

NEENAH-MENASHA SEWERAGE COMMISSION (NMSC)

ORDINANCE NO. 96- 1

AN ORDINANCE OF THE NMSC AMENDING NEENAH-MENASHA SEWERAGE COMMISSION SEPTAGE DISPOSAL RULES AND REGULATIONS, WHICH WERE PASSED AND ADOPTED BY THE NMSC, ON THE 28TH DAY OF JUNE, 1988.

PREAMBLE

WHEREAS, the Neenah-Menasha Sewerage Commission (NMSC) has determined that it is necessary and expedient to make certain changes and amendments to the Neenah-Menasha Sewerage Commission Septage Disposal Rules and Regulations, which were passed and adopted by the NMSC on the 28th day of June, 1988;

NOW, THEREFORE, the Neenah-Menasha Sewerage Commission does hereby ordain, amend, and supplement the Neenah-Menasha Sewerage Commission Septage Disposal Rules and Regulations, in the following form and manner:

Amendment No. 1

A. Article III, SEPTAGE DISPOSER RULES AND REGULATIONS, Section 7. **Industrial Pretreatment Ordinance Application** shall be amended to replace the words "Ordinance 88-1" with the words "the current Industrial Pretreatment Ordinance as amended".

Amendment No. 2

B. Article V, VIOLATIONS AND PENALTIES, Section 1. **Notice of Revocation and Revocation of Disposer Permit** shall be amended by the addition of the following new language at the end of said section: "In addition, any such violator shall also be subject to all of the penalties provided pursuant to Chapter 7 of the Neenah-Menasha Sewerage Commission Industrial Pretreatment Rules and Regulations, as amended."

C. Subject to the foregoing amendments and supplements, the Neenah-Menasha Sewerage Commission Septage Disposal Rules and Regulations, enacted June 28, 1988, be and are otherwise hereby fully confirmed and ratified.

D. Passed and adopted by the NMSC in the County of Winnebago, State of Wisconsin, on the 17th day of December, 1996; and to be duly published on the 29th day of December, 1996.

Ayes 6

Nays 0

NEENAH-MENASHA SEWERAGE COMMISSION

By: William J. Zielinski
William J. Zielinski, President

John Jurgenson
John Jurgenson, Secretary

Attested:

Dale Siebers
Dale Siebers, Commissioner

Robert Gross
Robert Gross, Commissioner

William Helein
William Helein, Commissioner

George Cowling
George Cowling, Commissioner

Ray Zielinski
Ray Zielinski, Commissioner

NEENAH-MENASHA SEWERAGE COMMISSION SEPTAGE DISPOSAL
RULES AND REGULATIONS (ADOPTED AND ESTABLISHED PURSUANT
TO AUTHORITY GRANTED UNDER WIS. STATS. SEC. 66.30, AND
THE JOINTLY ENACTED 9/28/82 ENABLING ORDINANCE/CONTRACT OF
THE SEVERAL MUNICIPALITIES WHICH RE-CREATED SAID COMMISSION)

PREAMBLE

A. Whereas, the Neenah-Menasha Sewerage Commission (also "NMSC" or "Commission") is responsible for treating wastewater and septage discharge to its wastewater treatment facility and, further, is responsible for meeting all requirements and limits of its WPDES permit, as well as applicable state and federal statutes and regulations, including those provisions thereof authorizing the Neenah-Menasha Sewerage Commission to immediately discontinue acceptance of wastewater or septage when operational or permit reasons so demand;

B. Whereas, the Neenah-Menasha Sewerage Commission has determined that it is necessary and expedient to create and establish certain rules and regulations governing septage disposal by septic tank and holding tank waste haulers utilizing its wastewater treatment facility;

C. Now, therefore, the Neenah-Menasha Sewerage Commission does hereby newly adopt, establish and create the following rules and regulations governing septic tank and holding tank waste haulers who, from time to time, would use its wastewater treatment facility for disposal of septage:

ARTICLE I

INTRODUCTION AND GENERAL PROVISIONS

Section 1. General Purpose of Rules. These rules and regulations are intended to regulate discharge to the Neenah-Menasha Sewerage Commission wastewater treatment facility of wastewater and septage by septic tank and holding tank waste haulers, regardless of where such discharge might be made within the collection system which discharges to the Neenah-Menasha Sewerage Commission wastewater treatment facility. These rules and regulations, therefore, establish uniform requirements for discharge by such haulers into the wastewater collection system which terminates at the Neenah-Menasha Sewerage Commission wastewater treatment facility, in order to insure compliance by the Neenah-Menasha Sewerage Commission with administrative provisions, water quality requirements, toxic and pretreatment effluent standards and other discharge criteria which are mandated or authorized by the State of Wisconsin and by federal codes and regulations.

