

Ordinance XX-14

To repeal, recreate and revise sections of Chapter 98 – Utilities, Article IV. – Wastewater System of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: In Sec. 98-24. – Definitions, of the Municipal Code of the City of Racine, add the following definitions in the correct alphabetical order:

*“Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. 98-151(a) and (b) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (*i.e.*, management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits]. *BETX* means an aggregate concentration of total benzene, ethylbenzene, toluene, and xylenes.

*City* means the City of Racine, Wisconsin.

*Class I - Domestic user* means any user of the wastewater system that meets the following condition:

(1) A user that generates wastewater with a strength equal to or less than normal strength wastewater independent of the quantity of flow discharged.

*Class II - Industrial user* means any user of the wastewater system that meets the following condition:

(1) A user that generates wastewater with strength greater than normal domestic strength wastewater independent of the quantity of flow discharged.

*Federal grant* means Grant No. C550552-01 dated April 3, 1974, from the Environmental Protection Agency of the United States of America, of the city, or any other grants received by the city from the EPA for the purpose of expanding its complete wastewater system.

*Groundwater discharge* means polluted water discharge from a construction or remediation site to the sanitary sewer system. This discharge requires a permit and testing prior to discharge as determined by the general manager

*Industrial user* means any source discharger of industrial wastewater.

(1) Any above-mentioned user will be excluded from the industrial cost recovery charges as hereinafter provided the general manager determines that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

*Interceptor sewer* means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

*Lift station* means a station including all pumps and necessary appurtenances in any public wastewater system to which wastewater is pumped to a higher level. The interceptor sewers wastewater treatment facilities and lift stations owned by the utility shall in their entirety be known hereinafter as the "wastewater system."

*Normal domestic strength wastewater*, as defined for the purpose of this section, (normal strength) means wastewater having an average daily total suspended solids concentration of not more than 250 mg/l and an average daily BOD of not more than 200 mg/l and an average daily phosphorous concentration of not more than 6 mg/l.

*Owner* means the owner of any real property from which wastewater is discharged.

*Recovery period* means the period of 30 years during which each industrial user shall pay its share of the federal grant.

*Sewer agreement* means the Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement, as established on April 25, 2002, and any adopted amendments or revisions thereafter.

*Sewer Service Provider Party (SSP)* means a party that provides sewer service pursuant to and in accordance with the Sewer Agreement; signifies the Racine Wastewater Utility.

*Sewer Service Recipient Party (SSR)* means a party that receives (or whose constituents receive) sewer service from the SSP or Racine Wastewater Utility pursuant to and in accordance with the Sewer Agreement, and which is obligated to pay such service in accordance with the Sewer Agreement.

*Total suspended solids (TSS)* means the dry weight of solids that are physically suspended or floating in a flow of sewage, industrial waste, or water that are measurable by laboratory filtering.

*Total toxic organics (TTO)* means an aggregate concentration of any volatile compound, acid extractable compound, or base/neutral compound identified pursuant to Clean Water Act Section 307(a) and state code NR 215.03(1), (2), and (3). Pesticides, PCBs, dioxin, heavy metals, and other compounds in the identified list are excluded.

*Utility* means the Racine Wastewater Utility.

*Waste component* means any constituent of wastewater other than water, including, but not limited to, BOD, TSS and phosphorus.

*Wastewater* means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water and unintentionally admitted infiltration/inflow).

(1) *Sanitary wastewater* means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities; and

(2) *Industrial wastewater* means a combination of liquid and water-carried wastes, discharged from any industrial establishment and resulting from any trade or process carried on in that establishment. (This shall include the wastes from pretreatment facilities and polluted cooling water.)

*Wastewater works* means all facilities, infrastructure, equipment, and components used for collecting, pumping, transporting, storing, measuring, monitoring, treating and drying of sewage.

*Wisconsin Pollutant Discharge Elimination System (WPDES) permit* means a permit issued to the city for the discharge of wastewater to Lake Michigan. This permit, which is on file in the office of the wastewater utility, specifies effluent limitations for compatible pollutants and specifies certain conditions that have to be met by the city. This permit was issued in compliance with the environmental protection agency as part of the National Pollutant Discharge Elimination System (NPDES) permit program.

Part 2: Amend Sec. 98-24. – Definitions, of the Municipal Code of the City of Racine, by adding the following paragraph at the end of all the definitions:

“The meaning of any other term shall be that usual and customary meaning as used by those working in the field of wastewater treatment. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate.”

Part 3: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, amend the definition of *Biochemical oxygen demand*, by adding “(BOD)” after “*Biochemical oxygen demand*.”

Part 4: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine amend the definition of *Garbage* to add the following sentence at the end of the current paragraph, “All garbage must be properly shredded to a size no greater than one-half (1/2) inch in any dimension.”

Part 5: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, the word “Manager” should be repealed and replaced with “manager.”

Part 6: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, amend the definition of “P” by adding the word “total” after the word “phosphorous.”

Part 7: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, repeal and recreate the definition of “*Significant industrial contributor*” as follows:

“*Significant industrial contributor* means any source to the sanitary or combined sewer system which meets one or more of the following conditions:

(1) An industrial user that is subject to categorical pretreatment standards;

(a) The utility may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

i. The industrial user, prior the utility’s finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

ii. Upon a finding that an industrial user meeting the criteria here: (2), (3) and/or (4), has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the utility may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(2) An industrial user that discharges an average of 25,000 gallons per day or more of process wastewater; or

(3) An industrial user that discharges incompatible pollutants at a flow rate greater than five percent of the flow carried by the municipal system; or

(4) An industrial user that has a discharge with reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

Part 8: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, repeal “*Suspended*” and its definition in its entirety.

Part 9: In Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, repeal and recreate the definition of “*Wastewater works*” as follows:

“*Wastewater works* means all facilities, infrastructure, equipment, and components used for collecting, pumping, transporting, storing, measuring, monitoring, treating and drying of sewage.”

Part 10: Amend Sec. 98-124. – Definitions, of the Municipal Code of the City of Racine, by adding the following paragraph at the end of the section:

“The meaning of any other term shall be that usual and customary meaning as used by those working in the field of wastewater treatment. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate.”

Part 11: Amend subsection (3) of Sec. 98-127. – Prohibited waste discharges, of the Municipal Code of the City of Racine, by adding the following after the word “residues,” and before “etc.,”

“disposable diapers, paper hand towels, wipes, cloth towels, clothing articles, construction materials,”

Part 12: Amend Sec. 98-128. – Wastewater discharges controlled, of the Municipal Code of the City of Racine, by adding the following at the end of the current paragraph:

“The general manager may restrict the discharge of large-source food-origin garbage volume to the sanitary sewer should such discharge potentially cause sewer operation issues; or should separation into an alternative reuse scheme be required.”

