

ORDINANCE MODIFICATIONS
INFORMATIVE SUMMARY 2010 (~~113-167-101~~)

1. 1.15 If any provision, paragraph, section, sentence, or part of these rules is invalidated by any court of competent jurisdiction...
2. 1.25 Nothing contained in these rules shall be construed as prohibiting the *Commission* or *GBMSD* from adopting any emergency rule in order to preserve the public health, safety, or welfare. Such emergency rules shall be effective only for the period authorized by Wis. Stats. §200.45(1)(c), as amended from time to time.

[Any references to Wisconsin Statutes, the Wisconsin Administrative Code, or federal law, including without limitation, the Federal Water Pollution Control Act, and any amendments to those laws as may be passed from time to time.](#)
3. [1.32](#) [The following documents are incorporated by reference: Standard Methods for the Examination of Water and Wastewater and Recommended Standards for Wastewater Facilities adopted by the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers \(also known as "Ten States Standards"\).](#)
4. Chapter 2 Definition of Act, The Federal Water Pollution Control Act, known as The Clean Water Act, (33 U.S.C. § 1251 et seq.), as amended.
5. Chapter 2 Definitions, **Baseline Monitoring Report (Industrial Wastewater Discharge Permit Application)** —
6. Chapter 2 Definition of BOD, Wisconsin Administrative Code §_NR_Ch. 219.
7. Chapter 2 Definition of Categorical Pretreatment Standard, ...as set forth in 40 C.F.R. § 400, et. seq.
8. Chapter 2 Definitions, **Domestic Wastewater** - *Wastewater* from single or multiple-family dwellings ~~which contain no pollutants exceeding the limitations or prohibitions contained in these rules.~~
9. Chapter 2 Definitions, **Hauled Waste Permit** – A written permit issued by *GBMSD* to a *hauler* that sets forth the terms and conditions under which the *hauler* may discharge *hauled waste* into the *GBMSD* sewerage system ~~at a *GBMSD* owned receiving station.~~
10. Chapter 2 Definition of POTW (Publicly Owned Treatment Works), A

wastewater treatment facility is a treatment works as defined in Section § 212 of the Act or in Wisconsin Administrative Code NR § 211.03(11).

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11. Chapter 2 Definitions, **Principal Executive Officer** - As defined in NR 211.15(10).

~~(1) A president, secretary, treasurer, or vice president in charge of a principal business function of a corporation, if the user is a corporation;~~

~~(2) A general partner, proprietor, or member if the user is a partnership, proprietorship, or a limited liability company;~~

~~(3) The personal representative or trustee if the user is an estate or trust; or~~

~~(4) An authorized representative of the individual designated above, if:~~

~~(a) such representative is responsible for the overall operation of the facilities from which the discharge originates;~~

~~(b) the authorization is in writing, and~~

~~(c) the written authorization is submitted to GBMSD~~

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12. Chapter 2 Definition of Record, A *record* includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recording, tapes (including computer tapes), computer printouts, digital or electronic documents, e-mail correspondences, and optical disks.

13. Chapter 2 Definition of Toxic Substance (2), ... Administrator of the Environmental Protection Agency under the provisions of ~~304~~7(a) of the Act.

14. Chapter 2 Definition of WPDES (Wisconsin Pollutant Discharge Elimination System) Permit, ... navigable waters of the *State* pursuant to Wis. Stats. § ~~238~~3.

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15. 3.05 A petition for annexation ~~pursuant to Wis. Stats. §200.26(2)~~ shall be accompanied by such information as required by law and as may be required by the *Commission* in order for the *Commission* to act on the petition.

16. 4.10(2) ...or *customer's* standard specifications ~~approved by the WDNR~~.

17. 4.12 ...Only a *customer* shall have the right to connect a *lateral*, private sewer or *collector* to the *GBMSD sewerage system*. A *customer* shall not connect a *lateral*, private sewer, or *collector* to the *GBMSD interceptor system* without obtaining a *GBMSD connection permit*. Such connection to the *GBMSD sewerage system* shall be performed in the presence of a *GBMSD* inspector. *GBMSD* may establish a fee for a *GBMSD connection permit* to cover its cost of providing such inspection. Such fee shall be payable upon the application for a *GBMSD connection permit*. Failure to obtain a *GBMSD connection permit* will require excavation at the

customer's expense. This is not an expense incurred by GBMSD. Refer to Chapter 10 of the GBMSD Sewer Use Ordinance for penalties.