Section 2. Septage Discharge Permits. These rules and regulations provide a means of determining wastewater and septage volumes, constituents and characteristics, the establishment of septage disposal fees and charges based thereon, as well as the criteria and means for issuance of septage discharge permits to septic tank and holding tank waste haulers who would utilize the Neenah-Menaha Sewerage Commission wastewater treatment facility.

Section 3. Fees and Charges. These rules and regulations are intended to provide and explain the method to be employed by the Neenah-Menasha Sewerage Commission in levying and collecting both septic tank waste disposal fees and charges and holding tank waste disposal fees and charges, made to haulers who discharge such septage to the Neenah-Menasha Sewerage Commission wastewater treatment facility. The charges and fees herein established have been determined by the NMSC pursuant to requirements of the Wisconsin Statutes.

ARTICLE II

DEFINITIONS

Section 1. Incompatible Pollutants. Incompatible pollutants shall mean wastewater or septage containing pollutants that may adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality of a wastewater treatment facility if discharged to same.

Section 2. Septage. Septage shall mean scum, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. The definition does not include waste from a grease trap.

Section 3. Septage Disposer or Septage Hauler. Septage Disposer or Septage Hauler shall mean any person or firm, including a partnership or corporation, holding a license issued pursuant to Wis. Stats., sec. 146.20(3)(a).

Section 4. Septage Permit Disposer or Septage Permit Hauler. Septage Permit Disposer or Septage Permit Hauler shall mean any Septage Disposer or Septage Hauler who holds a valid permit issued by the NMSC authorizing discharge of septage to the NMSC wastewater treatment facility.

ARTICLE III

SEPTAGE DISPOSER RULES AND REGULATIONS

Section 1. Application for Septage Disposal. Between August 1 and August 31 of each calendar year, every Septage Disposer wishing to discharge septage, from time to time, to the Neenah-Menasha Sewerage Commission wastewater treatment facility shall file, together with a non-refundable filing fee, an application in writing to the Neenah-Menasha Sewerage Commission, in such form as is prescribed from time to time by the Commission for that purpose. Forms for such application shall be available at the office of the Neenah-Menasha Sewerage Commission. The application must state fully and truly the following information:

- a. Name, mailing address, street address (if different), business and home telephone numbers of applicant
- b. License number of applicant issued pursuant to Wis. Stats., sec. 146.20(3)(a)
- c. Type or types of septage (residential, business or industrial) proposed to be discharged to the NMSC wastewater treatment facility by applicant
- d. Estimated monthly quantity of septage proposed to be discharged to the NMSC wastewater treatment

- facility by applicant in each sub-paragraph c category
- e. Estimated quality of septage proposed to be discharged to the NMSC wastewater treatment facility by applicant
 - f. Estimated frequency, time and feed-rate of septage proposed to be discharged to the NMSC wastewater treatment facility by applicant
 - g. Source or sources of septage proposed to be discharged by applicant to the NMSC wastewater treatment facility by applicant
 - h. Names and addresses of septage generators or sources
 - i. The capacity, make, model and Wisconsin license number of each disposal truck of applicant
 - j. Other pertinent information requested in the application form.

The application shall have attached to it satisfactory written evidence that applicant has public liability insurance in full force and effect, in coverage of not less than \$100,000. for its activities related to the collection, transportation and disposal of septage. Applicant shall also attach to its application a performance bond in an amount of \$25,000. in favor of NMSC to guarantee applicant's compliance with all provisions of the rules and regulations herein stated and the conditions of any permit granted to applicant by NMSC.