Part 13: Amend Sec. 98-131. – Control manhole, of the Municipal Code of the City of Racine, by adding the words “or commercial” after the word “industrial” in the first sentence.

Part 14: Amend Sec. 98-132. – Measurements and tests, of the Municipal Code of the City of Racine, by repealing the “.” after the word “connected” at the end of that third sentence and adding the words “or at a point and means authorized by the general manager.”

Part 15: Amend Sec. 98-135. – WPDES permit, of the Municipal Code of the City of Racine, by adding the words “Wastewater Utility” in the second sentence after the word “Racine.”

Part 16: Repeal and recreate Sec. 98-137. – Authority to inspect, of the Municipal Code of the City of Racine, by adding the words “or utility” in the first sentence before the word “bearing”; repeal the word “Only” at the beginning of the second sentence and repeal and recreate the word “the” to “The”; and repeal the words “by him” in that paragraph.

Part 17: Repeal and recreate Sec. 98-148. – Same - definitions, of the Municipal Code of the City of Racine, as follows:

**“Sec. 98-148. Credit Meters.**

a) *Water measurement.* Measurement of water not discharged into the wastewater system shall be by a meter purchased, installed and maintained at the expense of the

owner in a manner satisfactory to the wastewater utility. During any period in which such meter shall fail to register, or shall fail to register properly, the amount of discharge during such period may be estimated by the wastewater utility. In cases where it may be cost prohibitive or physically impossible to comply with the installation of required metering devices, the responsible party may petition the wastewater commission for an alternate means of measurement. The alternate means of measurement shall be based upon scientific fact, equipment manufacturer's proven test results and/or sound engineering and scientific laws and principles. The technical staff of the utility shall evaluate the proposed alternative method of measurement and report their findings to the commission for action on the request.

b) *Application.* Billing for sanitary sewer service for City of Racine customers is based on the assumption that the amount of water purchased by a facility, as recorded by a Racine water utility incoming water meter(s), will discharge via the sanitary sewer. Due to evaporation, irrigation, cooling, production, or other uses, this is not always the case. To recognize this loss, the wastewater utility will allow industrial, commercial, public authority, or multi-residential (3 units or more) facilities, located in the City of Racine only, an option to gain sewer bill credit for water volume not discharged to the sanitary sewer system. The credit option does not apply to residential customers. To receive credit: Water loss must be metered by a water meter(s) approved by the utility; An application form must be completed with required attachments and be submitted for approval to the wastewater utility; and, All meter installation and inspection procedures must be complied. The credit meter(s) must be maintained by the applicant, and the utility reserves the right to inspect or require calibration/certification. Credit will be applied directly on the water/sewer bill.”

Part 18: Repeal and recreate Sec. 98-149. – Same - Invoicing, of the Municipal Code of the City of Racine, as follows:

In the first sentence of subsection (a), repeal the word “owner” and replace it with “user” and add the words “or groundwater” after the first instance of “wastewater.”

In the first sentence of the second paragraph of subsection (a), repeal the word “shall” and replace it with “may” and add the words “or groundwater” after the first instance of “wastewater.”

In the first sentence of subsection (b) add the words “or groundwater” after the first instance of “wastewater.”

In the first sentence of subsection (b) (2) add the words “in accordance with section 98-148 credit meter usage” after “period,.”

In the last paragraph of subsection (b) add the words “per section 98-148 credit meters” at the end of that paragraph after the word “utility.”

Repeal the paragraph that begins “Measurement of water...” in its entirety.

In subsection (c) add the words “as derived per rate methodology specified in section 6.4.a. of the Sewer Agreement” after the word “commission.”

In the second sentence of subsection (e) add a “.” After the word “agreement” and repeal the words “, or for nonparties, of the amount or at the rate authorize din the latest PSC rate case.”

**PLEASE DOUBLE CHECK ALL THE CHANGES TO SEC 98-150 BELOW. SOME OF THE DEFINITIONS WERE ADDED / REVISED EARLIER IN SEC. 98-124 DEFINITIONS.**

Part 19: In Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal and recreate the paragraph above subsection (b) as follows:

“This division shall apply to the city and to persons outside the city who are, by contract or agreement the city uses of the city POTW. Except as otherwise provided herein, the utility general manager of the Racine POTW shall administer, implement, and enforce the provisions of this division.”

Part 20: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal the definitions of “*Authorized representative of industrial user*” and its subsections in its entirety, “*City*,” and “*Consistent removal*.”

Part 21: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, add the following definitions in the proper alphabetical order:

“*Authorized or Duly Authorized Representative of the user* means a designated person who meets the following definition(s):

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the utility.

*Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. 98-151(a) and (b), [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits].

*Categorical Industrial User* means an industrial user subject to a categorical pretreatment standard or categorical standard.

*Daily maximum* means the arithmetic average of all effluent samples for a pollutant collected during a calendar day or the 24-hour sampling period designated as beginning on a calendar day. The daily maximum limit is the maximum allowable discharge limit of a pollutant from all measurements taken that day.

*Local Limit* means specific discharge limits developed and enforced by the utility upon industrial or commercial facilities to implement the general and specific discharge prohibitions.

*Monthly Average* means the sum of all 'daily discharges' measured during a calendar month divided by the number of 'daily discharges' measured during that month.

*Monthly Average Limit* means the highest allowable average of 'daily discharges' over a calendar month, calculated as the sum of all 'daily discharges' measured during a calendar month divided by the number of 'daily discharges' measured during that month.

*Non-Significant Categorical Industrial User (NSCIU)* means a user that discharges no more than 100 gallons per day of total categorical wastewater, and does not discharge untreated concentrated wastes.

*Significant industrial contributor* means any source to the sanitary or combined sewer system which meets one or more of the following conditions:



- (1) An industrial user that is subject to categorical pretreatment standards;
  - a. The utility may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
    - i. The industrial user, prior the utility's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
    - ii. Upon a finding that an industrial user meeting the criteria here: (2), (3) and/or (4), has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the general manager may, with the consent of the wastewater commission, may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- (2) An industrial user that discharges an average of 25,000 gpd or more of process wastewater; or
- (3) An industrial user that discharges incompatible pollutants at a flow rate greater than five percent of the flow carried by the municipal system; or
- (4) An industrial user that has a discharge with reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (5) Any user meeting the definition of a non-significant categorical industrial user (NSCIU), and so designated by the general manager, will not be subject to wastewater discharge permit requirements, but must certify annually to the utility that the user still meets the definition of a NSCIU and meets compliance requirements with applicable pretreatment standards, after having met Baseline Monitoring Report requirements. If the general manager determines that an existing NSCIU no longer meets the definition of a NSCIU or requirements to be in consistent compliance with pretreatment standards, then the user shall be classified as a SIU.

