

## “CHAPTER 35

### THE PUBLIC SEWERAGE SYSTEM

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**35.01 DEFINITIONS.**

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Board shall mean the City of Madison Board of Public Works.

Building Sewer shall mean a sanitary sewer which begins at the immediate outside of the foundation wall of any building or structure being served, and ends at its connection with a community sewer or interceptor.

Carbonaceous Biochemical Oxygen Demand (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C 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 40 CFR Part 136, or as EPA otherwise determines.

Combined Sewer shall mean a sewer designed to receive or receiving both wastewater and storm or surface water.

Compatible Pollutant shall mean biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit issued to the District for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

Demand Charges shall mean a fixed charge which is levied by the Madison Sewer Utility in order to recover costs which do not vary with the amount of sewage contributed to the system, or could be considered as the costs resulting from the Sewer Utility's readiness to serve.

Director shall be the Director of the District or other authorized representative of the Commission or District.

District shall mean the Madison Metropolitan Sewerage District (MMSD), a regional sewerage district governed by a commission with such powers as set forth in Wis. Stat. § 200.09.23, as amended from time to time.

DNR means Wisconsin Department of Natural Resources.

Domestic Wastewater or Sanitary Sewage shall mean a combination of liquid and water-carried wastes and wastewater discharged from toilets, conveniences, or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in this ordinance and which contain no substances prohibited by the terms of this ordinance.

Driveway Approach shall mean the area improved for vehicular traffic on public street right-of-way which connects the traveled portion of the street with a driveway.

Easement shall mean an acquired right for the specific use of land owned by others.

Engineer shall mean the City Engineer of the City of Madison.

EPA means the United States Environmental Protection Agency.

Equivalent Meters shall mean the number of equivalent 5/8-inch meters and shall be based on the following:

<b>Meter Size</b>	<b>Number of Equivalent 5/8-inch Meters</b>
5/8-inch	1
3/4-inch	1
1-inch	2.5
1 1/4-inch	3.7
1 1/2-inch	5
2-inch	8
3-inch	15
4-inch	25
6-inch	50
8-inch	80
10-inch	120
12-inch	160

Where a user does not have a water meter(s) for measuring the user's water consumption, the Engineer shall estimate the number and size of water meter(s) that would otherwise be required to serve that user, based upon standard engineering practices; and the equivalent meters shall then be determined on this estimate.

Federal Act shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Wis. Stat. chs. 281 and 283, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapters 281 and 283, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

Floatable Oil is 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 shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

Flow Proportional Sample or Composite Sample shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said waste.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods, or from the handling, storage or sale of food products and produce.

Good Working Condition shall mean capable of performing the task for which it was designed.

Holding Tank Waste shall mean the scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and other temporary holding facilities; and shall include wastes from a soil absorption field. Such term is synonymous with the term septage. The term does not include the waste from a grease trap.

Incompatible Pollutant shall mean any pollutant which is not a compatible pollutant.

Industrial Discharges or Industrial Waste shall mean any water-borne solids, liquid or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including but not limited to cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage.

Industrial User shall mean any commercial or industrial user who makes, causes, or permits an Industrial Discharge in the Public Sewerage System.

Intercepting Sewer or Interceptor shall mean any sanitary sewer owned or operated by the District.

Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts wastewater treatment processes or operations or the sludge processes, use or disposal; and
2. Therefore is a cause of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
  - a. Section 405 of the Clean Water Act,
  - b. The Solid Waste Disposal Act (including the Resource Conservation and Recovery Act),
  - c. The Clean Air Act,
  - d. The Toxic Substances Control Act, and
  - e. The Marine Protection Research and Sanctuaries Act.

Licensed Disposer or Licensed Hauler shall mean a person holding a license under Wis. Stat. § 146.20(3)(a).

Major Industrial User shall mean an industrial user that has a discharge flow which:

- (a) Is fifty thousand (50,000) gallons or more per average work day; or
- (b) Is greater than five percent (5%) of the total flow rate or design compatible pollutant loading received at the Nine Springs Wastewater Treatment Plant; or
- (c) Contains a material included on a list of toxic pollutants defined in Wis. Stat. § 147.07(1); or
- (d) Contains a waste which the Department of Natural Resources of Wisconsin or the Madison Metropolitan Sewerage District, or the Engineer has found to have a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment plant or upon the effluent from said plant.

May is permissive.

National Categorical Pretreatment Standards shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U. S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

Pass Through shall mean a discharge which exits the wastewater treatment plant into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, partnership, municipality, association, corporation, cooperative, society, institution, enterprise, government agency, or other entity.

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

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.

Private Sewer shall mean a sewer serving two or more buildings and not directly controlled by a public authority.

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 sewers.

Public Building shall mean any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress and egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public, or by three (3) or more tenants.

Public Nuisance or Nuisance shall mean any source of filth or cause of sickness as defined in Wis. Stat. § 146.14. Any violation of this ordinance may also be considered a public nuisance.

Public Sewer shall mean a sewer owned and maintained by a municipality, governmental agency or public utility.

Public Sewerage System shall mean all structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served, and excepting building sewers.

Receiving Waters shall mean the body or bodies of water to which the treated water from the District's wastewater treatment plant is discharged.

Representative Sample shall mean a sample of the appropriate wastewater stream collected using 24-hour flow proportional composite sampling techniques where feasible. If an industrial process does not operate for twenty-four (24) hours per day, the sample

shall be collected during the time the process is discharging wastewater. Samples to be analyzed for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics shall be grab samples. An industrial user may use another sampling method if it demonstrates and certifies to the District's satisfaction that it is more representative than flow proportional sampling.

