amount between residential users and commercial/industrial users. The payment of this fee shall be in addition to any Connection Fees that may be charged to or on account of new users by the District or by the Del-Hart Commission.
- (d) Inspections. Any connection to the public sewers within the District shall be subject to the prior inspection and approval of the work by an authorized representative of the District. No trench or other excavation shall be filled, or any connection completed, without such prior inspection. The applicant requesting the connection shall reimburse the District for all inspection costs incurred, if not previously paid as part of the Application Fee.

(e) Disconnection and Refusal of Service. Sewer service may be disconnected or refused for any of the following reasons:

- (1) Violation of this Ordinance, as amended from time to time;
- (2) Violation of the Del-Hart Ordinance, as amended from time to time;
- (3) Failure to pay the Application Fee, any Connection Fee or delinquent sewer service charges of the user.

(f) Disconnection for Delinquent Accounts, or Where Dangerous Conditions Exist.

(1) A bill for service is delinquent if unpaid after the due date shown on the bill. The District may disconnect service for a delinquent bill by giving the user, at least eight calendar days prior to disconnection, a written disconnect notice which may be included in the bill for service. For purposes of this rule, the due date shall not be less than twenty days after issuance of the bill.

(2) The District may disconnect without notice where the Commission's Engineer reasonably determines that a dangerous condition exists on the property and that disconnection is necessary to avoid danger to persons or property due to such condition. Thereafter, the District may deny reconnection of service.

(g) Denial of Service Due to Non-Compliance or Dangerous or Unsafe Conditions. Service may be denied to any user for failure to comply with the applicable requirements of this Ordinance or if the Village Engineer, or the Village Engineer's designee, has reasonably determined that a dangerous or unsafe condition exists on the user's property.

Section 4.2 PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the District in which the work is to be performed. All service connections to the sewer main shall comply with the State plumbing code, as amended.

Section 4.3 MANDATORY CONNECTIONS

(a) Within the District, the owner of each parcel of land adjacent to a public sewer main on which there exists a building used or usable for human habitation or in a block through which such system is extended, shall connect to the sewer system within one year of notice in writing from the District. Upon failure to do so, the District may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within thirty (30) days, such cost shall constitute a special tax lien against the property, in the manner provided for by law. However, the owner may within thirty (30) days after the completion of the work file a written election with the District stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five (5) or less equal annual installments. The amount shall be so collected with interest at a rate

not to exceed fifteen percent (15%) per annum from the date of completion of the work, all as determined by the District. The unpaid balance shall constitute a special tax lien, all pursuant to sec. 281.45, Stats., as amended.

(b) In lieu of the above, the District, at its option, may impose a penalty for the period that the violation continues after ten (10) days written notice to any owner failing to make a connection to the sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, said penalty may be collected by the District in any manner authorized by Wisconsin law.

(c) This Ordinance ordains that any such failure to connect to the sewer system is contrary to the minimum health standards of the District and fails to assure preservation of public health, welfare, comfort, and safety; and that such failure constitutes a public nuisance under sec. 823.02, Stats., as amended, subject to abatement as provided for therein.

Section 4.4 BUILDING SEWER CONNECTION EXPENSE. Persons attaching to a public sewer shall have the Building Sewer, or lateral, installed at their own cost and expense.

Section 4.5 TAP PERMITS. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Village of Summit. Connections to the sewer system, other than Building Sewer connections, shall be done only in accordance with the Del-Hart Ordinance, as amended.

Section 4.6 OBSTRUCTION OF BUILDING SEWERS IN PUBLIC RIGHT OF WAYS. In the event of any blockage, damage or break in any Building Sewer, which occurs within a public street, alley, highway, or other public right of way, the District shall have the exclusive right and option to repair the Building Sewer within said street, alley, highway, or right of way. In such event, the owner of the Building Sewer shall promptly reimburse the District for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner as such charges are so collected.

Section 4.7 BACKFLOW PREVENTER. All floor drains shall have a backflow prevention valve installed at the owner's expense.

Section 4.8 USER USE ONLY. No user shall allow other persons or other services to connect to the sewer system through their lateral or Building Sewer.

Section 4.9 DISCONTINUANCE OF SERVICE. Whenever any person desires to discontinue sewer service from the system, the District must be notified in writing prior to such disconnection.

Section 4.10 USER TO PERMIT INSPECTION. Every user shall permit the District or its duly authorized agent, at all reasonable times, to enter their premises or building to examine

the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and the user must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and sec. 196.171, Stats., to the extent applicable.

Section 4.11 MUNICIPAL RESPONSIBILITY. It is expressly stipulated that no claim shall be made against the District or its Board members, agents, employees and representatives by reason of the breaking, clogging, stoppage, or freezing of any pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off sewer service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within the District, the District shall, if practicable, give notice to each and every user within the affected area of the time when such service will be shut off.

Section 4.12 EXCAVATIONS WITHIN PUBLIC RIGHT OF WAY

(a) All excavations for the purpose of laying sewer main or pressure main pipe, making a sewer connection, laying a sewer lateral pipe or pressure lateral, or making repairs to these facilities in the public or Village road right-of-ways shall require a Road Opening Permit, issued by the Village. Prior to commencing any such excavations, a road opening permit shall be obtained from the Village. The person obtaining the permit shall comply with all terms and conditions as the Village may impose on said work and the permit, including work zone safety and traffic control, disposal of excavated materials, proper pipe bedding and backfill materials and compaction, proper pavement and road shoulder restoration, protection of existing facilities, and erosion control. No excavations shall be left open in an unsafe condition. All excavations shall comply with proper work zone signing and barricades per the road opening permit. The permit holder shall guarantee that all work and repairs shall be free from defects in materials and installation for a period of one (1) year following completion and acceptance by the Village.

(b) Any excavation performed under this Section 4.12 shall be subject to the inspection of the District, and no work shall be deemed completed unless and until accepted by the District. All work performed under this Section 4.12 and the inspection thereof shall be at the cost of the person obtaining the excavation permit described herein.

Section 4.13 INSTALLATION OF BUILDING SEWERS. All Building Sewers on private property shall be installed in accordance with State of Wisconsin Administrative Code "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Section COMM 82.10, "Basic Plumbing Principles," as amended. As required therein, all laterals shall be inspected. The Building Sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

Section 4.14 APPLICATION OF DEL-HART ORDINANCE. Notwithstanding anything to the contrary contained herein, any connection to the public sewers shall be subject to the provisions of the Del-Hart Ordinance, as amended from time to time, to the extent applicable. In the event of any conflict between the provisions of the Del-Hart Ordinance, the Del-Hart Ordinance shall control.

Section 4.15 NEW CONNECTIONS. New connections to the District's sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities of the District and the Del-Hart Commission.

CHAPTER 5

USE OF THE PUBLIC SEWER

Section 5.1 NO NON-PERMITTED WATER DISCHARGES. No person shall discharge or cause to be discharged any clean, clear, unpolluted waters or polluted waters from such sources as storm water, ground water, runoff from precipitation, water pumped in dewatering operations, subsurface, drainage or collecting water to any sanitary sewer, lateral, or service line.

Section 5.2 COMPLIANCE WITH THE DEL-HART ORDINANCE. No person shall discharge wastes into a public sewer within the District, except in accordance with the provisions of the Del-Hart Ordinance, as amended from time to time.

Section 5.3 SPECIAL ARRANGEMENTS. No provision contained in this Ordinance shall be construed as prohibiting any special agreement between the District and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the District without recompense from such person.

Section 5.4 NO DISCHARGE TO VIOLATE GENERAL PERMIT FOR BYPASSING. No person shall discharge or cause to be discharged any waters, wastewaters or other substances of any kind or nature that will result in or otherwise cause a violation of any General Permit For Bypassing issued by the Wisconsin Department of Natural Resources and held by the District.

CHAPTER 6

PUBLIC SEWER MAIN EXTENSIONS

Section 6.1 APPLICATION AND APPROVAL. The extension of public sewer mains to serve new customers/users is subject to the prior review and approval of the District and any other governmental agency having appropriate jurisdiction thereof. Any person seeking to develop real property and requiring sewer service in connection with such development, shall make application to the District for a public sewer main extension, if so required in order to serve such development. Such application shall be in writing and shall set forth the following information:

- (a) Name of development and the legal description of the property involved.
- (b) Plat map or certified survey map or other map showing street layout and lot sizes.
- (c) Zoning of the property.
- (d) Proposed plans and specifications for the sewers.
- (e) Name and address of consulting engineer.
- (f) Number of housing units and/or other units to be constructed.
- (g) Such additional information as the District may require.

Section 6.2 CONDITIONS OF APPROVAL. The District shall have the discretion to approve or disapprove the requested public sewer main extensions. In granting such approval, the District may condition its approval upon compliance with:

- (a) Any applicable ordinances of the District, the Del-Hart Commission, the Village of Summit, and/or Waukesha County.
- (b) Any applicable statute, rules, orders, or codes of the State of Wisconsin.
- (c) The preparation of plans and specifications for the sewer main extension, subject to the approval of the District and its consulting engineer.
- (d) The applicant making and installing the public sewer main extension at his/her/its sole cost and expense or otherwise providing a surety bond or other security to ensure that the main will be so constructed within a reasonable period of time.
- (e) The dedication of such rights of way, easements and sewerage facilities as the District may reasonably require.

(f) The payment of all costs and expenses incurred or to be incurred by the District in connection with the review and approval of such sewer extension, including but not limited to engineers fees, attorneys fees, inspection fees and other similar costs and expenses.

(g) The payment of any applicable Connection Fees due or to become due pursuant to Chapter XII hereof.

(h) Any other condition determined by the District to be fair and reasonable in order to protect the interest of the District in connection with the proposed development.

Section 6.3 CONTRACT FOR SEWER IMPROVEMENTS. The District may require the person filing an application pursuant to Section 6.1 hereof, to enter into a written development agreement with the Village of Summit, as a condition of the approval of the sewer main extension. Such agreement shall define the scope of the work, the obligations of the applicant to construct the sewer facilities, the requirement of security for performance of the applicant's obligations set forth therein, and such other matters as the District and/or the Village of Summit may reasonably determine. The applicant shall comply with Section 125.1 of the Village of Summit Code regarding reimbursement for professional services..

Section 6.4 SEWER EXTENSION BY DISTRICT. The District may, on its own, cause any public sewer main to be extended at such time and under such conditions as the District deems appropriate in its sole discretion.

CHAPTER 7

SEWER USER CHARGE SYSTEM

Section 7.1 DEFINITIONS. The following terms shall have the following meaning under this Ordinance:

- (a) Debt Service Charges shall include all costs associated with repayment of debt(s) incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
- (b) Domestic User Equivalent (DUE) shall mean the wastewater flow equivalent to that contributed by an average residential user. One DUE shall equal 205 gallons per day which equals 75,000 gallons per year.
- (c) Normal Domestic Strength Wastewater shall mean wastewater with concentrations of CBOD, Suspended Solids, Total Kjeldahl Nitrogen, and Total Phosphorus no greater than 200, 40, and 10 milligrams per liter (Mg/L), respectively.
- (d) Normal User shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting of distinct household, business or commercial enterprise.
- (e) Operation and Maintenance Costs shall include all costs associated with the operation and maintenance of the sewerage system, including but not limited to administrative costs and expenses.
- (f) Replacement Costs shall include all costs necessary to replace equipment as required to maintain capacity and performance during the design life of the sewerage facilities. When required by appropriate authority having jurisdiction thereof, a separate, segregated, and distinct replacement fund shall be established and used for only replacement of equipment.

Section 7.2 MEASUREMENT. The unit of volume measurement for wastewater or other wastes discharged into the District's sewerage system shall be 1,000 gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be avoirdupois pounds.

Section 7.3 FISCAL POLICY. It shall be the policy of the District to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing replacement equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for

which such facilities were designed and constructed), through a system of sewer service charges as defined in this Chapter. The system shall assure that each user of the sewerage system pays their fair and proportionate share of the cost of such facilities.

Section 7.4 SEWER SERVICE CHARGES GENERALLY. Sewer Service Charges to each user shall be based on wastewater parameters established from time to time by the District. The Sewer Service Charges shall consist of the sum of the annual Debt Service Charges, all annual Operation and Maintenance Costs, all Replacement Costs, and all Sewer Service Charges levied or assessed to the District by the Del-Hart Commission.

Section 7.5 BIENNIAL REVIEW. The Sewer Service Charges of the District shall be reviewed not less than biennially. Sewer Service Charges shall be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of such Sewer Service Charges attributable to Operation and Maintenance, Debt Service, and Replacement Costs. For purposes hereof, the District may satisfy this notice requirement by including in the budget summary required to be published under Section 65.90, Stats., a statement of the aforesaid components of the Sewer Service Charges, based on the results of operations for the preceding fiscal year.

Section 7.6 DETERMINATION OF SEWER SERVICE CHARGES. A Sewer Service Charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such Sewer Service Charge shall be payable as hereinafter provided and in amount determined as follows:

(a) Category A Service Charges shall be imposed on each user whose water use is metered and whose sewer discharges are Normal Domestic Strength Wastewater. The Category A Service Charge is of the following form:

Treatment Charge = The DUE multiplied by the DUE rate

Meter Charge = A flat rate based on the size of the water meter

Capital Charge = The DUE multiplied by the debt service rate

Operation and Maintenance Charge = The DUE multiplied by the operation and maintenance rate

DUE Rate = The average cost of providing wastewater service to a residential customer for one calendar quarter, exclusive of administrative and billing costs

(b) Category B Service Charges shall be imposed on each user whose water use is not metered and whose sewage discharges are Normal Domestic Strength Wastewater. The Category B Sewer Service Charge shall be of the form as follows:

Treatment Charge = The Domestic User Equivalent units multiplied by the Domestic User Equivalent Unit Rate ("DUE Rate")

Capital Charge = The DUE multiplied by the debt service rate

Operation and Maintenance Charge = The DUE multiplied by the operation and maintenance rate

DUE Rate = The average cost of providing wastewater service to a residential customer for one calendar quarter, exclusive of administrative and billing costs

No user shall be assigned less than one Domestic User Equivalent. A Domestic User Equivalent shall mean a single family residential dwelling unit that discharges Normal Domestic Strength Wastewater. The number of Domestic User Equivalents for non-residential users shall be as determined by the District.

(c) Category C service charges shall be imposed on users whose sewer discharges are high strength wastewater having concentrations of carbonaceous biochemical oxygen demand (CBOD) greater than 200 milligrams per liter (mg/L), and/or suspended solids greater than 250 milligrams per liter (mg/L) and/or total Kjeldahl nitrogen (TKN) greater than 40 milligrams per liter (mg/L), and/or total phosphorus (TP) greater than 10 milligrams per liter (mg/L).

The form of the Category C service charge is as follows:

Treatment Charge = The Domestic User Equivalent units multiplied by the Domestic User Equivalent Unit Rate ("DUE Rate") PLUS the High Strength Surcharge

Capital Charge = The DUE multiplied by the debt service rate

Operation and Maintenance Charge = The DUE multiplied by the operation and maintenance rate

DUE Rate = The average cost of providing wastewater service to a residential customer for one calendar quarter, exclusive of administrative and billing costs

High Strength Surcharge = The excessive CBOD, suspended solids, KN, and total phosphorus multiplied by the respective

CBOD, suspended solids, TKN, and total phosphorus rates. The excessive CBOD, suspended solids, TKN, and total phosphorus are the portions of each of these constituents that are in excess of normal domestic strength wastewater. The excessive amounts of CBOD, suspended solids, TKN, and total phosphorus are expressed in pounds, and their respective rates are expressed in dollars per pound.

(d) Reassignment of Categories of Sewer Users The District may reassign sewer users into appropriate Sewer Service Charge Categories if wastewater sampling programs and other related information indicate a change of categories is necessary or otherwise required.

(e) Water Meters The District Commission by a majority vote may require that all existing and new institutional, governmental, commercial, industrial users or other users whose flow may vary from permanent calculated estimates shall install a water meter with outside reading for all water usage. The District Commission by a majority vote may require that in multiuse buildings, such as a mixture of commercial and residential or apartments, a water meter shall be installed for the use where it would otherwise be required due to the commercial nature of the use. Upon majority vote of the District Commission, certain commercial users may be exempt from the requirements to meter by reason of seasonal or periodic use or due to minimum flows.

Meters shall be furnished and maintained by the District. Meters shall be replaced or tested by the District in accordance with the Public Service Commission requirements according to meter size. Installation of the meter shall be performed by a licensed plumber. All costs shall be at the expense of the user requiring the meter, including installation and any piping revisions required.

The District collect and provide water usage readings on a quarterly basis within 10 days following the end of each quarter indicating the water usage. If water usage of a facility is not in direct relationship to sewage flow, such as cooling water, lawn sprinkling or other process water not discharged into the sewer, then an exemption meter(s) may be installed as per subsection 7.6(f). Water usage shall be the measure for determining both sewer treatment charges and connection fees.

If a user's sewer flow based on water usage after a previous assignment of DUEs increases on an average of 1.00 DUE or more for a full year (July – June), then and in that event the proper additional reserve capacity connection fee shall be billed the District by the Del-Hart Commission and the District shall pass the cost (plus additional District connection fees) on to the user with the increased flow. Future treatment charges and operation and maintenance charges shall also be based on the increased DUEs from that point forward.

The District shall work with the Del-Hart Commission to identify users that may be covered by this subsection 7.6(f). Upon identification by the Del-Hart Commission and approval by the District, such users covered by this paragraph shall be ordered to install and connect a water meter within one year of receipt of written notice from the District

DUEs may be established for other than single-family residential, duplex and multifamily units by the property owners by installation of an approved water meter and the supplying of the actual metered flow to the Village Administrator or his designee.

The water meter shall be installed in such a manner to provide accessibility to the Village Administrator or his designee so actual meter readings can be observed. Once a meter is installed, it shall not be removed (except for exemption meters, which may be removed at the request of the user). If a meter becomes defective or damaged in some way, it shall be replaced at property owner's expense. The District shall not be responsible for damage to property because of a defective meter. All costs shall be at the expense of the person requiring the meter, including any piping revisions required to insure that only water required to be sewered is metered by the meter.

The District shall collect a meter charge for reading and maintaining meters. The amount of the quarterly meter charge shall be as established by the District from time to time and shall be based on the meter size. This charge shall be in addition to the treatment, capital and operation and maintenance charges. Regardless of the amount of metered water shown, no user shall be charged for less than one (1.00) DUE.

(f) Exemption Meters/ Credits for water not discharged to public sewers. If a person discharging wastes into the public sewers produces evidence satisfactory to the District that significant amounts of the total annual volume of metered water used for all purposes does not reach the sanitary sewer, that person may be permitted to have an exemption water meter installed. Such meter shall be furnished by the District. All other costs shall be at the expense of the user requesting the meter, including installation and any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the exemption meter.

The District shall charge for each meter at the same rate of 50% of the minimum treatment charge set for that size meter to compensate for furnishing, reading and servicing the meter. This charge shall be in addition to the property's ordinary treatment charge. The amount of exemption water metered shall be subtracted from the total amount of water used by the person to determine the applicable wastewater treatment charge. Regardless of the amount of metered exemptions, no user shall be charged less than one (1.00) DUE.

Section 7.7 SEWER RATE DETERMINATIONS. The District shall determine at least on a bi-annual basis, the sewer rates referred to in Section 7.6 hereof; and the District shall have the right to amend, modify, adjust or change the rates at any time and from time to time.

CHAPTER 8

CONTROL OF INDUSTRIAL WASTES

Section 8.1 GENERAL

- (a) An "Industrial Discharge" or "Industrial Waste" shall have the same meaning as provided for in the Del-Hart Ordinance, as amended from time to time.
- (b) Each person discharging Industrial Waste into the public sewers of the District shall comply with all applicable provisions of the Del-Hart Ordinance, in effect from time to time. No person shall discharge any Industrial Waste that contains substances or possesses characteristics that are detrimental to the District's sewerage collection system. In such event, the District may impose any of the treatment alternatives provided for in the Del-Hart Ordinance, as amended from time to time.

Section 8.2 CONTROL MANHOLES

- (a) Each person discharging Industrial Waste into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.
- (b) Control manholes or access facilities shall be located and built at such locations and in such manner as may be acceptable to the Del-Hart Commission. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Del-Hart Commission.
- (c) Control manholes, access facilities, and related equipment shall be installed by the person discharging the Industrial Waste at its expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Del-Hart Commission prior to the beginning of construction.

Section 8.3 WASTEWATER MEASUREMENT, SAMPLING, AND REPORTING.

Wastewater flow measurements, sampling, and reporting shall be done in accordance with the Del-Hart Ordinance, as amended from time to time.

CHAPTER 9

DISCHARGE OF HOLDING TANK WASTE

Section 9.1 GENERAL. For purposes of this Chapter IX, the terms "Holding Tank Waste" and "Licensed Disposer" shall have the same meaning as provided for in the Del-Hart Ordinance, as amended from time to time.

Section 9.2 PROHIBITION OF DISCHARGE INTO THE DISTRICT'S PUBLIC SEWERS. No person, including a Licensed Disposer, shall discharge any Holding Tank Waste, or any other similar waste, into any manhole or other opening in a public sewer owned or maintained by the District. Instead, all such discharges of Holding Tank Wastes shall be made pursuant to the Del-Hart Ordinance, as amended from time to time.

Section 10.7 DISPOSITION OF REVENUE. The amounts received from the collection of Sewer Service Charges authorized by this Ordinance shall be credited to the sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for Replacement Expenses shall be credited to a segregated, non-lapsing Replacement Account. These funds are to be used exclusively for replacement. When appropriated by the District, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the purview of 40 CFR 35.929, in said account, shall be available for the payment of principal and interest of obligations issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the District may resolve to pledge such surplus or any part thereof for any such purpose. All present outstanding sewer system obligations, including refunding obligations, shall be paid from this fund as to both principal and interest, unless otherwise required by law.

Section 10.8 EXCESS REVENUES. Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

Section 10.9 SERVICE TO RENTAL DWELLING UNITS.

- (a) This section shall only apply if all of the following conditions are met:
1. District service is provided to a rental dwelling unit;
 2. The owner of the rental dwelling unit notifies the District in writing of the owner's name and address;
 3. The owner of the rental dwelling unit notifies the District in writing of the name and address of the tenant who is responsible for payment of the sewer service charges; and
 4. If requested by the District, the owner of the rental dwelling unit provides the District with a copy of the rental/lease agreement under which the tenant assumes responsibility for the payment of sewer service charges.
- (b) Notification to tenants of rental dwelling units. The District shall comply with at least one of the following methods of notification:
1. The District shall send bills for sewer service to a customer who is a tenant in the tenant's own name. Upon notification to a customer who is a tenant that charges for sewer service provided by the District to the customer are past due for more than one billing cycle, the District shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in Wis. Stat. § 801.14(2). If a customer who is a tenant vacates the rental dwelling unit and the owner of the rental dwelling unit provides the public utility, on later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice containing a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the District shall continue to send past due notices to said tenant at his or her forwarding address until the past due charges are

paid or notice has been provided to the owner of the rental dwelling unit in the manner set forth below

2. The District shall serve notice of the past due charges on the owner of the rental dwelling unit within fourteen (14) days of the date on which the tenant's charges become past due. The District shall serve notice on the owner of the rental dwelling unit in the manner provided in Wis. Stat. § 801.14(2).

CHAPTER 11

AUDIT

Unless otherwise required by applicable statutes, the District shall conduct an annual compilation or an independent Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt retirement. A summary of the findings and recommendations of this audit shall be available for inspection, from time to time, as determined by the District, in the office of the Village Clerk for the Village of Summit.

CHAPTER 12

CONNECTION FEES

Section 12.1 DEL-HART COMMISSION CONNECTION FEE. For each connection of a Building Sewer to a public sewer within the District, there shall be paid to the District a Connection Fee as determined pursuant to the Del-Hart Ordinance, as amended from time to time, together with any other tapping fees, impact fees or similar charges imposed under such ordinance for the privilege of connecting to the public sewers.

Section 12.2 DISTRICT CONNECTION CHARGES. For each connection of a Building Sewer to a public sewer within the District, there shall be paid to the District a Connection Charge of \$4,339 for each new or increased DUE charge as set forth in that certain resolution entitled "Resolution Establishing Sanitary Sewer Connection Charges for the Village of Summit Utility District No. 2" dated May 4, 2006. Said Connection Charges shall be collected prior to the issuance of a building or plumbing permit. These Charges represent the District's cost from Del-Hart, and these Charges may increase on an annual basis as set forth in the Del-Hart Ordinance.