*Total suspended solids (TSS)* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.”

Part 22: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, recreate the definitions of “*Categorical standards or categorical pretreatment standards*,” “*Existing source*,” “*Indirect discharge or discharge*,” and “*Wisconsin Pollutant Discharge Elimination System (WPDES)*” by repealing the word “act” and changing it to “Act.”

Part 23: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, recreate the definition of “*Chemical oxygen demand*” by adding the word “accepted” before the word “edition.”

Part 24: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal “*Environmental protection agency*” and recreate it as “*Environmental Protection Agency*.”

Part 25: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal “*General manager*” and recreate it as “*General Manager*.”

Part 26: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal and recreate the following definition:

“*Grab sample* means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.”

Part 27: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, recreate the definition of “*Municipality*” by repealing the “.” and adding “in accordance with the Sewer Agreement; also known as a sewer service recipient party or SSR party.”

Part 28: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal the word “act” in subsection (1) of the definition of “*New source*” and replace it with “Act.”

Part 29: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal “*Pass through*” and recreate it as “*Pass-through*.”

Part 30: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, recreate the definition of “*P*” by adding the word “total” before “phosphorus.”

Part 31: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, recreate the definition of “*Pollutant*” by adding “*P*” after “TSS.”

Part 32: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal “*Publicly owned treatment works*” and recreate it as “*Publicly Owned Treatment Works*.”

Part 33: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal the definition of “*Significant user*” in its entirety.

Part 34: In subsection (b) of Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal and recreate the following definition as follows:

“*Wastewater discharge permit* means the document issued by the utility to significant industrial users to set forth the requirements and limitations for the industrial user.”

Part 35: Repeal and recreate subsection (c) *Abbreviations* in Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, as follows:

- (1) BETX – Aggregate of benzene, ethylbenzene, toluene, and xylenes.
- (2) BOD - Biochemical oxygen demand.
- (3) BMP – Best Management Practice.
- (4) BMR – Baseline Monitoring Report.
- (5) CFR - Code of Federal Regulations. (Example: 40 CFR, part 403 is title 40 of the Code of Federal Regulations, part 403).
- (6) COD—Chemical Oxygen Demand.
- (7) EPA—Environmental Protection Agency.
- (8) FOG – Fats, Oils, and Greases.
- (9) FSE - Food Service Establishment.
- (10) gpd – gallons per day.
- (11) l - Liter.
- (12) mg - Milligrams.
- (13) mg/l - Milligrams per liter.
- (14) NAICS - North American Industrial Classification System.
- (15) NSCIU - Non-Significant Categorical Industrial User.
- (16) P – total phosphorus.
- (17) POTW - Publicly Owned Treatment Works.
- (18) RCRA - Resource Conservation and Recovery Act.
- (19) SIC - Standard Industrial Classification (see NAICS).
- (20) SIU – Significant Industrial User.
- (21) SMP – Slug or spill control plan.
- (22) SNC – Significant Noncompliance.
- (23) SSR – Sewer Service Recipient Party.
- (24) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (25) TTO – Total Toxic Organics.
- (26) TSS - Total Suspended Solids.
- (27) USC - United States Code.
- (28) WDNR – Wisconsin Department of Natural Resources.
- (29) WPDES - Wisconsin Pollutant Discharge Elimination System.

Part 36: In the second sentence of subsection (a) of Sec. 98-151. General sewer use requirements, of the Municipal Code of the City of Racine, repeal the word “a” before “POTW” and replace it with “the.”

Part 37: The current subsection (a) (2) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be repealed and recreated as follows:

“(2) Solid or viscous substances which may cause obstruction to the flow in a sewer, but in no case solids greater than one (1) inch in any dimension or create interference with the operation of the wastewater treatment facilities or wastewater collection system such as, but not limited to: articles with sufficient dimensions or quantity either alone or in combination with other particles to obstruct the wastewater flow, , bones, hair, , whole blood, , ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, disposable diapers, paper hand towels, wipes, rags, cloth towels, clothing articles, , waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, construction materials, mud, or glass grinding residues, or polishing waste residues;”

Part 38: In the current subsection (a) (6) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal the words “pass through” and replace it with “pass-through.”

Part 39: In the current subsection (a) (7) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal “(m)” and replace it with “(n).”

Part 40: In the current subsections (a) (8) and (10) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, repeal the word “act” and replace it with “Act.”

Part 41: Amend the current subsection (a) (11) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, by adding the following sentence after the “;”: “Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail a Whole Effluent Toxicity test;”

Part 42: Amend the current subsection (a) (12) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, by adding the words “ink residues, paint residues” after the words “limited to,”.

Part 43: Before the current subsection (a) (1) of Sec. 98-151. Pretreatment regulations – General Provisions, of the Municipal Code of the City of Racine, create a new subsection (b) as follows and then the current (1) through (20) will fall under this new subsection (b).

“(b) *Specific discharge prohibitions.* A user may not contribute the following pollutants or substances to the POTW.”

Part 44: The current subsection (b) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine shall be repealed and recreated as follows:

“(c) *National categorical pretreatment standards*. Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The general manager shall notify all affected users of the applicable reporting requirements under 40 CFR, part 403.12. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR, part 403.3(k). New sources shall install, have in operating condition, and start-up all pollution control equipment required to meet the applicable pretreatment standards before beginning discharge. Within the shortest feasible time, not to exceed 90 days, new sources shall be required to meet all applicable pretreatment standards.

The categorical pretreatment standards found in 40 CFR, chapter I, subchapter N, parts 405 through 471 are hereby incorporated:

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the general manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c);
- (2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the general manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- (3) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the general manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- (4) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the general manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e);
- (5) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard; and
- (6) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.”

Part 45: The current subsection (c) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be repealed and recreated as follows:

“(d) *Local limits*. The general manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following limits are established to protect against pass through and interference. No user shall discharge wastewater containing the following pollutants in excess of the following. These local limits apply at the point where the wastewater is discharged from the industrial user facility to the POTW collection system.

(1) Limits for flow proportional sampling procedure and batch discharges or grab samples when necessary:

	mg/l liter
Cadmium	0.7
Chromium	14.0
Copper	3.61
Lead	1.38
Mercury	0.1
Nickel	4.1
Zinc	7.1
TTO <sup>1</sup>	2.13

<sup>1</sup> Aggregate concentration of any volatile compound, acid extractable compound, or base/neutral compound identified pursuant to Clean Water Act Section 307(a) or NR 215.03(1), (2), and (3). Pesticides, PCBs, dioxin, heavy metals, and other compounds in the identified list are excluded. Pesticides, PCBs, and dioxin discharges are not allowed.