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18. 4.20(2) be constructed by a qualified contractor and a licensed plumber.

19. 4.20(11) ...or *customer's* standard specifications ~~approved by the WDNR.~~

20. 4.35 Liquid waste containing excessive amounts of grease, flammable wastes, sand, ~~or other harmful ingredients...~~

21. 4.50 easements, record drawings and specifications, shop drawings, and geotechnical information prior to closing on the acquisition.

22. **4.58 Customer Sanitary Sewer Overflow Reporting**

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Any customer reporting a sanitary sewer overflow or basement backup shall provide copies of all reports, supplemental information, and correspondence to GBMSD upon submittal to the WDNR.

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23. 4.60 No building, structure, wall or other above-ground obstruction, including additional fill material, shall be placed, erected, installed, or permitted over or within an easement of any *GBMSD interceptor* without prior written approval ~~of~~ from GBMSD. Violation of this section may result in GBMSD requiring removal of the obstruction at the person's expense and/or penalties under Chapter 10 of the GBMSD Sewer Use Ordinance, or both.

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24. 4.70 *No person* shall open or enter the *GBMSD interceptor system* without prior authorization from *GBMSD*. The request for authorization shall include the reason, date, time, and duration of entry. Violations may result in penalties under Chapter 10 of the GBMSD Sewer Use Ordinance.

25. 5.05 In the event *GBMSD* determines that an *interceptor segment* serves or is intended to serve only one *customer*, *GBMSD* shall have the option of ~~offering requiring to the~~ transfer of such *interceptor segment* with any available related *records* to the *customer* being served by that *interceptor segment*. If such transfer occurs, the *customer* will thereafter be responsible for future operation and maintenance of the transferred *interceptor segment*. ~~Should the customer not accept GBMSD's offer. If the customer refuses the to transfer of the interceptor segment, to the customer, then~~ *GBMSD* may abandon the *interceptor segment*.

26. 5.15 ... Charges for exceeding *allocated interceptor capacity* are set forth ~~in~~ Section 9.25 and Section 10.10.

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27. 6.05(7) any wastewater ~~having containing~~ color, ~~the discharge of which that~~ would cause a detrimental effect or create an obvious plume or colorization in the Fox River or is prohibited by the *WDNR*.

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28. 6.10 *pH* variances are not transferable or assignable and *industrial users* shall request a *pH* variance at any new location if the *industrial user* or its discharge location is relocated.

29. 6.35 *Industrial users* shall provide protection from the accidental discharge of prohibited materials and other substances regulated by these rules. Plans and operating procedures for facilities to prevent the accidental discharge of these materials shall be reviewed by *GBMSD* and constructed and maintained at the *industrial user's* expense. Plans and operating procedures for these spill prevention facilities shall be submitted for review by to *GBMSD* before construction begins. The review by *GBMSD* of such plans and operating procedures shall in no way relieve the *industrial user* from the responsibility of complying with the terms and conditions of these rules.

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30. 6.40 The *Executive Director* and applicable *customer* shall be notified in writing upon completion of the corrective action.

31. 7.10 ... all costs associated with issuing and maintaining a limited term permit.

32. 7.20 If an *industrial user* does not agree with this determination, it may appeal the categorical classification determination under this rule. ~~If an industrial user does not agree with the results of the appeal under this rule, further appeals may be made~~ to the *WDNR* per Wisconsin Administrative Code § NR211.33 and USEPA.

33. 7.25 new paragraph prior to the last paragraph- If the *Industrial Wastewater Discharge Permit* of an *SIU*-significant *industrial user* is not renewed prior to its expiration date, the *SIU*-significant *industrial user* shall continue to operate following the terms and conditions contained in the expired permit until *GBMSD* reissues the permit.

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34. 7.28 Detailed plans showing the *pretreatment* facilities and operating procedures shall be submitted for review and use by to *GBMSD*.

35. 7.30 *GBMSD* shall have safe access to the *significant industrial user's* facility at all times.

36. 7.30 last paragraph, Some industrial users may be an integral part of the ~~36-~~*GBMSD* billing program. Refer to 9.10 for additional requirements.