Section 2. Evaluation of Applications. During the month of September, the Neenah-Menasha Sewerage Commission shall evaluate the septage disposal applications made and filed the previous month and shall determine the volume and conditions of septage disposal to be permitted at the Neenah-Menasha wastewater treatment facility during the ensuing calendar year. The Neenah-Menasha Sewerage Commission shall approve or reject all such applications on or before October 1 of each year. In the event the Neenah-Menasha Sewerage Commission cannot accept

all the proposed septage disposal to its facility, consideration shall be given first to those generators of septage which are located within the sewer service area of the Neenah-Menasha Sewerage Commission.

Section 3. Permit Term and Conditions. Any permit granted by the Neenah-Menasha Sewerage Commission for septage disposal to its wastewater treatment facility shall extend for a term not exceeding twelve (12) months, shall be issued in writing and shall state, in addition to any other conditions deemed appropriate concerning the particular permit granted, the condition that, in the event the Commission experiences operation's problems, maintenance problems or threat of WPDES permit violations regarding its wastewater treatment facility, which are directly or indirectly related to septage disposal, the Commission may immediately suspend or restrict septage disposal until such time as corrective action or mitigation measures have been taken. Permits granted hereunder by NMSC shall be non-transferrable.

Section 4. Times, Places and Conditions of Permitted Discharge. Septage shall be discharged to the Neenah-Menasha Sewerage Commission wastewater treatment facility only by holders of a current discharge permit issued by the Neenah--Menasha Sewerage Commission (Septage Permit Disposers), at the times and discharge point or points designated in such permit by the Commission, subject to the conditions indicated in the

permit and all of the rules and regulations herein established by the Commission, as amended from time to time, as well as all conditions of the Septage Permit Disposer's license issued pursuant to Wis. Stats., sec. 146.20(3)(a). Unless prior written permission is granted by NMSC or its duly authorized agent, disposal of septage to the NMSC wastewater treatment facility shall be permitted only from 7:00 A.M. to 5:00 P.M., Monday through Friday. Prior to disposal of each load of septage, regardless of source, the Septage Permit Disposer or Hauler shall fully and truly complete and file with NMSC a discharge form, which shall be provided at the Commission's office.

Section 5. Notification of Discharge of Non-Residential Septage and Verification of Source and Quality.

Prior to discharge of septage from a non-residential source by a Septage Permit Disposer to the Commission's wastewater treatment facility, such disposer shall in writing notify the NMSC treatment facility supervisor, at least forty-eight (48) hours before the time of intended discharge, of the following:

- a. The precise source of the septage
- b. The full name and address of the source
- c. The volume of septage to be discharged
- d. The type of septage to be discharged (business or industrial).

As to the discharge of non-residential septage, the Septage Permit Disposer shall (i) obtain a sample of the septage to be disposed, (ii) have the sample tested by a licensed testing facility, and (iii) provide a full, legible, authenticated copy of the test results to the Commission's treatment facility

supervisor before discharge, which test results shall include the following information:

- a. Biochemical oxygen demand (5-day test)
- b. Suspended Solids
- c. Total phosphorus
- d. Ammonia nitrogen
- e. Total cadmium
- f. Total copper
- g. Total chromium
- h. Total cyanide
- i. Total lead
- j. Total mercury
- k. Total nickel
- l. Total zinc
- m. Such other parameters as may be deemed appropriate to the source

Section 6. Sample Testing Facility and Method.

Notwithstanding any of the foregoing provisions, NMSC or its agents may sample and analyze any septage proposed to be discharged to its wastewater treatment facility before discharge is permitted. No septage test shall be accepted by the Commission unless made by a licensed testing facility previously approved by the Commission. Diligent care shall be exercised in taking, storing and transporting any septage sample to insure preservation of such sample in a state comparable to that existing at the time the sample was taken. Access to sampling locations shall be granted to the Neenah-Menasha Sewerage Commission or its duly authorized representative at all times. All measurements, tests and analyses of characteristics of waters, wastes and septage to which reference is made in these rules and regulations shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and in

accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants" (1978 40 CFR136).

