

2019 Sewer Use Ordinance Modifications Summary

The following summary outlines proposed changes to the Green Bay Metropolitan Sewerage District (GBMSD) Sewer Use Ordinance (SUO):

1. **SUO Chapter 1 - Adoption** – [These rules have been amended by GBMSD motion 19-xxx effective January 1, 2020. Those amendments have been incorporated into these rules.](#)
2. **SUO Chapter 2 - Billing Parameters** – The measured volume and calculated mass of *pollutants* in *wastewater* used for billing purposes. The *billing parameters* as of the date of the adoption of these rules are volume of flow (~~including infiltration and inflow~~), BOD, TSS, TP, and TKN. The Commission may change *billing parameters* by resolution, from time to time.
3. **SUO - Categorical Pretreatment Standards** – Standards specifying quantities or concentrations of *pollutants* or *pollutant* properties which may be discharged into the *GBMSD sewerage system* by *industrial users* as established by rule or order promulgated by the *USEPA* as set forth in 40 CFR, §400, et. seq. [and NR §200 et. seq.](#)
4. **SUO - Detrimental Effect** – A discharge to the *GBMSD sewerage system*, either alone or in conjunction with other discharges, which would:
 - (1) pass through the *GBMSD sewerage system* essentially unchanged or unaffected by *GBMSD's* treatment processes and impact *GBMSD's* ability to meet *WPDES permit* requirements ~~or GBMSD effluent goals.~~
5. **SUO - Excess Flow** – That portion of measured flow rate averaged over a thirty-minute interval that exceeds the *interceptor segment* capacity allocated [to a customer.](#)
6. **SUO - Fixed Charge** – [portion of annual budgeted expenses, independent of unit rate charges, assigned to customers annually.](#)
7. **SUO - Non-significant Categorical Industrial User** – ~~a~~Any categorical *industrial users* that meets all of the following:
 - (1) ~~The industrial user~~ never...
 - (2) ~~The industrial user~~ has...
 - (3) ~~The industrial user~~ never discharges any...
 - (4) ~~The industrial user~~ annually...
8. **SUO - Pollutant** – Any contaminant present in *wastewater* including, but not limited to, dredged spoil, solid waste, [grease](#), incinerator residue, sewage, garbage, refuse, oil...
9. **SUO - Unit Rate** –
 - (1) For all *customers*, except those specified in (2) below, the total *budgeted expenses*, including capital costs [and excluding fixed charge](#), per time period allocated to treating a *billing parameter*...
10. **SUO - 5.20 Interceptor Cost Recovery Charge**
[Post-February 1, 2001 Interceptor Cost Recovery Charges Schedule of Payments](#)

Any *interceptor cost recovery charge* shall be paid by a *customer* in equal installments, plus interest at the *state market rate*, amortized over twenty (20) years; ~~provided, however, that a customer may prepay the interceptor cost recovery charges at any time.~~

11. SUO - 5.25 **Delayed Interceptor Cost Recovery Charge**

Schedule of Payment for a *Delayed Interceptor Cost Recovery Charge*

A *delayed interceptor cost recovery charge* shall be paid by a *customer* in equal installments, plus interest at the *state market rate*, amortized over twenty (20) years; ~~provided, however, that a customer may prepay the delayed interceptor cost recovery charge at any time.~~

12. SUO - 6.05 **Prohibitions on Discharge**

~~(5) any volatile substance that causes two consecutive air monitor readings greater than five percent (5%) or any single reading greater than ten percent (10%), of the Lower Explosive Limit (LEL). Examples of volatile substances include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, and peroxides. Benzene concentrations shall not exceed 0.5 mg/L. Total BTEX (benzene, toluene, ethylbenzene, xylenes) concentrations shall not exceed 1.0 mg/L.~~

~~(56)~~ any solid waste greater than one (1) inch diameter.

~~(67)~~ any wastewater containing color that would cause a detrimental effect ~~or create an obvious plume or colorization in the Fox River or~~ is prohibited by the *WDNR*.

~~(112)~~ any wastewater having a *pH* lower than 5.0 s.u. or higher than 11.0 s.u., with the following exceptions:

(a) The total time ~~that~~ the *pH* is outside the 5.0 - 11.0 s.u. range, shall not exceed 7 hours ~~26~~ one percent of total minutes monitored within a calendar month. ~~or 60 consecutive minutes at any time. In cases that a full month of pH monitoring data is not available, compliance with the standard will be maintained if pH values do not exceed the 5.0-11.0 s.u. range for more than 1% of the total pH monitoring minutes.~~