Responsible Corporate Officer shall mean;

1. A president, secretary, treasurer, or vice president of a corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for a corporation, or
2. The manager of one or more manufacturing, production, or operations facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, or
3. A general partner or proprietor of a partnership or sole proprietorship, respectively.

Roadside Ditch shall mean a ditch located within the public right-of-way to an unimproved street.

Sanitary Lateral Sewer shall mean that portion of the sanitary building sewer between the main of the public sanitary sewer and the property line.

Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, or institutions.

Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

Sewer Rental shall mean the charge which is levied by the Madison Sewer Utility to a user of the public sewerage system in order to recover costs which may vary with the quantity and the quality of the waste water contributed to the system.

Shall is mandatory.

Significant Industrial User shall mean:

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
2. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater treatment plant (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); contributes a process waste stream which makes of 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

Upon a finding that an industrial user meeting Criteria 2. herein has no reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an industrial user, in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Slug Load shall mean any substance released at a discharge rate and/or concentration which causes interference to the wastewater treatment processes.

Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health

Association, 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.

Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or as EPA otherwise determines.

Time Proportionate Sample shall mean a sample consisting of equal portions of waste taken at regular time intervals.

Total Kjeldahl Nitrogen (TKN) shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Total Phosphorus (TP) shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User shall mean any person who discharges, or causes to be discharged domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Wastewater Facilities shall mean the District's structures, equipment and processes which are designed to collect, carry and treat domestic wastewater and industrial discharges.

Wastewater Parameters shall include volume, BOD, suspended solids, total Kjeldahl nitrogen, actual customers, equivalent meters, and such additional parameters as may from time to time be determined by the District.

Wastewater Treatment Plant shall mean the District's arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with "wastewater treatment" or "wastewater treatment works" or "water pollution control works".

WPDES Permit shall mean the District's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. ch. 147.

### **35.02 THE PUBLIC SEWERAGE SYSTEM.**

- (1) (a) It is hereby determined and declared to be necessary and conducive for the protection of the health, safety and welfare of the public to charge and collect sewer charges or rentals upon all lots, lands and premises served or benefited by the sanitary sewerage system of the City of Madison, which includes all contractions for the collection, transportation, pumping, treatment and final disposition of sewage and consisting generally of pipe, conduits, sewer access structures (manholes), sewer mains, intercepting sewers, pumps, lift stations, and wastewater treatment works whether such facilities are owned and operated directly by the City of Madison or are provided under statutory

or contractual provisions and the furnishing of which facilities create or impose a cost or charge upon the City of Madison for the services afforded by such facilities. The sanitary sewer system of the City of Madison shall constitute a public utility within the purview of Wis. Stat. § 66.0801.

- (b) There shall be established a charge to the users of the public sewerage system based upon the user's proportionate share of the cost of operation, maintenance, and replacement of the public sewerage system. The user charges shall be determined or reviewed annually in conjunction with or after the adoption of the City budget. The City Engineer and the City Finance Director shall establish a financial management system that accounts for revenues generated and expenditures for the operation and maintenance, including replacement of the public sewerage system. The Sewer Utility shall maintain a reserve fund balance sufficient to satisfy terms of any borrowing by the Utility and sufficient to buffer the Utility from unanticipated expenditures year to year.
- (c) That the regulations contained herein shall take precedence over the terms or conditions of agreements or contracts between the City and users (including industrial users, special districts, other municipalities, or federal agencies or installations) which are inconsistent with the requirements herein which address the reservation of capacity in the public sewerage system or the charges to be collected by the City in providing wastewater treatment services or reserving capacity.
- (d) There shall be a user charge system consisting of demand charges, sewer rental charges, and miscellaneous charges to recover all costs for the operation of public sewerage system based upon the strength and volume from each user. (Delivery flow rate characteristics may be utilized in accordance with Section 35.02(5)(d)). The user charge system shall be calculated by analyzing each of the expense categories necessary to operate the public sewerage system generally in the following manner. However, these guidelines shall not otherwise inhibit consideration of the allocation of expenses in order to obtain a user charge system equitable to all users.
  - 1. Expenses shall be distributed to the categories of customer accounting, customer service, flow, carbonaceous biochemical oxygen demand, suspended solids, total Kjeldahl nitrogen, and total phosphorous. Other pollutants compatible with the wastewater treatment system may be added from time to time.
  - 2. The category of customer accounting shall reflect those expenses which do not vary from customer to customer such as the cost of customer billing, meter reading, and accounting.
  - 3. Customer service shall be those costs which are varied on the basis of the number of equivalent meters serving each customer and reflect the portion of the expenses which have been sustained to provide a service in anticipation of the maximum discharge of the customer.
  - 4. Flow shall be based upon the estimated amount of sewerage being discharged by the customer.
  - 5. Carbonaceous biochemical oxygen demand (CBOD) shall be the amount of pounds of carbonaceous biochemical oxygen demand determined or estimated for each customer.

6. Suspended Solids (SS) shall represent the pounds estimated or determined from each customer.
7. Total Kjeldahl Nitrogen (TKN) shall be the number of pounds estimated or determined for each customer.
8. Total Phosphorus (TP) shall be the number of pounds of total phosphorus determined or estimated for each customer.
9. The user charge parameters determined by the regional wastewater treatment facility shall be proportioned to customers in the same fashion that it has been levied.