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37. 7.32 All measurements, tests, and analyses of discharges shall be conducted in

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accordance with procedures outlined in Wisconsin Administrative Code §_NR219 from representative samples taken at the designated sample points.

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~~37.~~ *SIU* Significant industrial users shall provide access and a safe working environment for *GBMSD* personnel to perform necessary duties within the *SIU* significant industrial user facility site.

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38. 7.35 *GBMSD* may inspect the facilities and examine process records of any significant industrial user to determine compliance with the requirements of these rules. Such inspections will be conducted at least once per year.

~~SIU~~ Significant industrial users shall provide access and a safe working environment for *GBMSD* personnel to perform necessary duties within the *SIU* significant industrial user's facility site.

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39. 7.45 new paragraph – Any significant industrial user that owns and operates a wastewater effluent flow meter must calibrate or confirm the accuracy of the instrument annually in accordance with manufacturer's specifications and provide documentation to *GBMSD* no later than January 15 of the following year.

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40. 7.65 No industrial user may discharge any hazardous waste (as defined in 40 C.F.R. Part § 261.3) without prior written approval from *GBMSD*. If any hazardous waste is discharged to the *GBMSD* sewerage system, without *GBMSD*'s prior written approval, the industrial user shall immediately notify *GBMSD*. Leaving a message in *GBMSD*'s voice mail system does not satisfy this notification requirement. The initial notice of a hazardous waste discharge shall be followed by a written notice to *GBMSD* from the industrial user within five (5) business days.

If the industrial user does not meet the Very Small Quantity Generator exclusions, the industrial user must also notify the USEPA Region V Waste Management Division Director and the WDNR Bureau of Solid Waste Management in writing. Such notification must include the name of the hazardous waste, the approximate volume of the waste, the USEPA hazardous waste number, and the type of discharge (continuous, batch, or other). In addition, a certification must be provided 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.

41. 7.75 ~~(4), (4)~~ A significant industrial user shall submit a written report to *GBMSD* within five (5) days of the beginning of the industrial bypass containing:

42. 7.80 ~~Except as provided above, s~~Significant industrial users...
43. 7.90 In addition to ~~any~~ penalties set forth in Chapter ~~9~~10, ~~below~~, any *significant industrial user* shall be subject to enforcement and penalties outlined in the GBMSD Enforcement Response Plan ~~the following enforcement and penalties:~~
- (1) ~~any user found by GBMSD to have met the criteria of the pretreatment enforcement response plan for a minor violation shall be issued a written notice of noncompliance. A notice of noncompliance shall identify the nature of the violation and any enforcement action associated with the violation or further violations.~~
- (2) ~~any user found by GBMSD to have met the criteria of the pretreatment enforcement response plan for a major violation shall be issued a written notice of violation. A notice of violation shall identify the nature of the violation and any enforcement action associated with the violation or further violations.~~
- (3) ~~any user found to be in significant noncompliance as defined in 40 CFR 403 and NR 211 shall be subject to enforcement action as defined in the same regulation.~~

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44. 8.30 ... from time to time in accordance with prudent business practices. Haulers shall have on file with GBMSD at all times a current policy of comprehensive general public liability insurance. Violations may be subject to penalties under Chapter 10 of the GBMSD Sewer Use Ordinance.

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45. 9.10 last paragraph, GBMSD may require specific means and methods of accurate metering and sampling of wastewater for any user determined to be an integral part of the GBMSD billing program.

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46. 9.20 second paragraph, For facilities serving more than one municipal customer, a reasonably computed distribution of wastewater units will be allocated to each customer. GBMSD shall be the sole authority for determining a reasonably computed allocation of the units.

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47. 9.25 Examples of miscellaneous charges related to the GBMSD sewerage system include: ~~include, but are not limited to, the following:...~~

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48. 9.42 Nonpayment of Pretreatment Program Fees

If any portion of a bill remains outstanding for more that sixty (60) days from the invoice date, GBMSD may, at it's option, commence an action in a court of competent jurisdiction, and recover the amount of such delinquency, all fines, and damages sustained by GBMSD as a result of failure of payment, and such costs and expenses as may be allowed by law. GBMSD also reserves the right to terminate service to any significant

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industrial user for failure to pay any invoice associated with the GBMSD Pretreatment Program.

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Any significant industrial user subject to termination because of any invoices that remain unpaid after 60 days may be notified in writing by the Executive Director that service will be terminated 60 days after receipt of notification.