~~(b) The user has been granted a written pH variance from GBMSD.~~

13. SUO - 6.10 **pH Variances**

An *industrial user* may request a variance in the *pH* limits for its *wastewater* by submitting a request in writing to the *GBMSD Executive Director* and with a copy to the *customer* that owns the *collector*. The *GBMSD Executive Director* may, in his/her sole discretion, grant a variance for the discharge of *wastewater* to the *GBMSD sewerage system* with a *pH* greater than 11.0 s.u. but less than ~~or equal to~~ 12.5 s.u., under the following conditions:

(1) the *industrial user* agrees to install and operate, at its cost, equipment to continuously monitor and record the *pH* of the *industrial user wastewater* at the point where it exits the *industrial user's facility* as determined by GBMSD ~~(the "exit point"). The location of the exit point must be approved by GBMSD in writing.~~ The *industrial user* shall submit such recordings to *GBMSD* within fifteen (15) days after the end of the month during which the ~~recordings are generated~~ pH was monitored; and

(2) the *industrial user* agrees to pay *GBMSD* for all costs incurred in cleaning and televising the receiving sewers at the time of granting the variance and at intervals thereafter as determined by *GBMSD*.

No *pH* variance shall be issued for *wastewater* with a *pH* below 5.0 s.u. or equal to or above 12.5 s.u.

The 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.

14. **SUO - 6.15 Local Limitations**

A user shall not discharge wastewater into the GBMSD sewerage system containing pollutants in amounts exceeding both the concentration and mass limitations stated below, except for mercury and acrylonitrile for which a user's wastewater shall not exceed the concentration limitations set forth below. Significant Industrial Users tributary to the Green Bay Facility (GBF) must comply with the concentration and mass based limits designated "GBF" unless otherwise determined by a pollutant mass sharing agreement. Significant Industrial Users tributary to the De Pere Facility (DPF) must comply with the concentration and mass based limits designated "DPF" unless otherwise determined by a pollutant mass sharing agreement. ~~These limitations apply to a normal sampling event as determined by the Pretreatment Program Coordinator.~~ Where federal, state, or local regulations outline different limitations for the same pollutant, the more stringent limitation shall apply.

Upon final approval, the Mercury BMP Plan document shall become an appendix in the Significant Industrial User's Industrial Wastewater Discharge Permit as an alternative to the mercury numeric limit. This alternative limit ~~will be~~ is effective until the end of the permit cycle. An approved Mercury BMP Plan may be revoked at any time in order for GBMSD to meet applicable regulatory requirements.

15. ~~SUO - 6.17 Local Limit Inclusion/Exclusion~~

~~GBMSD shall determine the background concentration for each pollutant for which there is a calculated local limit. If a Significant Industrial User discharges wastewater with a pollutant concentration above the background concentration, GBMSD shall include that pollutant in PART 2, Section 2 Self-Monitoring Requirements in the Significant Industrial User's Industrial Wastewater Discharge Permit. A Significant Industrial User's discharge is considered to be above the background concentration if concentrations above background have been detected in two consecutive samples or in greater than forty percent of samples collected in a calendar year. If a Significant Industrial User discharges wastewater with a pollutant concentration below the background concentration, GBMSD shall remove that pollutant from PART 2, Section 2 Self-Monitoring Requirements in the Significant Industrial User's Industrial Wastewater Discharge Permit. A Significant Industrial User's discharge is considered to be below the background concentration if concentrations below background have been detected in two consecutive samples or in greater than forty percent of samples collected in a calendar year.~~

~~Significant Industrial Users are only required to conduct self-monitoring for those local limits identified in PART 2, Section 2 Self-Monitoring Requirement in their Industrial Wastewater Discharge Permit and self-monitoring that is required for categorical pollutants.~~

16. **SUO - 6.20 Storm and Other Unpolluted Waters**

Stormwater or other unpolluted water shall not be discharged to the GBMSD sewerage system without GBMSD's prior written approval by the Executive Director.

17. **SUO - 6.35 Accidental Discharges**

Industrial users shall provide protection from the accidental discharge of prohibited materials and other substances regulated by these rules. Plans and operating procedures for *industrial users 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 *controls and countermeasures facilities* shall be submitted for review 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.

18. **SUO - 7.10 Limited Term Permit**

GBMSD may issue a renewable permit with a term no greater than ~~one (1)~~ five (5) years for a discharge to the GBMSD sewerage system...

19. **SUO - 7.20 Determination of Need ~~f~~ For a An Industrial Wastewater Discharge Permit**

20. **SUO - 7.26 Pollutant Mass Sharing**

Subject to the restrictions in this sSection, GBMSD may permit...

Each joint application for *pollutant* mass sharing shall include an application fee of \$3,000 split equally between the two *Significant Industrial Users* entering into the mass sharing agreement...

21. **SUO – 7.45 Industrial Pretreatment Reporting Requirements**

Any Industrial User ~~SIU~~ identified as a Non-significant Categorical Industrial User is required to submit annual certification that they continue to meet all criteria within the definition.

22. **SUO – 7.65 Hazardous Waste Notification**

~~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.