Cost relating to rendering the bills shall be assessed against customer accounting. Cost relating to the installation and maintenance of meters necessary to measure or estimate the contribution of sewerage shall be assessed to customer service. The cost relating to the maintenance of the collection system shall be generally divided sixty-five percent (65%) to customer service and the remainder to flow. The cost necessary to pump sewerage shall be divided ninety percent (90%) to flow and remainder to suspended solids. Cost necessary to measure the amount of compatible pollutants contributed by individual customers shall be attributed to those parameters. Depreciation of the collection system shall be distributed sixty-five percent (65%) to customer service and the remainder to flow except that the depreciation of pumping stations shall be attributed fifteen percent (15%) to customer service, five percent (5%) to suspended solids, and the remainder to flow. Interest earned and miscellaneous revenues shall be distributed proportionately to the subtotal of the other expenses.

10. The utility shall have a net operating income sufficient to maintain its self-sufficiency.

(2) Administration.

- (a) The City Engineer shall be responsible for the management of the Madison Sewer Utility under the direction of the Board of Public Works.
- (b) The Madison Sewer Utility shall enter into agreements with the Water Utility in order to purchase and compensate for essential services; said agreements approved by the Board of Public Works and ratified by the Common Council. The Madison Sewer Utility is directed to arrange assignments with other City departments and divisions for specific services and compensation credits; said agreements approved by the Board of Public Works and ratified by the Common Council. Services would be provided by, but not restricted to: the Engineering Division, for administration, engineering and maintenance; the Accounting Division, for accounting services; the Division of Fleet Service; the Department of Information Technology; and the Health Division
- (c) A separate set of books of accounts shall be kept by the Finance Director for the Madison Sewer Utility.
- (d) When sanitary sewer mains, force mains, sanitary sewer interceptors, and sanitary sewer pumping stations and the appurtenances thereto are constructed, either by a public contract let by the City of Madison, or by a private contract under the review and inspection by the City of Madison, upon completion and acceptance of said facilities by the City



of Madison, said facilities shall become the responsibility of the Madison Sewer Utility.

- (e) The City Engineer shall inspect the construction of all public sewers, all building sewers, and all private sewers from the property line to the Public Sewerage System and shall inspect the construction of private sewers within private property when expressly ordered by reviewing authorities.
  - (f) The City Engineer shall establish a maintenance and inspection program which shall be in accord with the annual budget of the Madison Sewer Utility.
  - (g) In the event that the Board of Public Works deems it necessary to repair, reconstruct or reinforce portions of the public sewerage system, the cost shall be borne by the Madison Sewer Utility, unless all or a portion of the cost is assessed to properties who benefit from the construction and less other contributions in aid of construction.
- (3) Use of Public Sewers Required.
- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Madison or in any area under the jurisdiction of the City of Madison, any human or animal excrement, garbage or objectionable waste.
  - (b) It shall be unlawful to discharge to the public storm water system under the jurisdiction of the City of Madison, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
  - (c) It shall be unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the private disposal of waste water without having obtained certification from the Board of Public Works that the public sewerage system is unavailable and cannot be made available to serve the property in question and a permit issued by the Dane County Health Department and conformance with the Wisconsin Administrative Code.
  - (d) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Madison and abutting on any street, alley, right-of-way in which there is now located or on which a public sewer may be located in the future, is hereby required at the owner(s) expenses to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after the official notice to do so, provided that said public sewer is within one hundred (100) feet or thirty-point-five (30.5) meters of the property line.
  - (e) When the Common Council, by resolution in accordance with Wis. Stat. §§ 62.16 and/or 66.0911, or by Section 35.02(3), MGO, requires the installation of a sanitary sewer lateral and/or connection to the public sewerage system, or when the Director of Public Health, in accordance with Wis. Stat. § 281.45 and Section 7.33, MGO, requires the installation of a sanitary sewer lateral and/or reconnection to the public sewerage system, all applicable sewer district charges or assessments, the Madison Metropolitan Sewerage District charges, and the cost of the sanitary sewer lateral shall be entered on the tax roll as a special tax against the

lot or parcel of land served and the same shall be collected in all respects like other taxes upon real estate.

- (4) Building Sewers and Connections to the Public Sewerage System.
- (a) Properties Within The City of Madison. All property within the City of Madison in which sewer districts have been established or sewer service has been provided shall be entitled to be connected with the Public Sewerage System of the City of Madison subject to the following:
1. Conformance to the rules and regulations of the Board of Public Works, the City of Madison Standard Street and Sewer Specifications and General Conditions and subject to the ordinances passed by the Common Council, and
  2. That the applicable sewer district charges or assessments, the Madison Metropolitan Sewerage District charges, and the cost of the sanitary sewer lateral have been defrayed or the method of payment provided for, and
  3. In the case of connection to a sewer owned and operated by the Madison Metropolitan Sewerage District, an application shall be made in writing to the Chief Engineer of the Madison Metropolitan Sewerage District by a master plumber licensed by the Department of Health and Family Services of the State of Wisconsin, and
  4. Obtain the necessary permits specified in Section 35.02(4)(c) herein.
- (b) Properties Outside the City of Madison. All property outside the City of Madison limits in sewer districts that have been established or sewer service has been provided may be allowed by the Common Council to connect with the Public Sewerage System of the City of Madison subject to the following:
1. Conformance to the rules and regulations of the Board of Public Works, the City of Madison Standard Street and Sewer Specifications and General Conditions and subject to the ordinances passed by the Common Council, and
  2. That the applicable sewer district assessments or charges, the Madison Metropolitan Sewerage District charges, and sewer lateral charges have been defrayed or the method of payment provided for.
  3. Agreement by the owner of the property to pay for the costs of sewerage disposal costs incurred by the Madison Metropolitan Sewerage District to the local governmental body.
  4. That the connection will be in the best interest of the City of Madison.
  5. Obtain the necessary permits specified in Section 35.02(4)(c) herein.
- (c) Administration and Specifications for Building Sewers and Connections to the Public Sewerage System.
1. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb a public sewer or appurtenance thereof owned and operated by the Madison Sewer Utility without first obtaining a written permit from the Engineer. No persons shall uncover, make any connections with or opening into, use, alter, or disturb any interceptor or