Section 12.3 CONNECTION FEES. For purposes of this Ordinance, the connection charges described in Sections 12.1 and 12.2 hereof are collectively referred to as "Connection Fee(s)." The failure to pay any Connection Fee is a violation of this Ordinance; and this District may pursue all rights and remedies provided for herein.

CHAPTER 13

VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES

Section 13.1 VIOLATIONS CONSTITUTING PUBLIC NUISANCE. A violation (other than the failure to pay Sewer Service Charges or other fees or costs due under this Ordinance) of any provision of this Ordinance or any other rule or order of the District is hereby declared to be a public nuisance.

Section 13.2 DAMAGE TO DISTRICT'S PROPERTY. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of equipment which is a part of the District's sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 13.3 ENFORCEMENT. The District and the Village of Summit shall have the right to enforce the provisions of this Ordinance and shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Chapter to abate a public nuisance unless the District shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied itself that a nuisance does in fact exist.

Section 13.4 OTHER METHODS NOT EXCLUDED. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the District or its officials in accordance with the laws of the State of Wisconsin.

Section 13.5 COURT ORDER. The District shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of public nuisance.

Section 13.6 COST OF ABATEMENT. In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the District shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge. For purposes hereof, costs shall include but not be limited to actual attorneys' fees and court costs.

Section 13.7 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the aforesaid notice time limit provided, shall forfeit not less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Waukesha County Jail for a period of not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

Section 13.8 ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or a receiving body of water (e.g., lake, river, stream, etc.) shall, in addition to a fine, pay the amount to cover all damages, both of which will be determined by the District or other governmental authority having appropriate jurisdictions.

Section 13.19 ACCIDENTAL DISCHARGE REPORTING. Any person responsible for an accidental discharge that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Del-Hart Commission.

Section 13.10 LIABILITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the District for any expense, attorney's fees, costs, engineering fees, loss, or damage occasioned by reason of such violation which the District may suffer as a result thereof. Without intent to limit the generality of the foregoing, the District shall have the right of recovery from all such persons, any expense incurred by the District for the repair or replacement of any part of the public sewerage system damaged in any manner by any person by the performance of any work under its control, or by any negligent acts.

CHAPTER 14

APPEALS

Section 14.1 REVIEW OF ADMINISTRATIVE DETERMINATIONS. Any person having a substantial interest which is adversely affected by an administrative determination of the District or any agent thereof, may have such determination reviewed or provided for herein. Only administrative determinations described in Section 68.02, Stats., as amended from time to time, are subject to review under Chapter XIV of this Ordinance. Notwithstanding anything to the contrary contained herein, any determinations involving Sewer Service Charges (or any component thereof), Application Fees, Connection Fees, or any other fees or costs due under this Ordinance are not subject to review hereunder. Further, any determinations involving the levying and assessment of special assessments or any of the determinations described in Section 68.03, Stats., are not subject to review hereunder.

Section 14.2 PROCEDURE FOR REVIEW. A person satisfying the requirements of Section 14.1 hereof, shall first make a written request to the District for a review of the administrative determination, which request shall be submitted to the District Board within fifteen (15) days following the determination in question. The request shall be in writing, shall state the name and address of the person seeking the review, shall describe the circumstances surrounding the determination and shall state the grounds upon which such person contends that the determination should be modified or reversed.

Section 14.3 HEARING. Upon receipt of a request for review under Section 14.2, the person seeking the review shall have a hearing before the District Board; provided the provisions of Section 14.4 are satisfied. The hearing shall be held at a time and place determined by the District Board, within thirty (30) days from the date of receipt of the request. The District Board shall notify such person, by mail or personal service, at least ten (10) days before such hearing of the time and place of the hearing. Except as otherwise provided for herein, the hearing shall be conducted in accordance with Section 68.11(2), Stats., as amended from time to time.

Section 14.4 COSTS. Any appeal to the District Board under Section 14.2 hereof, shall be accompanied by a non-refundable review fee of Two Hundred Fifty and No/100 Dollars (\$250.00). In the event the person seeking review desires the hearing proceedings to be taken by stenographer or by a recording device, the expense thereof shall be paid by the person seeking the review.

Section 14.5 DECISION AND APPEAL. Within thirty (30) days of completion of the hearing under Section 14.3 hereof and the filing of briefs, if any, the District Board shall make its written determination on the request for review. Such determination shall be mailed or delivered to such person at the address set forth in the request for review. The decision of the District Board may be subject to judicial review under Section 68.13, Stats., as amended from time to time, in the manner provided for therein.

Section 14.6 APPLICATION OF CHAPTER 68 OF THE WISCONSIN STATUTES.

Except as to those specific statutes expressly incorporated herein, the District elects not to be governed by any other provision of Chapter 68 of the Wisconsin Statutes, as amended.

SECTION 3: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.


SECTION 4: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 10 day of February, 2011.

Village Of Summit Utility District No. 2



Jack Riley, Chair

ATTEST: 

Debra Schueler, Clerk

Published and/or posted this 11 day of February, 2011.

THE
DELAFIELD-HARTLAND
WATER POLLUTION
CONTROL COMMISSION
DO ORDAIN AS FOLLOWS:

SEWER USE AND USER
CHARGE ORDINANCE

AMENDED: NOVEMBER 16, 2010

EFFECTIVE: JANUARY 01, 2011

Sewer Use and User Charge Ordinance

Contents

	Page
1 Purpose	1
2 Definitions	2
3 Validity, Conflicts and Severability	10
3.1 Previous Ordinances Superseded.....	10
3.2 Conflicts with State and Federal Rules.....	10
3.3 Conflicts with Customer Rules	10
3.4 Severability	10
3.5 Emergency Rule.....	10
3.6 Construction, Interpretation and Application	10
4 Authority, Management, Operation, Maintenance, and Control	11
4.1 Authority to Construct Wastewater Facilities.....	11
4.2 Authority to Purchase Property.....	11
4.3 Management, Operation, Maintenance, and Control of Wastewater Facilities	11
4.4 Management, Operation, Maintenance, and Control of Local Wastewater Collection Systems	11
5 Customer Agreements	12
5.1 Authority To Establish Agreements.....	12
5.2 General Conditions of Agreements.....	12
6 Use of the Wastewater Facilities	15
6.1 User Rules and Regulations	15
6.2 General Prohibitions	15
6.3 Prohibitions on Storm Drainage and Groundwater.....	15
6.4 Storm Sewers	15
6.5 Prohibited Discharges	15
6.6 Limitations on Discharge Characteristics	16
6.7 Alternatives to Acceptance of Wastewater	18
6.8 Accidental Discharge of Prohibited Wastes	18
6.9 Disposal of Wastes at Unauthorized Locations	19
6.10 User to Allow Wastewater Sampling.....	19
6.11 Flow Meters Where Required.....	19
6.12 Increased Discharges	20
6.13 Grease, Oil, and Sand Interceptors	21
6.14 Special Arrangements	22
6.15 WPDES Permit Compliance	22
7 Connection of Building Sewers to the Sanitary Sewer	23
7.1 Connection Required Where Available	23
7.2 Service Not Available.....	23
7.3 Separate Building Sewers	24
7.4 New Connections Only If Capacity Available.....	24
7.5 Use of Old Building Sewers	24
7.6 Work Authorized	24

Contents (continued)

	Page
7.7 License	24
7.8 Building Sewer Permits	25
7.9 Building Sewer Costs.....	25
7.10 Excavation Permits and Requirements	25
7.11 Building Sewer Construction.....	26
7.12 Maintenance of Building Sewers	27
7.13 Adoption of Other Rules.....	27
7.14 Tapping the Sanitary Sewer and Interceptor Sewer.....	27
7.15 Commission Not Liable for Damages.....	27
7.16 Right to Temporarily Discontinue Service	27
8 Sanitary Sewer Extensions For Subdivisions And Commercial Developments	28
8.1 Initial Submittals and General Requirements	28
8.2 Down Stream Capacity	28
8.3 Sanitary Sewer Extension Design.....	28
8.4 Sanitary Sewer Extension Costs	28
8.5 Easements	29
8.6 Special Agreements	29
8.7 Building Sewers.....	29
8.8 License, Bonds, and Insurance.....	29
8.9 Construction Inspection	29
8.10 Record Drawings	29
8.11 Application of Section 20	30
9 Control of Industrial Wastewater Discharged to Wastewater Facilities	31
9.1 Submission of Data.....	31
9.2 Acceptance of Wastewater.....	32
9.3 Industrial Service Agreements.....	33
9.4 Pretreatment Requirements.....	35
9.5 Dilution of Discharge.....	35
9.6 Requirement for Monitoring of Industrial Wastewater Discharge	36
9.7 Control Manholes, Flow Monitoring, and Wastewater Sampling	36
9.8 Emergency Actions Regarding Industrial Users.....	37
10 Septage, Holding Tank Waste, and Other Hauled Wastes	39
10.1 Acceptance of Septage, Holding Tank Waste, or Other Hauled Wastes	39
10.2 Application for Disposal Permits.....	39
10.3 Hauler Requirements, Prohibitions, and Limitations.....	39
11 Right of Entry, Safety, and Identification	43
11.1 Right of Entry	43
11.2 Safety	43
11.3 Right to Enter Easements.....	43
12 Damaging or Tampering with the Wastewater Facilities	44
12.1 Willful, Negligent, or Malicious Damage or Tampering.....	44
12.2 Liability for Damages	44
13 Violations, Enforcement and Abatement	45
13.1 Violations and Enforcement	45
13.2 Notice of Violation	45
13.3 Accidental Discharge	45
13.4 Administrative Enforcement.....	46

Contents (continued)

		Page
	13.5 Revocation of Permit	47
	13.6 Falsification of Information or Tampering with Facilities	47
	13.7 Additional Penalties For Exceeding Agreement Wastewater Limits	47
	13.8 Judicial Remedies	48
	13.9 Protecting Informants.....	49
	13.10 Hazardous Waste Notification	49
	13.11 Annual Publication of Industrial Users in Significant Noncompliance.....	50
	13.12 Appeals from Determinations of the Manager.....	50
14	Appeals	52
	14.1 Right of Appeal.....	52
	14.2 Appeal Fee	52
	14.3 Appeal Hearing	52
15	Audit, Notification, Records.....	53
	15.1 Audit	53
	15.2 Notification	53
	15.3 Records	53
	15.4 Public Access to Records.....	53
16	Access to Municipal Records	54
	16.1 Access to Records.....	54
	16.2 Real Estate Descriptions	54
17	Municipal Service Charge Rates for Individual Sewer System Users	55
18	Sewer Service Charges and Fees	56
	18.1 User Charges	56
	18.2 User Charge Rates.....	56
	18.3 Debt Service Rates.....	56
	18.4 Measurement.....	56
	18.5 Annual Review.....	56
	18.6 Amount of User Charges	56
	18.7 Industrial and Commercial Charges for Other Than Domestic Wastewater	58
	18.8 Excess Flow Charges	59
	18.9 Standby User Charge	59
	18.10 Industrial Wastewater Pretreatment.....	59
	18.11 Equipment Replacement Fund Account	59
	18.12 Connection Charge.....	59
	18.12.1 Introduction.....	59
	18.12.2 Amount of Connection Charge	60
	18.12.3 Annual Adjustment to Connection Charge	61
	18.12.4 Application of Connection Charge	61
	18.12.5 Transition	62
	18.12.6 Payment of Connection Charge	63
19	Fees for Services.....	65
	19.1 Definition of Developer	65
	19.2 Purpose.....	65
	19.3 Fees to be Charged Back.....	65
	19.4 Designation of Consultants	65
	19.5 Authority	65
	19.6 Severability	66

Contents (continued)

	Page
19.7 Special Meeting of the Commission	66
19.8 Application.....	66
20 Control of Municipal Sewerage Service.....	67
20.1 Sewer Connections.....	67
20.2 Manner of Construction of the Municipal Facility	69
20.3 Plans and Constructions.....	69
20.4 Infiltration/Inflow	70
20.5 Storm and Other Unpolluted Waters.....	71
20.6 Records of Sewer Plans	71
20.7 Information and Reports	71
21 Billing Practices and Delinquent Payments	72
21.1 Billing Period.....	72
21.2 Payment of Sewer Service Charges	72
21.3 Delinquent Payments	72
21.4 Alternative Remedies.....	73
21.5 Remedies Cumulative	73
22 Amendments.....	74
23 Enactment Clause	75
23.1 Date of Effect:.....	75
23.2 Date of Enactment:	75
24 Amendment Enactment Clause	76
24.1 Date of Effect for Amendment:	76
24.2 Date of Enactment for Amendment:.....	76

Attachments

Attachment	Schedule A – Domestic User Equivalent (DUE) Determination Schedule.....77
------------	---

1 Purpose

It is the purpose of this Ordinance to:

- (1) Establish rules regulating connections to the Wastewater Facilities.
- (2) Establish rules regulating Sewer construction.
- (3) Establish rules regulating discharge of Domestic Wastewater to the Wastewater Facilities.
- (4) Establish rules regulating discharge of Industrial Wastewater discharge to the Wastewater Facilities.
- (5) Establish rules regulating discharge of Septage and Holding Tank Wastes to the Wastewater Facilities.
- (6) Establish rules prohibiting or limiting discharge of Deleterious Substances to the Wastewater Facilities.
- (7) Establish rules for the management, regulation, protection, and use of the Wastewater Facilities.
- (8) Establish a User Charge system for providing equitable distribution of the costs of construction, administration, operation, and maintenance of the Wastewater Facilities among all Users of the Wastewater Facilities.
- (9) Establish the billing procedures to be used by the Commission.
- (10) Establish rules and regulations regarding provision of Wastewater treatment service to Customers.
- (11) Establish penalties for violation of the rules and regulations of this Ordinance.
- (12) Enable the Commission to comply with administrative provisions, water quality requirements, toxic and Pretreatment Standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal Law.
- (13) Obtain and preserve the maximum public benefit of the Wastewater Facilities by regulating the characteristics of Wastewater discharged into the Wastewater Facilities.

2 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance Shall be as follows:

- (1) 1978 Agreement: Shall mean the agreement entitled “Wastewater Treatment Services Contract,” dated August 23, 1978, as amended on June 23, 1980, and as further amended from time to time, by and between the City, the Village and the Commission.
- (2) Agreement: Shall mean a contract, including any amendments, supplements, changes, or modifications thereto, between the Commission and a Customer, which provides for Wastewater conveyance and/or treatment services. The term Agreement Shall be synonymous with the term “Wastewater Treatment Service Contract”.
- (3) Biochemical Oxygen Demand (BOD₅): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five days at 20°C, expressed in milligrams per liter. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (4) Building Drain: Shall mean that part of the lowest horizontal piping, within or below a building or structure, which conveys Wastewater to the Building Sewer. The Building Drain ends and the Building Sewer begin, at a distance of five feet outward from the inner face of the building exterior wall.
- (5) Building Inspector: Shall mean the building inspector of the Municipality with jurisdiction, or said Person’s appointed assistant, agent, or representative, or plumbing inspector where applicable.
- (6) Building Sewer: Shall mean the sewer lateral extension from the Building Drain through the connection to the Sanitary Sewer or other place of disposal.
- (7) City: Shall mean the City of Delafield, a municipal corporation. (Whenever the term “city” is used in the lower case, it shall be construed in the general sense of including all cities.)
- (8) Commission: Shall mean the Delafield-Hartland Water Pollution Control Commission, created pursuant to the Originating Joint Ordinance and the 1978 Agreement.
- (9) Community-Based Residential Facility: Shall mean a place where three or more unrelated adults reside and in which care, treatment, or services above the level of room and board are provided as a primary function of the premises. A Community-Based Residential Facility Shall not include any of the following:
 - A facility owned or operated by a religious order exclusively for care of members of that order.
 - A facility providing care, treatment, or services only for victims of domestic abuse.
 - A shelter for lodging of homeless individuals or families as defined in Section 560.9808 of the Wisconsin Statutes.
 - A lodging place not providing health care or personal care.
- (10) Commercial User: Shall mean any non-residential or non-governmental User whose premises are used primarily for conduct of profit-oriented enterprises and who discharge primarily Domestic Wastewater to the Wastewater Facilities.

This category Shall include, but not be limited to, wholesale or retail trade businesses, financial institutions, insurance agencies, restaurants, bars, hotels, motels, gas stations, convenience stores, grocery stores, car washes, laundromats, and real estate businesses.

- (11) Connection Charge: Shall mean a charge to each Customer for each new User connection to the Sanitary Sewer or for an existing User who increases the volume or strength of their Wastewater discharge to the Sanitary Sewer.
- (12) Condominium: Shall mean a residential unit constituting a part of a devisable real estate parcel where only the structures are devisable and the real estate itself remains one parcel but each separate unit is subject to certain joint agreements and regulations where ownership includes an undivided interest in common facilities. Each unit Shall be a separate “condominium” under this Ordinance.
- (13) Customer: Shall mean any Municipality or political subdivision of the State of Wisconsin, or any other Person which now or hereafter agrees to purchase wastewater collection, treatment and disposal services directly from the Commission.
- (14) Debt Service Cost: Shall mean the annual payment of principal and interest for the retirement of debt issued to finance the cost of capital improvements to the Wastewater Facilities. The Debt Service Cost Shall include administrative costs associated with the debt retirement.
- (15) Deleterious Substances: Shall mean a substance that, alone or in conjunction with other discharged substances, has any of the following impacts:
 - Inhibits or disrupts any Wastewater treatment processes
 - Damages any of the Wastewater Facilities
 - Causes violation of the WPDES permit
 - Interferes with the operation or maintenance of the Wastewater Facilities
 - Creates or constitutes a hazard to humans or the environment
 - Results in a Wastewater treatment sludge characteristics that do not meet regulatory requirements for sludge disposal.
- (16) Domestic User Equivalent (DUE): Shall mean the Wastewater flow equivalent to that discharged by an average Residential User. One (1.00) DUE Shall be defined as 205 gallons per day and 75,000 gallons per year.
- (17) Domestic Wastewater: Shall mean the combination of liquid and water carried wastes and Wastewater discharged from toilets and other sanitary plumbing facilities, which contain no Deleterious Substances, which contain no prohibited substances, and for which five-day Biochemical Oxygen Demand (BOD₅), total suspended solids (TSS), total kjeldahl nitrogen (TKN), and total phosphorus concentrations, do not exceed the following levels:
 - BOD₅ concentration less than or equal to 200 mg/l;
 - TSS concentration less than or equal to 250 mg/l;
 - TKN concentration less than or equal to 20 mg/l as N;
 - Total Phosphorus concentration less than or equal to 6 mg/l as P.
- (18) Easement: Shall mean the acquired right for the specified use of land owned by others.
- (19) Engineer: Shall mean a Person who is licensed as a professional engineer by the State of Wisconsin and whose license is in good standing with the State of Wisconsin.

- (20) Fats, Oils, and Grease : Shall mean a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (21) Floatable Oil: Shall mean fat, oil, or grease in a physical state such that it will separate by gravity from Wastewater by treatment in an approved Pretreatment facility. A Wastewater Shall be considered to be free of Floatable Oil if it is properly pretreated to the extent that it does not result in increased maintenance requirements for the Wastewater Facilities.
- (22) Garbage: Shall mean solid waste or residue resulting from the handling, preparation, cooking, and serving of food or from the handling, storage, and sale of food products or produce.
- (23) Governmental User: Shall mean any User whose premises are used for the conduct of legislative, judicial, administrative, or regulatory activities of any federal, state, local, or international units of government. This does not include government owned or operated businesses or any Users which meet the requirements of this Ordinance for classification as a Significant Industrial User.
- (24) Hauled Waste: Shall mean Septage, Holding Tank Wastes, landfill leachate, or any other Wastewater or wastes hauled by truck and requiring treatment.
- (25) Holding Tank Wastes: Shall mean the liquid and solids from residential holding tanks. This term does not include wastes from grease traps. See also, “Septage”.
- (26) Industrial User: Shall mean any non-Governmental, non-Residential, non-Institutional, or non-Commercial User of the Wastewater Facilities which discharges Industrial Wastewater to the Wastewater Facilities. Industrial Users Shall include, but not be limited to, those types of industries identified in Divisions A, B, D, E, and I of the *Standard Industrial Classification Manual* and those industries subject to categorical Pretreatment standards set forth in Chapters NR 221 to 297 of the *Wisconsin Administrative Code*. See also “Significant Industrial User”.
- (27) Industrial Wastewater: Shall mean any trade or process Wastewater generated by an industrial process including, but not limited to, those categories identified in Divisions A, B, D, E, and I of the *Standard Industrial Classification Manual*, and as distinct from Domestic Wastewater
- (28) Infiltration: Shall mean the water entering Sanitary Sewer and Building Sewers from the soil through defective pipe joints, broken or cracked pipes, improper connections, manhole walls, or other defects.
- (29) Inflow: Shall mean the water discharged into Sanitary Sewer and Building Sewers from such sources as, but not limited to, downspouts, roof leaders, cellar and yard area drains, foundation drains, commercial and industrial non-contact cooling water discharges, drains from springs and swampy areas, manhole covers, and cross connections between Storm Sewers and Sanitary Sewers.
- (30) Institutional User: Shall mean not-for-profit facilities, which are not engaged in retail trade or in manufacturing, which discharge primarily Domestic Wastewater, including, but not limited to, schools, hospitals, churches, religious facilities, clubs, and fraternities.
- (31) Interceptor Sewer: Shall mean a Sewer which receives Wastewater flow from a number of transverse Sewers and conveys the said Wastewater toward the Wastewater Treatment Plant.

- (32) Load: Shall mean the mass of a contaminant discharged to the Sanitary Sewer; calculated as the Wastewater flow in millions of gallons per day times the concentration of the contaminant in the Wastewater in milligrams per liter times 8.34 pounds per gallon.
- (33) Local Wastewater Collection System: Shall mean all Wastewater collection and transmission facilities, owned, operated, and maintained by a Customer, which are connected to, or which under the conditions of the Agreement with the Commission May be required to be connected to, the Wastewater Facilities owned, operated, and maintained by the Commission.
- (34) Manager: Shall mean the individual appointed as the General Manager of the Commission, from time to time.
- (35) May: Shall mean permissive. See also "Shall".
- (36) Municipality: Shall mean any city, town, village, county, utility district, town sanitary district, metropolitan sewerage district, or lake district. Unless otherwise explicitly stated or implied, the term Municipality, in the context of this Ordinance, Shall refer to a municipality that is served by the Commission.
- (37) Natural Outlet: Shall mean any outlet into a watercourse, pool, ditch, wetland, lake, river, stream, creek, or other body of surface water or groundwater.
- (38) Operation and Maintenance (O&M) Cost: Shall mean all costs associated with the administration, operation, and maintenance of the Wastewater Facilities. The Operation and Maintenance Cost Shall include the Replacement Cost.
- (39) Ordinance: Shall mean a statute or regulation enacted by a governing body or by the Commission.
- (40) Originating Joint Ordinance: Shall mean the "Ordinance to Create the Delafield-Hartland Water Pollution Control Commission and to Contractually Establish a Treatment Plant and Operation Thereof" effective December 23, 1971, as amended and supplemented by the City of Delafield Ordinance No. 82.04, adopted on January 19, 1977 and by the Village of Hartland Ordinance No. 284, adopted on January 27, 1977.
- (41) Person: Shall mean any Customer, User, individual, firm, limited liability company, corporation, association, joint venture, trust, estate, governmental entity, or any other legal entity.
- (42) pH: Shall mean the negative logarithm of the hydrogen ion concentration in moles per liter of solution. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (43) Pollutant: Shall mean any dredged spoil, solid waste, incinerator residue, Wastewater, Garbage, refuse, oil, solvent, flammables, Toxic Substances, Wastewater sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, commercial, municipal, and agricultural waste.
- (44) Pretreatment: Shall mean reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to, or in lieu of, discharging such Pollutants into the Wastewater Facilities.
- (45) Pretreatment Program: Shall mean a program administered by the Commission that meets the criteria established in Chapter NR 211 of the *Wisconsin Administrative Code* and which has been approved by the DNR in accordance with the provisions of Chapter NR 211 of the *Wisconsin Administrative Code*

- (46) Pretreatment Standard: Shall mean any regulation which applies to Industrial Users and which contains Pollutant discharge limits promulgated by the WDNR in accordance with Chapter 283 of the *Wisconsin Statutes*. This term Shall include both prohibited discharge standards set forth in or established under NR 211 and categorical Pretreatment Standards set forth in NR 211 and in NR 221 through NR 297 of the *Wisconsin Administrative Code*.
- (47) Properly Shredded Garbage: Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public Sanitary Sewers, with no particle greater than one-half inch in any dimension.
- (48) Private Wastewater Facilities: Shall mean privately owned and operated facilities designed for the purpose of on-site conveyance, treatment, and disposal of Wastewater. This term Shall include, but not be limited to, septic tank/effluent absorption area systems.
- (49) Replacement Costs: Shall mean expenditures for purchasing and installing equipment, accessories, or appurtenances which are required to be replaced during the service life of the Wastewater Facilities in order to maintain the capacity and performance for which the Wastewater Facilities were designed and constructed.
- (50) Replacement Fund: An account into which funds for the Replacement Costs are deposited in accordance with Chapter NR 162 of the Wisconsin Administrative Code. Funds collected for Replacement Costs, Shall be separately accounted for and Shall not be utilized for any other purposes than Replacement Costs.
- (51) Residential User: Shall mean any single family household as well as any Users whose facilities are capable of providing Persons with at least one bedroom for overnight stay. In determining whether a User is residential, the Customer Shall, at the time of issuance of an Occupancy Permit therefore, make a visual inspection and determine whether the facilities are capable of providing sleeping facilities. In determining the number of DUEs to be applied to a User, the Customer Shall place emphasis on access provided between rooms and especially bedrooms. Rooming houses and boarding houses Shall be treated as Commercial Users and assigned DUEs as a hotel per Schedule A (0.25 DUE per bedroom but no less than 1.00 DUE per unit).
- (52) Sanitary Sewer: Shall mean the Sewers which convey Wastewater from Residential, Commercial, Industrial, Institutional, and Governmental Users, together with Inflow and Infiltration that are not intentionally admitted. Unless otherwise indicated, in the context of this Ordinance, the term Sanitary Sewer Shall refer to public Sanitary Sewers owned and operated by the Commission or a Customer of the Commission.
- (53) Sanitary Sewer Extension: Shall mean any addition of Sanitary Sewer or related facilities to a Wastewater Collection System. An Extension is intended to include any action that will result in additional Users being served by the Commission Wastewater Collection System.
- (54) Sanitary Sewer Service Area: Shall mean all areas, as delineated by the Commission, and as approved by the Southeastern Wisconsin Regional Planning Commission, which are presently served, or are anticipated to be served in the future, by the Commission.

