

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 1, SERIES OF 2017

AN ORDINANCE AMENDING CHAPTER 34 PUBLIC UTILITIES ARTICLE III SEWER USE AND INDUSTRIAL COST RECOVERY RATE REGULATIONS, DIVISION 1. GENERALLY, SEC 34-129. DEFINITIONS, DIVISION 5. AMOUNT OF USER CHARGES, SEC 34-252. CATEGORY A USERS, SEC. 34-253 CATEGORY B USERS, DIVISION 6. AMOUNT OF INDUSTRIAL COST RECOVERY CHARGES, SEC 34-276. CATEGORY A USERS, SEC. 34-277. CATEGORY B USERS OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section 1. Chapter 34 Public Utilities, Article III Sewer Use and Industrial Cost Recover Rate Regulations, Division 6 Amount of Industrial Cost Recovery Charges Village of Little Chute, be amended to read as follows on attached document:

Sec. 34-129. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ammonia-nitrogen is a measure for the amount of ammonia, a toxic pollutant often found in landfill leachate and in waste products, such as sewage, liquid manure and other liquid organic waste products.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in standard methods.

Building drain means that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Category A means those sanitary sewer users who discharge normal domestic wastewater with concentrations of:

- (1) Ammonia-nitrogen no greater than 35 mg/l
- (2) BOD no greater than 180 mg/l;
- (3) Suspended solids no greater than 250 mg/l; and
- (4) Phosphorus no greater than eight mg/l.

Category B means those sanitary sewer users who discharge wastewater with concentrations of:

- (1) Ammonia-nitrogen greater than 35 mg/l
- (2) BOD ~~no~~ greater than 180 mg/l;
- (3) Suspended solids ~~no~~ greater than 250 mg/l; and
- (4) Phosphorus ~~no~~ greater than eight mg/l.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in standard methods.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designated to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

District or *HOVMSD* means the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

District approving authority means the district engineer/manager, or other authorized representatives of the district.

District wastewater collection facilities or *district wastewater collection system* means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

Easement means an acquired legal right for the specified use of land owned by others.

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

Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Grantee means the district, for those projects in which the district receives federal funding. The grantee means the municipality for those projects in which the municipality receives federal funding.

Ground garbage means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Heart of the Valley Metropolitan Sewerage Commission means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial cost recovery charge means a charge collected by the village from users discharging industrial wastes for the recovery of the federal EPA grant amount allocable to the treatment of the user's wastewater volume and characteristics at design capacity of federal EPA-funded wastewater collection and treatment facilities, as further defined under article VII of this chapter.

Industrial user, for the purpose of industrial cost recovery, means:

(1) Any nongovernmental, nonresidential user of publicly owned treatment works which discharge more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A	Agriculture, forestry, fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, communications, electric, gas and sanitary services
Division I	Services

- a. The grantee may exclude domestic wastes or discharges from sanitary conveniences.
- b. After applying the sanitary waste exclusion, discharges in the divisions in this definition that have a volume exceeding 25,000 gpd or the weight of BOD or suspended solids equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users.

(2) A user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works.

(3) A commercial user of an EPA-funded individual system.

Industrial waste means the wastewater from industrial process, trade, or business as distinct from sanitary sewage.

Infiltration means the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. The term "infiltration" does not include, and is distinguished from, inflow.

Inflow means the water discharged into a sewer system, including service connections, from such sources, as but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catchbasins, storm sewers, surface run-off, street wash waters, or drainage. The term "inflow" does not include, and is distinguished from, infiltration.

Inflow and infiltration (I/I) means the total quantity of water from both infiltration and inflow without distinguishing the source.

Major contributing industry means an industry that:

- (1) Has a flow of 50,000 gallons or more per average workday;
- (2) Has a flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;
- (3) Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 283.21; or
- (4) Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

Municipal approving authority means the village engineer or other authorized representatives of the village.

Municipal wastewater collection facilities or *municipal wastewater collection system* means the municipal sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These municipal wastewater collection facilities, which are owned, operated, and maintained by the municipalities, extend to the influent point of the metering stations owned by the district.

Municipality means the Village of Little Chute.

Natural outlet means any outlet, including storm sewer outfalls and combined sewer outfalls into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 180.

Operation and maintenance costs means and includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment.

parts per million means a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

pH means the reciprocal of the logarithm of the hydrogen concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10-7.

Public sewer means any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

Replacement costs means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such groundwater, surface water, and stormwater as may be present.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

Segregated domestic wastes means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and/or process discharge wastes.

Sewage means the spent water of a community. The preferred term is wastewater, as defined in this section.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quality of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment work.

Standard methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Storm drain or storm sewer means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in Standard Methods for Examination of Water and Wastewater, and are referred to as nonfilterable residue.

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

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of said facilities.

Wastewater means the spent water of a community. The term "wastewater," from the standpoint of source, may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater collection facilities or *wastewater collection system* means the district and municipal wastewater collection facilities.

Wastewater treatment facility means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with waste treatment.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination System (WPDES) Permit means a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. The WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

(Code 2006, § 9-2-1; Ord. No. 12(Ser. of 2007), exh. A(9-2-1), 9-5-2007)

- **DIVISION 5. - AMOUNT OF USER CHARGES**
- **Sec. 34-252. - Category A users.**

Category A is defined as normal domestic wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 180 mg/l, suspended solids no greater than 250 mg/l, **ammonia-nitrogen no greater than 35mg/l** and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is the volume charge set by the village board.