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49. 9.50(1) ... with an ~~maximum average~~ total daily flow greater than or equal...

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50. 10.10 ...The *unreasonable endangerment surcharge* is in addition to, and not in lieu of, other *GBMSD* charges or any fines or other penalties that may be applicable by or pursuant to these rules, and is an element of billing in the same manner as other elements of billing.

A customer that has paid an unreasonable endangerment surcharge may apply for reimbursement toward the cost of corrective construction to the customer's collection system. Corrective construction must be for the purpose of reducing infiltration and inflow entering the customer's collection system. The costs of corrective construction do not include the costs of infiltration/inflow studies, sewer system evaluation surveys, facilities planning, design, bidding, or other costs expended in preparation for actual construction. The reimbursement amount will be limited to the unreasonable endangerment surcharge payment or the corrective construction cost, whichever is less. A request for reimbursement must be accompanied by documentation of the corrective construction completed and its associated costs. GBMSD will be the sole determinant of whether the request qualifies for reimbursement.

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51. 10.15 Such review shall be in accordance with the requirements of Wis. Stats. § ~~200.4566.902~~(2)(b).

52. 10.20 ... pursuant to the authority of provisions of Wis. Stats. § ~~200.1166.24~~(1)(d)...

53. 11.05 A request ~~under Wis. Stats. § 19.35(1)(a) to (f)~~ is deemed sufficient if it reasonably describes the requested *record* or the information requested. Therefore, pursuant to Wis. Stats. § 19.35(1)(h), the request must include reasonable limitations as to subject matter or length of time represented by the *record*.

54. 11.10 ... and ~~Wisconsin Administrative Code ADM Ch. 12 are met. Chapter 12 of the Wisconsin Administrative Code are met.~~

55. 11.10 ... copying of the *record* under Wis. Stats. §_19.35(1)(a)-(f)...

56. **Chapter 12 - Amalgam Management at Dental Offices**

12.05 General

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

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

Compliance with this section does not guarantee compliance with the local limit for mercury as contained in this Ordinance. All users of the GBMSD collection system are required to comply with all terms of the Ordinance, including local limits. Regardless of existing BMP's which may be in operation at a facility, GBMSD will enforce compliance with local limits whenever necessary.

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12.10 Amalgam Separator Installation

Within the shortest reasonable time, but not later than July 1, 2011, each dental office that places or removes mercury amalgam shall install an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). 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.

On or before October 1, 2011, each dental office shall submit a report that certifies that the installation of the amalgam separator(s) is complete, including the installation date, the manufacturer, and the model name or number.

Any dental office that cannot install an approved amalgam separator by this date shall notify GBMSD by letter prior to the required date with an explanation for the delay. The letter shall also provide an installation schedule and identify the manufacturer and the model name of the amalgam separator that will be installed. GBMSD will review and approve any installation schedule beyond July 1, 2011.

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If a dental office has provided a letter identifying the inability to install an amalgam separator by October 1, 2011, the dental office shall notify

GBMSD of the completion of installation within five days after completion.

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12.15 Records Keeping

Each dental office that owns and operates at least one amalgam separator shall maintain and keep current an operation and maintenance manual at its office complete with manufacturer's recommendations and standard operating procedures for removing and properly disposing of captured mercury amalgam. All records associated with amalgam separators need to be maintained for a minimum of three (3) years.

12.20 Reporting Requirements

On or before August 1, 2011, and annually thereafter, each dental office shall provide GBMSD with a report using forms provided by GBMSD. Reporting information will include at a minimum:

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- (1) Dates of routine maintenance for the amalgam separator.
- (2) The names and addresses of contractors used to remove mercury amalgam waste.
- (3) The dates, volumes, and destination of any mercury amalgam waste shipped.
- (4) Certification that best management practices for mercury amalgam as established by the American Dental Association are being implemented.
- (5) Certification that the amalgam separator was installed and is being operated and maintained in accordance with instructions provided by the manufacturer.
- (6) Any updates to the amalgam separator operations and maintenance manual.

12.25 Inspections

Dental offices shall allow GBMSD access for inspections of amalgam separator equipment, manuals, and records.

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Inspections shall occur during the normal operating schedule of the dental office. GBMSD shall inspect dental offices according to appointments made in advance wherever possible.

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