All concentrations for metallic substances are for "total" metal unless indicated otherwise.

(2) Grab sample only:

a. Any wastewater containing fats, wax, grease or oils whether emulsified or not, in excess of 200 mg/l as measured by an approved EPA method or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Celsius and 65.6 degrees Celsius).\*

b. 1.9 mg/l total cyanide.

c. 5.17 mg/l BETX (aggregate of benzene, ethyl benzene, toluene, xylenes) gasoline derivatives

(3) Additional monitoring requirements: All dischargers may be required to monitor for the following pollutants:

a. Arsenic, selenium, silver, molybdenum, chemical oxygen demand (COD), nitrogen, chloride, hexavalent-chromium, phenol, pesticides, dioxin, PCBs

b. The general manager may impose mass limits in addition to, or in place of, the concentration based limits above.

Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in the wastewater the general manager may impose equivalent concentration or mass limits.

When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the general manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

To be eligible for equivalent mass limits, the industrial user must:

1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
3. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
5. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

An industrial user subject to equivalent mass limits must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
3. Continue to record the facility's production rates and notify the general manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates. Upon notification of a revised production rate, the general manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to this section so long as it discharges under an equivalent mass limit.

When developing equivalent mass limits, the general manager:

1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
3. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 98-151(g). The industrial user must also be in compliance with Section 98-151(j) regarding the prohibition of bypass.]
4. The general manager may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the general manager.

**[Note: When converting such limits to concentration limits, the general manager will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by section 98-151(g) of this ordinance (see 40 CFR 403.6(d)). In addition, the general manager will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]**

5. Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived. [Note: See 40 CFR 403.6(c)(7)] Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. **[Note: See 40 CFR 403.6(c)(8)]**

6. Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the general manager within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the general manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. **[Note: See 40 CFR 403.6(c)(9)]**

c. The general manager may impose additional limits and/or monitoring requirements on pollutants of concern.

d. The general manager may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and general discharge prohibitions. Control mechanisms (permits) shall contain effluent limits, including best management practices, based on prohibited discharge standards, categorical pretreatment standards, local limits and state and local law.



The general manager shall be able to modify these limitations as long as they do not violate state or federal laws.

\*Any variance requests for fats, wax, grease or oils limitations as set forth in section 98-151(d)(2) shall be submitted to the general manager. The variance request shall be based upon the criteria enumerated in 40 CFR, part II, sec. 403.13. If a variance is granted, the general manager will have sole discretion on whether to accept alternative testing procedures for the variance.

Part 46: The current subsection (d) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(e)”.

Part 47: The current subsection (e) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(f)”.

Part 48: The current subsection (f) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(g)”.

Part 49: The current subsection (g) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(h)”.

Part 50: The current subsection (h) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(i)”.

Part 51: The current subsection (i) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(j)” and shall be amended as follows:

Amend the paragraph “*Bypass of treatment facilities*.” by adding after the “:” the words “Bypass means the intentional division of wastestreams from any portion of the user’s treatment facility.”

Repeal and recreate “b.” as follows:

“b. *Unanticipated bypass*. The permittee shall submit oral notice within 24 hours from the time the user becomes aware of the bypass to the wastewater utility and submit a written notice to the utility within five days. This report shall specify:

1. A description of the bypass and its cause, including its duration, including exact dates and times;
2. Whether the bypass has been corrected, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and
3. The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
4. The general manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.”

Part 52: The current subsection (j) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(k)”.

Part 53: The current subsection (k) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(l)”.

Part 54: The current subsection (l) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(m)” and the paragraph before the numbered subsections (1) – (4) shall be repealed and recreated as follows:

“(m) *Accidental discharge/slug (spill) control plans.* The general manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control slug discharges. For industrial users identified as significant prior to March 3, 2014, this evaluation shall have been conducted by February 1, 2015. Additional significant industrial users shall be evaluated within 1 year of being designated as significant industrial users. The general manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the general manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:”

Part 55: The current subsection (m) of Sec. 98-151. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be renumbered “(n)”, repeal and recreate subsection (1) as follows:

“(1) Septic tank and holding tank waste may be introduced into the POTW only at locations designated by the general manager, and at such times as are established by the general manager. Such waste shall not violate categorical standards, or prohibitions, or local limits outlined in section 98-151 of this division or any other requirements established by the utility. The general manager may require waste haulers to obtain wastewater discharge permits;”

and amend (4) by adding the words “, as approved by the utility,” after the words “This form” which begins the second sentence.

Part 56: Sec. 98-150. Pretreatment regulations – General provisions, of the Municipal Code of the City of Racine, shall be amended by adding the following subsection at the end:

“(o) *Groundwater discharge.* Discharge of polluted water to the sanitary sewer system from construction or remediation projects may require a groundwater discharge permit.

(1) Contaminated groundwater may be introduced into the POTW only at locations designated by the general manager, and at such times as are established by the general manager. Such waste shall not violate section 98-151 of this division or any other requirements established by the utility. The utility may regulate the allowable rate

of discharge, or order the discharge ceased, if deemed necessary. A flowmeter will be installed to measure flow in accordance with Sec. 98-149(b), with a sampling valve for obtaining samples for analysis;

(2) If the general manager requires a discharger to obtain a groundwater discharge permit, the general manager shall require the generator or contractor in charge of the site to submit a groundwater discharge application;

(3) The general manager shall require analysis of permitted groundwater discharge to ensure compliance with applicable standards in accordance with Sec. 98-132 and 98-149(a). The applicant shall provide the utility with any previous laboratory analysis. The general manager may require the generator to provide analysis of any load prior to commencement of discharge, or of any groundwater being discharged. Discharge shall be denied if the established limits will be exceeded;

(4) Discharge will at all times be in compliance with the listed limits in Sec 98-151;

(5) Generators must provide the required information requested on the groundwater discharge application form provided by the utility. This form shall include, at a minimum, a description of the discharge site, a site map, the name and address of the owner/tenant of the site, site history, cause for contamination, remediation plans (if necessary), treatment of the groundwater prior to discharge (if necessary), an estimation of the rate and duration of discharge.

(6) The Utility will inspect the site prior to discharge.

(7) Permits cover a two year period, and shall be charged the current permit fee.

(8) Discharge will be billed at current Class I user rates in accordance with Sec. 98-149(c).

Part 57: The third sentence of subsection (a) of Sec. 98-152. Pretreatment of wastewater, of the Municipal Code of the City of Racine, shall be repealed and recreated as follows: "Detailed plans describing such facilities and operating procedures shall be submitted to the WDNR and general manager for review, and shall be acceptable to the WDNR and general manager before such facilities are constructed."