Section 7. Industrial Pretreatment Ordinance

Application. No Septage Permit Disposer or Septage Permit Hauler shall make any discharge to the Neenah-Menasha Sewerage Commission treatment facility unless the septage complies fully with all of the terms and provision of Ordinance 88-1 of the Neenah-Menasha Sewerage Commission, establishing industrial pretreatment rules and regulations, a copy of which ordinance shall be provided to each Septage Permit Disposer contemporaneous with issuance of its NMSC permit. Under no circumstances shall any Septage Permit Disposer or Septage Permit Hauler discharge any gasoline, oil, acid, alkali, grease, rags, stones, volatile or inflamable materials to the NMSC wastewater treatment facility.

ARTICLE IV

FEES AND CHARGES

Section 1. Application Fee. No application for a NMSC septage discharge permit shall be accepted by the Neenah-Menasha Sewerage Commission unless accompanied by a non-refundable application fee in the amount of \$50.00, the amount of which may be amended by the Neenah-Menasha Sewerage Commission from time to time.

Section 2. Septic Waste Disposal Charge. Any discharge to the Neenah-Menasha Sewerage Commission wastewater treatment facility of septic waste shall be subject to payment of the following charges:

- a. Maintenance charge: \$4.00 per truck load
- b. Testing and analysis: \$20.00 per truck load
- c. Facility charge: \$20.02 per truck load
- d. Volume charge: \$26.81 per each 1,000 gallons

Section 3. Holding Waste Disposal Charge. Any discharge to the Neenah-Menasha Sewerage Commission wastewater treatment facility of holding waste shall be subject to payment of the following charges:

- a. Maintenance charge: \$4.00 per truck load
- b. Testing and analysis: \$20.00 per truck load
- c. Facility charge: \$20.02 per truck load
- d. Volume charge: \$2.91 per each 1,000 gallons

Section 4. Industrial Waste Disposal Charge. Any discharge to the NMSC wastewater treatment facility of industrial waste shall be subject to payment of the following charges:

- a. Maintenance charge: \$4.00 per truck load
- b. Facility charge: \$20.02 per truck load
- c. Volume charge: \$0.1193 per each 1,000 gallons
- d. BOD charge: \$0.2103 per each pound
- e. Suspended Solids charge: \$0.1159 per each pound
- f. *Ammonia Nitrogen charge: \$0.9674 per each pound

(* Nitrification results in 4.6 milligrams oxygen requirement for every milligram of ammonia nitrogen. Ammonia charge is therefore 4.6 times BOD charge.)

Section 5. Billing and Payment. Unless payment prior to discharge by the Septage Permit Disposer is required by the Commission, the Commission shall issue a statement for its

charges, computed as above, to the Septage Permit Disposer within ten (10) days of the discharge event, which statement shall be paid in full within ten (10) days of its issuance by the Septage Permit Disposer.

ARTICLE V VIOLATIONS AND PENALTIES

Section 1. Notice of Revocation and Revocation of Disposer Permit. Any Septage Permit Disposer or Septage Permit Hauler found by the NMSC to have violated a provision of its permit or any of these rules and regulations may have its permit revoked on ten (10) days' written notice to the Septage Permit Disposer or Septage Permit Hauler by the Neenah-Menasha Sewerage Commission of its revocation determination, stating the reason(s) for such revocation.

Section 2. Indemnification of Commission. Any Septage Permit Disposer or Septage Permit Hauler who violates a provision of its NMSC permit or any of these rules and regulations shall fully, completely and promptly indemnify and hold harmless the Neenah-Menasha Sewerage Commission for any and all damages or costs sustained by NMSC as a result of such violation and for any and all claims or lawsuits arising from such violation, including the full cost of defending same, and for all damages as a result of such violation assessed against the Neenah-Menasha Sewerage Commission by any court of law or legal tribunal or governmental agency.

Section 3. Reinstatement of Permit. The Neenah-Menasha Sewerage Commission, at its sole discretion, may reinstate the permit of a Septage Disposer which has been revoked, on such conditions and terms as the Commission shall deem to be in the best interests of the general public and of the Neenah-Menasha Sewerage Commission, including the imposition and full payment of a penalty computed pursuant to the provisions of Neenah-Menasha Sewerage Commission Ordinance 88-1, which penalty may be imposed hereunder whether or not such permit is reinstated.