appurtenance thereof owned and operated by the Madison Metropolitan Sewerage District without first obtaining a written permit from the Director of the Madison Metropolitan Sewerage District. No permit shall be issued unless the Engineer determines that the public sewerage system is adequately sized to convey additional flow from the proposed connection. No permit shall be issued to a user who contributes industrial waste until that user has obtained a permit from the Director of the Madison Metropolitan Sewerage District.

2. The permit shall only be granted by the City Engineer upon written application, provided by the Engineer, by the owner or authorized agent on the premises desiring to make such an application. The Engineer may, at his/her option, accept the owner's application for a building permit as the application to connect to the public sewerage system. The user who proposes to connect to the public sewerage system shall submit an application fee of one hundred dollars (\$100) for each connection. Said application fee will be in addition to any connection fees levied by the Director of the Madison Metropolitan Sewerage District or imposed by the City of Madison such as impact fees, connection fees, or deferred assessments. The application fee is not refundable.

Upon approval of the application, the City Engineer shall issue a permit granting the right to make the connection and may specify special conditions which must be met as a part of the permit. In addition, the applicant must comply with all special conditions required by the Director of the Madison Metropolitan Sewerage District, if any.

3. The Engineer shall maintain records of the public sewerage system indicating the location of the mains and appurtenances of the public sewerage system within public rights-of-way and on easements, designating all lots created by subdivision, and the approximate location of the connections of laterals and building sewers to the public sewerage system. Upon acceptance of the construction, the engineer shall furnish a complete set of as-built plans to the district if there were substantial changes from the original plans.
4. All private sewers and all building sewers between the property line and terminating at the public sewerage system shall be installed by City forces, City contract, plumbers or contractors qualified by the Director of Public Works for that category of construction, or contract under the supervision of the Board of Public Works.
5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). Whenever a sanitary sewer lateral is installed by City forces or City contract as provided herein, the actual cost of construction of the sanitary sewer lateral plus an additional ten percent (10%) for engineering and inspection by the City of Madison shall be entered on the tax roll as a special tax against said lot or parcel of land served and the same shall be collected in all respects like

other taxes upon real estate. Section 4.08, MGO, dealing with payment of special assessments and installments shall apply.

6. A separate and independent building sewer shall be provided for every building or as provided by Wisconsin Administrative Code.
7. Old sanitary lateral sewers may be used in connection with new building only when they are found, on examination test by the Engineer or the Plumbing Inspector, to meet the requirements of this ordinance.
8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
9. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, and the connection of the building sewer into the public sewer or with the sanitary lateral sewer shall conform with the Building Code and Plumbing Code provisions of the Madison General Ordinances and the Wisconsin Administrative Code.
10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the Engineer and in conformance with the latest edition of the Standard Specifications of Public Works Construction. (Refer to Chapter 10 of the Madison General Ordinances for applications and permits for excavations in street right-of-way and public property.)
11. No connection of a building drain subject to backflow or backwater shall be made to any sanitary sewer unless it is protected with a backwater valve or sump with pumping equipment as specified in the Wis. Admin. Code § ILHR 82.30(11)(a)(2).
12. No connection shall be made to any sanitary sewer if the connection pipe is carrying flow from a building foundation drain.
13. Where new construction or development occurs, the owner or builder shall establish preliminary public sewer service with the establishment of water service and prior to the installation of the water meter. A one-time sewer use fee shall be collected with the initial water service permit. The fee shall equal one half of the 'flat rate' charge as described in Sec 35.02(6)(b)3., rounded down to the nearest five dollars (\$5).
14. Any existing sanitary lateral that is to be removed or abandoned shall obtain a Permit to Plug Sewer Lateral from the City Engineer.

- a. Where the public sanitary sewer main conditions allow, the plugging of the sanitary lateral shall be completed by City crews using a short liner process at the sanitary lateral connection to the sanitary sewer main. It is then the responsibility of the owner of the lateral to properly plug the lateral at the property line. The fee for plugging shall be based upon the estimated average cost incurred by City crews to install the short liner and including administering the permit. This fee shall be established by the Board of Public Works and adjusted periodically as necessary.
- b. If City crews are unable to plug the lateral by short liner at the sanitary sewer main, the owner shall properly plug the sanitary lateral at the property line. The cost of the plugging permit shall then be one thousand dollars (\$1,000) and shall include a one hundred dollars (\$100) inspection fee and a nine hundred dollars (\$900) deposit for guarantee of the performance of the work and call for inspection of the work.
- c. All conditions of the permit must be adhered to and the plugging properly inspected by the City inspector to obtain any refund of the deposit.
- d. The Permit to Plug Sewer Lateral shall be valid for sixty (60) days from the date of issuance unless the permit is extended in writing by the City Engineer. Following an additional sixty (60) days after the expiration of the permit, the permit will be closed and any deposits remaining, less inspection fees or other permit costs, will be returned. Upon closing of the permit, the owner must apply for a new permit to complete the sewer lateral plugging work.