- (55) Septage: Shall mean the liquid or solids from septic tanks, chemical toilets, campers, privies, dosing chambers, seepage beds, seepage pits, or seepage trenches. Septage does not include waste from a grease trap or grease interceptor. See also, “Holding Tank Wastes”.
- (56) Sewage: Shall be synonymous with “Wastewater”
- (57) Sewer: Shall mean a pipe or conduit designed to convey Wastewater or drainage water.
- (58) Sewerage: Is a comprehensive term, including all constructions for collection, transportation, pumping, treatment, and final disposition of sewage.
- (59) Shall: Shall mean mandatory. See also “May”.
- (60) Significant Industrial User: Shall mean an Industrial User which meets one or more of the following conditions:
- Any Industrial User of the Wastewater Facilities which discharges more than 18,750 gallons per day (gpd) of Wastewater, excluding Domestic Wastewater, non-contact cooling, and boiler blowdown Wastewater.
 - Any Industrial User that discharges a process waste stream which makes up 5% or more of the average dry weather hydraulic capacity, or more than 5% of the BOD₅, TSS, TKN, or Total Phosphorus treating capacity, of the Wastewater Treatment Plant;
 - Any centralized waste treater;
 - Any Industrial User subject to categorical Pretreatment Standards in Chapters NR 221 to 297 of the *Wisconsin Administrative Code*.
 - Any User of the Wastewater Facilities which discharges Wastewater to the Wastewater Facilities which contains Toxic Substances or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the Wastewater Treatment Plant, or injure or interfere with any Wastewater Treatment Plant process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the Wastewater Facilities.
 - Any Industrial User that is required to file effluent reports for discharge to the Wastewater Facilities as required by Chapter NR 101 of the *Wisconsin Administrative Code* and Section 283 of the *Wisconsin Statutes*.
- (61) Slug: Shall mean:
- Discharge of any water or Wastewater, for any duration, during which the rate of flow or the concentration of any constituent increases to such magnitude so as to adversely affect the operation of the Wastewater Facilities or the ability of the Wastewater Treatment Plant to meet the requirements of the WPDES permit; or
 - Discharge of any water or Wastewater, which in concentration of any given constituent or in quantity of flow, exceeds for any period longer than fifteen (15) minutes, more than five (5) times the twenty four (24) hour average flow or constituent concentration.
- (62) Standard Industrial Classification Manual: Shall mean the reference document published by the United States Office of Management and Budget, latest edition.

- (63) Standard Methods: Shall mean *Standard Methods for the Examination of Water and Wastewater* as published by American Public Health Association, American Water Works Association, and the Water Environment Federation, latest edition.
- (64) Storm Sewer: Shall mean a Sewer designed to convey storm water, surface water, and drainage. Excludes all Wastewater but May include non-contact cooling water.
- (65) Total Kjeldahl Nitrogen (TKN): Shall mean the total of organic and ammonia nitrogen present in a Wastewater sample. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (66) Total Nitrogen: Shall mean the total of organic, ammonia, nitrate, and nitrite nitrogen present in a Wastewater sample. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (67) Total Phosphorus: Shall mean total phosphorus in Wastewater which May be present in any of three principle forms: orthophosphate, polyphosphate, and organic phosphate. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (68) Total Suspended Solids (TSS): Shall mean 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. Acceptable test method(s) Shall be as indicated in Chapter NR 219 of the *Wisconsin Administrative Code*.
- (69) Toxic Substance: Shall mean those Pollutants or combination of Pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of the best available scientific information, cause death, disease, behavioral abnormalities, cancer, genetic mutations, or physiological malfunctions in such organisms or their offspring. Toxic Substances Shall include, but not be limited to, those toxic Pollutants listed in Chapter NR 215 of the *Wisconsin Administrative Code*.
- (70) User: Shall mean any Residential, Commercial, Institutional, Governmental, Industrial, or other Person which discharges Wastewater to the Wastewater Facilities, including any Wastewater Hauler or Special User as defined in Section 13.4 below.
- (71) User Charge: Shall mean a charge levied on Users of the Wastewater Facilities and Shall include the Debt Service Cost, the Operation and Maintenance Cost, and the Replacement Cost.
- (72) Unaltered Water: Shall mean waters which are not changed chemically or physically as a result of use.
- (73) Unpolluted Water: Shall mean any water substantially free of Pollutants and of such quality that the constituent concentrations in said Unpolluted Water would be equal to or less than the effluent limits for the Wastewater Treatment Plant, that discharge of the said Unpolluted Water would not cause violation of the water quality standards for the receiving body of water, and that the quality of the said Unpolluted Water would not be improved by discharge to the Wastewater Facilities.
- (74) Village: Shall mean the Village of Hartland, a municipal corporation. (Whenever the term “village” is used in the lower case, it shall be construed in the general sense of including all villages.)

- (75) Wastewater: Shall mean the liquid and water carried wastes discharged from any Residential, Commercial, Governmental, Institutional, Industrial, or Outside User into the Wastewater Facilities, together with any Infiltration or Inflow that May enter the Wastewater Collection System, but which is not intentionally admitted. See also “Domestic Wastewater” and “Industrial Wastewater”.
- (76) Wastewater Collection System: Shall mean the system of Interceptor Sewers, pump stations, force mains, and other related facilities, owned, maintained, and operated by the Commission and designed to convey Wastewater to the Wastewater Treatment Plant.
- (77) Wastewater Facilities: Shall mean the Wastewater Collection System and the Wastewater Treatment Plant. Unless otherwise explicitly stated or implied in this Ordinance, the terms “discharge to the Wastewater Facilities”, “connection to the Wastewater Facilities”, or terms with similar meaning or intent, Shall refer to discharge to or connection to the Local Wastewater Collection System, the Interceptor Sewer, and/or the Wastewater Treatment Plant.
- (78) Wastewater Treatment Plant: Shall mean the equipment, devices, structures, and other facilities which are used for treating Wastewater and which are owned, operated, and maintained by the Commission.
- (79) Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (80) Water Meter: Shall mean any device approved by a Customer of the Commission that will accurately measure and record the inflow of water from a source into a governmental, industrial, institutional, or commercial User’s facility. Water meters Shall be installed and maintained at all times and Shall comply with American Water Works Standard C700, latest edition. Water meters Shall be owned and maintained by the Customer.
- (81) WDNR: Shall mean the State of Wisconsin Department of Natural Resources.
- (82) Wisconsin Administrative Code: Shall mean the published rules of executive agencies having rule-making authority for the State of Wisconsin, latest edition
- (83) WPDES: Shall mean Wisconsin Pollutant Discharge Elimination System permit as issued by the Wisconsin Department of Natural Resources.

Additional definitions are set forth below.

3 Validity, Conflicts and Severability

3.1 Previous Ordinances Superseded

This Sewer Use Ordinance Shall supersede and replace in its entirety any previous Commission Ordinance, rules, or regulations; and Shall repeal all parts thereof that May be inconsistent with this Sewer Use Ordinance.

3.2 Conflicts with State and Federal Rules

If there is any conflict between this Sewer Use Ordinance and any applicable State or Federal statutes or regulations, then the statutes or regulations of the State or Federal Government Shall be controlling.

3.3 Conflicts with Customer Rules

If there is any conflict between this Ordinance and any ordinance, rule or regulation for any Customer, then this Ordinance Shall be controlling.

3.4 Severability

If any provision, paragraph, section, subsection, sentence, clause, phrase, or part of the Ordinance is invalidated, for any reason, by any court or competent jurisdiction, the remaining provisions, paragraphs, sections, subsections, sentences, clauses, phrases, and parts of this Ordinance Shall continue in full force and effect. Severability is expressly implied.

3.5 Emergency Rule

Nothing contained in this Ordinance Shall be construed as prohibiting the Commission from adopting a temporary emergency rule in order to preserve the public health, safety, and welfare.

3.6 Construction, Interpretation and Application

Notwithstanding any other provision of this Ordinance to the contrary, nothing contained herein shall in any way adversely affect, amend, modify, change or repeal any provision(s) of the Originating Joint Ordinance and/or the 1978 Agreement. The governance and authority of the Commission, in as far as the City and Village are concerned, shall be determined exclusively in accordance with the Originating Joint Ordinance, the 1978 Agreement and applicable provisions of Wisconsin law in effect from time to time. In the event any provision of this Ordinance as applied to the City and/or the Village, should conflict with any provision of the Originating Joint Ordinance, the 1978 Agreement or applicable Wisconsin law, then the provision of this Ordinance shall not be given any effect.

4 Authority, Management, Operation, Maintenance, and Control

4.1 Authority to Construct Wastewater Facilities

The Commission Shall have the power to construct Wastewater Facilities for public use and generally to do all such work as May be found necessary or convenient in the management of its Wastewater Facilities, in accordance with the Wisconsin Statutes.

4.2 Authority to Purchase Property

The Commission Shall have authority to purchase and acquire for the Commission all real and personal property which May be necessary for construction of the Wastewater Facilities, or for any repair, remodeling, or additions thereto, in accordance with the Wisconsin Statutes.

4.3 Management, Operation, Maintenance, and Control of Wastewater Facilities

The management, operation, maintenance, and control of the Commission Wastewater Facilities Shall be vested in the Commission. All records, minutes, and written proceedings thereof and all financial records Shall be kept by the Commission Finance Director. All costs associated with the management, operation, maintenance, and control of the Wastewater Facilities Shall be recovered by the Commission through the User Charge fees with the exception of any cost associated with damage to the Wastewater Facilities as a result of carelessness or negligence on the part of the User, a tenant of the User, or an agent of the User. The costs for any such damage Shall be paid for by the User, his tenant, the agent of the User, or other Person or entity causing the damage.

4.4 Management, Operation, Maintenance, and Control of Local Wastewater Collection Systems

Unless otherwise indicated in this Ordinance, or in the Agreements between a Customer and the Commission, Customers Shall be responsible for the management, operation, maintenance, and control of their respective Local Wastewater Collection Systems and for transport of said wastewater to the Commission Wastewater Facilities. Unless otherwise indicated in the Agreements between the Customer and the Commission, the Customer Shall be responsible for all facilities up to the point of connection with the Commission Wastewater Facilities.

5 Customer Agreements

5.1 Authority To Establish Agreements

- (1) The Commission Shall have the authority to establish Agreements with Customers located in the Sanitary Sewer Service Area, in accordance with the Wisconsin Statutes, for the purpose of providing Wastewater treatment service to such Customers.
- (2) Nothing in this Ordinance Shall prohibit the Commission from providing wastewater service to Users outside of the Municipal boundaries of any Customer, under mutually agreeable conditions, and provided the property of the said User is located within the Commission's Sewer Service Area.
- (3) All such Agreements established pursuant to this section Shall be in accordance with the provisions and constraints set forth in the 1978 Agreement, the Originating Joint Ordinance and Wisconsin law.

5.2 General Conditions of Agreements

In addition to any rules, regulations, limitations, conditions, charges, or other provisions set forth in the Agreements between the Customer and the Commission, the following general conditions Shall apply in all cases where the Commission provides wastewater conveyance and/or treatment services to a Customer:

- (1) Agreements with Customers Shall not be made unless the Commission determines that adequate excess treatment capacity exists to provide service to the said Customer, or unless the said Customer agrees to pay all costs associated with upgrading the Wastewater Facilities to provide the additional capacity required.
- (2) The Agreements Shall establish the allowable wastewater flows, Loads, and Wastewater characteristics which the Customer will be allowed to discharge to the Wastewater Facilities; Shall establish other conditions and limitations as required to protect the Wastewater Facilities and the proper operation thereof; Shall establish the period of time for which the Agreement will be valid; and Shall establish penalties for violation of any of the provisions of the Agreement.
- (3) Under all Agreements, the Customer Shall pay a fair and equitable portion of the Wastewater Facilities Debt Service Costs, Operation and Maintenance Costs, and Replacement Costs.
- (4) The Agreements Shall assure continued Customer participation in the Debt Service Cost over the life of the agreement. Should the Customer eliminate its discharge, the Commission, at its option, May, in its sole discretion, elect to assign to another Customer that portion of the design capacity of the Wastewater Facilities and Debt Service Cost thereby relieving the Customer of continued financial participation.
- (5) In addition to any rules, regulations, requirements, restrictions, or provisions provided in the Agreements between the Customer and the Commission, the Customers Shall be subject to the rules and regulations provided in this Sewer Use Ordinance, as applicable, and as May be amended or modified from time to time.
- (6) Each Customer shall secure passage within the jurisdiction served by it of a Sewer Ordinance substantially in the form attached as Exhibit 1; and such ordinance shall be so adopted on or before June 30, 2007.

- (7) The method of connection of the Customer's Local Wastewater Collection System to the Commission Wastewater Facilities Shall be as specified by the Commission.
- (8) For all Customers, facilities Shall be provided to allow flow measurement and sampling of the Wastewater discharged by the Customer to the Commission Wastewater Facilities. The construction, operation, and monitoring requirements for said facilities Shall be consistent with the requirements of Section 9.7 (Control Manholes, Flow Monitoring, and Wastewater Sampling) of this Ordinance. The costs for installation, operation, and maintenance of said facilities Shall be borne in entirety by the Customer. Plans and specifications for said facilities Shall be submitted to the Commission for review and approval.
- (9) All Customers Shall limit expansion and growth as required to maintain their wastewater discharge within the flow and/or Load allocations stated in their Agreements with the Commission. Any Customer which exceeds its allocated flows and/or Load capacity Shall be subject to fines, penalties, and surcharges as stated in their Agreements with the Commission, or, where the Agreements do not specify fines, penalties and surcharges, as provided for in this Ordinance.
- (10) Customers Shall maintain, inspect, and repair their Local Wastewater Collection Systems as required to limit infiltration and inflow to non-excessive levels. Infiltration Shall be considered excessive if the highest average flow, for the Customer, recorded over a 14 day period, under seasonal high groundwater and dry weather conditions, exceeds 120 gallons per capita per day or the equivalent thereof. Combined inflow and infiltration Shall be considered excessive if the maximum day flow for the Customer exceeds 205 gal per capita per day or the equivalent thereof. The Commission May impose fines, penalties, and surcharges for excessive infiltration and/or excess infiltration and inflow; said charges Shall be in addition to the User Charge applied to the Customer.
- (11) In the event that the Wastewater Facilities need to be upgraded at any time in the future, all Customers Shall be required to pay a fair and equitable share of the costs of such upgrades.
- (12) No Customer Shall allow an Industrial User to connect to their Local Wastewater Collection System without written approval from the Commission. The requirements of Section 9 (Control Of Industrial Wastewater Discharged To Wastewater Facilities) of this Ordinance Shall apply to all Industrial Users discharging to the Commission Wastewater Facilities, either directly or indirectly, through the Local Wastewater Collection System of a Customer or Municipality.
- (13) No Customer Shall allow Septage, Holding Tank Waste, or other hauled wastes to be discharged into their Local Wastewater Collection System without written permission from the Commission.
- (14) No Customer Shall accept Wastewater from any User located outside of the service area for the said Customer as defined in the Agreements with the Commission.
- (15) Extension, modification, or alteration of a Municipality's or a Customer's Local Wastewater Collection System Shall not be allowed without approval from the Commission. Proposals for all extensions, modifications, or alterations to a Customer's Local Wastewater Collection Systems Shall be submitted to the Commission for review and approval. Where said proposals for extension, modification, or alteration are approved by the Commission, plans and specifications Shall be submitted to the Commission for review and approval.

- (16) Customers Shall not expand their sanitary sewer service areas without approval from the Commission. The Customer Shall submit a proposal for expansion of the sanitary sewer service area to the Commission for review and approval. The proposal Shall include sufficient information to verify that the additional flow from the said expansion will not result in exceedance of the Customers flow allocation as defined in the Agreement with the Commission. In addition, Commission approval of any sanitary sewer service area expansion Shall be contingent on approval of the expansion by the Southeastern Wisconsin Regional Planning Commission.
- (17) Nothing in this Ordinance, or any Agreements between the Commission and a Customer, Shall be construed as granting the Customer ownership of any part of the Commission Wastewater Facilities or a voice in the government of the Wastewater Facilities, with the exceptions of the Village and the City, which parties created the Commission through the Originating Joint Ordinance and in the 1978 Agreement.
- (18) In the event that Wastewater from an Customer's wastewater collection system results in odor nuisance in, or corrosion of, the Commission's Wastewater Facilities, then the Commission May, upon reasonable notice, require the Customer to install facilities to remedy the problem, or the Commission May install said facilities and charge the cost to the Customer.
- (19) The provisions of this Section 5.2 shall have no application to the City or Village when acting pursuant to the 1978 Agreement and the Originating Joint Ordinance.

6 Use of the Wastewater Facilities

6.1 User Rules and Regulations

The rules and regulations as set forth in this Ordinance Shall be considered a part of a contract with every Person who discharges wastewaters, either directly or indirectly, to the Wastewater Facilities and every such Person, by making such discharge, Shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Commission May hereafter adopt, are violated by any Person, the said Person Shall be subject the penalties, fines, and actions as provided for under this Ordinance.

6.2 General Prohibitions

It Shall be unlawful to discharge to any Natural Outlet within any area served by the Commission, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of all local, State, and Federal authorities having jurisdiction over said discharges.

6.3 Prohibitions on Storm Drainage and Groundwater

No Person Shall discharge or cause to be discharged any Unpolluted Waters including, but not limited to, storm water, groundwater, roof runoff, basement sump pump discharge, foundation drain discharge, subsurface drainage, or cooling water to the Wastewater Facilities, or to any Local Collection Systems served by the Commission, except storm water runoff from limited areas, which storm water May be polluted at times, May be discharged to the Wastewater Collection System by permission of the Commission. Such approval will be considered by the Commission only when no reasonable alternate method of disposal is available. Applicable charges and limitations for such discharge to the Wastewater Collection System Shall be determined by the Commission. Any User determined to be discharging Unpolluted Waters to the Wastewater Collection System, without written approval from the Commission, Shall be issued a notice to permanently disconnect and abandon any piping or facilities which enable such discharge at such time or times and subject to such conditions as the Commission May determine. Failure to disconnect after such notice Shall authorize the Commission to have the piping and facilities disconnected and assess the costs of such disconnection against the property involved. The Commission Shall have the alternative right, at the end of such notice, to institute action for violation of this Ordinance including assessment of fines and penalties.

6.4 Storm Sewers

Storm water and all other Unpolluted Water Shall be discharged to such Sewers as are specifically designated as Storm Sewers or to a Natural Outlet approved by the Municipality and other applicable regulatory agencies with authority over such discharges. Unpolluted industrial cooling water or process waters May be discharged, with approval from the Municipality and other applicable regulatory agencies with authority over such discharges, to a Storm Sewer, or Natural Outlet.

6.5 Prohibited Discharges

No Person Shall discharge or cause to be discharged any of the following described substances into the Wastewater Collection System and/or the Wastewater Treatment Plant:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans, flora, or fauna, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Treatment Plant.
- (3) Any substances having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel operating the Wastewater Facilities.
- (4) Any solid or viscous substances, in quantities, of such character, or of such size, as to cause partial or total obstruction of the Sanitary Sewer, or to cause interference with the proper operation of the Wastewater Facilities such as, but not limited to, ashes, bones, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, diapers, rags, wipes, improperly shredded Garbage, whole blood, paunch manure, hair and fleshings, entrails, disposable dishes, cups, milk containers, and similar materials, either whole or ground by Garbage grinders.
- (5) Any noxious or malodorous solids, liquids, or gases which, either singly or by interaction with other wastes, are capable of creating a public nuisance, or hazard to life, or are, or May be, sufficient to prevent entry into the Sanitary Sewer for maintenance and repair work.
- (6) Any solids in size, in any dimension, of greater than one half inch.
- (7) Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the Wastewater Facilities in a quantity that May pose a hazard to the health and safety of Wastewater Facilities workers.
- (8) Any substances which May cause the Wastewater Treatment Plant to violate the WPDES permit effluent limits or which May cause the sludge produced by the Wastewater Treatment Plant to be in non-compliance with sludge use or disposal criteria.
- (9) Any animal excrement or wastes.

6.6 Limitations on Discharge Characteristics

The following described substances, materials, liquids, Wastewater, waters, or wastes Shall be limited to discharges to the Wastewater Facilities, to concentrations or quantities which will not harm or interfere with the proper operation of the Sanitary Sewer, Interceptor Sewer, or the Wastewater Treatment Plant processes or equipment, will not have an adverse effect on the Wastewater Treatment Plant receiving stream, will not cause the Wastewater Treatment Plant to violate any conditions of the WPDES discharge permit, will not have an adverse effect on the Commission's sludge management program, will not endanger Person or property, and will not constitute a public nuisance. The Commission May set limitations more restrictive than those indicated below, if, in the opinion of the Commission, more restrictive limitations are necessary to meet the said objectives. In forming an opinion as to the need for more restrictive limitations, the Commission will give consideration to such factors as the quantity of waste in relation to flows and velocities in the Sanitary Sewer, materials of construction of the Sanitary Sewer, the capacity of the Wastewater Treatment Plant, the ability of the Wastewater Treatment Plant

processes to treat the wastes, potential negative impacts of the waste on the performance of the Wastewater Treatment Plant or on the characteristics of the Wastewater Treatment Plant effluent or sludge, and other pertinent factors as applicable. The following limitations apply to all Users of the Wastewater Facilities:

- (1) Any liquid having a temperature higher than 150°F.
- (2) Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- (3) Any Wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which May solidify or become viscous at temperatures between 32°F and 150°F.
- (4) Wastewater containing floatable fats, oils, or grease.
- (5) Any Garbage that has not been properly shredded or solid material having any dimension greater than one-half inch.
- (6) Wastewater containing any Toxic Substances including, but not limited to, those listed in Chapter NR 215 of the *Wisconsin Administrative Code*, in concentrations that exceed levels specified under all applicable State, and Federal regulations.
- (7) Wastewater containing Pollutants at concentrations exceeding applicable Pretreatment Standards as listed in Chapters NR 221 through NR 297 of the *Wisconsin Administrative Code*.
- (8) Wastewater containing any of the following Pollutants in concentrations exceeding the indicated limit, based on a 24-hour, flow proportional, composite sample:

- Arsenic, Total	0.23 mg/l
- Cadmium, Total	0.18 mg/l
- Chromium, Total	1.0 mg/l
- Copper, Total	2.40 mg/l
- Cyanide, Total	0.43 mg/l
- Molybdenum, Total	0.4 mg/l
- Mercury, Total	0.003 mg/l
- Nickel, Total	4.0 mg/l
- Selenium, Total	0.5 mg/l
- Silver, Total	0.2 mg/l
- Zinc, Total	2.6 mg/l
- Hexachlorabenzene	0.0016 mg/l
- Iodine, Total	1.0 mg/l
- Phosphorus, Total	6.0 mg/l
- Ammonia-Nitrogen	20.0 mg/l
- Chloride	500 mg/l
- Phenol	0.1 mg/l
- (9) Wastewater containing polychlorinated biphenyls.
- (10) Any substance with objectionable color not removed by the Wastewater Treatment Plant processes, such as, but not limited to, dye wastes and vegetable tanning solution.
- (11) Any radioactive wastes or isotopes of such half-life or concentration as May exceed limits established by all applicable State or Federal Regulations.