IN WITNESS WHEREOF, the NMSC has caused these presents to be signed and attested by its duly authorized officers. These rules and regulations shall become effective on the date of their publication.

Passed and adopted by the NMSC, in the County of Winnebago, State of Wisconsin, on the 28th day of June, 1988; to be published on the 3rd day of July, 1988.

Ayes 6 Nays 0

NEENAH-MENASHA SEWERAGE COMMISSION

Attested:

Adam Haber
Adam Haber, Commissioner

Dale Siebers
Dale Siebers, Commissioner

Robert Gross
Robert Gross, Commissioner

John Jurgenson
John Jurgenson, Commissioner

Richard Finger
Richard Finger, Commissioner

By: Harold C. Mulvey
Harold C. Mulvey, President

William J. Zelinski
William J. Zelinski, Secretary



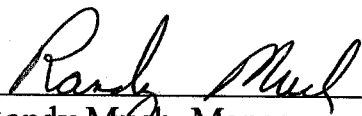
NEENAH-MENASHA SEWERAGE COMMISSION 101 Garfield Avenue - Menasha, Wisconsin 54952 - (414) 751-4760

NOTICE OF PUBLIC HEARING
AND MEETING TO FOLLOW

PLEASE TAKE NOTICE that the Neenah-Menasha Sewerage Commission (NMSC), will hold a public hearing at the Commission Offices, located at 101 Garfield Avenue, City of Menasha, Winnebago County, Wisconsin at 4:00 P.M. on December 17, 1996 for the purpose of receiving public comment on the Ordinance Amending NMSC Septage Rules and Regulations proposed to be adopted by the NMSC at its meeting to be held immediately after the public hearing on December 17, 1996.

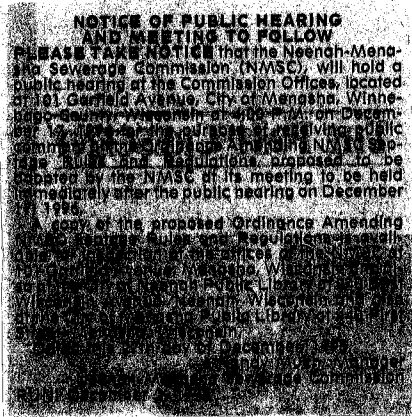
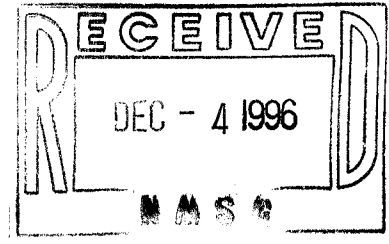
A copy of the proposed Ordinance Amending NMSC Septage Rules and Regulations is available for inspection at the offices of the NMSC at 101 Garfield Avenue, Menasha, Wisconsin and also at the City of Neenah Public Library at 240 East Wisconsin Avenue, Neenah, Wisconsin and also at the City of Menasha Public Library at 440 First Street, Menasha, Wisconsin.

Dated this 27th day of December, 1996



Randy Much, Manager
Neenah-Menasha Sewerage Commission

STATE OF WISCONSIN }
OUTAGAMIE COUNTY } SS.



Marion F. Van Zeeland being duly sworn on her oath, says that she is an employee of The Post-Crescent, a newspaper published by The Post-Crescent, Division of Thomson Newspapers (Wisconsin) Inc., a corporation organized under and by virtue of the laws of Wisconsin, whose principal place of business is at Appleton, Wisconsin, and that as such employee she makes this affidavit in its behalf and is authorized so to do;

That the said corporation is the publisher and printer of The Post-Crescent, a newspaper published and printed in the city of Appleton, Outagamie County, State of Wisconsin, and that the notice of which the annexed is a copy, taken from the paper in which it was published, was published in the said newspaper on the following day or days:

December 2, 1996

Marion F. Van Zeeland

Subscribed and sworn to before me this

3 day of Dec 1996

Mary Kay Meulemans

Notary Public, Outagamie County, Wis.

My Commission Expires Sept. 24, 2000