(5) Use of the Public Sewerage System.

(a) Prohibited Discharges.

1. No person shall discharge wastes to the Public Sewerage System which cause, or are capable of causing either alone or with other substances:
  - a. A fire or explosion hazard including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21;
  - b. Obstruction of flow or damage to the public sewerage system;
  - c. Danger to life or safety of any persons;
  - d. Air pollution as defined in Wis. Stat. § 144.01(1), as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder. This shall include pollutants which result in the presence of toxic gases, vapors, or fumes within the public sewer system or the treatment plant in a quantity that may cause acute worker health and safety problems;

- e. Prevention of effective maintenance or operation of the wastewater facilities;
  - f. Any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation processes;
  - g. A detrimental environmental impact, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the City;
  - h. Any sanitary sewer or the District's wastewater treatment facilities to be overloaded;
  - i. In the opinion of the Engineer, excessive collection and treatment costs, or use of a disproportionate share of the Public Sewerage System;
  - j. A violation of the Madison Metropolitan Sewerage District's Wisconsin Pollutant Discharge Elimination System permit.
2. Specific Prohibited Discharges. Prohibited discharges shall include but not be limited to:
- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - b. Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - c. Any waters or wastes having a pH lower than five-point-five (5.5) or higher than ten-point-zero (10.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment, or treatment works personnel.
  - d. Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders.
  - e. Any wastewater from industrial plants containing floatable oils, fats, or greases.
  - f. Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
3. Prohibitions on Storm Drainage and Ground Water. Storm water, ground water, rain water, street drainage, roof runoff, and subsurface drainage shall not be discharged into the Public Sewerage System without prior approval of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District. Such approval shall be granted only when no reasonable alternative method of disposal is available.

Polluted storm water runoff and ground water from limited areas may be discharged to the sanitary sewer upon approval of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District, subject to payment of applicable charges and fees and compliance with conditions required by the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District.

4. Prohibition on Unpolluted Water. Unpolluted water, including but not limited to, cooling water, process water or blowdown from cooling towers or evaporative coolers, discharge from swimming pools shall not be discharged into the Public Sewerage System without prior approval of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of the applicable charges and fees in compliance with the conditions required by the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District.

(b) Limitations on Discharge Characteristics.

1. Discharge to the Public Sewerage System of the following described substances, materials, waters, or waste shall be limited to the following concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not have an adverse effect on the District's sludge management program, will not endanger persons or property, will not cause air pollution or other detrimental environmental effects, and will not constitute a public nuisance:
  - a. Liquid having a temperature higher than 65°C (149°F) at any point of discharge to the public sewer; or any wastewater having a temperature which will inhibit biological activity in the District's treatment plant thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to the District's treatment plant to exceed 40°C (104°F), unless the treatment plant is designed to accommodate such temperature.
  - b. Wax, grease, oil, plastic or any other substance that solidifies or becomes discernably viscous.
  - c. Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate the rules or regulations of any applicable regulatory agency.
  - d. Wastewater containing more than fifty (50) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
  - e. Wastewater containing more than three hundred (300) mg/l of oil or grease of animal or vegetable origin.

- f. Wastewater, which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
  - g. Wastewater which contains in excess of any of the following constituents in a twenty-four (24-)hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the Industrial User:
    - 0.5 mg/1 cadmium
    - 0.5 mg/1 hexavent chromium
    - 1.5 mg/1 copper
    - 5.0 mg/1 lead
    - 0.02 mg/1 mercury
    - 0.3 mg/1 selenium
    - 3.0 mg/1 silver
    - 10.0 mg/1 total chromium
    - 8.0 mg/1 zinc
    - 2.0 mg/1 nickel
    - 0.1 mg/1 cyanide

Samples shall be collected over the period of discharge if the discharge is less than twenty-four (24) hours in duration.
  - h. Industrial discharges exceeding applicable National Categorical Pretreatment Standards, or State Standards.
  - i. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.
  - j. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
  - k. The District, or the Engineer after notification and consultation with the District, may change the requirements established in the regulations herein if necessary to meet the objectives of this ordinance or the conditions of the Madison Metropolitan Sewerage District's Wisconsin Pollutant Discharges Elimination System permit.
    - 1. Wastewater containing polychlorinated biphenyls.
2. No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES permit and any modification or re-issuance thereof.
- (c) Accidental Discharge of Prohibited Wastewater. Any person who accidentally discharges into the Public Sewerage System wastes or wastewater prohibited under this ordinance shall immediately report such a discharge to the Engineer and the Chief Engineer of the Madison



Metropolitan Sewerage District, and shall report the location of the discharge, the time thereof, the volume thereof, and the type of waste or wastewater so discharged. Within fifteen (15) 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 Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this ordinance. Where the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District deem necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this ordinance.