- (12) Pollutants which are not treatable by the Wastewater Treatment Plant processes employed, or are untreatable to such a degree that the Wastewater Treatment Plant effluent will not meet the requirements of the WPDES permit.
- (13) Any Pollutants which result in the production of odors, in excess of that associated with Domestic Wastewater, either directly or indirectly by interaction with other Pollutants
- (14) Volumes or concentrations of wastes constituting a Slug.
- (15) Any Pollutants which, by interaction with other Pollutants present in the Wastewater in the Sanitary Sewer, form suspended solids which interfere with the operation of the Wastewater Facilities, increase the maintenance requirements of the Wastewater Facilities, or create a condition deleterious to the Wastewater Facilities structures or processes.

Determination of the concentration of Wastewater Pollutants in a Users discharge Shall be based on a twenty-four (24) flow proportional composite sample.

The Commission May alter, amend, or modify the limitations indicated above if it determined it is necessary to do so to meet the objectives of this Ordinance or to comply with all applicable State and Federal regulations.

6.7 Alternatives to Acceptance of Wastewater

If any User proposes a discharge to the Wastewater Facilities, containing any substances, materials, liquids, Wastewater, waters, or wastes in excess of any of the limitations listed in this Ordinance, the User Shall submit, to the Commission, in writing, a request to allow exceedance of the limitations as set forth in this Ordinance. The Commission, or its agent, Shall evaluate the request based on information which Shall be provided by the User, including the proposed discharge flows and characteristics. The cost for the Commission to evaluate the potential effects of the proposed discharge on the Wastewater Facilities Shall be borne in entirety by the proposed discharger. Upon completion of its evaluation, the Commission May, in exercise of reasonable discretion:

- (1) Reject the waste;
- (2) Require Pretreatment of the waste;
- (3) Control the quantities and rates of discharge of the waste;
- (4) Recover the costs of handling and treating such wastes from the User discharging the waste.

In all cases where the Commission allows discharge of said Wastewater to the Wastewater Facilities, the Commission Shall apply surcharges, as applicable, to recover any additional costs associated with conveyance and treatment of the Wastewater, beyond that required for Domestic Wastewater.

6.8 Accidental Discharge of Prohibited Wastes

Any Person who accidentally discharges into the Wastewater Facilities any wastes or Wastewater prohibited under this Ordinance Shall immediately report such a discharge to the Commission and the Municipality wherein the discharge occurs; and Shall report the location of the discharge, the time thereof, the volume thereof, and the type of waste or Wastewater so discharged. Within fourteen (14) days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence Shall be

submitted to the Commission. Such reporting Shall not relieve the Person causing the accidental discharge from any penalties imposed by this Ordinance. Where the Commission deems necessary, Users Shall provide facilities to prevent accidental discharges or spills of wastes or Wastewater prohibited under this Ordinance.

6.9 Disposal of Wastes at Unauthorized Locations

No Person Shall dispose of any Wastewater, waters, or wastes, including, but not limited to, Septage, Holding Tank Wastes, and other hauled wastes, into any manhole, lift station wet well, or any other location in the Local Wastewater Collection System or the Wastewater Facilities, without written permission from the Commission.

6.10 User to Allow Wastewater Sampling

The Commission May sample, or cause to be sampled, wastewater discharged by any User when, in the opinion of the Commission, there is reason to believe that the User May be discharging Wastewater containing any substances, or having any characteristics, in excess of those allowed under the requirements of this Ordinance. The User Shall grant the Commission, or its authorized representative, access to the User's facilities for the purpose of collecting such samples. If the User is found to be discharging Wastewater which is in violation of any provision of this Ordinance, then the User Shall pay the costs of the collection and analysis of the samples and Shall additionally be subject to any fines or penalties as provided for in this Ordinance.

6.11 Flow Meters Where Required

- (1) The Commission May require Institutional, Governmental, Commercial, and Industrial Users to install flow metering facilities, including water flow meters or wastewater flow meters, for the purpose of more accurately determining the volume of Wastewater discharged to the Wastewater Facilities, whenever:
 - The Commission believes that the discharge flow from a User May significantly exceed the flow expected for that User based on the number of DUEs assigned to that User consistent with the DUE determination calculated under this Ordinance (Schedule A);
 - The User discharges Industrial Wastewater to the Wastewater Collection System;
 - The Commission believes that a User May discharge more than one (1.00) DUE of Wastewater;
 - The User discharges Wastewater with BOD₅, TSS, TKN, or Total Phosphorus concentrations greater than the concentration limits for Domestic Wastewater as defined in this Ordinance;
- (2) Where water meters are required to be installed by the Commission, the water meters Shall be furnished by the Municipality and installed by a licensed plumber while a representative of the Municipality is present to observe and inspect said installation. All costs for the installation of the water meters Shall be at the expense of the User requiring the water meter. Meters Shall be calibrated every two years or more frequently if required by the Municipality, with the cost of the calibration being borne by the User. Where water enters the User's premises from

more than one source, water flow meters Shall be installed at each source. The User Shall provide water meter readings on a quarterly basis with the readings being provided no later than 30 days after the end of the quarter. Water Usage Shall be the measure for determining the monthly User Charge fees and surcharge fees where applicable. In the event that, after a period of one year from the time the water meter is installed, then the User Shall be so notified of the increase. If the said User's average Wastewater discharge continues at such increased amount for the twelve month period following the date of such notification, then the said User Shall be (i) billed additional Connection Charge(s) based on such increased flows and (ii) billed prospectively an increased User Charge, based on the difference in the DUE values before and after the meter was installed. Each one year period Shall be defined from July 1st of the preceding year to June 30th of the current year.

- (3) In the event that a User, who is required by the Commission or a Municipality to install a water meter for the purposes of determining the volume of Wastewater discharged to the Wastewater Facilities, produces evidence satisfactory to the Municipality and Commission that a significant percentage of the total annual volume of metered water used is not discharged to the Sanitary Sewer, the User May be permitted to have an exemption water meter(s) installed. Said meter(s) Shall be furnished by the Municipality. All costs Shall be at the expense of the user requiring the meter(s), including installation and piping revisions required to insure that any water not reaching the sanitary sewer is metered by the exemption meter. The Municipality May establish charges for each size meter to compensate for furnishing, reading and servicing the meter. The amount of exemption water metered Shall be subtracted from the total amount of water used by the User to determine the applicable User Charge fee. Regardless of the amount of metered exemption water, no User Shall be charged for less than one (1.00) DUE for each single Building Sewer connected to a Sanitary Sewer, unless the Commission determines otherwise.
- (4) The Commission May require Industrial Users to install Wastewater flow meters on the User's Building Sewer in accordance with the requirements of Sections 9.6 and 9.7 of this Ordinance. In such cases, the Wastewater flow meter readings Shall be used as the measure for determining the monthly User Charge fees.

6.12 Increased Discharges

- (1) Any Commercial, Industrial, Governmental or Institutional User planning a facility expansion, production increase, or process modification which May, or will, result in new or increased Wastewater discharge to the Wastewater Facilities, Shall submit a request for new or increased discharge to the Commission, in writing, prior to making any such modifications. The request Shall provide a detailed description of the proposed changes along with an estimate of the impact of the changes on Wastewater flows and Loads. The Commission, or its Engineer, Shall evaluate the request. Upon completion of its' evaluation, the Commission May, in exercise of reasonable discretion:
 - Reject the request

- Approve the request as submitted
- Approve the request with limitations

In all cases, the User Charge fee to the User Shall be increased by an amount as determined by the Commission in accordance with the provisions of this Ordinance.

6.13 Grease, Oil, and Sand Interceptors

- (1) Grease and oil separators and sand interceptors Shall be provided, at User's cost, when in the opinion of the Commission or the Municipality, they are necessary for the proper handling of liquid wastes containing grease or oil, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors and separators Shall not be required for private living quarters or dwelling units.
- (2) All separators and interceptors Shall be of the type and capacity approved by the WDNR and/or the Wisconsin Department of Commerce, and Shall be located as to be readily and easily accessible for cleaning and inspection. Plans, specifications, and other pertinent information for all grease and oil separators and sand interceptors Shall be submitted to the Commission and Municipality for review prior to installation. No equipment Shall be installed until approval has been issued by the Commission and the Municipality. The introduction of grease or fat emulsifiers into a grease separator is prohibited.
- (3) Grease and oil separators and sand interceptors Shall be checked, cleaned out, and maintained on an annual basis or more often as required to ensure proper operation. The User Shall maintain a detailed log book clearly indicating the dates on which the facilities were checked, cleaned out, and maintained, the work which was done, the name of the Person performing the work, and any observations made. Log book records Shall be maintained for period of not less than three years and Shall be available for inspection by the Commission and the Municipality. Failure to maintain a log book Shall be considered to be a violation of this Ordinance and Shall be subject to the fines and penalties stated herein.
- (4) In maintaining these grease and oil interceptors and sand separators, the User Shall be responsible for proper removal and disposal by appropriate means of the captured material and Shall maintain records of the dates and means of disposal of the captured materials, including the name of the Person or firm who disposed of the captured materials. Disposal of the captured materials performed by the User, the Owners personnel, or by a licensed waste disposal firm Shall be in accordance with applicable Local, State, and Federal Regulations. Disposal records Shall be maintained for period of not less than three years and Shall be available for inspection by the Commission and the Municipality. Failure to maintain disposal records Shall be considered to be a violation of this Ordinance and Shall be subject to the fines and penalties stated herein.
- (5) Interceptors and separators Shall, at a minimum, be cleaned out once per year. More frequent cleaning Shall be performed as required to ensure proper operation

of the systems. Failure to install, or properly operate, clean out, and maintain, grease and oil separators or sand interceptors, as required by this Ordinance, Shall be a violation of this Ordinance and the User Shall be subject to the fines and penalties stated herein. Additionally, any User failing to install, or properly operate, clean out, and maintain, grease and oil separators or sand interceptors, as required by this Ordinance, Shall be liable for the costs of cleaning any downstream Sewers which are impacted by the said discharge. It is the responsibility of the User to request a determination from the Commission regarding the need for grease and oil separators or sand interceptors prior to initiating discharge of any Wastewater containing grease, oil, or sand.

- (6) The Commission shall enforce the provisions of this Section 6.13 directly against the User in question.

6.14 Special Arrangements

- (1) No statement contained in this Ordinance Shall be construed as prohibiting any special agreement between the Commission and any Person whereby a Wastewater of unusual strength or character May be admitted to the Wastewater Facilities, either before or after Pretreatment, provided such discharge will not harm or interfere with the proper operation of the Sanitary Sewer, the Interceptor Sewer, or the Wastewater Treatment Plant processes or equipment; will not cause the effluent from the Wastewater Treatment Plant to be in violation of the WPDES permit; will not have an adverse effect on the Wastewater Treatment Plant receiving stream; will not have an adverse effect on the Commission's sludge management program; will not endanger Person or property; and will not constitute a public nuisance; and that no extra costs are incurred by the Commission without recompense by the Person; and that all rates and provisions set forth in this Ordinance are adhered to.
- (2) Where a Person seeks to discharge into a Sanitary Sewer, wastewater of unusual strength or charge as determined by the Manager, and where said discharge would not otherwise constitute Industrial Wastewater, then in such event, such Person Shall as a condition precedent to any such discharge, obtain from the Commission a special agreement authorizing such wastewater discharge. The special agreement Shall contain such terms and provisions as the Commission May determine, including such provisions of Section 9 and 10 hereof as the Commission May deem should be applicable to the wastewater discharge in question.

6.15 WPDES Permit Compliance

No Person Shall cause or permit any discharge to the Wastewater Facilities which May result, directly or indirectly, in any violation of the Wastewater Treatment Plant WPDES permit.

7 Connection of Building Sewers to the Sanitary Sewer

7.1 Connection Required Where Available

- (1) The owners of all houses, buildings, or other structures used for, or useable for, human habitation, or for the conduct of any trade, business, or industry, located within the municipal boundaries of any Municipality served by the Commission and abutting on any street, alley, or right-of-way in which there is located a Sanitary Sewer, are required at the owners' or User's expense to install suitable toilet facilities therein, and connect such facilities directly to the Sanitary Sewer, in accordance with the provisions of this Ordinance, within 365 days after the Sanitary Sewer is accessible thereto and notification is given to make such connection. The Municipality Shall provide official notification to such Users and/or owners of the requirement to make connection to the Sanitary Sewer. If the User and/or owner fails to have the connection made, after expiration of the time provided by the notice, the Municipality May bring action against the User and/or owner for violation of this Ordinance or May cause connection to be made by a licensed plumber, under the direction of the Municipality, and charge the cost of such connection as a special tax against the property. This Ordinance ordains that the requirement to connect to the Sanitary Sewer is necessary for the preservation of the public health, comfort, and safety.
- (2) The City and the Village may by adoption of ordinances, exempt structures from the requirements of Section 7.1(1) above.

7.2 Service Not Available

- (1) Where Sanitary Sewer service is not reasonably available within any municipal boundaries of any Municipality served by the Commission, the owners of such properties May install Private Wastewater Facilities with written permission from the Municipality. A written request Shall be submitted to the Municipality requesting permission to install Private Wastewater Facilities. Where approval is granted by the Municipality, the type, capacity, location, and layout of the Private Wastewater Facilities Shall comply with Chapter Comm 83 of the *Wisconsin Administrative Code*. Any Person planning to construct Private Wastewater Facilities Shall obtain all applicable permits from local, Town, County, and/or State agencies having jurisdiction over installation of said facilities. In all cases, the required permits Shall be obtained prior to the start of construction of said facilities.
- (2) If, at any time, the Sanitary Sewer is extended so that it becomes accessible to previously unsewered areas located within the municipal boundaries of a Municipality served by the Commission, all Persons with Private Wastewater Facilities Shall be required to abandon the said facilities and install a Building Sewer to provide connection to the Sanitary Sewer. Abandonment of the Private Wastewater Facilities Shall include removal and disposal of all Wastewater and sludge from the facilities, in accordance with applicable Local and State regulations, and backfilling of the facilities with clean earth fill or completely removing the facilities. The Municipality Shall provide written notification of the

requirement to connect to the Sanitary Sewer. The Person Shall have up to 365 days from the date of notification to have the said connection installed. This provision Shall apply in all cases except as noted under specific provisions incorporated in an Agreement between the Commission and a Customer.

- (3) Except as noted above, it Shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Wastewater within the Sewer Service Area of the Commission.

7.3 Separate Building Sewers

Every house or building Shall be separately and independently connected to the Sanitary Sewer except as allowed under Chapter Comm 82 of the Wisconsin Administrative Code.

7.4 New Connections Only If Capacity Available

New connections to the Wastewater Facilities or to Local Wastewater Collection Systems Shall only be permitted if there is sufficient capacity in the down stream facilities to adequately transport and treat the additional Wastewater anticipated to be received from such connections.

7.5 Use of Old Building Sewers

Old Building Sewers May be used in connection with new buildings or structures only when they are found, through examination and testing, to be free of defects and damage and to meet all other requirements of this Ordinance. Televising of old Building Sewers Shall be required to demonstrate that the pipe and joints are in good condition and are free of defects. The televising tape Shall be provided to the Municipality for review. The owner of the said Building Sewer Shall submit a request for review, in writing, to the Municipality. The costs for any and all examinations and tests, as required by the Municipality, Shall be paid by the owner of the said Building Sewer. The old Building Sewer May not be reused in connection with a new building or structure without written approval from the Municipality.

7.6 Work Authorized

No Person Shall alter, disturb, modify, uncover, or make any connections with or opening into any Local Wastewater Collection System without first obtaining written permission from the Municipality and without satisfying all requirements of this Ordinance. No Person Shall alter, disturb, modify, uncover, or make any connections with or opening into the Interceptor Sewer without first obtaining written permission from the Commission and without satisfying all requirements of this Ordinance.

7.7 License

All Persons performing work on a Local Wastewater Collection System or the Interceptor Sewer, including installation of Building Sewers, Shall hold a valid license with the State of Wisconsin and said license Shall be in good standing with the State of Wisconsin.

7.8 Building Sewer Permits

A Building Sewer permit Shall be applied for, paid for, and received before the commencement of any Building Sewer installation work. There Shall be two classes of Building Sewer Permits as follows:

- (1) Class 1: Applies to Residential, Commercial, Institutional, and Governmental Users
- (2) Class 2: Applies to Industrial Users

In all cases, the Owner of the Property on which the Building Sewer is to be installed, or the said Owner's agent, Shall complete and submit a Building Sewer permit application to the Municipality with jurisdiction of the area where the Building Sewer is to be constructed. Standardized permit application forms Shall be provided by the said Municipality, with such forms being approved by the Commission. The permit application form Shall be accompanied by any plans, specifications, and other information as considered pertinent in the judgment of the Municipality and/or the Commission. The Building Sewer permit application fee Shall be as set by the Municipality with payment required at the time the application is submitted to the Municipality for review. It Shall be unlawful to install a Building Sewer without first submitting a Building Sewer permit application and obtaining written verification from the Municipality of approval of said application. Each separate building located on any parcel of real estate Shall be served by a separate Building Sewer, unless the Commission by resolution determines otherwise.

7.9 Building Sewer Costs

All costs and expenses associated with installation and connection of the said Building Sewer Shall be borne in entirety by the owner of the property on which the Building Sewer is to be installed on. The said owner Shall indemnify the Municipality and the Commission from any loss or damage that May be directly or indirectly occasioned by the installation and connection of the said Building Sewer.

7.10 Excavation Permits and Requirements

The following requirements Shall apply to all excavations in any street, alley, or other public way to install or repair any Building Sewer or associated facility:

- (1) Streets, sidewalks, parkways, and other public property disturbed in the course of excavation work Shall be restored in a manner satisfactory to the Municipality. If the restoration work is not performed in a manner satisfactory to the Municipality, the Municipality May bring action against the property owner for violation of this Ordinance or May cause the restoration to be made in an acceptable manner by another party, under the direction of the Municipality, and charge the cost of such restoration as a special tax against the property.
- (2) All excavations for Building Sewer installation Shall be adequately guarded with barricades and lights so as to minimize the hazard to the public welfare and safety.
- (3) Except upon application made with written permission of the Municipality, ample width of roadway Shall be maintained at all times for the continuous safe use and passage of one lane of traffic. Flagpersons Shall be provided when the amount of traffic on the street requires it as determined by the Municipality. The traveled portion of the street Shall be kept free from machinery, tools, excavated materials,

or other obstruction at all times. All asphaltic concrete and portland cement surfaces shall be saw cut at right angles or parallel to the centerline of the road.

7.11 Building Sewer Construction

Building Sewer construction standards and requirements shall include the following:

- (1) All Building Sewers extending to within five feet of the outside foundation walls or any building shall consist of schedule 40 PVC pipe with a minimum soil coverage of four feet and conforming to the standards established in Chapters Comm 82 and Comm 84 of the *Wisconsin Administrative Code*.
- (2) All Building Drains inside the building and to a point five feet of the outside foundation walls of any building shall consist of schedule 40 PVC Pipe with adequately sealed joints and conforming to the standards established in Chapters Comm 82 and Comm 84 of the *Wisconsin Administrative Code*.
- (3) No Person shall install any Building Sewer pipe that is cracked, damaged, or of an inferior grade or quality.
- (4) The size, slope, alignment, materials for construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Chapters Comm 82 and Comm 84 of the *Wisconsin Administrative Code*. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in *Gravity Sanitary Sewer Design and Construction* (MOP FD5), as published by the American Society of Civil Engineers (ASCE) and Water Environment Federation (WEF), latest edition, shall apply.
- (5) Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Sanitary Sewer, Wastewater carried by such a Building Drain shall be lifted and discharged to the Building Sewer by facilities conforming to Comm 82 *Wisconsin Administrative Code*.
- (6) All Building Sewer connections to the existing Sanitary Sewer shall be made with a saddle wye fitting set upon a carefully cut opening centered on the upper quadrant of the Sanitary Sewer Main and securely strapped on stainless steel straps or with solvent welded joints in the case of plastic pipe. Where approved by the Commission, connections to the Sewer Main using cut-in wyes or tees may be allowed.
- (7) The Person applying for the Building Sewer permit shall notify the Municipality when the Building Sewer is ready for inspection and connection to the Sanitary Sewer. The connection shall be made in the presence of the Municipality Building Inspector or an authorized representative thereof.
- (8) No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps, swimming pool drains, groundwater drains, or other sources of surface runoff, groundwater, or Unpolluted Water to a Building Sewer or Building Drain which in turn is connected directly or indirectly to a Sanitary Sewer. Where possible, and where approved by applicable governmental agencies, said waters shall be discharged to a Storm Sewer. Where it is determined that a User has a connection which allows discharge of surface runoff, groundwater, or Unpolluted Water to the Sanitary Sewer, the Municipality

Shall issue a notice of violation to the said User. The User will have fourteen (14) days to have the said connection permanently removed. Failure to have the said connection removed after such notice Shall authorize the Municipality to cause removal of the connection and assess the costs of such removal against the property. The Municipality May, alternatively, institute action for violation of this Ordinance.

- (9) The provisions of (1) through (8) shall first apply to the construction of Building Sewers (or replacements thereof, either in whole or in part), occurring on and after the effective date of this Ordinance.

7.12 Maintenance of Building Sewers

Each User Shall maintain the Building Sewer, from the said Users' structure to the connection at the Sanitary Sewer, or the equivalent thereof, including all piping and ancillary facilities. All Building Drains and Building Sewers Shall be maintained free of defective conditions, including, but not limited to, cleaning or clearing the Building Drain and Building Sewer by rodding or flushing, by and at the expense of the User or occupant of the property.

7.13 Adoption of Other Rules

There is hereby adopted all the rules and regulations of the State of Wisconsin Department of Commerce and Department of Natural Resources insofar as the same are applicable to the Wastewater Facilities and Local Wastewater Collection Systems.

7.14 Tapping the Sanitary Sewer and Interceptor Sewer

- (1) No Person, except those having written permission from the Municipality, Shall be permitted under any circumstances to tap the Sanitary Sewer. The kind and size of the connection with the Sanitary Sewer Shall be as specified in the Building Sewer permit from the Municipality.
- (2) No Person, except those having written permission from the Commission, Shall be permitted under any circumstances to tap the Interceptor Sewer. The kind and size of the connection with the Interceptor Sewer Shall be as specified by the Commission.

7.15 Commission Not Liable for Damages

The Commission Shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage, or freezing of any Building Sewers or Building Drains; nor from any damage arising from repairing Local Wastewater Collection Systems or the Wastewater Facilities, making connections or extensions or any other work that May be deemed necessary.

7.16 Right to Temporarily Discontinue Service

The Commission reserves the right to cut off the Sanitary Sewer service at any time for the purpose of repairs, or any other necessary purpose, and permit granted or regulation to the contrary notwithstanding. Whenever it Shall become necessary to shut off the Sanitary Sewer service, the Commission Shall, if practicable, give a 48-hour notice to each and every User affected.