Part 58: Subsection (b) (3) of Sec. 98-152. Pretreatment of wastewater, of the Municipal Code of the City of Racine, shall be amended by adding the words "in accordance with the utility's Fats, Oils and Grease Management plan and Best Management practices, (section 98-158)," in the last sentence after the words "as needed,".

Part 59: Subsection (a) (1) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be repealed and recreated as follows:

"(1) *Individual wastewater discharge permits.* All significant users are required by this section to obtain a wastewater discharge permit. All new users proposing to connect to or to contribute to the POTW shall be surveyed to determine their need to obtain a wastewater discharge permit before connecting to or contributing to the POTW. All significant users that have facilities in more than one geographic location will be issued separate wastewater discharge permits for each facility. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the general manager to prevent pass-through or interference, protect the quality of the

receiving water, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. All permits must contain:

- a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- b. A statement that the wastewater discharge permit is issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new significant user.
- c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards and local limits;
- d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- e. A new wastewater discharge applicant or industry user applying for permit renewal shall sample for suspected TTO compounds. Any toxic organic compound found in the user's discharge at a concentration greater than 0.01 mg/l will be summed for a determination of compliance with the TTO limit specified in section 98-151(d). If an individual identified TTO is below 0.01 mg/l, no sampling for that TTO compound will be required for the duration of the permit.
- f. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- g. Requirements to control slug discharge, if determined by the general manager to be necessary."

Part 60: Subsection (a) (2) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be amended to add the following:

"Industries that do not discharge process waste, or discharge minimal amounts of wastewater, but are still considered by the general manager to have the potential to impact the POTW, may be issued a minimal or no-discharge permit. This permit is approved only after the general manager has inspected the facility. A slug discharge plan must be on file with the utility. The facility will be inspected annually to confirm the no discharge status of the facility. Groundwater discharge permits may be required in accordance with Chapter 98-151(o).

- a. Excepting that upon finding that a user meeting the criteria of a significant user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the general manager may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user. Such user shall be classified as a non-significant industrial user."

Part 61: In subsection (a) (4) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, repeal the words “Nonsignificant users” and begin that sentence with “Users.”

Part 62: In subsection (a) (4) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, repeal a. through j. and recreate those sections as follows:

“a. Name, address and location for each facility (if different from the address), including the name of the operator and owner;

b. Contact information, description of activities, facilities and plant production processes on the premises;

c. Any environmental control permits held by or for the facility;

d. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended; or NAICS code according to the North American Industrial Classification System (1997);

e. Description of operations:

1. A brief description of the nature, activities, average rate of production (including each product produced by type, amount, processes, and rate of production). This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

2. Types of waste generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; a spill plan may be required if deemed necessary for permit approval. The spill plan shall meet all requirements as found in section 98-151(m).

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;

4. Type and amount of raw materials processed (average and maximum per day);

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge, and all connections to the municipal sanitary sewer system by size and location;

f. Wastewater constituents and characteristics for each facility, including but not limited to, those standards mentioned in section 98-151 of this division as determined by a reliable analytical laboratory; sampling and analysis if required by categorical pretreatment standards shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 CFR, part 136, as amended. In the case of new industrial users, item 3 shall mean projected wastes;

g. Times and duration of wastewater contribution for each facility;

h. The location for monitoring all wastes covered by the permit;

i. Flow measurement. Information showing the measured average daily and maximum daily flow in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula (40 CFR 403.6(e));

j. Measurement of pollutants.

1. If any categorical pretreatment standard is applicable, each regulated process and any new categorically regulated processes for existing sources.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by any city, state, or national categorical pretreatment standard or by the general manager, of regulated pollutants in the discharge from each regulated process.
3. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.
4. Analysis of suspected TTO compounds shall be reported. If an identified TTO compound is below 0.01 mg/l, no sampling for that TTO compound will be required for the duration of the permit.
5. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 98-153(b)(9) of the code. Where any pretreatment standard requires compliance with a BMP or pollution prevention alternative, the industrial user shall submit documentation as required by the general manager or the applicable pretreatment standard to determine compliance with the standard.
6. Sampling must be performed in accordance with procedures set out in section 98-153(b) reporting requirements and 98-153(b)(10) sample collection, of the code.
7. The nature and concentration of any pollutants in the discharge which are limited by any city, state, or national categorical pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the significant user to meet applicable categorical pretreatment standards at each facility;
  - k. If additional pretreatment and/or operation and maintenance will be required to meet the categorical pretreatment standards, the significant user shall submit the shortest schedule by which the significant user will provide such additional treatment. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard. The following conditions shall apply to this schedule:
    1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the significant user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment shall exceed nine months.
    2. Not later than 14 days following each date in the schedule and the final date for compliance, the significant user shall submit a report to the general manager if the significant user has not complied with the increment of progress to be made on such date, the date on which the significant user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the significant user to return the construction to the schedule established.
- l. The utility will evaluate the data furnished by the significant user and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision. After evaluation and acceptance of the

data furnished, the utility may issue a wastewater discharge permit subject to terms and conditions provided herein.”

Part 63: The first sentence of subsection (5) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be recreated by repealing the words “paragraphs g. and h.”; recreating the word “section” to “Section”; and adding the word “Application” after (4).

Part 64: Subsection (5) d. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be amended by repealing the “;” at the end of the paragraph and recreating it as “,or the beneficial use of treatment plant sludge;”

Part 65: Subsection (6) a. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be amended by repealing the “;” at the end of the paragraph and recreating it as “and equipment, including flow measurement devices;”

Part 66: Subsection (6) e. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be repealed and recreated as follows:

“Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges per section 98-151(m); and notification of slug discharges as per section 98-153(b)(6);”

Part 67: In subsection (6) f. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, repeal the word “four” and replace it with “five.”