- (d) Alternatives to Acceptance of Wastewater. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, in excess of those limitations enumerated herein, the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District may in the exercise of their reasonable discretion:
1. Reject the wastes;
  2. Require pretreatment;
  3. Control the quantities and rates of discharge, and/or
  4. Recover the increased costs of handling and treating such wastes.
- (e) Pretreatment of Industrial Wastes. Industrial users may be required to pretreat their wastewater when necessary to protect the Public Sewerage System or prevent discharge of incompatible pollutants from the wastewater treatment plant. If the Engineer requires a pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review of the Engineer and the rules and regulations of any applicable regulatory agency. Industrial users who are not required to pretreat but elect to do so, shall notify the Engineer of their intent to establish a pretreatment plant and the Engineer shall be given the opportunity to review the plans and specifications and to comment thereon. Construction, operation and maintenance of pretreatment facilities shall be at the expense of the user. Pretreatment facilities shall be operated by qualified personnel holding a Grade I license issued by the Wisconsin Department of Natural Resources.
- (f) Limitations on Discharge of Holding Tank Wastes. No persons shall discharge any wastes from septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, permanent or portable privies, or liquid industrial wastes directly into a manhole or other opening in the Public Sewerage System without a permit issued by the Engineer and approved by the Chief Engineer of the Madison Metropolitan Sewerage District. Such permit shall state the location, volume and characteristics of the discharge.
- (g) Grease, Oil and Sand Trap Installation. Grease, oil and sand traps shall be installed at repair garages, gasoline stations, car washes and other commercial establishments where, in the opinion of the Engineer, necessary to prevent the discharge of sand, flammable wastes, oil or grease in the amounts exceeding the limits of Section 35.02(5). All such traps shall be constructed and maintained by the owner at his expense in accordance with the Wisconsin Plumbing Code and shall be readily accessible for cleaning and inspection. The Engineer may require the

owners of these traps to maintain records of the dates of cleaning the traps and the means of disposal of the captured material.

(h) Special Agreements. No statement contained in this ordinance shall be construed as preventing any agreement or arrangement between the Madison Metropolitan Sewerage District, the City of Madison and a user whereby an industrial waste of unusual strength or character may be discharged into the Public Sewerage System.

(6) Wastewater Measurement, Sampling, and Reporting.

(a) Measurement of Demand Charges.

1. There shall be a demand charge for each meter required to measure the quantities of sewage contributed, including meters necessary to measure private water supplies, and the public water supply.
2. The Madison Sewer Utility is hereby authorized and directed to compensate the Madison Water Utility for one-half (1/2) the cost of providing and reading meters and other measuring devices used to measure the usage of water and/or the contribution of sewage. Except that, when such meters or other measuring devices are used to measure the sewer rental for users who elect or are required to monitor the characteristics of their effluent, said measuring devices shall be provided by the user.
3. In the case of a lot, parcel of land, a building or premises which discharges sewage or industrial waste, either directly or indirectly, to the Public Sewerage System, where the Engineer finds that it is not practical to attempt to measure such wastes by meter, the Engineer shall measure such waste in a manner and a method determined to be practical in the opinion of the Engineer.

(b) Measurement of Sewer Rental For Users Who do Not Elect or Are Not Required to Monitor the Characteristics of Their Effluent.

1. The measurement of quantity of sewage contributed for customers using the public water supply shall be based on the volumetric amount of water passing through the meter or meters or actual volume of sewage as determined by a sewerage metering installation. The measurement of the quantity of sewage contributed for customers who connect to the Public Sewerage System after January 27, 1976, and use a private water supply, in lieu or in addition to the public water supply, shall be based upon the amount of water passing through the meter or meters used to measure the private supply, or the actual quantity as determined by a sewerage metering installation.
2. A credit may be given to a user for water which passes through the water metering device but does not enter the Public Sewerage System under the following conditions:
  - a. That a separate meter be installed and a demand charge collected for that meter.
  - b. That the customer desiring to install such separate meter make application for the meter, and that a licensed plumber or owner of a single family residence make the necessary piping changes, and install couplings so that the meter can be set in accordance with applicable plumbing codes.

- c. That the applicant pay a standard fee as established by the City Engineer to cover the cost for labor and equipment to:
  - i. administer and process the application; and
  - ii. install the credit meter; and
  - iii. inspect the plumbing configuration and applicability of the credit meter request.

This standard fee shall be updated and adjusted periodically by the City Engineer based on actual costs to administer this service (recover actual costs), and approved by the Board of Public Works. For complex applications, the applicant may be billed the total, actual cost in excess of the standard fee, for labor and materials to fully process the application, inspect and install the meter. All fees shall be income of the Sewer Utility and the Sewer Utility shall reimburse the Water Utility for its costs to administer applications. In the event a credit meter is not approved for installation, the applicant is not entitled to any refund of the application fee.

- d. The City Engineer shall make periodic audits and inspections of existing credit meters. When it is determined that credits are being improperly granted, the customer shall have fourteen (14) days to make any necessary modifications or removal of meters. After fourteen (14) days, the credit shall become null and after sixty (60) days the customer shall be required to re-apply for said credit. Failure to allow inspection or audit within fourteen (14) days of notification shall also render the credit null.

- 3. Where the City Engineer determines that the measurement of sewer rental is not practical, the City Engineer is authorized to establish a flat rate charge for sewer rental and demand charges. For new construction prior to meter installation, one half of one flat rate charge shall be collected for every single family residential home (rounded down to the nearest \$5). For multi-units, one flat rate charge shall be collected for every four dwelling units (rounded down to the nearest \$5). For non-residential properties, the flat rate charge shall be determined by the City Engineer based upon the equivalent meter size as described in the definitions in Sec 35.01.

(c) Measurement of Sewer Rental For Users Who Elect or Are Required to Monitor The Characteristics of Their Effluent.

- 1. The Engineer shall establish a monitoring program to determine wastewater characteristics and constituents in order to determine compliance with this ordinance and to facilitate an equitable system of sewer charges and industrial cost recovery charges. In addition, any user may establish an approved monitoring program to determine the user's wastewater characteristics and constituents.
- 2. A new user who expects to discharge, or who is capable of discharging, wastewater having constituents or characteristics

different from domestic wastewater shall install a monitoring facility in accordance with Section 18.30(2) of these ordinances.