8 Sanitary Sewer Extensions For Subdivisions And Commercial Developments

8.1 Initial Submittals and General Requirements

Prior to the design and construction of a Sanitary Sewer Extension, the Person (herein the “Developer” for purposes of this Section 8) requesting the Sanitary Sewer Extension must submit to the Municipality and to the Commission an approved final plat or certified survey for lands to be sewerred, if such plat or map is required by the Municipality. Plats and certified surveys must be accompanied by a certification from appropriate governmental officials stating that the land is zoned for the proposed use. All sanitary sewer extensions to serve lands/developments shall be consistent with the duly adopted regional plan of the Southeastern Regional Planning Commission (“SEWRPC”), as amended from time to time, and shall serve lands/developments that are located within the Commission’s Sewer Service Area as determined from time to time by SEWRPC. The Commission may require written evidence of such consistency and that the proposed extension is located within the Commission’s Sewer Service Area as a condition of any approval of a sanitary sewer extension.

8.2 Down Stream Capacity

Sanitary Sewer Extension requests May be considered by the Municipality and the Commission only if all downstream sewers, interceptors, lift stations, force mains, and treatment facilities have sufficient excess capacity to accommodate the Wastewater flows and Loads anticipated to be generated by the proposed Sanitary Sewer Extension. The Commission reserves the right to reject the application for a Sanitary Sewer Extension if insufficient capacity exists in the downstream Wastewater Facilities. Evaluation of the capacity of the downstream Wastewater Facilities will be conducted by the Commission Manager, or the Commission’s Engineer, at the expense of the Developer.

8.3 Sanitary Sewer Extension Design

The Developer May select an Engineer to design all proposed Sanitary Sewer Extensions. The resulting construction plans and specifications Shall be reviewed and approved by the Municipality and the Commission prior to submittal to the WDNR. All plans Shall conform to the standards of the WDNR and such additional requirements and standards that the Municipality and the Commission May establish. All costs for the design of the Sanitary Sewer Extensions, including review of the plans and specifications by the Municipality and the Commission, Shall be borne by the Developer.

8.4 Sanitary Sewer Extension Costs

All costs and expenses incident to the design, construction, and installation of the Sanitary Sewer Extension, including, but not limited to, engineering, construction, legal, permits and other fees related to the project or associated with the connection or hookup to the Local Wastewater Collection System or the Wastewater Facilities, Shall be borne by the Person requesting the extension.

8.5 Easements

The Developer requesting the Sanitary Sewer Extension Shall assist in securing all required utility easements, the location and width of which Shall be determined by the Municipality. The Municipality Shall be named as the grantee in all such easements. All completed easements Shall be submitted to the Municipality for its review and approval, and Shall be recorded at the appropriate county's Register of Deeds Office, the cost of such recording to be charged to the Developer.

8.6 Special Agreements

The Developer requesting the Sanitary Sewer Extension Shall also execute all other special agreements deemed necessary by the Municipality or the Commission.

8.7 Building Sewers

The project as approved must include the installation of Building Sewers, extending from the connection at the Sanitary Sewer to the lot line of each lot as shown on the approved final plat or certified survey map. This Shall be included in the Developer's costs and made a part of the proposed project.

8.8 License, Bonds, and Insurance

All Persons performing work on the Wastewater Collection System, including installation of Sanitary Sewer Extensions, Shall hold a valid license with the State of Wisconsin and said license Shall be in good standing with the State of Wisconsin. All Persons, except Municipalities, performing work on the Local Wastewater Collection System, including installation of Sanitary Sewer Extensions, Shall provide a bond to guarantee performance and Shall maintain liability insurance, the values of which Shall be determined by the Municipality. All certificates of insurance Shall name the Municipality as a co-insured party. No work May be conducted prior to submittal to, and approval by, the Municipality and the Commission, of the required bond and insurance.

8.9 Construction Inspection

During the construction of any Sanitary Sewer Extension which the Municipality and Commission have approved, the Municipality, or a representative thereof, will inspect the same to see that said work is being constructed in accordance with the approved plans and specifications. Failure to make such inspections Shall not nullify the right of the Municipality to require reconstruction should non-adherence to approved plans and specifications be subsequently discovered. All costs associated with inspection of the Sanitary Sewer Extension construction Shall be borne by the Developer.

8.10 Record Drawings

Following completion of Sanitary Sewer Extension construction, complete and accurate record drawings Shall be prepared and submitted to the Municipality as required by such Municipality. The Engineer selected by the Developer Shall prepare the record drawings. The contractor who performed the work Shall keep detailed records of all record drawing information as required by

the project specifications and Shall submit such information to the Engineer for use in preparation of the record drawings. The record drawings Shall be submitted to the Municipality for review and approval. Lateral cards Shall be prepared and submitted to the Municipality for every Building Sewer installed. The format and details of all lateral cards Shall comply with the standards established by the Municipality.

8.11 Application of Section 20

Any Sewer Extension hereunder is also subject to the requirements of Section 20, below.

9 Control of Industrial Wastewater Discharged to Wastewater Facilities

9.1 Submission of Data

- (1) Within three (3) months after enactment of this Ordinance, the Commission or a Customer, May require that any User discharging Industrial Wastewater to the Wastewater Facilities prepare and file with the Commission or Customer a report that Shall include pertinent data relating to the quantity and characteristics of the Wastewater discharged to the Wastewater Facilities. Copies of all such reports, whether required by the Commission or the Customer, Shall be provided to the Commission for review.
- (2) The Commission or a Customer May require that any Industrial User desiring to make a new connection to the Wastewater Facilities System for the purpose of discharging Industrial Wastewater, or proposing to increase its current discharge flows or Loads, prepare and file with the Commission or Customer a report that Shall include actual or predicted data relating to the quantity and characteristics of the Wastewater to be discharged along with information relating to general processes used at the facility, the types and quantities of chemicals and additives used at the facility, and other such information as deemed necessary for the Commission or Customer to fully assess the potential impacts of said discharge on the Wastewater Facilities. All Users proposing to make a new connection or proposing to increase its current discharge flows or Loads, Shall, in writing, request that the Commission and Customer make a determination whether submittal of a report is required. Copies of all such reports, whether required by the Commission or the Customer, Shall be provided to the Commission for review.
- (3) The Commission Shall provide Users with a form detailing the specific information that Shall be submitted under Sections 9.1(1) and 9.1(2). This information Shall include, but not be limited to, the following:
 - Average day, peak day, and peak hour Wastewater flows
 - Average day and peak day Wastewater BOD₅, TSS, TKN, Ammonia, and Phosphorus Loads
 - Chemical analysis of Wastewater including concentrations of any parameters prohibited or limited under this Ordinance
 - Information on raw materials, processes, and products as May affect the Wastewater characteristics
 - Information on quantity and use of oils, solvents, cleaning chemicals, chemical additives, Toxic Substances, and other substances used at the facility, which could enter the Wastewater either intentionally or accidentally.
 - A general process flow diagram showing the processes used at the facility and the flow of water and wastewater throughout the facilities.

- A plan of the User's facilities showing floor drains, chemical storage areas, sewers, and pretreatment facilities.
 - Detailed description and design information of any pretreatment facilities.
 - Detailed description and design information regarding all facilities installed to prevent and/or control the accidental introduction of oils, solvents, cleaning chemicals, chemical additives, Toxic Substances, and other substances into the Wastewater discharged to the Wastewater Facilities.
- (4) No User Shall be required to submit detailed information regarding proprietary processes. However, in all cases, the User Shall provide sufficient information for the Commission to fully evaluate the likely chemical and physical characteristics of the Wastewater to be discharged from the User's facility and to assess any potential impacts of said discharge on the Wastewater Facilities.

9.2 Acceptance of Wastewater

- (1) The Commission Shall not allow discharge into the Wastewater Facilities of any Wastewater which is not in compliance with the rules and regulations stated in Section 6 (Use of Wastewater Facilities) of this Ordinance.
- (2) In addition to any other requirements set forth in this Ordinance, the Commission Shall have the right to prohibit the discharge of any Industrial Wastewater into the Wastewater Facilities, which, in the opinion of the Commission, due to the volume or strength of the discharge, May interfere with the effective operation of the Wastewater Facilities, May pass through the Wastewater Facilities insufficiently treated, May cause the Wastewater Treatment Plant to violate any conditions of the WPDES discharge permit, May prevent the Wastewater Treatment Plant from meeting operational goals or effluent quality goals, or which May impair the use or disposal of the Wastewater Treatment Plant sludge.
- (3) Prior to allowing new or increased Industrial Wastewater discharges to the Wastewater Facilities, the Commission and Municipality Shall determine if sufficient capacity is available in the downstream Local Wastewater Collection System, Interceptor Sewer, and Wastewater Treatment Plant to provide proper conveyance and treatment of the proposed Wastewater. New or increased discharges Shall not be allowed if it is determined that insufficient capacity is available in the downstream Local Wastewater Collection System, Interceptor Sewer, or Wastewater Treatment Plant. No new or increased discharges Shall be allowed without written authorization from the Commission.
- (4) In making its determination to accept, or not accept, said Industrial Wastewater discharge, the Commission Shall evaluate the information provided by the User in accordance with Section 9.1 of this Ordinance. The Commission Shall give consideration to available Wastewater Facilities capacity and to potential adverse impacts of said discharge on the Wastewater Facilities. The Commission May conduct the said evaluation itself or the Commission May contract with an

Engineer to conduct the evaluation. In either case, the Commission May bill the said User for any costs associated with the evaluation.

- (5) Upon completion of its evaluation, the Commission May, in exercise of reasonable discretion:
 - (a) Reject the new or increased discharge if (i) it is determined that insufficient capacity is available in the downstream Local Wastewater Collection System, Interceptor Sewer, or Wastewater Treatment Plant, (ii) the new or increased discharge is not in compliance with the rules and regulations stated in Section 6 (Use of Wastewater Facilities) of this Ordinance, or (iii) the new or increased discharge would interfere with the operation of the Wastewater Facilities, pass through the Wastewater Facilities insufficiently treated, cause the Wastewater Treatment Plant to violate any conditions of the WPDES discharge permit, prevent the Wastewater Treatment Plant from meeting operational goals or effluent quality goals, or impair the use or disposal of the Wastewater Treatment Plant sludge; or
 - (b) Require Pretreatment of the Wastewater discharged to meet any of the requirements set forth in this Ordinance; or
 - (c) Control the quantities and rates of the Wastewater discharged to meet any of the requirements set forth in this Ordinance.

In all cases where the Commission allows discharge of said Industrial Wastewater to the Wastewater Facilities, the Commission Shall apply surcharges, as applicable, to recover any additional costs associated with conveyance and treatment of the Wastewater, beyond that required for Domestic Wastewater.

9.3 Industrial Service Agreements

- (1) The Commission May require that a service agreement be executed between the Commission and an Industrial User under the following conditions:
 - (a) If the Industrial User meets any of the criteria for a Significant Industrial User as defined in this Ordinance; or
 - (b) If, in the opinion of the Commission, the Industrial Wastewater May consistently, or at times, contain any substances which could potentially impair or interfere with operation of the Local Wastewater Collection System or the Wastewater Facilities.
- (2) The service agreement Shall establish the allowable flows, Loads, and Wastewater characteristics which the User Shall be allowed to discharge to the Wastewater Facilities, Shall establish other conditions and limitations as required to protect the Wastewater Facilities and the proper operation thereof, Shall establish the period of time for which the agreement will be valid, and Shall establish penalties for violation of any of the provisions of the service agreement. Unless specifically noted to the contrary in the service agreement between the Commission and the Industrial User, all rules and regulations of this Ordinance Shall apply to all said Industrial Users.

- (3) The service agreement Shall assure continued participation in capital improvement costs by the Industrial User over the life of the agreement. Should the Industrial User eliminate its discharge, the Commission, at its option, May elect to assign to another User that portion of the design capacity of the Wastewater Treatment Plant and associated capital improvement costs thereby relieving the Industrial User of continued financial participation.
- (4) Industrial Users Shall, in all cases, submit written notification to the Commission in the event that the property covered under an agreement with the Commission is sold to another Person.
- (5) In the event that an Industrial User sells the property covered under a agreement with the Commission, to another Person, then the agreement between the Commission and the Original Outside User Shall be transferable to the Person purchasing the said property provided that the use of the property or facilities will remain substantially the same. The Person purchasing the property Shall be bound by the conditions of the agreement. In the event that the use of the property is changed by the Person purchasing the property, such that the quantity or characteristics of the wastewater discharged will be changed, then the Commission May require that a new agreement be executed.
- (6) Nothing in the Ordinance, or in any agreement between the Commission and an Industrial User, Shall be construed as granting the Industrial User ownership of any part of the Commission Wastewater Facilities or a voice in the government of the Wastewater Facilities.
- (7) The service agreement Shall contain such additional terms and provisions as the Commission May, from time to time, determine. No Industrial User Shall acquire any vested right or privilege by entering into an agreement with the Commission under this Section 9.3. Any such agreement is terminable by the Commission summarily for any violation of the terms or conditions of such agreement.
- (8) The Industrial User Shall pay to the Commission an annual fee of \$500.00 for the issuance of the agreement provided for herein, as well as reimburse the Commission for all costs and expenses incurred (including, but not limited to, reasonable attorney and engineering fees) in drafting and negotiating the agreements described herein. Such annual fees May be adjusted annually by the Commission by adoption of a resolution to such effect.
- (9) In addition to all other penalties provided for in this Ordinance, a violation of any term or condition of the agreement issued under this Section 9.3 by the Industrial User Shall result in a forfeiture of \$1,000 per day for each day such violation continues. Such forfeiture is in addition to any damages sustained as a result of such violation.

9.4 Pretreatment Requirements

- (1) All Industrial Users subject to Pretreatment Standards, as established by the WDNR, Shall provide Pretreatment of Wastewater discharged to the Wastewater Facilities in accordance with the requirements as set forth in Chapters NR 211 and NR 221 through NR 297 of the *Wisconsin Administrative Code*. The Commission Shall not allow discharge of any Wastewater, into the Wastewater Collection System, from any Industrial User not in compliance with applicable Pretreatment Standards.
- (2) Any User discharging Industrial Wastewater to the Wastewater Collection System May be required to provide Pretreatment of the Wastewater if, in the opinion of the Commission, the strength, characteristics, or flow rate of the Wastewater discharge could interfere with, or impair operation of, the Wastewater Facilities.
- (3) All costs associated with the design, construction, operation, and maintenance of Pretreatment facilities Shall be paid for by the User.
- (4) Plans, specifications, and other pertinent information for all Pretreatment systems Shall be submitted to the Commission for review prior to installation. No Pretreatment systems Shall be installed until approval has been issued by the Commission. The cost for review of the plans and specifications, by the Commission or the Commission's Engineer, Shall be borne by the Industrial User.
- (5) Where applicable, plans, specifications, and other pertinent information Shall be submitted for review and approval to the WDNR or other regulatory agencies with applicable review authority. No Pretreatment systems Shall be installed until approval has been issued by all applicable regulatory agencies.
- (6) Pretreatment facilities Shall be operated by qualified personnel with experience in the operation and maintenance of the types of facilities installed. The Pretreatment facilities Shall be properly operated and maintained in order to ensure that a consistent, reliable, effective level of treatment is maintained at all times.
- (7) All costs associated with the construction, operation, and maintenance of the Pretreatment facilities Shall be separate from, and in addition to, the User Charge and the Connection Charge.
- (8) Separate Building Sewers Shall be provided for discharge of Industrial Wastewater subject to Pretreatment Standards; combined discharge of said Industrial Wastewater with sanitary wastewater or other wastewater, through a common Building Sewer, Shall not be allowed.

9.5 Dilution of Discharge

Dilution of Wastewater for purposes of reducing the Pollutant characteristics or concentrations to meet the limitations established in this Ordinance, or in any service agreement between the

Commission and any User, is prohibited, except in cases where such dilution is authorized by an applicable Pretreatment Standard.

9.6 Requirement for Monitoring of Industrial Wastewater Discharge

- (1) Wastewater flow and sampling facilities May be required, at the discretion of the Commission, for any Industrial User.
- (2) Wastewater flow and sampling facilities Shall be required for all Significant Industrial Users.

9.7 Control Manholes, Flow Monitoring, and Wastewater Sampling

- (1) Industrial Users, where required by the Commission, Shall install one or more control manholes to facilitate observation, flow measurement, and sampling of Wastewater discharged by the User to the Wastewater Facilities.
- (2) All Wastewater flow discharged from the User's facility to the Wastewater Collection System Shall flow through the control manhole(s).
- (3) The control manhole facilities Shall consist of a manhole constructed in-line with the Industrial User's Building Sewer, a flow meter, and a separate structure housing a flow recording device and an automatic Wastewater sampler. The flow recording device Shall be designed to provide instantaneous and totalized flow readings and Shall be designed to provide accurate readings in the flow range anticipated. The sampler Shall be designed to provide automatic, flow and time proportional sampling of Wastewater.
- (4) The design, operation, and maintenance of all control manholes, flow monitoring facilities, and wastewater sampling facilities Shall be in accordance with the requirements of this Ordinance as well as in accordance with any other rules and regulations established by the WDNR or any other agencies with applicable regulatory authority.
- (5) Plans and specifications for the control manhole facilities, including the manhole structure, flow meter, flow recorder, Wastewater sampler, and any other required equipment or structures, Shall be prepared and sealed by an Engineer licensed in the State of Wisconsin. The plans and specifications Shall be approved by the Commission, the Municipality, and the WDNR prior to starting construction.
- (6) All costs for construction of the control manhole facilities, including, but not limited to, design, permitting, construction, and regulatory review, Shall be paid for by the Industrial User.
- (7) All costs associated with the operation and maintenance of the control manhole facilities, including collection, recording, and submittal of Wastewater flow and sample analysis data, Shall be paid for by the Industrial User.
- (8) All costs associated with the collection and analysis of Wastewater samples Shall be paid for by the Industrial User.

- (9) The Industrial User Shall record totalized Wastewater flow for each day of the week. Less frequent recording of flows May be allowed by the Commission on a case by case basis. Where required by the Commission, a flow chart recorder Shall be provided to record instantaneous flow as a function of time. All flow monitoring information Shall be compiled into a report and submitted to the Commission on a monthly basis, or at a longer time interval if approved by the Commission.
- (10) All flow metering devices Shall be calibrated by a factory authorized technician on an annual basis. A copy of the field calibration report Shall be submitted to the Commission.
- (11) The Commission Shall determine the level of Wastewater analysis, including the parameters which Shall be tested for and the frequency of sampling, which will be required for each Industrial User on a case by case basis. Sample collection, preservation, and analysis Shall be in accordance with the requirements of Chapters NR 218 and NR 219 of the *Wisconsin Administrative Code* and Shall be performed by a laboratory certified for the applicable analysis by the State of Wisconsin. All Wastewater analysis data Shall be compiled into a report and submitted to the Commission on a monthly basis, or at a longer time interval if approved by the Commission. Copies of all sample analyses issued by the testing laboratory Shall be included along with the report.
- (12) Changes to the quantity or characteristics of the Wastewater discharged to the Wastewater Facilities are subject to review and approval by the Commission in accordance with the provisions of this Ordinance.
- (13) The Industrial User Shall grant the Commission access to the control manhole and all associated flow metering and Wastewater sampling equipment, at all times. The said facilities Shall be located in an area accessible to the Commission at all times.
- (14) The Commission May require that all sample collection, sample analysis, and flow recording activities be conducted by Commission personnel, or an authorized agent of the Commission. In this case, the Commission Shall submit a bill to the User for said services on a monthly basis.
- (15) All costs associated with the construction and operation of the control manholes, flow monitoring facilities, and wastewater sampling facilities Shall be separate from, and in addition to, the User Charge and the Connection Charge.

9.8 Emergency Actions Regarding Industrial Users

- (1) The Commission May suspend Wastewater service to any Industrial User whenever, in the opinion of the Commission, any of the following conditions exist:

- A discharge presents an imminent or substantial danger to the public health, safety, or welfare.
 - A discharge presents a substantial danger to the environment.
 - A discharge is resulting in interference with, or impairment of, the Wastewater Facilities.
 - A discharge is in violation of any Pretreatment standard or requirement.
- (2) The Commission will notify such a User in the event of a determination to suspend Wastewater service and such User Shall cease all discharges immediately upon receipt of such notice.

10 Septage, Holding Tank Waste, and Other Hauled Wastes

10.1 Acceptance of Septage, Holding Tank Waste, or Other Hauled Wastes

- (1) Septage, holding tank waste, or any other hauled wastes, herein generally referred to as “hauled wastes”, Shall only be discharged to the Wastewater Facilities when an application for hauled waste disposal has been filed with the Commission and the Commission has approved said application and issued a permit for hauled waste disposal to the applicant. The Commission Shall have the right to refuse discharge of hauled wastes to the Wastewater Facilities and to deny any and all applications for such discharge.
- (2) Hauled wastes Shall only be discharged to the Wastewater Facilities at the Wastewater Treatment Plant into the specific facilities designated for said wastes. It Shall be unlawful to discharge hauled wastes into any Local Wastewater Collection System, into the Interceptor Sewer, or at any location other than the Wastewater Treatment Plant, unless written permission to the contrary is obtained from the Commission in advance.

10.2 Application for Disposal Permits

- (1) Between November 1st and December 1st of every year, any licensed hauler wishing to discharge to the Wastewater Facilities Shall file an application with the Commission. Application forms will be available from the Commission Office. The application Shall state truly and fully the anticipated type, frequency, quantity, quality, and origin of generated waste to be disposed of in the Wastewater Facilities.
- (2) A non-refundable application filing fee, the amount as determined by the Commission and subject to periodic revision, Shall be submitted with the Application. Applications filed without the required fee will not be reviewed by the Commission.
- (3) The Commission will review all properly submitted applications by December 15th of each year and will notify the applicant of approval or denial of the application. Approved applicants will be issued a permit for disposal. The Commission May include such limitations and conditions as it deems necessary on any permit granted.

10.3 Hauler Requirements, Prohibitions, and Limitations

- (1) Permits Shall be non-transferable except in case of replacement of the disposal unit for which a permit Shall have been originally issued. The term of the permit Shall not exceed one year.
- (2) All haulers permitted by the Commission Shall agree to carry public liability insurance in an amount not less than \$1,000,000 to protect any and all Persons or property from injury and/or damage caused in any way or manner by any act, or

failure to act, by any of his employees. Endorsements evidencing such insurance to be in full force and effect Shall be furnished to the Commission. Said endorsement Shall name the Commission as an additional insured and Shall contain the following language: “Should any of the above-described policies be canceled, materially changed or renewal refused before the expiration date thereof, the issuing company will mail 30-days written notice to the Delafield-Hartland Water Pollution Control Commission”.

- (3) All haulers permitted by the Commission Shall agree to indemnify and save harmless the Commission from any and all liability and claims for damage arising out of or resulting from work and labor performed.
- (4) All haulers Shall be in conformance with the rules and regulations stated in Chapters NR 113 and NR 114 of the Wisconsin Administrative Code regarding business licensure and operator certification.
- (5) The locations where hauled wastes will be discharged into the Wastewater Facilities, the time of day when such discharge will be allowed, and the maximum volume and strength of hauled waste which May be discharged to the Wastewater Facilities, will be as designated by the Commission. Failure to comply with these conditions Shall be cause for suspension or revocation of the permit.
- (6) Any wastes discharged into the treatment system Shall be of domestic origin and Shall comply with the rules and regulations of this Ordinance as well as any and all other applicable rules and regulations of the Commission. A hauler Shall not discharge any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids or other Deleterious Substances into the Wastewater Facilities nor allow any earth, sand, gravel, stones, or other solid material to pass into any part of the Wastewater Facilities.
- (7) Hauled waste discharge forms Shall be fully completed by all permitted haulers each time they discharge to the Wastewater Facilities. The completed and signed forms Shall be submitted to the Commission at the time of discharge to the Wastewater Facilities. Hauled waste discharge forms will be furnished by the Commission and will include the following:
 - Name, address, and telephone number of the hauler
 - License number
 - Type of hauled waste
 - Location, date, and time of discharge to the Wastewater Facilities
 - Name, address, and phone number of hauled waste generator
 - Driver’s initials and sample numbers
 - Other information deemed necessary by the Manager
- (8) All permits issued by the Commission for hauled waste disposal will have the condition that any time the Wastewater Facilities has operational problems, maintenance problems, or threat of WPDES permit violations that are directly or indirectly related to hauled waste disposal, the Commission May immediately

restrict hauled waste disposal until such time as corrective action or mitigative measures have been taken.