Part 68: Subsection (7) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be repealed and recreated as follows:

“(7) *Certification*. All wastewater discharge permit applications, baseline monitoring reports, 90-day compliance reports categorical industrial user periodic reports on continued compliance and any other user reports containing analytical data, including reports from non-categorical permitted industrial users must be signed by an authorized representative of the user as specified, as follows, in (7) a, b or c, and contain the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

*Non-Significant Categorical Certification.* A facility determined to be a non-significant categorical industrial user by the general manager must annually submit a signed certification statement accompanied by an alternative report that shall be provided by the general manager. The non-significant categorical user certification statement shall consist of the following language, and must be signed by an authorized representative of the user (7)a, b or c:

“Based upon my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR Part X (user should insert applicable categorical code Part number), I certify that, to the best of my knowledge and belief that during the period from M/D/YY to M/D/YY:

- i. The facility described as (facility name) met the definition of a non-significant categorical industrial user as defined in section 98-150(b);
- ii. The facility complied with all applicable pretreatment standards and requirements during this reporting period; and the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
- iii. This compliance certification is based on the following information: (user should insert reasoning).
  - a. If the industrial user is a corporation, the certification shall be signed by:
    1. A president, secretary, treasurer, vice-president in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation;
    2. The manager of one or more manufacturing facilities provided the manager is authorized to make decisions which govern the operation of the facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the report and where authority to sign documents has been delegated to the manager according to the corporation’s procedures; or
    3. A representative of a person described in 1. or 2. above if the representative has been authorized according to d. below.
  - b. If the industrial user is a partnership, the certification statement shall be signed by either a general partner or a representative authorized according to d. below.
  - c. If the industrial user is a sole proprietorship, the certification statement shall be signed by either the proprietor or a representative authorized according to d. below.
  - d. Authority to sign the certification statement may be delegated if:
    1. The person to whom authority is delegated is an individual or occupies a position with responsibility for:
      - i. The overall operation of the facility from which the discharge occurs, such as a plant manager; or
      - ii. The overall environmental matters for the company, such as a corporate environmental officer; and
    2. A written authorization is submitted to the control authority. If circumstances change so that an authorization is no longer accurate, the industrial user shall submit a



new authorization before or along with the submission of any report signed by a new representative.”

Part 69: Subsection (8) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be amended by adding “Expired discharge permits remain in effect until the new permit is issued by the utility.” at the end of the current paragraph.

Part 70: Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be amended by repealing the current subsection (9) and recreating it as follows:

“(9) *Reissuance*. Permitted industrial users with an expiring permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the existing discharge permit.”

Part 71: The current subsection (9) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be renumbered “(10).”

Part 72: The current subsection (10) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be renumbered “(11).”

Part 74: The current subsection (11) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be renumbered “(12).”

Part 75: Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be amended by adding the following subsection:

“(13) *Regulation of waste from other jurisdictions*.

This division provides for the regulation of direct and indirect contributors to the wastewater works through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to all SSR parties who are, by authority of the Sewer Agreement, users of the city POTW. Except as otherwise provided herein, the general manager of the Racine POTW shall administer, implement, and enforce the provisions of this division.

Part 76: In subsection (b) (1) b. 8. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, repeal “(10)” and replace it with “(7).” **BE SURE THIS IS CORRECT SINCE SOME OF THE NUMBERING ENDED UP NOT CHANGING.**

Part 77: Amend subsection (b) (2) b. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, by adding after the “;” “The general manager may reduce an

increment referred to above pending the severity of the noncompliance and compliance history of the user;”

Part 78: Recreate subsection (b) (3) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, by repealing “4.” after “98-153(b)(1)b.” and adding “(7)” at the end of the paragraph after the “(10).”

Part 79: Amend and revise subsection (b) (4) a. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, by adding at the end of the first sentence:

“In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the general manager or the pretreatment standard necessary to determine the compliance status of the user.”

and

adding “(7)” after “(10)” in the last sentence of the current paragraph.

Part 80: The current subsection (b) (4) b. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be renumbered “c.”

Part 81: Amend section (b) (4) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine by adding the following new b.

“b. A facility determined to be a non-significant categorical industrial user by the general manager must annually submit a certification statement signed in accordance with the non-significant categorical industrial user signatory requirements in section 98-153(a)(7). The certification statement must accompany an alternative report required by the general manager.”

Part 82: The current subsection (b) (4) c. of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, shall be renumbered “d.” and then amended by adding the words “an industrial” after the first word “If” and adding as the last sentence “Both categorical and non-categorical industrial users shall report all monitoring results.”

Part 83: Amend section (b) (4) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine by adding the following subsection:

“e. All users subject to categorical pretreatment standards that have waste shipped off-site for disposal shall submit a report semi-annually (in June and December) listing the category, manufacturing process, volume and destination of such wastes.”

Part 84: In section (b) (6) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, repeal and recreate the first paragraph as follows:

*“Reports of potential problems.* In the case of any discharge, including, but not limited to, accidental discharges, discharges of non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, such as any slug loading in violation of NR 211.10(2) and section 98-151(a) or (b) of this code, or of any changes at the industrial users’ facility affecting the potential for a slug discharge and the need for a slug control plan as required by NR 211.235(4)(a) and section 98-151(m) of this code, the user shall immediately telephone and notify the general manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.”

Part 85: In section (b) (6) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, amend the second paragraph by repealing the “.” at the end of the first sentence and adding the words “described above.”

Part 86: In section (b) (6) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine, amend subsection a. by adding “(Enforcement).” at the end of that subsection.

Part 87: In section (b) (6) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine repeal and recreate the first paragraph of subsection b. as follows:

“b. *Operating upsets report.* For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. Any categorical industrial user which experiences a temporary state of noncompliance with this section or a wastewater discharge permit issued pursuant hereto shall inform the utility thereof within 24 hours of first awareness of the commencement of the upset. The utility may choose to immediately take action pursuant to section 98-155. Where such information is given orally, the user shall file a written follow-up report with the utility within five days. The report shall specify:”

Part 88: In subsection (b) (8) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine recreate the last sentence as follows:

“The user is not required to resample if the POTW monitors at the user's facility at least once a month, or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the industrial user.”

Part 89: Repeal and recreate subsections (b) (9) and (10) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine as follows:

“(9) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by EPA. Where an industrial user requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the POTW or the applicable standard to determine compliance.

(10) *Sample collection.* Sampling and analysis shall be performed by all significant industrial users (categorical and non-categorical) to identify the concentration or mass of regulated pollutants in the discharge from each regulated process, according to the requirements of the applicable categorical pretreatment standard and the utility. Both daily maximum and average values shall be reported.

Except as indicated, the user shall collect wastewater samples using 24-hour flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the general manager may authorize the use of time proportional sampling or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Sampling requirements are documented in each individual industrial discharge permit.

In addition, grab samples may be required to show compliance with instantaneous discharge limits. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or the field. Composite samples for other parameters unaffected by the compositing procedures documented in approved EPA methodologies may be authorized by the utility, as appropriate.

For sampling required in support of baseline monitoring and 90-day compliance reports [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the general manager may authorize a lower minimum of one grab sample of each parameter where grab samples are required.

For the periodic reports required by the industrial user discharge permit, the industrial user is required to collect the number of grab samples necessary (as indicated by discharge permit) to assess and assure compliance by with applicable pretreatment standards and requirements.”