3. An existing user who discharges wastewater different from the characteristics associated with the domestic wastewater may be required by the Engineer and/or the Madison Metropolitan Sewerage District to install a monitoring facility. Construction of such facility must be completed within ninety (90) days after the user has been notified of the requirement, unless the Engineer and the Madison Metropolitan Sewerage District grant an extension of time.
4. All monitoring facilities shall be constructed at the user's expense in accordance with the plans approved by the Engineer. The monitoring facility shall contain the necessary meters and equipment to facilitate the observation, sampling, and measurement of wastes, and shall be maintained by the users so as to be safe and accessible at all times.
5. The requirements of Section 35.02(6)(c)2. through 35.02(6)(c)4. may be waived upon special written permission of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District.

(d) Powers and Authority for Inspection and Sampling.

1. The Engineer, or his/her designee, bearing proper credentials and identification shall be allowed access to all properties served by the Madison Sewer Utility, and to all monitoring facilities, for the purpose of inspection, observation, measurement, sampling, and testing of discharges to the wastewater facilities, or for the purpose of inspection, repair, or maintenance of any portion of the Public Sewerage System. The Engineer, or his/her designee, may require an onsite audit as determined necessary to ensure accurate billing and compliance with this Ordinance.
2. The Engineer, or his/her designee, may require industrial users to provide information about industrial processes which may have an effect on the nature of the industrial discharges. Such industrial process information may be withheld if the industrial user demonstrates to the satisfaction of the Engineer that release of such information to the public would reveal trade secrets or result in an advantage to competitors. No effluent data shall be withheld from the Engineer, but will be kept confidential by the Engineer if necessary to protect the trade secrets of an industrial user. All customers shall promptly comply with requests for information and onsite audits.

(e) Reporting Requirements.

1. It shall be the responsibility of the user who elects or is required to monitor the characteristics of the users effluent to sample, chemically analyze, and prepare a report on the effluent by competent personnel. All costs associated with such monitoring shall be the responsibility of the user.
2. The Engineer may require a user to provide the information concerning but not limited to:
  - a. Volume time and peak rate of discharges.
  - b. Chemical analysis of discharges.

- c. Raw materials, processes and products relevant to discharge characteristics.
  - d. Discharges of specific wastes such as sludge, oil, solvent, or incompatible pollutants.
  - e. Plot plans of sewers on the user's property showing locations of sewers, monitoring facilities and pretreatment facilities.
  - f. Details of pretreatment facilities.
  - g. Details of systems to prevent losses of materials through spills to the Public Sewerage System.
3. The Engineer shall review the annual reports submitted to the Madison Metropolitan Sewerage District by significant industrial contributors in accordance with Wisconsin Administrative Code NR-101. The Engineer may bill the user based on the data contained within the report or, may ask for additional information on which to base the cost of sewer rental.
  4. All measurements in test analysis of the characteristics of wastewater shall be determined in accordance with methods established by the EPA and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977", and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.
  5. A Responsible Corporate Officer, as defined in this ordinance, shall sign any reports required to be submitted by an industrial user pursuant to the provisions of this ordinance.
  6. Each Industrial User shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and other information relating to monitoring, sampling and chemical analyses made by or on behalf of the Industrial User in connection with its industrial discharge. All such records pertaining to matters which are the subject of any enforcement proceedings under this ordinance or the subject of any litigation involving the District, shall be retained and preserved by an Industrial User until such proceedings or litigation have been finally concluded and all periods of limitation with respect to appeals therefrom, have expired.
- (f) Government Owned Property Subject to Ordinance. The provisions of this ordinance, including the charges established and the method of measuring sewer rental and demand charges, shall apply to property owned by the City of Madison, the County of Dane, the State of Wisconsin, and the United States of America, and to any property which might be otherwise exempt from the payment of general property taxes.

- (g) Bypass Reporting. In the event of a bypass or spill of wastewater from any community sewer, the District Customer owning the sewer shall notify the District and the Department of Natural Resources immediately upon becoming aware of the situation. The notification shall include the location of the bypass/spill, the reason for the bypass/spill, when the situation is expected to be corrected, and an estimate of the volume or rate of the bypass/spill.
- (7) Schedule of Demand Charges, Sewer Rental, Miscellaneous Charges and Industrial Cost Recovery Charges.
  - (a) Procedure to Establish Charges. All charges authorized under this Subsection, said charges being necessary to recover the Madison Sewer Utility's cost and which are in addition to the demand charges levied by the Water Utility, shall be set by the City Engineer, consistent with the standards set forth in Wis. Stat. § 66.0821(4). These rates shall be set annually, and will go into effect upon approval by the Board of Public Works and the Common Council.
  - (b) Demand Charges. Demand charges established under this Subsection shall differentiate between customers who are billed for sewer use based on their metered water use (or equivalent) and those who request a separate meter to measure water usage that does not enter the sewer system.
  - (c) Sewer Rental. Sewer Rental shall be set as follows:
    - 1. The sewer rental for those customers who do not elect or are not required to monitor the characteristics of their effluent shall be based upon each one hundred (100) cubic feet of wastewater contributed.
    - 2. The sewer rental for those customers who elect or are required to monitor the characteristics of their effluent shall be based upon each one hundred (100) cubic feet of waste contributed, each pound of Carbonaceous Biochemical Oxygen Demand, each pound of suspended solids, each pound of nitrogen as measured Total Kjeldahl Nitrogen, and each pound of Total Phosphorous.
  - (d) Schedule of Charges Where Measurement of Sewer Rental is Not Practical. Where the Engineer has determined that the measurement of the volume of sewage or industrial waste contributed is not practical, a flat rate charge for sewer rental and demand charges shall apply.
  - (e) Schedule of Charges for Septic Tank Waste. The charge for discharges of waste (from septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, permanent or portable privies or liquid industrial waste) at the City Engineering Division's Facility located at 1600 Emil Street, or at any other approved site on the Public Sewerage System shall be set under this Subsection. Waste containing approximately ten thousand (10,000) milligrams per liter of five (5-) day Biochemical Oxygen Demand (BOD5) or twenty thousand (20,000) milligrams per liter of suspended solids shall be considered "average" waste for the purpose of this subdivision. The City Engineer is authorized to establish a modified schedule of charges based on the unit cost established in accordance with Sec. 35.02(7)(c)2. for septic tank waste which materially differ in strength from the average.
- (8) Collection of Demand Charges and Sewer Rental.