- (9) Any hauler permitted by the Commission, found to be in violation of any rules and regulations of this Ordinance or of any conditions or limitations of the Commission approval for hauled waste disposal, or of any and all other applicable rules and regulations of the Commission, May have their permit immediately suspended or revoked. This suspension or revocation Shall be made in writing and Shall state the reason for suspending or revoking the permit. The Commission May additionally levy fines against the hauler as allowed under the penalty provision of this Ordinance.
- (10) Charges for hauled waste disposal Shall be as indicated by the Commission. Such charges are subject to periodic revision by the Commission; and Shall be determined as provided for in Section 281.49(10), Stats. Disposal privileges Shall be suspended or revoked by the Commission if bills are not paid within 30 days from the time the bill is issued by the Commission; or if the holder of any permit issued under Section 10.3 hereof violates any term or provision of such permit or this Ordinance. In the event the Commission determines to increase any charges for hauled waste disposal, the Commission Shall notify each licensed disposer holding permit under this Section 10.3, at least 60 days prior to imposing the increased disposal charge. The notice Shall also include a description of how the increased charges are determined. In the event hauled wastes contain wastewaters other than Domestic Wastewater, the charges for hauled wastes Shall also include surcharges for excess BOD, TSS, TKNK and Total Phosphorus, in an amount equal to 2.0 times the sewer rates applicable thereto. If the Commission has not set a rate for any of the said parameters, the Manager Shall for the foregoing purpose.
- (11) Any licensed disposer as defined in Section 281.49(1)(b), Stats., May seek review of a charge imposed on such licensed disposer pursuant to Section 10.3(10), above, by making an appeal to the Commission as provided in Section 14, below, except that:
- Any written request must be submitted to the Commission within 30 days after date of the invoice for such charges.
 - All charges must be paid in full pending the appeal, and cannot be withheld. If not so paid, the appeal Shall be dismissed.
 - The appellant Shall have the burden of proof that such charge is not reasonable.

Once the Commission makes its determination on such review, the appellant May seek review pursuant to the provisions of Section 66.0821(5), Stats., by appealing the same to the Wisconsin Public Sewer Commission within 30 days after date of such determination.

- (12) Only licensed disposers as defined in Section 281.49(1)(b), Stats., May seek a review of charges imposed by the Commission, in accordance with the provisions of Section 66.0821(5), Stats.

11 Right of Entry, Safety, and Identification

11.1 Right of Entry

Any duly authorized representative of the Commission bearing proper credentials and identification Shall be permitted to enter a User's premises for the purpose of observation, verification, measurement, sampling, and testing in accordance with the provisions of this Ordinance and applicable State Statutes. Duly authorized representatives Shall have no authority to inquire into any process beyond that point having a direct bearing on the characteristics and source of Wastewater being discharged to the Wastewater Facilities.

11.2 Safety

While performing necessary work, as referred to in Section 11.1 of this Ordinance, on any User's property, all duly authorized representatives of the Commission Shall observe all safety rules applicable to the premises as established by the User. The Commission Shall indemnify the User against loss or damage to its property by the acts or omissions of its duly authorized representatives and against liability claims and demands for personal injury or property damage asserted against the User and growing out of any said necessary work, except as such May be caused by negligence or failure of the User to maintain safe conditions.

11.3 Right to Enter Easements

Any duly authorized representative of the Commission bearing proper credentials and identification Shall be permitted to enter all private properties through which the Commission or a Municipality holds an Easement for the purpose of, but not limited to, inspection, observation, verification, measurement, sampling, repair, and maintenance of any portion of the Wastewater Facilities lying within said Easement, all subject to the terms, if any, of the Easement.

12 Damaging or Tampering with the Wastewater Facilities

12.1 Willful, Negligent, or Malicious Damage or Tampering

No Person Shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Wastewater Facilities.

12.2 Liability for Damages

Any Person who intentionally, negligently, or accidentally violates any provisions of this Ordinance Shall become liable to the Commission for any expense, loss or damage occasioned by reason of such violation which the Commission suffers as a result thereof. This Section Shall be applicable whether or not a written notice of the violation was given and without consideration for any penalties which May be imposed for a violation of this Ordinance.

13 Violations, Enforcement and Abatement

13.1 Violations and Enforcement

- (1) Any violation by any Person of the provisions of this Ordinance or any other rule, regulation or special order promulgated by the Commission or any permit or agreement issued or entered into with the Commission Shall constitute a public nuisance. As such a public nuisance, the same Shall be enjoined and this Ordinance, rule or special order Shall be enforced, all as provided for in Section 823.02, Stats., as amended from time to time.
- (2) Any Person found in violation of this Ordinance or any other rule, regulation or order of the Commission or any permit or agreement issued or entered into with the Commission Shall pay to the Commission such damages, losses or expenses as May be sustained by the Commission as a result of the violation, together with such costs as May be collectible by law.
- (3) The Commission May proceed to enforce this Ordinance or any other rule or regulation promulgated by it, or any permit or agreement, by the commencement of an action for enforcement. Any remedy or right of the Commission, as provided for in this Ordinance with respect to violations hereof or of any other rule, regulation or special order, are deemed to be cumulative, and in addition to those provided for by any other law.

13.2 Notice of Violation

Any Person found by the Commission or the Manager to be in violation of any provision of this Ordinance or any rule or regulation promulgated by the Commission, Shall be given written notice stating the nature of the violation. Each day in which any violation is continued after the aforesaid notice Shall be deemed a separate violation and no further notice is required. The Commission Shall have the right to remove or close Wastewater Facilities connections, or require a Municipality to remove or close any Local Wastewater Collection System connections, if the User refuses to correct any violation to the satisfaction of the Commission. The costs for removing or closing the connection, as well as the costs for restoring the connection, Shall be a debt to the Commission or the Municipality as the case May be. Sanitary Sewer connections Shall not be restored until all charges and penalties, including the costs for removing or closing the connection and the costs for restoring the connection, have been paid in full.

13.3 Accidental Discharge

Any Person found to be responsible for an accidental discharge of Deleterious Substances to the Wastewater Collection System, as prohibited under the provisions of this Ordinance, in addition to any required forfeiture, Shall pay the amount to cover any damages to the Wastewater Facilities. The Commission May levy a minimum forfeiture of not less than \$100 and not more than \$10,000 for an accidental discharge that is reported immediately or a forfeiture of not less than \$1,000 and not more than \$20,000 for an accidental discharge that is not reported. The amount of the forfeiture Shall be determined by the Commission on a case by case basis and Shall take into account all information deemed relevant by the Commission including, but not limited to, the risks posed to the public health, safety, and welfare by the discharge, the risks

posed to the environment by the discharge, the risks posed to Wastewater Facilities workers by the discharge, any determined adverse impacts on the Wastewater Facilities, and previous violations.

13.4 Administrative Enforcement

The Manager May invoke the following administrative enforcement remedies in the circumstances described in this subsection. By virtue of any Industrial User having an agreement to discharge Industrial Wastes or any User having a special agreement under Section 6.14(2), above (the “Special User”) or any licensed disposer (the “Wastewater Hauler”) holding a permit issued pursuant to this Ordinance, such Industrial User, Wastewater Hauler, or Special User (herein collectively “Permittee” in the singular or “Permittees” in the plural) Shall be deemed to have irrevocably agreed to the following administrative remedies, procedures and fines for violations of this Ordinance or the permit and/or agreements so issued.

- (1) Notice of Violation (NOV). Whenever the Manager finds that any Permittee has violated or is violating any State or Federal requirement or this Ordinance, its permit or its agreement is otherwise in noncompliance thereunder, the Manager or his agent May send, deliver or serve upon said Permittee a written Notice of Violation (“NOV”). Within 14 days of the receipt of the notice, the User Shall provide a written explanation of the violation or non-compliance and offer a plan for the satisfactory correction and prevention thereof which plan Shall include specific required actions. The explanation and plan Shall be submitted to the Manager or his agent. Submission of this explanation and plan in no way relieves the User of liability for any violations or non-compliance occurring before or after receipt of the NOV.
- (2) Consent Agreement. The Manager is hereby empowered to enter into Consent Agreements on behalf of the Commission with all such Permittees, to assure voluntary compliance, with the terms of this Ordinance and the Wastewater Discharge Permit or agreement issued to such Permittee. Such agreement May include compliance schedules, administrative fines, stipulated fines, and/or remedial actions.
- (3) Emergency Situations.
 - (a) The Manager May temporarily suspend the Permit of a Wastewater Hauler and/or deny sewerage service to any other Permittee whenever such suspension is necessary in order to stop an actual or threatened discharge, presenting or causing an imminent or substantial endangerment to the health or welfare of Persons, the public sewerage system, or the environment.
 - (b) Any Permittee notified of a temporary suspension of its service Shall immediately stop or eliminate its contribution to the public sewerage system. In the event a Permittee fails to immediately comply with the foregoing action, the Manager Shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or

minimize damage to the public sewerage system, its receiving stream or endangerment to any individuals. The Manager Shall allow the Permittee to recommence its discharge when the endangerment has passed.

- (c) A Permittee which is responsible, in whole or in part, for imminent endangerment Shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences to the Manager.
- (4) Nature of Actions. Nothing contained in subsections (1) through (3) hereof, or elsewhere in this Section, Shall be deemed to provide exclusive remedies for violations of this Ordinance or any permit or agreement issued hereunder, and all remedies contained in this Ordinance or as provided for by law are distinct, separate and cumulative. Further, all such remedies May be pursued individually, collectively or concurrently.

13.5 Revocation of Permit

In lieu of any administrative enforcement under Section 13.4 hereof or in addition thereto, any Permittee who violates the conditions of its permit or agreement issued hereunder May have its permit or agreement summarily revoked and terminated by the Commission. Any Permittee does not acquire any vested right or privilege by being issued such a Permit or agreement. Permittees Shall be notified of the termination of their agreements and/or Permits.

13.6 Falsification of Information or Tampering with Facilities

No Person Shall knowingly make any false statements, representations, record, report, plan, or other document filed with the Commission, or falsify, tamper with, or knowingly render inaccurate any flow metering device, collected sample, or methods required under this Ordinance. The Commission May levy a forfeiture of not less \$100 and not more than \$10,000 for each violation of this provision, together with the costs of prosecution. The amount of the forfeiture Shall be determined by the Commission on a case by case basis and Shall take into account all information deemed relevant by the Commission including, but not limited to, the type of violation, potential consequences of the violation, potential impacts of the violation on the Wastewater Facilities, and previous violations. Criminal Action May also be taken against any Person violating this provision as allowed by law.

13.7 Additional Penalties For Exceeding Agreement Wastewater Limits

Industrial Users and Special Users with executed agreements with the Commission, Shall control their Wastewater discharge, at all times, such that the Wastewater flows, Loads, and characteristic limits stated in the agreement are not exceeded. Failure to comply with the Wastewater flows, Loads, and characteristic limits stated in the agreement Shall be a violation of this Ordinance. In the event that any limit on Wastewater flow, Loads, or characteristics, as stated in the agreement, is exceeded, the following Shall apply:

- Said User Shall take immediate action to bring the Wastewater discharge within the limits set in the agreement.

- Said User Shall submit, to the Commission, a written statement describing the cause of the violation and describing all actions being taken to reduce the Wastewater flows, Loads, or characteristics to below the limits specified in the agreement.
- The Commission Shall apply surcharge costs for the additional flows and/or Loads discharged above the agreement limits.
- Where the current agreement between the Commission and such User specifies penalties for violations of the agreement, then said penalties Shall apply.
- Where the current agreement between such User and the Commission does not specify penalties, then the Commission May levy a forfeiture of not less than \$150 and not more than \$10,000 for each limit violation and for each day that a limit violation occurs.
- In the event that said violation results in damage to, impairment of, or interference with, the Wastewater Facilities, then such User, in addition to any surcharge costs or penalties, Shall be liable to the Commission for any expense, loss, or damage occasioned by reason of such violation which the Commission suffers as a result thereof.

13.8 Judicial Remedies

If any Person discharges sewage, industrial wastes, hazardous wastes, or other wastes into the Wastewater Facilities contrary to the provisions of this Ordinance or any Permit or any other agreement issued hereunder, the Commission May commence an action for appropriate legal and/or equitable relief in the Circuit Court of Waukesha County, Wisconsin, or in any other court of competent jurisdiction, which action May include the following requested relief:

- (1) Injunctive Relief. Wherever a User has violated or continues to violate the provisions of this Ordinance, an agreement or order issued hereunder, such violation creates a public nuisance under Section 823.02, Stats., and the Commission May obtain an injunction restraining or compelling activities of the Industrial User.
- (2) Civil Penalties.
 - (a) Any Person violating any provision of this Ordinance, who continues such violation after notice as provided for in Section 13.2 above, Shall forfeit to the Commission the sum of \$500 for each violation, in addition to all other penalties provided for herein. Each day or any part thereof during which such violation continues Shall be considered as a separate violation for purposes hereof.
 - (b) Any Person using the Commission's sewerage system without a Permit or special agreement for a use for which such a permit or agreement May be issued hereunder, or continuing to use the Wastewater Facilities after notice of termination or revocation of such permit or agreement, Shall forfeit to the Commission the sum of \$500.00 for each violation, in addition to all other penalties provided for herein. Each day or any part thereof during which such violation continues Shall be considered as a separate violation for purposes hereof.

- (c) Any Industrial User who has violated or continues to violate this Ordinance or a Permit or special agreement issued hereunder, Shall forfeit not less than \$500 nor more than \$10,000 for each day of violation, which sum Shall include all administrative fines that May be levied pursuant to Section 13.4 hereof. In addition, there Shall be assessed as an additional penalty all of the total costs incurred by the Commission relative to the investigation, including monitoring, which led to the establishment of the violation.
- (d) Any Industrial User who violates or continues to violate this Ordinance or its special agreement issued hereunder Shall reimburse the Commission for all damages sustained by the Commission as a result of such violation, including, but not limited to, damages to the Wastewater Facilities, in addition to all other penalties imposed hereunder. Further, the Commission Shall be entitled to receive for any Industrial User who violates this Ordinance or its special agreement issued hereunder, the Commission's reasonable attorney's fees, court costs, and any other applicable expenses associated with its enforcement activities.

13.9 Protecting Informants

- (1) If the Commission receives a request under Ch. 19 of the Wisconsin Statutes, as amended, for records that indicate, either explicitly or implicitly, the identity of an informant, then the Custodian of Records May deny access to the records upon finding that:
 - (a) The Commission made a pledge of confidentiality to the informant;
 - (b) The pledge of confidentiality was made to obtain information from the informant for the Commission's law enforcement activities;
 - (c) The pledge of confidentiality was necessary to obtain the information from the informant; and
 - (d) Disclosure of the informant's identity would harm the Commission's present or future law enforcement activities more than disclosure would benefit the public.
- (2) If the Custodian of Records denies access to the records, then the Custodian of Records Shall provide to the requestor specific reasons for denial.

13.10 Hazardous Waste Notification

The discharge of listed or characteristic hazardous waste is specifically prohibited by Section 6 hereof. If a User violates this Ordinance and discharges such hazardous waste in violation thereof, this section applies, in addition to all other remedies provided for herein.

- (1) Any User, except as specified in Subsection (d) below, which discharges to the public sewerage system any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261, Shall notify the Commission, the EPA Regional Waste Management Manager, and the DNR, in writing, of such discharge.
- (2) All hazardous waste notifications Shall include:
 - (a) The name of the hazardous waste as set forth in 40 CFR 261.
 - (b) The EPA hazardous waste number.
 - (c) The type of discharge (batch, continuous, or other).
 - (d) A certification that the User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (3) Hazardous waste notifications Shall be submitted no later than the effective date of this Ordinance, except that User's commencing the discharge of hazardous wastes after the effective date of this Ordinance Shall report any discharge of hazardous waste immediately.
- (4) Users are exempt from the hazardous waste notification requirement for pollutants already reported under 40 CFR 403.12(b), (d) and (e), (Reporting Requirements for Categorical Users).

13.11 Annual Publication of Industrial Users in Significant Noncompliance

The Manager Shall publish, at least annually in the official newspaper of the Commission, a description of those Industrial Users which are found to be in significant noncompliance or any permit, special agreement, or order issued hereunder, during the period since the previous publication.

13.12 Appeals from Determinations of the Manager

- (1) Any Person having a substantial interest which is adversely affected by an administrative determination of the Manager May have such determination reviewed as provided for herein. Only administrative determinations described in Sec. 68.02, Stats., are subject to review. Such Person Shall make written request to the Manager within 30 days of the administrative action complained of. The request for review Shall state the grounds upon which such Person contends that the determination should be modified or reversed. Upon receipt of such request, the Manager Shall review the determination in accordance with the requirements of Sec. 68.09, Stats., as amended from time to time.

- (2) If such Person desires to appeal from the final determination of the Manager under Section 13.13(1), such Person Shall file with the Commission a written notice of appeal therefrom. Such notice must be filed within thirty (30) days of the Manager's final determination. Upon the filing of such notice, the Commission Shall provide such Person with a hearing, to be held in accordance with the provisions of Secs. 68.11 and 68.12, Stats., except as otherwise provided for herein.

- (3) Any appeal to the Commission under Section 13.13(2) Shall be accompanied by an appeal fee of \$250. Said fee May be refundable to the Appellant if the Commission decides in favor of the Appellant. In the event the Appellant desires the hearing proceedings to be taken by stenographer or by a recording device, the expense thereof Shall be paid by the Appellant.

14 Appeals

14.1 Right of Appeal

Any Customer, User, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Commission interpreting or implementing the provisions of this Ordinance or in any permit issued herein, May file with the Commission a written request for reconsideration within 14 days setting forth in detail the facts supporting the User's request for reconsideration. The Commission Shall render a decision on the request for reconsideration to the Customer, User, permit applicant, or permit holder in writing within 14 days of receipt of request.

14.2 Appeal Fee

A fee of \$250 Shall accompany any appeal to the Commission for a ruling. This fee May be refunded if the appeal is sustained in favor of the appellant.

14.3 Appeal Hearing

The written appeal Shall be heard by the Commission within forty five days from the date of the filing. The Commission Shall make a final ruling on the appeal within sixty days from the date of the filing.

15 Audit, Notification, Records

15.1 Audit

An audit of the Commission's financial standing shall be made on an annual basis. The audit will be used to assess the adequacy of the then existing User Charge rates and said rates shall be adjusted if necessary to provide sufficient revenues to adequately finance the Commission's operation in accordance with the original intent of the rate structure. The annual audit shall also be used to ensure that each Customer, User, or other customer of the Commission is charged in proportion to the cost of providing service to the said Customer, User, or other customer of the Commission.

15.2 Notification

The Commission shall notify the Users annually of the User Charge rates. Notifications shall be sent to the Users in conjunction with a regular bill.

15.3 Records

The Commission shall maintain records regarding the administration, construction, modification, financing, and operation and maintenance of the Wastewater Facilities in accordance with all applicable State and Federal rules and regulations.

15.4 Public Access to Records

- (1) The Commission will allow any Person to inspect or receive copies of records unless specifically exempt by law as outlined under Wisconsin Statute 19.35 and Chapter NR 22.16 of the Wisconsin Administrative Code.
- (2) The Commission will respond to all record requests as soon as practicable, and without delay, either providing access to records or providing copies of records, or notifying the requestor of the Commission's determination to deny the request, either wholly or in part, and the reason for the denial.
- (3) Where a request for review of records is approved by the Commission, review of records shall be allowed at the Commission offices during normal business hours. Removal of original records from the Commission offices is prohibited.

When a request is made for copies of records, all such copies shall be made by the Commission and provided to the requestor. Persons requesting copies shall be charged for the actual cost to the Commission to locate, copy, and mail said records. Payment of charges shall be made before the copies are provided to the requestor. If providing a copy of a record is in the best interest of the Commission, or if there is, or will be, a direct benefit to the Commission, charges may be waived.

16 Access to Municipal Records

16.1 Access to Records

The Commission, or its duly authorized agent, Shall have access to all sewerage records of any Municipality served by the Commission. Upon request of the Commission or its duly authorized agent, each Municipality served by the Commission Shall submit to the Commission copies of any public sewerage system, or any portion thereof, as May be located therein. In such event, the Commission shall reimburse the Municipality for the reasonable cost of locating and copying in the manner provided for in Section 19.35(3), Wis. Stats.

16.2 Real Estate Descriptions

Upon request of the Commission, each Municipality served by the Commission Shall provide the Commission with an accurate real estate description of their respective corporate limits and a map thereof. In such event, the Commission shall reimburse the Municipality for the reasonable cost of locating and copying in the manner provided for in Section 19.35(3), Wis. Stats.

17 Municipal Service Charge Rates for Individual Sewer System Users

Each Municipality served by the Commission Shall adopt and maintain in effect rates and rules associated with sewer service charge rates for individual sewer system Users in compliance with Section 281.57(8)(c), Stats., and any administrative rules promulgated thereunder.

18 Sewer Service Charges and Fees

18.1 User Charges

User Charges to each Customer Shall be based on wastewater parameters established from time to time by the Commission. The User Charges Shall consist of the sum of the Commission’s Debt Service Costs, Operations and Maintenance Costs and Replacement Costs.

18.2 User Charge Rates

The Commission Shall determine, from time to time, User Charge rates based on the Commission’s annual operations and maintenance expense (including replacement costs), the annual administrative budget, the quantity and quality of wastewater received at the Commission’s Wastewater Treatment Plant, and such additional rate parameters as the Commission May from time to time determine. Such rates Shall reflect the unit costs for administration and for transporting and treating the quantity and quality of wastewater discharged to the Commission’s Wastewater Facilities.

18.3 Debt Service Rates

The Commission Shall determine debt service rates based on the Commission’s annual Debt Service Costs, and/or capital improvement budget, the quantity of wastewater received at the Commission’s Wastewater Treatment Plant, and such additional rate parameters the Commission May from time to time determine. Such rates Shall reflect the unit costs for construction of facilities funded with the indebtedness being retired, and for capital improvement projects funded directly from revenues raised by the Commission from other sources.

18.4 Measurement

The unit of volume measurement for wastewater discharged into the Commission’s wastewater collection and treatment facilities Shall be gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameter Shall be pounds.

18.5 Annual Review

The Commission’s User Charges Shall be reviewed at least annually by the Commission for purposes of establishing appropriate rates so as to generate sufficient revenues to pay for the debt service, administrative, and the operation and maintenance expenses (including replacement costs) of the Commission’s Wastewater Facilities.

18.6 Amount of User Charges

- (1) User Charges to each User will be based on each User’s Domestic User Equivalent (DUE) value with DUEs determined as follows:
 - (a) A single family residence Shall equal one DUE.
 - (b) A duplex housing unit Shall equal two DUEs.

- (c) Multi-family housing units Shall be charged for one DUE for each separate apartment.
- (d) Multi-use building, such as a mixture of a commercial establishment with a residence or apartments, Shall be charged a minimum of one DUE for each separate commercial user and residence/apartment. Should there be an incidental commercial use combined with a residence, with no significant additional flow being generated by the commercial use, there would not be an additional charge for the commercial use. Should there be multiple offices or shops in one building, the DUE value will be determined based on estimated flow from all of the offices and shops. In the event the volume of flow generated by the commercial portion of the multi-use building is such that it cannot accurately be estimated under this paragraph, then in that event the Commission Shall have the right to require a separate water meter connection for the commercial user in accordance with Section 6.11 of this Ordinance.
- (e) Commercial, public, or industrial Users Shall be charged on the basis of their metered flow divided by the average flow per residential customer. The average residential flow Shall be assumed to equal 75,000 gallons per year (205 gallons per day). DUEs Shall be rounded upward to the nearest 0.25 DUE. One (1.00) DUE will equal 75,000 gallons per year and the minimum value for any User Shall be one (1.00) DUE. If commercial or industrial User obtains all or any part of their water from sources other than a public water utility, all or any part of which is discharged into the public sewers, the User Shall be required to have a water meter or meters installed for the purpose of determining the volume of water obtained from these other sources as provided in accordance with Section 6.11 of this Ordinance. Should the Municipality and the Commission determine that the water usage is too small to justify a meter, the Municipality Shall have the authority to waive this requirement and a rate Shall be established based on estimated water usage and the provisions in this Ordinance. Schedule A, provided as an attachment to this Ordinance, Shall be used as the basis for such rates. The water meters Shall be furnished and installed by the Municipalities. All costs in connection with the water meter installation Shall be at the expense of the User. The Municipality May charge for each meter to compensate for furnishing, reading and servicing the meter.