Part 90: Amend subsection (b) (12) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine by repealing the “.” after the word “requirements” at the end of the first sentence and adding “, and documentation associated with Best Management Practices established under Sec. 98-151(d)(3).”

Part 91: Amend and recreate subsection (b) (13) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine by adding the word “approved” before the word “version” and repealing the word “act” and replacing it with “Act.”

Part 92: Repeal and recreate subsections (14) and (15) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine as follows:

“(14) *Batch discharge report.* The user shall notify the utility five days prior to discharging the contents of any tank of batch discharge. Included in this report shall be the volume of all batch discharges recorded for each discharge event and batch tank volumes. The general manager may require that batch discharges or tank contents to be discharged must be analyzed by procedures outlined under the self-monitoring reports section 98-153(b)(10), and must be found to be in compliance with all discharge limits that are in effect before discharge may occur. Grab samples must be taken for batch discharges. The grab samples must be representative of the monitored discharge or total tank contents and shall be taken prior to batch discharging. The contents of the tank are to be mixed uniformly or subsamples of the top, middle and bottom of the tank shall be taken and composited (15) *Notification of hazardous wastes in discharge.* An industry which discharges any amount of acute hazardous waste according to s. NR 661.30 (4) or 661.33 (5); or more than 15 kilograms per calendar month of any substance that would be hazardous waste according to ch. NR 661 if otherwise disposed, to the sanitary sewer shall notify the POTW, the WDNR's Bureau of Solid Waste and the EPA Region V Waste Management Division Director in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste, the EPA hazardous waste number and the type of discharge (batch, continuous or other); and submit a certification that the industrial user has a program in place to reduce to the extent economically practicable the volume and toxicity of the generated hazardous wastes. If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this section needs to be submitted only once except for notification of changed discharge in section 98-153(b)(5). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under self-monitoring requirements. In the case of any new regulations

under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the general manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

Part 93: Amend subsection (c) (1) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine by adding the words “and WDNR” after the three instances of the word “utility” in that paragraph.

Part 94: Amend subsection (b) (3) of Sec. 98-153. Administration, of the Municipal Code of the City of Racine by repealing the “.” at the end of the third sentence and adding “; as well as facility and documentation inspection to assess compliance with Best Management Practices, including, but not limited to, mercury reduction, kitchen FOG management, and vehicle service fluid and vehicle wash management.”

Amend the fourth sentence, by adding the words “or commercial” after both instances of the word “industrial.”

Part 95: In Sec. 98-154. Fees, of the Municipal Code of the City of Racine repeal subsection (b) (1) and recreate it as follows:

“(1) *Permit fee.* The utility will charge an annual permit fee. Permit fees include the costs of processing applications, slug discharge plans, solvent management plans, inspections, reviewing monitoring reports and certification statements, responding to non-compliance issues and preparing semi-annual and annual reports to the WDNR. Permit fees are calculated and based upon categorical status, flow and compliance of a permitted user.”

Part 96: Amend and recreate subsection (a) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine repeal the word “here,” after “limitation or requirements” in the first sentence and replace it with “herein, including required Best Management Practices” and repealing the word “30” and replacing it with “45.”

Part 97: Amend and recreate the first sentence of subsection (b) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine by adding the words “continues to violate,” after the word “violated,” and adding the words “including required Best Management Practices” after the word “herein,” and adding the words “of violation” after the word “notice.”

and

recreate the second sentence to repeal the word “30” and recreate it with “45.”

Part 98: Repeal and recreate the first sentence of subsection (c) (1) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine as follows:

*“Notice of hearing.* The utility may order a user which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement.”

Part 99: Amend subsection (d) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine by adding the following paragraph after the first paragraph.

“The remedies provided for in this ordinance are not exclusive. The general manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the utility’s enforcement response plan. However, the general manager may take other action against any user when the circumstances warrant. Further, the general manager is empowered to take more than one enforcement action against any noncompliant user.”

Part 100: Recreate subsections (d) (2) and (3) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine by repealing the words “a wastewater” in the first sentence and recreating those words to state “an individual wastewater.”

Part 101: Repeal and recreate subsections (e) (1) through (8) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine as follows:

“(e) *Publication of user in significant noncompliance.* The general manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice in the area serviced by the utility, a list of users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance means:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount including an instantaneous limit;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit, including an instantaneous limit, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH; or exceed a pH limit by 0.4 standard units.);
- (3) Any other discharge violation that the general manager believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public because of a violation of a pretreatment standard or requirement;
- (4) Any discharge of pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the general manager’s exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit, compliance schedule or

enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) that the general manager determines will adversely affect the operation or implementation of the local pretreatment program, including violation of best management practices.”

Part 102: Amend subsection (g) (1) of Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine by adding the word “individual” before the word “wastewater.”

Part 103: In Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine, renumber the current subsection (i) to (j) and recreate a new (i) as follows:

“(i) *Criminal prosecution.* The Department of Natural Resources may seek civil and criminal penalties and injunctive relief from an industrial user or POTW, as necessary, if the WDNR deems that the POTW enforcement actions are insufficient per NR 211.32(2).”

Part 104: In Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine, the current subsection (i) (now subsection (j)) shall be amended to add the words “individual wastewater discharge” before the word “permit.”

Part 105: In Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine, the current subsection (i) (4) (now subsection (j) (4)) shall be amended to add the words “and certification statements” before the “.”

Part 106: In Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine, the current subsection (i) (5) (now subsection (j) (5)) is hereby repealed and recreated as follows: “(5) Is found tampering or to have tampered with sampling or flow measurement equipment, samples, and/or analyses being conducted by or at the direction of the utility.”

Part 106: In Sec. 98-155. Enforcement, of the Municipal Code of the City of Racine, the current subsections (i) (16) and (17) (now subsections (j) (16) and (17)) are hereby repealed.

Part 108: Subsection (a) of Sec. 98-156. Penalty; costs and actions, of the Municipal Code of the City of Racine, is hereby repealed and recreated as follows:

“(a) *Civil penalties.* An industrial user which is found to have violated an order of the board of standards or which willfully or negligently failed to comply with any provision of this division or any orders, rules, regulations or permits issued hereunder, shall forfeit



civil or criminal penalties in at least the amount of \$1,000.00 per day for each violation, plus costs for each offense. Each permit limit violation shall be considered a separate and distinct violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. [NR 211.22(8)]”

Part 109: Sec. 98-156. Penalty; costs and actions, of the Municipal Code of the City of Racine, is hereby amended to create the following subsection (d) as follows

“(d) *Penalty escalation.* Unpaid charges shall, after 30 calendar days, be assessed an additional penalty of ten percent of the unpaid balance. Additional penalties, up to and including termination of sewer service, shall apply for continued unpaid fees or charges, or continued pretreatment program noncompliance, in accordance with the utility Enforcement Response Plan, as approved by the wastewater commission.”