- (a) The Engineer shall divide the City into sections, as practical for billing purposes, and coinciding with the sections used by the Water Utility. The demand charges, sewer rental and industrial cost recovery charges shall be payable periodically to the City Treasurer at the same time as Water Utility bills are payable.
  - (b) (Reserved for Future Use.)
  - (c) All charges established by this ordinance shall be a lien against the property served pursuant to Wis. Stat. §§ 66.0809(3) and 66.821(4)(d).
  - (d) The bills for Sewerage Utility charges shall be dated and issued to users. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty-five (25) days thereafter (the “due date”) and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid.
  - (e) Bills issued under this section and paid by the user which are subsequently found to be in error shall be corrected, and revised bills shall be issued. Users who were billed less than the proper amount shall be rebilled from the date of notice of the error back a period not to exceed two years. Users who were billed more than the proper amount shall be refunded the difference back to the date of the first occurrence or six years, whatever is less. Interest shall be refunded as determined by Wis. Stat. § 138.04.
- (9) Special Charges. Whenever any user discharges wastes into the public sewerage system which cause physical damage to the wastewater facilities and/or which cause the MSU or MMSD to incur unusual additional costs, the MSU or MMSD may assess a special charge against such user for the work required to repair the facilities and/or to recover the unusual additional costs. Special charges shall be in addition to the service charges specified herein and shall be billed directly to the user.

**35.025 LANDFILL REMEDIATION.**

- (1) It is hereby determined and declared to be desirable and necessary for the protection of the public health, safety and welfare to remedy the release of organic and inorganic substances from solid waste landfills operated by the City, and to encourage the proper abandonment of private drinking water wells. Said releases are potentially detrimental to the air and groundwater, and if allowed to concentrate, may be toxic, combustible or explosive. Improperly abandoned wells represent potential direct pathways for groundwater contamination to enter the municipal drinking water supply. In order to finance the environmental remediation of solid waste landfills operated by the City and to encourage the proper abandonment of private drinking water wells located in the City of Madison or on properties served by the Madison Water Utility, there shall be established a charge upon all lots, lands and premises served or benefited by the sanitary sewerage system of the City of Madison, also referred to as “The Madison Sewer Utility,” a public utility within the purview of Wis. Stat. § 66.0801.
- (2) Transfer of Assets. The land rights and improvements of the city, or such rights determined to exist, for the following landfills are hereby transferred to the land assets of the Madison Sewer Utility:

- (a) Mineral Point Landfill, Parcel No(s). 0708-243-0301-3 and 0708-243-0302-1.
  - (b) Greentree Landfill, Parcel No. 0708-362-0302-9.
  - (c) Demetral Landfill, Parcel Nos. 0710-062-0918-6 and 0710-062-1401-0.
  - (d) Sycamore Landfill, Parcel Nos. 0810-343-0099-7 and 0810-343-0802-4.
  - (e) Olin Landfill, Parcel No. 0709-264-1904-9.
  - (f) Sycamore clean fill site, Parcel No. 0810-342-0239-1.
- (3) Administration. The Water Utility Manager, City Engineer and Finance Director shall establish procedures for review by their respective Boards and approval by the Common Council to properly allocate the costs for the administration of this service.
- (4) Schedule of Landfill Remediation Fees. The Landfill Remediation Charge shall be in addition to the demand charges established by Section 35.02(7)(b) of these ordinances and shall be set by the City Engineer. These rates shall be set annually, and will go into effect upon approval by the Board of Public Works and the Common Council. For the purpose of calculating the bills for the customers of the Sewer Utility, the Landfill Remediation Charge may be added to demand charges established by Section 35.02(7)(b). Sewer customers without a meter who are billed a flat rate for sewer service shall be charged, under the approved schedule, based on the appropriate sized meter applicable to their water service.
- (5) The bills for Landfill Remediation charges shall be dated and issued to users. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty-five (25) days thereafter (the “due date”) and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid.

**35.03 RESERVED FOR FUTURE USE.**

**35.04 ENFORCEMENT OF THE ORDINANCE.**

- (1) The City Engineer is hereby authorized to prescribe the form of application for permits under this chapter and shall be responsible for the general supervision of the enforcement of the provisions of this chapter and law.
- (2) Any person violating the provisions of this chapter shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) per day for each and every violation; each day of violation shall constitute a separate offense.

**35.05 EFFECTIVE DATE.**

This ordinance shall be in effect from and after its passage and publication.”