(2) Customer monthly charges Shall be as follows for each DUE value:

Operation and Maintenance (includes Equipment Replacement)	Debt Service	Total Monthly Charge
\$9.60	\$5.90	\$15.50

The foregoing charges may be periodically changed by resolution adopted by the Commission from time to time.

18.7 Industrial and Commercial Charges for Other Than Domestic Wastewater

- (1) Charges for Wastewater other than Domestic Wastewater Shall be based on flow, BOD₅, TSS, Phosphorus and such other constituents as determined by the Commission which affect the cost of collection and treatment.
- (2) All Users discharging Wastewater to the Wastewater Facilities are subject to a surcharge, in addition to any other User Charge, if their wastewater has a concentration greater than Domestic Wastewater concentrations (see Section 2, "Definitions"). The volume of flow used for computing Wastewater surcharges Shall be the metered or estimated water usage, subject to adjustments as otherwise herein provided, or the actual volume of Wastewater as determined by an Industrial Wastewater metering installation. The amount of surcharge Shall reflect the cost incurred by the Commission in removing BOD₅, TSS, Phosphorus, and other pertinent constituents.
- (3) The rates of surcharge for each of the aforementioned constituents Shall be at the prevailing rate of the time. Said prevailing rates at this time are as follows:

SURCHARGE RATES		Operation and Maintenance	Equipment Replacement	Debt Service	Total Surcharge
For BOD ₅ (in excess of 200 mg/L)		\$0.219/lb.	\$0.065/lb.	\$0.039/lb.	\$0.323/lb.
For Suspended Solids (in excess of 250 mg/L)		\$0.165/lb.	\$0.100/lb.	\$0.068/lb.	\$0.333/lb.
For Phosphorus (in excess of 6 mg/L)		\$1.716/lb.	\$0.627/lb.	\$0.638/lb.	\$2.981/lb.

The foregoing rates of surcharge may be periodically changed by resolution duly adopted by the Commission from time to time.

- (4) In addition to the above surcharges, the Commission's costs for sampling and analyses of commercial and industrial Wastewater, where applicable, Shall be charged to the User.
- (5) Where Industrial Wastewater is of such a strength or magnitude or is delivered over such a period of time that the above surcharges do not reflect the actual cost of treatment to the Commission, the Commission reserves the right to establish a special charge for handling the Wastewater. That portion of the charge related to capital investment Shall be based on the design capacity required for the particular Wastewater. In no event Shall the charges be less than those charges determined by applying the above surcharge.

18.8 Excess Flow Charges

Any Customers discharging flows exceeding 120 gallons per capita per day (gpd), under dry weather and high groundwater conditions, and after adjustment for any significant large Users, Shall be charged an excess flow charge. Charges Shall be based on metered flows and the prevailing rate at the time. The prevailing rate at this time is as follows:

EXCESS FLOW CHARGES	Operation and Maintenance (Per Million Gallons)	Equipment Replacement (Per Million Gallons)	Debt Service (Per Million Gallons)	Total Charge (Per Million Gallons)
For Volume (in excess of 120 gpd)	\$ 559/mgal.	\$ 177/mgal.	\$ 313/mgal.	\$1,049/mgal.

This charge Shall be billed to the Customer on a quarterly basis along with the User Charges. The foregoing charges may be periodically changed by resolution duly adopted by the Commission from time to time.

18.9 Standby User Charge

Customers Shall be charged full User Charges for any Users not connected to the Wastewater Facilities. Each Customer Shall report on a monthly basis the total number of DUEs generated by Users connected to that Customer's Local Wastewater Collection System, or in a standby User status.

18.10 Industrial Wastewater Pretreatment

In the event the Commission provides Pretreatment of Industrial Wastewater, the entire cost of such Pretreatment Shall be charged to the User producing the Industrial Wastewater. The costs Shall include, but not be limited to, capital expenditures, operation and maintenance expenses, labor, chemicals, heat, and power.

18.11 Equipment Replacement Fund Account

The annual equipment replacement revenues Shall be maintained in a separate account to be used solely for the purpose of purchasing replacement parts and/or equipment.

18.12 Connection Charge

18.12.1 Introduction

- (1) It is the general policy of the Commission that new Users within the geographic territory served by the Commission, reasonably participate in the cost of the Commission's existing Wastewater Facilities at the time their lands actually receive Sanitary Sewer service. Wastewater Facilities are generally defined as all Interceptors and related facilities such as manholes and appurtenances, pumping stations, force mains and the Wastewater Treatment Plant. In determining what constitutes reasonable participation toward such cost, the Commission Shall be guided by the principle that the area to be served Shall bear its proportionate share

of such costs. The costs of the Wastewater Facilities in which new Users are required to participate are:

- (a) Costs reasonably and necessary incurred to construct the Wastewater Facilities to serve the new areas; and
- (b) Costs of providing excess capacity in the Wastewater Facilities until such time as the future Users in the new areas connect to the Sanitary Sewer system.

Wastewater Facilities have a significant physical life. This requires that they be constructed of sufficient capacity to serve present Users and future Users. It is economical to construct Wastewater Facilities with excess capacity. Therefore, it is reasonable that future Users, as well as present Users, pay the total cost of the Wastewater Facilities that serve them. The investment in excess capacity is made for the future User's benefit; and is not available for other uses by the Commission. Because future Users make no payment until they connect to the Sanitary Sewer, only a part of the total cost of the Wastewater Facilities can be collected when said facilities are first placed in service. Accordingly, the cost to be recovered at the time of initial construction of the Wastewater Facilities should be recovered through a "Connection Charge."

- (2) This Connection Charge is enacted pursuant to Section 66.0821(4), Stats.

18.12.2 Amount of Connection Charge

- (1) In the year 2005, the Commission completed a significant and substantial expansion of the Wastewater Facilities in order to accommodate improved service to the areas it services and to accommodate growth and development therein. The Commission elects to impose a Connection Charge by adopting the "cost of plant methodology." Therefore, effective as of February 1, 2006, a Connection Charge is hereby established to be in the amount of \$3,657 per DUE. This Connection Charge Shall be adjusted annually, commencing on January 1, 2007 and each calendar year thereafter; and the payment thereof is a condition precedent to the provision of Sanitary Sewer service to the property in question.
- (2) Connection Charges Shall be determined as of the calendar year within which a building permit or use permit is issued by the Customer relative to the property and building sewer in question. In the event any such building permit or use permit expires in accordance with its terms, with no building sewer being so connected, then in such event, any Connection Charge attributable thereto Shall be determined as of the calendar year within which the earlier occurs of: (i) the actual connection of the building sewer or (ii) the issuance of a renewal or replacement building permit or user permit.
- (3) Where a User makes Industrial Wastewater discharges that are subject to the provisions of Section 9 of this Ordinance, the Commission shall have the right and option to impose an Industrial Discharge Fee directly upon such User in order

to fairly and equitably recover capital costs associated with treating such Industrial Wastewaters. Such Industrial Discharge Fee shall be in addition to the Connection Charges provided for in Section 18.12.2(1) above.

18.12.3 Annual Adjustment to Connection Charge

Effective January 1, 2007 and each calendar year thereafter, the Connection Charge Shall be annually adjusted based upon changes to the “Engineering News Record Construction Cost Index” (the “Index”), which Index most closely reflects construction costs of the Wastewater Facilities. The adjustment Shall reflect changes to the Index during the period of July 1 through June 30 of each year. The Connection Charge Shall be increased or decreased annually by the percentage increase or decrease (rounded) in the Index, determined as of June of each year commencing with the year 2006. By way of example only, if the Index in June of 2005 was 7629.95 and the Index for June 2006 is 8010.00, the changes in the Index represent a percentage increase of 5.0% for the twelve month period of time (June 2005 to June 2006). Accordingly, the Connection Charge would be increased by \$183.00 (rounded) for an adjusted Connection Charge of \$3,840.00, rounded, for the year 2007. The Commission Shall notify all Municipalities no later than November 1 of each calendar year (commencing on November 1, 2006) of the adjusted Connection Charge to become effective as of January 1 of the succeeding year. The Connection Charge Shall be in the amount so determined for the calendar year within which a permit is issued by the Customer to allow for the User Building Sewer to be connected to the Sanitary Sewer. Notwithstanding anything to the contrary contained in this Ordinance, the Commission may by resolution duly adopted on or before December 31st of any year, elect not to adjust the Connection Charge for the succeeding calendar year whenever the Commission determines that the public interest will be served thereby.

18.12.4 Application of Connection Charge

In collecting the Connection Charges, the following Shall apply:

- (1) The Connection Charge is applicable to new Users of the Wastewater Facilities as well as existing Users who increase their wastewater discharges to the Wastewater Facilities. For existing Users, an additional Connection Charge is due when the average daily flow from such User increases by one (1.00) DUE or more over an average twenty-four (24) month period, determined on a July 1 through June 30 period. At the end of the first twelve (12) month period, the Commission Shall notify in writing the Customer that the average daily flow from such existing User exceeds the foregoing baseline. If the flow is not subsequently reduced during the remaining 12 months, then the Commission Shall notify the Customer of the additional DUEs that are due.
- (2) An existing User Shall have the right to appeal the aforesaid determination of additional DUEs as follows:
 - (a) Within thirty (30) days after the final notification by the Commission that an additional Connection Charge is due as a result of additional DUEs resulting from increased flows, the said User and/or Customer Shall file a written appeal with the Commission which Shall (i) request a reconsideration of the DUE determination and (ii) specify the grounds or

reasons therefore. Any request made after the expiration of the aforesaid thirty (30) day period, Shall be summarily denied.

- (b) No appeal Shall be taken unless the additional Connection Charges are paid.
 - (c) If a timely appeal is taken, then the Commission Shall hold a hearing at which time the said User and/or Customer May present evidence and reasons why the additional Connection Charges should be refunded. The Commission Shall within thirty (30) days after such hearing render its decision, unless a longer period of time is granted by the appellant. Any appeal from the Commission's decision Shall be made to the Wisconsin Public Service Commission pursuant to Section 66.0821(5) of the Wisconsin Statutes, as amended.
- (3) The Connection Charge is a charge against a Customer as a result of new Users or existing Users increasing their wastewater discharges, which Users are located within the area served by the said Customer and who connect a Building Sewer that discharges to the Wastewater Facilities.
 - (4) DUEs Shall be determined for all uses in accordance with the ordinances of the Commission in effect from time to time. Attached hereto and incorporated herein is Schedule A, which is a conversion schedule for determining DUEs applicable to various types of properties and uses thereof; and Shall be used by the Customer for purposes of determining applicable DUEs, either for new Users or Users who increase their wastewater discharges. Once paid, a Connection Charge Shall never be refunded or credited, even if the user/property in question changes its use in such manner that fewer DUEs are applicable thereto. Under no circumstance Shall there ever be less than one (1.00) DUE for each Building Sewer connected to a Sanitary Sewer, unless the Commission by resolution determines otherwise. The Commission May at any time require a User to install appropriate meters to determine whether or not increased wastewater flows have or are occurring relative to the property in question.

18.12.5 Transition

- (1) Prior to the effective date of this Section 18 (i.e., February 1, 2006), the Connection Charge per single DUE was in the sum of \$1,700. Due to a substantial expansion of the Wastewater Facilities owned and operated by the Commission, the Commission has determined to increase such Connection Charge as provided for in this Section 18.12 for the reasons set forth in Section 18.12.1 above. In recognition that each of the Customers served by the Commission has previously approved as of January 31, 2006, various real estate development projects within each of their respective jurisdictions and that the substantial increase in Connection Charge as otherwise provided for herein could significantly and adversely affect such developments, the Commission has determined that the implementation of the increased fee be phased in over a transitional period of time. Therefore, and notwithstanding anything to the contrary contained in this Section 18.12, the Connection Charge per DUE Shall be in

the sum of \$1,700 per DUE for those Building Sewer connections occurring on properties that satisfy all of the following conditions (herein the “Conditions Precedent”), to-wit:

- (a) Each Customer Shall reasonably identify, by means of a resolution adopted by its appropriate governing body (i.e., city council, village board or town board), the properties that have been previously approved for development as of January 31, 2006, by such Customers. Such resolution Shall (i) identify the plat(s), certified survey map(s) or named property(ies) comprising the approved development project(s); and (ii) identify the total number of DUEs applicable to each identified project. Any such resolution must be adopted by the appropriate governing body of each Customer on or before May 31, 2006 and a certified copy thereof, delivered to the Commission on or before said date. Any property(ies) not so identified in such a duly adopted and delivered resolution, Shall not be entitled to the benefit of the reduced Connection Charge of \$1,700 per DUE as provided for in this Section 18.12.5. At the time each Municipality issues a building permit or use permit as described in Section 18.12.2 above, for a Building Sewer connection of a property that has been identified in the foregoing resolution, such Municipality Shall provide to the Commission the following information: (i) the name and the date of approval of the plat, certified survey map or approved development project wherein the property is located; (ii) the total number of DUEs applicable to the property; (iii) the lot or tax key parcel number of the property; and (iv) the name, address and telephone number of the developer of the property.
- (b) The actual Building Sewer for the subject property Shall be connected to a public sewer on or before December 31, 2007.

Provided the Conditions Precedent are satisfied in full, the Connection Charge resulting from the connection of a Building Sewer for each property in question Shall equal the sum of \$1,700 per DUE.

- (2) The Commission reserves the right to amend, alter or revoke this Section 16.7.5 or any portion hereof at any time and for any reason, subject to the prior approval of the Village of Hartland and the City of Delafield. No Person Shall, by virtue of the enactment of this Section 16.7, acquire any vested right or privilege hereunder with respect to the subject matter of this Ordinance.

18.12.6 Payment of Connection Charge

The Connection Charges Shall be paid by the Customer to the Commission by the end of the calendar month following the month within which a certificate of occupancy is issued for the structure whose Building Sewer has been connected to a public sewer conveying wastewater to the Commission’s Wastewater Facilities, except as otherwise provided for herein. A penalty of 1% per month Shall be assessed on all Connection Charges not paid at that time; and such penalty Shall continue until payment is made in full. The Customer Shall have the right and option to bill all or any portion of the Connection Charge to the User in question; and to add thereto, any appropriate fees as permitted by law. For purposes of this Ordinance, Connection

Fees are deemed to be a debt due the Commission from the Customer and not the User; and payment thereof is not dependent upon collection from the User. In determining Connection Charges, the Commission May rely upon User Reports, information provided by the Customer in accordance with Section 402 of the Wastewater Treatment Service Contract, or any other information reasonably available to the Commission. The determination of Connection Charges by the Commission Shall be final, subject to any appeal provided for by law to a Customer.

19 Fees for Services

19.1 Definition of Developer

For purposes of this Section 19, “Developer” means any Person desiring to develop property located within the sewer service area as established from time to time by the applicable regional planning commission, and receive sanitary sewer services through a public sewer which is a tributary to the Commission’s Wastewater Facilities.

19.2 Purpose

From time to time, the Commission receives inquiries, directly or indirectly, from various Developers, concerning the development of projects within the sewer service area of the Commission and the availability of and connection to public sewerage facilities that will serve such developments. It is the policy of the Commission that all of the foregoing inquiries be first directed to the Municipality within which the contemplated development or connection is to occur for appropriate response. If the Developer nevertheless requests that the Commission provide a response, the Commission may elect to do so. It is recognized that the provision of such information by the Commission May be time intensive; and May require that the Commission utilize the services of its attorneys, engineers, accountants and other outside consultants (collectively, the “Consultants”) to provide the information requested or needed by the Developer making the inquiry. It is unfair for the Commission to pay for the costs and fees of its Consultants in so responding to these development inquiries. Accordingly, the intent of this Section is to allow the Commission to charge back to the Developers making such inquiries, the Consultant’s costs and fees (the “Fees”) to be so incurred by the Commission.

19.3 Fees to be Charged Back

The Developer Shall provide all relevant information relating to the proposed development so as to enable the Commission to timely and appropriately respond to its inquiries. As a condition precedent to the response of the Commission, the Commission may require the Developer to enter into a Service Agreement and make a deposit to cover the anticipated amount of the Fees. Once the deposit is exhausted, the Developer shall replace the same. Any deposit amount remaining after payment in full of the Fee shall be returned to the Developer. Any amounts remaining unpaid for 5 days after date of invoice therefore Shall bear interest thereafter at the rate of 1.5% per calendar month until paid. In the event the Commission determines to collect any amounts not so paid, the Developer in question Shall also reimburse the Commission for all reasonable attorneys’ fees and costs so incurred.

19.4 Designation of Consultants

The Commission, the Manager, or any other representative duly authorized by the Commission, May retain the services of any or all of the Consultants in order to respond to a Developer’s inquiries.

19.5 Authority

This Section is enacted pursuant to the authority conferred by Section 66.0628, Stats.

19.6 Severability

The provisions of this Section are several; and if any section hereof is declared to be invalid or unenforceable by a court of competent jurisdiction, such decision Shall not affect the validity or enforceability of any other provision hereof.

19.7 Special Meeting of the Commission

In the event the Commission determines to hold a special meeting for the purpose of considering a matter, as requested by a Person, then, in such event, the Person Shall reimburse the Commission for all reasonable costs and expenses incurred in calling and conducting such special meeting.

19.8 Application

This Section 19 Shall have no application whatsoever if the Person making the inquiry is making an inquiry to examine the records of the Commission pursuant to the provisions of Section 19.31 of the Wisconsin Statutes, et seq., as amended from time to time.

20 Control of Municipal Sewerage Service

20.1 Sewer Connections

- (1) Every connection made singularly and collectively to a Local Wastewater Collection System (the “Sewerage System”) or an extension thereof Shall be subject to this Ordinance. Any connection made to the Local Wastewater Collection System, other than by a Significant Industrial User, May be made without written connection authorization from the Manager.
- (2) There shall be no direct connections to any Interceptor Sewer owned by the Commission without the Manager’s prior written consent thereto.
- (3) Any Municipality proposing to construct or extend a Sanitary Sewer extension to the Sewerage System Shall not commence construction of any part thereof without first obtaining the Commission’s approval or the approval of the Manager, if such authority has been delegated to the Manager previously. Application for this approval Shall include the following:
 - (a) A statement of the location or locations at which connection to the Sewerage System is desired;
 - (b) Two (2) complete sets of plans and specifications meeting the requirements of this Ordinance along with the completed WDNR forms for sewer extensions and a specification checklist which Shall include the following:
 1. A location map;
 2. Size and type of sewer pipe;
 3. Grades;
 4. Elevations of the inverts at manholes;
 5. Elevations of manhole tops;
 6. Distance between manholes;
 7. Complete details of all appurtenances;
 8. Name of Inspector; and
 9. Approximate start and end dates for construction.
 - (c) A map showing the service area of the Sanitary Sewer Extension proposed to be constructed.

All applications for connection authorization submitted to the Manager Shall first be forwarded to the appropriate local regional planning agency for review and comment.

- (4) Any Municipality applying for construction approval or connection authorization Shall receive a written statement of the Manager approving or denying the request for approval no later than sixty (60) days after receipt of said request. Any approval so granted Shall be conditioned upon:
 - (a) Notification of the construction start date no later than 3 working days prior to the beginning of construction;
 - (b) The receipt of satisfactory results if sewer and manhole leakage tests in accordance with stated specifications provided by the Commission from time to time. Such tests must be performed and results submitted to the Manager prior to connection of the new sewer to the public sewerage system.
 - (c) Such additional terms and conditions as the Manager deems reasonable and appropriate in order to implement the policies contained in this Ordinance.

- (5) Any decision by the Commission approving or denying a request under this Section 20.1, above, Shall be subject to appeal pursuant to Section 14, above, of this Ordinance. The Commission May deny an application for construction approval or connection authorization for the following reasons:
 - (a) The construction plans and specifications are not acceptable to the Commission; or
 - (b) There is not sufficient downstream capacity in the public sewers or at the Community Wastewater Facilities to treat the anticipated wastewater flows; or
 - (c) The area to be served by the extension is not in an approved sewer service area as established by the appropriate regional planning commission; or
 - (d) The sanitary sewer extension would be contrary to the terms of this Ordinance or provisions of applicable law.

- (6) Notwithstanding construction approval or connection authorization, notice Shall be given to Manager at least seventy-two (72) hours before proceeding with any authorized connection to a Commission Interceptor. If the Manager requests, the actual construction or connection Shall be made in the presence of the Commission's Inspector.

20.2 Manner of Construction of the Municipal Facility

- (1) Any portion of a Local Wastewater Collection System Shall:
 - (a) Be constructed in accordance with approved plans by the Commission and the DNR;
 - (b) Be inspected during construction by a licensed Professional Engineer or an inspector under the Professional Engineer's direct supervision or other reasonably qualified individual who the Manager has approved;
 - (c) Have sewer and manhole infiltration and inflow tests performed as May be required by the DNR and/or reasonably required by the Manager in accordance with Standard Specifications; and
 - (d) Meet the infiltration and inflow standards prescribed in Section 20.4, below.

All sewer connections Shall be inspected at the time of construction to ensure compliance with generally accepted industry standards.

- (2) The Manager May, at any time, investigate existing or newly-constructed Public Sewers to determine if they comply with the requirements of this Section 20.2. If the Manager decides that any Public Sewer does not meet the requirements of this Section 20.2; then the Manager Shall give notice of any such deficiency to the Municipality owning said Public Sewer. Any Municipality receiving such a notice Shall, at its cost, promptly take all actions necessary to correct any deficiency.

20.3 Plans and Constructions

- (1) Design and Specifications. All Sanitary Sewer design plans presented to the Commission must be prepared and sealed by a Professional Engineer registered in Wisconsin. All design plans and specifications Shall be prepared in accordance with the guidelines established by the latest edition of Standard Specifications and appropriate Wisconsin Administrative Codes. Design plans submitted to the Commission Shall be of a size not to exceed 36" long by 24" wide. All elevations given on design plans submitted to the Commission Shall be based upon datum of Waukesha County in reference to the Wastewater Treatment Plant.
- (2) Manhole Construction Connections. Manholes Shall be constructed to prevent intrusion of infiltration and inflow. Manholes located in ditches, gutters or in possible floodplains Shall be flood-proofed per Wisconsin Administrative Code requirements. All other manholes Shall be provided with self-sealing type covers with concealed pickholes. There Shall be no inside drop connection in any manhole except with written authorization from the Manager or except as authorized by the Wisconsin Administrative Code. The Commission Shall own all manholes constructed over an existing Interceptor comprising part of the Commission's Wastewater Collection System.

- (3) Construction, Supervision, Inspection. Every Municipality Shall require that the construction of Sanitary Sewers be under the direct supervision of a licensed Professional Engineer. The licensed Professional Engineer Shall be responsible for reasonable inspection on such construction and Shall keep accurate records of the location, depth and length of the Sanitary Sewers as built and of the location of the wye branches and tees. At the completion of construction, the said Professional Engineer Shall be responsible for the performance of deflection and leakage tests of the new lines and leakage tests of the manholes, and Shall provide the test results to the Manager. The Manager May at any time inspect the construction, replacement or alteration of any Sanitary Sewer by a Municipality. No inspection or lack of inspection by the Manager Shall:
 - (a) Relieve the Municipality or the Professional Engineer and/or contractor of their responsibility for compliance with plans, specifications, codes, and/or this Ordinance; or
 - (b) Affect the Commission's right to deny connection authorization or require reconstruction whenever nonadherence to the approved plans is discovered.

20.4 Infiltration/Inflow

Each Municipality Shall maintain its Local Wastewater Collection System in a manner that meets the following requirements:

- (1) The rate of infiltration/inflow for new construction and existing Local Wastewater Collection Systems Shall not be greater than a 200-gallon per inch-diameter-mile of sewer pipe per day, unless otherwise authorized by the Commission;
- (2) The rate of infiltration/inflow between any two adjacent manholes Shall not be greater than 7.5% of the maximum rate of infiltration set forth in paragraph (1) above for that facility;
- (3) All visible leaks, if any, Shall be repaired; and
- (4) No inflow connections Shall exist.
- (5) If the Commission decides that the requirements of this Section 20.4 are not being satisfied, then the Commission Shall direct that a Sewer System Evaluation Survey ("SSES") be conducted of the said Local Wastewater Collection System or any portion thereof. Upon such direction, the Municipality in question shall retain the services of a qualified engineering firm to conduct the SSES; and the SSES shall be conducted in accordance with generally accepted engineering principles consistently applied and in accordance with applicable provisions of NR 110 of the Wis. Admin. Code. Once completed, the SSES shall be delivered to the Commission for review. Based on the results of the SSES and the comments, if any, of the Commission, the Municipality shall then prepare a plan

of rehabilitation of the Local Wastewater Collection System or the portion thereof, in order to bring the inflow/infiltration into compliance with the approved recommendations in the SSES. Such plan shall be submitted to the Commission for approval (which shall not be unreasonably withheld); and once so approved, shall be implemented by the Municipality with reasonable dispatch.