Keith - THE CURRENT CODE AFTER SUBSECTION (C) STATES “UNPAID CHARGES SHALL, AFTER 30 CALENDAR DAYS, BE ASSESSED AN ADDITIONAL PENALTY OF TEN PERCENT OF THE UNPAID BALANCE.” SHOULD THIS BE LEFT IN OR REPEALED?

Part 110: Sec. 98-157. Amalgam management at dental offices, of the Municipal Code of the City of Racine, is hereby repealed and recreated as follows:

“(a) This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillofacial surgery, endodontics, or prosthodontics, then this section does not apply.

(b) All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association.

(c) Within the shortest reasonable time, but not later than February 1, 2008, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). For dental offices beginning operation after February 1, 2008, compliance with this section 98-157 shall be attained prior to startup of operations. Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

(d) On or before July 31, 2007, each dental office shall submit a report to the utility (POTW) that certifies the implementation of the management practices required by subsection (b) and identifies the contractors used to remove amalgam waste within the last twelve months.

(e) On or before October 1, 2007, each dental office shall provide a schedule for the installation of the amalgam separator required by subsection (c).

(f) On or before November 1, 2007, each dental office shall provide a report providing the following information:

(1) If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.

(2) If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.

(g) If a dental office has provided a report according to subsection (f)(2), then the dental office shall notify the utility (POTW) of the completion of the installation within five days after completion.

(h) The utility shall provide forms for reporting the information required by subsections (d), (e), (f), and (g).

(i) From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the utility for inspection and copying upon request from the utility.

(j) Dental offices shall allow the utility to inspect the vacuum system, amalgam separator, and amalgam waste storage areas.

(k) Inspections shall occur during the normal operating schedule of the dental office. The utility shall inspect dental offices according to appointments made in advance, as long as this advanced notice does not impede enforcement of this section.

(l) If a dental office is implementing the management practices required by subsection (b) and is operating and maintaining the amalgam separator required by subsection (c), then any numerical discharge limit for mercury established in any other section of this chapter does not apply.”

Part 111: Amend Chapter 98 by adding the following section:

**“Sec. 98-158. Fats, Oil and Grease Management at Food Service Establishments**

(a) *Applicability*: This section applies to any industrial, commercial, or institutional (ICI) food service establishment associated with food preparation, food service and/or kitchen clean-up. If a food service establishment is limited to service that does not involve disposing of food waste or food preparation cleanup waste into the sewerage system, then this section does not apply.

(1) Residential Discharge: Residents are governed generally by section 98-151 which prohibits the discharge of any pollutant or wastewater that will negatively affect the sewer collection system and/or POTW and receiving waters.

(b) *Grease Removal Devices*: ICI food service establishments (FSEs), which discharge any fats, oils and grease associated with food preparation, food service and kitchen clean-up shall adhere to section 98-151 and 98-152(b)(3). Grease and oil interceptors or traps shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil (interceptors shall not be required for residential users). The plumbing inspector of the municipality in which the FSE resides must approve the installation of any grease removal device.

- (1) Grease removal devices are the property of the FSE; therefore, the FSE is responsible for proper sizing and installation of a device by a licensed plumber that ensures acceptable FOG removal to prevent any discharge to the sewer system.
- (2) FSEs shall ensure adequate cleaning and maintenance of any grease and oil interceptors, as necessary, to keep the removal devices in proper working order. This includes, but is not limited to:
  - a. Following manufacturer's recommendations,
  - b. Following all applicable best management practices (BMPs) (section 98-158(c),
  - c. Frequent pumping and cleaning by a licensed waste grease hauler and/or recycler,
  - d. Keeping accurate and current records of all cleanings, maintenance, and service
  - e. Maintenance and pumping records must be available for review by the utility upon request. FSE's causing sewer blockage or maintenance issues may be required to submit maintenance, cleaning, and pumping documentation to the utility.
- (c) *Best Management Practices:* All FSE's shall implement Best Management Practices for Food Service Establishments, as established by the utility:
  - (1) Train all staff on BMPs.
  - (2) Collect and recycle waste cooking oil.
  - (3) 'Dry wipe' pots, pans, and kitchen equipment before cleaning.
  - (4) Inspect and clean grease traps and interceptors regularly.
  - (5) Post "NO GREASE" signs above sinks and on the front of dishwashers.
  - (6) Dry mop, wipe down, and wash all kitchen equipment inside, including mats, carts, tray racks, exhaust filters, etc.
  - (7) Use absorbent paper under fryer baskets and absorbents such as cat litter or paper towels to pick up oil and grease spills before mopping. Dispose of greasy paper and waste in the garbage.
  - (8) Do not use emulsifiers or solvents other than typical dishwashing detergents.
- (d) *BMP Enforcement:* If the FSE is found to be the cause of back-ups or blockages of the sewer system because of FOG, due to lack of a grease removal device or improper maintenance of a grease removal device located in their establishment, the FSE may become responsible for cleanup costs and property damage, and shall be required to make any necessary changes to prevent another such occurrence. This may include any combination of the following at the FSE's expense:
  - (1) Installation of a grease removal device,
  - (2) Upgrading or increasing the capacity of a current grease removal device, or
  - (3) Increasing maintenance of a current grease removal device.
  - (4) The municipal plumbing inspector must approve the installation of any grease removal device.
- (e) *Inspection:* The utility reserves the right to inspect the FSE, as often as necessary, for anything related to FOG discharge, including but not limited to, files and records, sources of FOG, grease removal devices located both inside and outside of the establishment, the manhole downstream of the establishment, etc. It will be required that a knowledgeable employee of the establishment is present and accompanies the utility representative on these inspections and provides the necessary documentation to prove proper function and compliance

(f) *Survey.* The utility representative shall distribute educational material, signage, BMPs and a Food Service Establishment Survey. Within 30 days, the FSE shall submit the completed Food Service Establishment Survey to the utility.

(1) The report can be faxed, emailed or mailed to the utility. (2) The utility shall provide survey forms for reporting the information required by subsection (f).

(g) *FOG Discharge Limit Waiver.* If a FSE is implementing the best management practices required by 98-158(c) and is operating and maintaining the grease removal device required by 98-158(b), then any numerical discharge limit for fats, oil and grease (FOG) established in any other section of this chapter does not apply.”

Part 112: Secs. 98-159 - 98.200 are hereby reserved.

Part 113: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

\_\_\_\_\_  
Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Fiscal Note: N/A