(Code 2006, § 9-2-50; Ord. No. 2(Ser. of 1994), 1-19-1994; Ord. No. 12(Ser. of 2007), exh. A(9-2-50), 9-5-2007)

- **Sec. 34-253. - Category B users.**

(a)

Category B is defined as wastewater having concentrations of BOD greater than 180 mg/l, suspended solids greater than 250 mg/l, **ammonia-nitrogen greater than 35 mg/l** and/or phosphorus greater than eight mg/l. The minimum Category B charge will be based on a concentration of not less than 180 mg/l for BOD, 250 mg/l for suspended solids, **35 mg/l for ammonia-nitrogen** and eight mg/l for phosphorus. The user charge for category B wastewater is the volume charge set by the village board plus surcharges for BOD, suspended solids, **ammonia-nitrogen** and phosphorus. The district determines annual user charges

for BOD, suspended solids, **ammonia-nitrogen** and phosphorus according to their rules and regulations, article V, Schedule of Charges and Fees, section 502, amount of user charge. The village will revise Category B user charges annually to reflect district changes.

(b)

The Category B user charges for volume, BOD, suspended solids, **ammonia-nitrogen** and phosphorus shall be computed in accordance with the formula presented below:

$$C = F = (V \times Cv) + 0.00834V [(B \times Cb) + (S \times Cs) + (A \times CA) + (P \times Cp)]$$

Where:

C = Charge to sewer user for collection and treatment of wastewater

F = Fixed charge per billing period

B = Concentration of BOD in mg/l in the wastewater (concentration minus 180 mg/l equals B)

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

A = Concentration of ammonia-nitrogen in mg/l in the wastewater (concentration minus 35 mg/l equal A)

P = Concentration of phosphorus in mg/l wastewater (concentration minus eight mg/l equals P)

V = Wastewater volume in 1,000 gallons for the billing period

C_v = Cost per 1,000 gallons

C_b = Cost per pound of BOD

C_s = Cost per pound of suspended solids

CA = Cost per pound of ammonia-nitrogen

C_p = Cost per pound of phosphorus

0.00834 = Conversion factor

(Code 2006, § 9-2-51; Ord. No. 2(Ser. of 1994), 1-19-1994; Ord. No. 6(Ser. of 1996), 3-20-1996; Ord. No. 12(Ser. of 2007), exh. A(9-2-51), 9-5-2007)

DIVISION 6. - AMOUNT OF INDUSTRIAL COST RECOVERY CHARGES

Sec. 34-276. - Category A users.

Category A is defined as normal domestic wastewater having concentrations of BOD no greater than 180 mg/l, suspended solids no greater than 250 mg/l, **ammonia-nitrogen no greater than 35mg/l** and phosphorus no greater than eight mg/l. The industrial cost recovery charge for Category A wastewater will be set by the village board. The charge shall be reviewed periodically and shall be such that they produce sufficient revenue.

(Ord. No. 12(Ser. of 2007), exh. A(9-2-60), 9-5-2007)

Sec. 34-277. - Category B users.

(a) Category B is defined as wastewater having concentrations of BOD greater than 180 mg/l, suspended solids greater than 250 mg/l, **ammonia-nitrogen greater than 35 mg/l** and/or phosphorus greater than eight mg/l. The minimum Category B charge will be based on a concentration of not less than 180 mg/l for BOD, 250 mg/l for suspended solids, **not less than 35 mg/l for ammonia-nitrogen** and eight mg/l for phosphorus. The industrial cost recovery charge for Category B wastewater will be set by the village board. The charge shall be reviewed periodically and shall be such that they produce sufficient revenue.

(b) The Category B industrial cost recovery charges for volume, BOD, suspended solids, **ammonia-nitrogen** and phosphorus shall be computed in accordance with the formula presented below:

$$R = (V \times R_v) + 0.00834V [B \times R_B] + (S \times R_S) + (A \times R_A) + (P \times R_P)$$

Where:

R = Charge to sewer user for industrial cost recovery system

A = Concentration of ammonia-nitrogen in mg/l in the wastewater (concentration minus 35 mg/l equals A)

B = Concentration of BOD in mg/l in the wastewater (concentration minus 180 mg/l equals B)

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

P = Concentration of phosphorus in mg/l in the wastewater (concentration minus eight mg/l equals P)

V = Wastewater volume in 1,000 gallons for the billing period

R_v = Industrial cost recovery charge for 1,000 gallons of flow

R_B = Industrial cost recovery charge per pound of BOD

R_S = Industrial cost recovery charge per pound of suspended solids

R_A = Industrial cost recovery charge per pound of ammonia-nitrogen

R_P = Industrial cost recovery charge per pound of phosphorus

0.00834 = Conversion factor

(Ord. No. 12(Ser. of 2007), exh. A(9-2-61), 9-5-2007)

Section 2. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3. Effective Date. This Ordinance shall become effective on the date of passage and publication of reference to ordinance change.

Date introduced: April 5, 2017

Date Approved and Adopted: April 5, 2017

VILLAGE OF LITTLE CHUTE

Michael R Vanden Berg
Michael Vanden Berg, President

Laurie Decker
Attest Laurie Decker, Village Clerk