20.5 Storm and Other Unpolluted Waters

Combined Sewers or Storm Sewers Shall not be connected to the Sewerage System without the Commission's prior approval. Connection of existing or proposed Storm Sewers, catch basins or curb inlets to the Wastewater Facilities is prohibited.

20.6 Records of Sewer Plans

Each Municipality Shall provide to the Manager upon written notification an up to date general sewer plan of its sewerage system. In addition to the sewer plans submitted under Section 20.1, above, each Municipality will submit to the Manager including, but not limited to, plans showing distances between manholes, pipe sizes, and pipe grades. The Commission shall be responsible for all reasonable costs associated with the copying of said plans.

20.7 Information and Reports

- (1) Each Municipality Shall periodically provide to the Commission a report showing the number of individual connections made to the Local Wastewater Collection System during the preceding calendar month, the size of each such connection, the nature of the User, and the actual or anticipated volume of Wastewater discharged through the connection. The report Shall be in such form as required by the Manager. Each Municipality Shall reconcile and adjust their DUE connections made to the Local Wastewater Collection System during the preceding calendar year, to the records of the Commission by March 31 of each year.
- (2) For those Municipalities that are required to report to the Wisconsin Public Service Commission ("PSC") on the number of water meters installed within each such Municipality during any year, the said Municipality shall also file a true and correct copy of such report with the Commission at the same time it files with the PSC.

21 Billing Practices and Delinquent Payments

21.1 Billing Period

- (1) User Charges Shall be billed by the Commission to the Customers on a monthly basis.
- (2) Where the Commission has a service agreement or contract with an Industrial User or any other User, the charges Shall be billed on a quarterly basis unless otherwise established in the agreement or contract.
- (3) Charges for hauled waste disposal Shall be billed on a monthly basis.

21.2 Payment of Sewer Service Charges

User Charges Shall be payable at the Commission Office, or at any other officially designated location, within thirty (30) days of the billing date.

21.3 Delinquent Payments

- (1) User Charges, Connection Charges or other charges due from any Customer or User Shall be deemed to be a debt due to the Commission from that Customer or User, and Shall be deemed to be delinquent if not paid in accordance with the provisions of this Ordinance. Interest Shall be paid on any such amounts that have been delinquent at the rate of 1.5% per month until paid. If such User Charges, Connection Charges or other charges remain delinquent for thirty (30) days, the Commission May commence an action in a court of competent jurisdiction, and recover from such Customer or User the amount of such delinquency and any damages sustained by the Commission as a result of the Customer's or User's failure to pay, and together with such collection costs and expenses as May be allowed by law. Any Municipality or User which receives sewerage service without paying User Charges, Connection Charges, or other charges when due Shall be deemed to have waived any statutory or ordinance requirement that the Commission first file with such Municipality notice of claim and a claim for monies due, as a condition precedent to the commencement of any such action.
- (2) Change of ownership or occupancy of premises found delinquent Shall not be cause for reducing or eliminating these penalties.
- (3) Every reasonable care will be exercised by the Commission and Municipalities in the proper delivery of bills. Failure to receive a bill, however, Shall not relieve any Person of the responsibility for payment of User Charges within the prescribed period, nor exempt any Person from any penalty imposed for delinquency in the payment thereof.
- (4) The Commission Shall have the right to remove or close Sanitary Sewer connections, or require the Municipality to remove or close Sanitary Sewer connections, if the User refuses to pay delinquent charges, and to enter on the

User's property for such purpose. The costs for removing or closing the connection, as well as the costs for restoring the connection, Shall be a debt to the Commission or Municipality as applicable. Sanitary Sewer connections Shall not be restored until all charges and penalties, including the costs for removing or closing the connection and the costs for restoring the connection, have been paid in full.

21.4 Alternative Remedies

As an alternative to collection of delinquent User Charges, Connection Charges, or other charges as provided in Section 19.3 hereof, the Commission May require any such Customer to levy and collect User Charges, Connection Charges or other charges in the manner provided for in Section 66.0821(4)(a) and (d), Stats., as amended from time to time.

21.5 Remedies Cumulative

All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or afforded by law or equity, and May be exercised by the Commission concurrently, independently, or successively.

22 Amendments

This Ordinance or any section hereof May be amended, repealed, recreated or modified in any manner by the Commission and such amendment, repeal, recreation or modification Shall become effective upon its publication. Notwithstanding the foregoing, no such repealer or modification shall affect the rights of the City and/or the Village under the Originating Joint Ordinance and/or the 1978 Agreement.

23 Enactment Clause

23.1 Date of Effect:

This Ordinance Shall take effect and be in force from and after its adoption and publication as provided for by law.

23.2 Date of Enactment:

First passed and adopted by the Delafield-Hartland Water Pollution Control Commission on January 16, 2007. First published and effective on February 27, 2007.

Votes: Ayes 6 Nays 0.

DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION

By: Richard E. Landwehr, Chairperson

Attest: Rosemary Frick, Finance Director

Adopted: January 16, 2007
Published: February 27, 2007
Effective: February 27, 2007

24 Amendment Enactment Clause

24.1 Date of Effect for Amendment:

This amended Ordinance Shall become effective on January 1, 2011 following the date of its adoption and publication as provided for by law.

24.2 Date of Enactment for Amendment:

Passed and adopted by the Delafield-Hartland Water Pollution Control Commission on the 16th day of November 2010.

Votes: Ayes 8 Nays 0.

DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION

By: Michele F. DeYoe, Chairperson

Attest: Rosemary Frick, Finance Director

Published: November 4, 2010

Adopted: November 16, 2010

Effective: January 1, 2011

Attachment to Sewer Use Ordinance
 Schedule A
 Domestic User Equivalent (DUE) Determination Schedule

Definition: 1.00 DUE = 205 Gallons Per Day = Approximately 75,000 Gallons Per Year

<u>Classification</u>	<u>DUE Value</u>
A. Residential:	
Single Family Residence	1.00
Duplex	2.00
Mobile Homes	1.00
Apartment	1.00 per apartment
Condominiums	1.00 per unit
B. Institutional:	
Community Based Residential Facility (CBRF)	0.25 per resident (including support staff)
Church	1.00
Hospital	0.75 per bed
Nursing Home	0.50 per bed
Schools:	
Boarding	0.35 per student
Elementary	0.03 per student
High School	0.04 per student
C. Commercial/Industrial:	
Bar	0.04 per seat
Bowling Alley	0.35 per lane
Restaurant:	
Normal Operation	0.04 per seat
24 Hour Operation	0.06 per seat
Hotel	0.25 per bedroom
Motel	0.20 per bedroom
Garage	1.00 per 4,000 sq. ft. plus carwash (1)
Small Retail Stores and Businesses	1.00 per 3,000 sq. ft.
Service Station:	
Normal Location	1.00 plus carwash (1)
Freeway Location	2.00 plus carwash (1)
Shopping Center	1.00 per 4000 sq. ft. floor space
Supermarket	1.00 per 4000 sq. ft. floor space
Car Wash	Average daily flow in [(gal/day)/205] (1)
Factory	0.08 per employee plus average daily process wastewater in [(gal/day)/205]
Laundromat	Average daily flow in [(gal/day)/205] (2)
D. Other	See note (3)

Attachment to Sewer Use Ordinance
Schedule A
Domestic User Equivalent (DUE) Determination Schedule

Definition: 1.00 DUE = 205 Gallons Per Day = Approximately 75,000 Gallons Per Year

Notes:

- (1) Car washes to be considered separately upon application based on estimated flows from facilities involved.
- (2) Flow to be estimated based on equipment installed.
- (3) DUEs for User categories not listed in this Schedule Shall be determined by the Commission on a case by case basis.
- (4) All totaled computations Shall be rounded upward to the nearest 0.25 DUE. No classification Shall receive less than 1.00 DUE.
- (5) Special conditions May dictate deviations from the DUE values indicated in this Schedule.
- (6) User Charges for other than Residential Users Shall be based on metered flow where meters are required by the Commission. User DUEs = Metered Flow [(gal/day)/205].



Building a Better World
for All of Us®

MEMORANDUM

TO: Summit Utility District No. 2
FROM: Robbie Malzahn, PE
DATE: June 5, 2025
RE: Monthly Engineering Report
SEH No. 158569 14.00

The following information describes the status of the sewer system operations and maintenance.

1. **Action Items:** *(For information only - action to be taken in a separate agenda item)*
 - A. **Resolution for 2024 WDNR Compliance & Maintenance Annual Report (CMAR)**
SEH prepared the annual CMAR for submittal to WDNR, please see the separate attachment. The final report is due June 30, 2025. A resolution accepting the report needs to be approved prior to submitting. SEH recommends to the SUD2 Commission to accept the report by approving a resolution (separate item).
2. Lift Station Reporting and System Maintenance
 - A. Area Septic Installation (ASI) continues to perform weekly and monthly maintenance duties.
 - B. Lift Station (LS) No. 3 – Electric Pump (Starnet) investigated the spare pump and found no electrical issues. ASI is working with Flygt to wire up the motor junction box and then looks to swap out the current Pump No. 2 (currently turned off due to longer run times).
3. 2025 Sewer Cleaning and Televising
 - A. A notice to proceed was executed with The Expeditors and certificate of insurance obtained. A schedule for the work has not been established yet.
4. Lift Station 6 – Automatic Transfer Switch
 - A. Project is expected to start around September.
5. Water Monitoring Updates at Rogers Memorial Behavioral Health (RMH) Facilities
 - A. On 6/5/25, as a follow-up to the letter sent on 4/30/25, we reached out to RMH requesting confirmation regarding their commitment for proceeding with improvements.
6. Lift Station Control Panel & Floats/Transducer Upgrades
 - A. On 5/5/25, Electric Pump (Starnet) was onsite to evaluate LS floats and transducers. A summary of their findings is listed below. We are waiting on clarification from Electric Pump for transducer replacement needs at LS 1, LS 5, and LS 6, since drift was identified.
 - i. LS 1: Floats are good; transducer drift = 0.24'
 - ii. LS 2: Floats are good; transducer good
 - iii. LS 3: Floats are good; transducer good
 - iv. LS 4: Floats are good; transducer is working intermittently (needs replacement)
 - v. LS 5: Floats are good; transducer drift = 1.9'

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 501 Maple Avenue, Delafield, WI 53018-9351
262.646.6855 | 888.908.8166 fax | sehinc.com

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

vi. LS 6: Floats are good; transducer drift = 1.9'

7. Bioxide Alternatives

- A. Village Staff and SEH are reviewing the alternative options for Bioxide chemical treatment.
- B. We are reaching out to the references to better understand product performance and maintenance.

8. Service Agreements Updates

- A. ASI – Current through 2025.
- B. Starnet – 1 full-service days and then pay for service on an as needed basis.
- C. Evoqua Bioxide Rate – Current through April 2025 (new rate expected soon)

RWM



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Summit Utility District No. 2 Commission

From: Kamron Nash, P.E., Village Public Works Director

Date: June 5, 2025

Re: Discussion and Action on 2024 Compliance Maintenance Annual Report

PURPOSE:

To provide a draft copy of the 2024 Compliance Maintenance Annual Report (CMAR) for Summit Utility District No. 2 (SUD2) for review and approval.

BACKGROUND:

The CMAR is a self-evaluation tool that promotes the District's awareness and responsibility for wastewater collection and treatment needs, measures the performance of a wastewater treatment operations during a calendar year, and assesses its level of compliance with permit requirements. Annual CMARs are due to the Wisconsin Department of Natural Resources (WDNR) no later than June 30th of each year for the previous calendar year.

SEH has prepared the annual CMAR for submittal to WDNR, and a resolution accepting the report has been prepared for Commission approval.

RECOMMENDATION:

Village staff and the District Engineer, SEH, recommend that the SUD2 Commission approve the proposed resolution

ATTACHMENTS:

Resolution No. 2025-1 of the Village of Summit Utility District No. 2 to Accept the 2024 Compliance Maintenance Annual Report
2024 Compliance Maintenance Annual Report (Draft)

FISCAL IMPACT:

No financial impacts will result from approval of this CMAR.

RECOMMENDED MOTION:

Motion to adopt Resolution No. 2025-1 accepting the 2024 Compliance Maintenance Annual Report for Summit Utility District No. 2.

RESOLUTION NO. 2025-01

RESOLUTION OF THE VILLAGE OF SUMMIT UTILITY DISTRICT #2 TO ACCEPT THE 2024 COMPLIANCE
MAINTENANCE ANNUAL REPORT

BE IT RESOLVED by the Village of Summit Utility District #2 as follows:

1. That the Compliance Maintenance Annual Report (CMAR) for the 2024 year, required by the Wisconsin Department of Natural Resources (WDNR) and compiled and prepared by Short Elliott Hendrickson, Inc., on behalf of the Village of Summit Utility District No. 2 (District), is hereby approved. A representative from Short Elliott Hendrickson, Inc. is hereby authorized and directed to submit this CMAR to the WDNR on behalf of the District.
2. This Resolution shall take effect immediately on passage and posting and/or publication as required by law.

Members Voting:

Chairperson Riley	aye _____	nay _____	absent _____
Trustee Arenz	aye _____	nay _____	absent _____
Trustee Lee	aye _____	nay _____	absent _____
Trustee Petronovich	aye _____	nay _____	absent _____
Trustee Phillips	aye _____	nay _____	absent _____

Passed and adopted on June 12, 2025.

Jack Riley, Chairperson

ATTEST:

Debra J Michael
Village Administrator-Clerk/Treasurer

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

Financial Management

<p>1. Provider of Financial Information</p> <p>Name: <input style="width: 150px;" type="text" value="Debra Michael"/></p> <p>Telephone: <input style="width: 150px;" type="text" value="(262) 567-2757"/> (XXX) XXX-XXXX</p> <p>E-Mail Address (optional): <input style="width: 300px;" type="text" value="administrator@summitvillage.org"/></p>													
<p>2. Treatment Works Operating Revenues</p> <p>2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?</p> <p>● Yes (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ No (40 points)</p> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?</p> <p>Year: <input style="width: 100px;" type="text" value="2024"/></p> <p>● 0-2 years ago (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ 3 or more years ago (20 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ N/A (private facility)</p> <p>2.3 Did you have a special account (e.g., CFWP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?</p> <p>● Yes (0 points)</p> <p>○ No (40 points)</p>	0												
<p>REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]</p>													
<p>3. Equipment Replacement Funds</p> <p>3.1 When was the Equipment Replacement Fund last reviewed and/or revised?</p> <p>Year: <input style="width: 100px;" type="text" value="2024"/></p> <p>● 1-2 years ago (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ 3 or more years ago (20 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ N/A</p> <p>If N/A, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>													
<p>3.2 Equipment Replacement Fund Activity</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">3.2.1 Ending Balance Reported on Last Year's CMAR</td> <td style="width: 5%; text-align: right;">\$</td> <td style="width: 35%; text-align: center;"><input style="width: 100%;" type="text" value="5,000.00"/></td> </tr> <tr> <td>3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)</td> <td style="text-align: right;">\$</td> <td style="text-align: center;"><input style="width: 100%;" type="text" value="0.00"/></td> </tr> <tr> <td>3.2.3 Adjusted January 1st Beginning Balance</td> <td style="text-align: right;">\$</td> <td style="text-align: center;"><input style="width: 100%;" type="text" value="5,000.00"/></td> </tr> <tr> <td>3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)</td> <td style="text-align: right;">\$</td> <td style="text-align: center;"><input style="width: 100%;" type="text" value="61,067.78"/></td> </tr> </table>	3.2.1 Ending Balance Reported on Last Year's CMAR	\$	<input style="width: 100%;" type="text" value="5,000.00"/>	3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	<input style="width: 100%;" type="text" value="0.00"/>	3.2.3 Adjusted January 1st Beginning Balance	\$	<input style="width: 100%;" type="text" value="5,000.00"/>	3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	\$	<input style="width: 100%;" type="text" value="61,067.78"/>	
3.2.1 Ending Balance Reported on Last Year's CMAR	\$	<input style="width: 100%;" type="text" value="5,000.00"/>											
3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	<input style="width: 100%;" type="text" value="0.00"/>											
3.2.3 Adjusted January 1st Beginning Balance	\$	<input style="width: 100%;" type="text" value="5,000.00"/>											
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	\$	<input style="width: 100%;" type="text" value="61,067.78"/>											

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*) -

\$ 61,067.78

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 5,000.00

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

The Summit Utility District No. 2 (SUD2) repaired Pump No. 3 of Lift Station No. 5 and also replaced the standby generator ECM. At Lift Station No. 3, SUD2 replaced both check and plug valves. Additionally, SUD2 performed miscellaneous lift station building repairs, sewer relocation at 34639 Elm St, and investigation efforts for an emergency sewer repair at 2326 N 2nd Lane.

0

3.3 What amount should be in your Replacement Fund? \$ 0.00

Please note: If you had a CFWP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

- Yes
- No

If No, please explain.

SUD2 funds improvements on an annual basis.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

- Yes - If Yes, please provide major project information, if not already listed below.
- No

Project #	Project Description	Estimated Cost	Approximate Construction Year
None reported			

5. Financial Management General Comments

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations:

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	9,226	168
February	7,609	80
March	8,154	53
April	8,358	39
May	7,508	18
June	8,872	8
July	8,349	6
August	10,552	2
September	8,585	84
October	8,187	7
November	9,417	1
December	11,635	135
Total	106,452	601
Average	8,871	50

6.1.2 Comments:

6-Lift Stations and 6-Generators

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- Comminution or Screening
- Extended Shaft Pumps
- Flow Metering and Recording
- Pneumatic Pumping
- SCADA System
- Self-Priming Pumps
- Submersible Pumps
- Variable Speed Drives
- Other:

Soft starters and Bioxide injection pumps.

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

● No

○ Yes

Year:

By Whom:

Describe and Comment:

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

SUD2 considers increasing energy efficiency when performing equipment upgrades.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 2024

Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

- Yes
- No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

- Yes
- No (30 points)
- N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

- Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

Short Term Goals include: flow monitoring, minimizing inflow and infiltration, maintenance of lift stations and force main components, optimizing Bioxide injection, and cleaning and televising of sewer and wet wells. On-Going Goals include: Prevention of SSO and basement backups, prevention of lift station failure, upgrading aging equipment, and maintaining financial responsibility and equitable billing to customers.

Did you accomplish them?

- Yes
- No

If No, explain:

- Organization [NR 210.23 (4) (b)]

Does this chapter of your CMOM include:

- Organizational structure and positions (eg. organizational chart and position descriptions)
- Internal and external lines of communication responsibilities
- Person(s) responsible for reporting overflow events to the department and the public

- Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

Sewer Use and User Charge Ordinance

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY) 2013-01-01

Does your sewer use ordinance or other legally binding document address the following:

- Private property inflow and infiltration
- New sewer and building sewer design, construction, installation, testing and inspection
- Rehabilitated sewer and lift station installation, testing and inspection
- Sewage flows satellite system and large private users are monitored and controlled, as necessary
- Fat, oil and grease control
- Enforcement procedures for sewer use non-compliance

- Operation and Maintenance [NR 210.23 (4) (d)]

Does your operation and maintenance program and equipment include the following:

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

- Equipment and replacement part inventories
- Up-to-date sewer system map
- A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
- A description of routine operation and maintenance activities (see question 2 below)
- Capacity assessment program
- Basement back assessment and correction
- Regular O&M training

Design and Performance Provisions [NR 210.23 (4) (e)]

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- Construction, Inspection, and Testing
- Others:

Overflow Emergency Response Plan [NR 210.23 (4) (f)]

Does your emergency response capability include:

- Responsible personnel communication procedures
- Response order, timing and clean-up
- Public notification protocols
- Training
- Emergency operation protocols and implementation procedures

Annual Self-Auditing of your CMOM Program [NR 210.23 (5)]

Special Studies Last Year (check only those that apply):

- Infiltration/Inflow (I/I) Analysis
- Sewer System Evaluation Survey (SSES)
- Sewer Evaluation and Capacity Management Plan (SECAP)
- Lift Station Evaluation Report
- Others:

0

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	<input style="width: 60px;" type="text" value="7.2"/>	% of system/year
Root removal	<input style="width: 60px;" type="text" value="0"/>	% of system/year
Flow monitoring	<input style="width: 60px;" type="text" value="0"/>	% of system/year
Smoke testing	<input style="width: 60px;" type="text" value="0"/>	% of system/year
Sewer line televising	<input style="width: 60px;" type="text" value="7.2"/>	% of system/year
Manhole inspections	<input style="width: 60px;" type="text" value="100"/>	% of system/year
Lift station O&M	<input style="width: 60px;" type="text" value="52"/>	# per L.S./year
Manhole rehabilitation	<input style="width: 60px;" type="text" value="0"/>	% of manholes rehabbed
Mainline rehabilitation	<input style="width: 60px;" type="text" value="0"/>	% of sewer lines rehabbed

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

Private sewer inspections % of system/year
 Private sewer I/I removal % of private services
 River or water crossings % of pipe crossings evaluated or maintained

Please include additional comments about your sanitary sewer collection system below:

The O&M of SUD2 lift stations included 52 weekly inspections at each of the 6 lift stations, plus 6 additional maintenance/response visits. SUD2 performed sewer cleaning and televising about 10% of the sewer system. In addition, evaluated all system manholes for infiltration and deterioration.

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

Total actual amount of precipitation last year in inches
 Annual average precipitation (for your location)
 Miles of sanitary sewer
 Number of lift stations
 Number of lift station failures
 Number of sewer pipe failures
 Number of basement backup occurrences
 Number of complaints
 Average daily flow in MGD (if available)
 Peak monthly flow in MGD (if available)
 Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

Lift station failures (failures/year)
 Sewer pipe failures (pipe failures/sewer mile/yr)
 Sanitary sewer overflows (number/sewer mile/yr)
 Basement backups (number/sewer mile)
 Complaints (number/sewer mile)
 Peaking factor ratio (Peak Monthly:Annual Daily Avg)
 Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **

Date	Location	Cause	Estimated Volume
None reported			

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

- Yes
- No

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

<p>If Yes, please describe:</p> <input type="text"/>
<p>5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?</p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p>If Yes, please describe:</p> <input type="text"/>
<p>5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:</p> <input type="text" value="No change."/>
<p>5.4 What is being done to address infiltration/inflow in your collection system?</p> <input type="text" value="Continued monitoring of pump station cycles during rainfall events and snow melt."/>

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			4	16
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

- A = Voluntary Range (Response Optional)
- B = Voluntary Range (Response Optional)
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)

Compliance Maintenance Annual Report

Summit Utility District 2

Last Updated: Reporting For:
6/5/2025 **2024**

Resolution or Owner's Statement

Name of Governing
Body or Owner:

Village of Summit Utility District No. 2

Date of Resolution or
Action Taken:

2025-06-12

Resolution Number:

2025-01

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Financial Management: Grade = A

None.

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

SUD2 continues to be proactive in performing preventative maintenance in order to minimize inflow/infiltration and maximize longevity of system components.

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 4.00

None.

**ACCURATE GRAPHICS, INC.**

162 N. Main Street
 Dousman, WI 53118
 (262) 965-4860 Phone
 (262) 965-4862 Fax
 www.accurategraphicsinc.com

Invoice

DATE	INVOICE #
4/9/2025	47647

BILL TO

Summit Utility District #2
 37100 Delafield rd
 Oconomowoc WI 53066

SHIP TO

Summit Utility District #2
 37100 Delafield rd
 Oconomowoc WI 53066

P.O. No.	Terms	Due Date	Rep
	Net 30	5/9/2025	AG

QTY	DESCRIPTION	AMOUNT
3,000	#10 window envelopes-1/0	432.60
<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> <p><i>Total due in 30 days. Balances not paid within 30 days from invoice date will accrue a service charge of 2% per month. Credit card payments over the phone will incur a 3% convenience fee.</i></p> </div>		

*Thank you for your business -
 It's been a pleasure working with you!*

TOTAL**\$432.60**