~~For industries discharging more than one hundred (100) kilograms of hazardous waste per calendar month to GBMSD, the notification shall also contain the following information to the extent such information is known and readily available to the *industrial user*:~~

~~(1) — an identification of the hazardous constituents contained in the waste.~~

~~(2) — an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month.~~

~~(3) — an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.~~

~~All notifications must take place no later than ten (10) days after the discharge of the hazardous waste commences.~~

~~Industrial users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge fifteen (15) kilograms or less of non-acute hazardous waste. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.~~

23. **SUO - 8.05 General**

GBMSD has the right to restrict or discontinue the discharge of *hauled waste* into the GBMSD sewerage system at any time without notice. ~~If GBMSD limits the amount of hauled wastes received, preference shall be given to hauled waste generated within the boundaries of GBMSD.~~

Hauled waste that meets the definition of hazardous waste as defined in 40 CFR Part 261 shall not be discharged into the GBMSD sewerage system without prior written approval from GBMSD.

24. **SUO - 8.20 Fees and Charges**

Haulers will be invoiced monthly for *hauled waste* discharged at a GBMSD-owned receiving station. ~~Late payments will be subject to a late payment fee.~~ Repeated late payments may result in the revocation of the *hauler's hauled waste permit*.

25. **SUO - 8.25 Hauled Waste Billing Methodology**

At the beginning of each fiscal year, a billing rate will be established for each category of *hauled waste*, based on a 1,000 gallon unit and *billing parameter* concentrations or as determined by GBMSD.

~~For wastewater from an industrial user, the actual tested concentration of wastewater from each industrial user shall be used to calculate the billing rate for that industrial user.~~

26. **SUO - 9.05 General**

The Commission shall annually establish sewer service rates based on fixed charge and ~~volume~~ billing parameter charges in such a manner that ~~they~~ will:

- (1) generate revenues adequate to cover GBMSD's annual budget.
- (2) constitute an equitable distribution of budget elements among GBMSD's customers.
- (3) be based on current billing methodology.

~~The volume charge shall recover a percentage of total revenue projections as determined by the Commission based upon flow and loading methodology. The volume charges shall be based on a unit rate established by the Commission for each billing parameter.~~

27. **SUO - 9.10 Billing Methodology for Metered and Sampled Wastewater**

GBMSD will maintain the appropriate *records* regarding meter station readings, sampling, and reports...

28. **SUO - 9.20 Billing Methodology for Other Wastewater Charges**

If any portion of the *wastewater* is metered, but not sampled, charges will be based upon metered flow and assigned concentration-mass. When the flow is not metered or sampled, charges will be based upon assigned flow and concentration-mass. The Commission will establish the assigned flow and assigned mass annually by resolution. GBMSD's determination of flow, ~~concentration~~

mass, and the annually developed fixed charge shall be the sole basis of GBMSD's billings to metered but not ~~un~~-sampled and not ~~un~~-metered and not ~~un~~-sampled *customers*.

29. **SUO - 9.25 Miscellaneous Charges**

Examples of miscellaneous charges related to the GBMSD sewerage system include but are not limited to:...

Miscellaneous charges are in addition to and not in lieu of other GBMSD charges or penalties that may be applicable by or pursuant to these rules ~~and are an element of billing in the same manner as other elements of billing~~.

30. **SUO - 9.40 Billings and Payments**

GBMSD invoices shall be paid in full within thirty (30) days of the invoice date...

GBMSD has the right to ~~will~~ assess a monthly late payment charge equal to the greater of 1% of the unpaid balance or a minimum late fee...

31. **SUO - 10.10 Unreasonable Endangerment Surcharge**

~~There~~ GBMSD shall be has the right to ~~levy~~ied against any municipal *customer* that exceeds...

The *unreasonable endangerment surcharge* shall be applied for each calendar day in which a municipal *customer's* flow...

A municipal *customer* that has paid an *unreasonable endangerment surcharge* may apply for reimbursement toward the cost of corrective construction to the municipal *customer's* *collection system*. Corrective construction must be for the purpose of reducing *infiltration* and *inflow* entering the municipal *customer's* *collection system*.

32. **SUO - 10.25 Emergency Actions Regarding *Industrial Users***

33. **SUO - ~~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.~~

12.10—Amalgam Separator Installation

~~Within the shortest reasonable time, but not later than July 1, 2013, 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, 2013, 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, 2013.~~

~~If a dental office has provided a letter identifying the inability to install an amalgam separator by October 1, 2013, the dental office shall notify GBMSD of the completion of installation within five (5) days after completion.~~

12.15—Records Keeping

~~Each dental office that owns and operates at least one (1) 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, 2013 and annually thereafter, each dental office shall provide GBMSD with a report using forms provided by GBMSD. Reporting information will include at a minimum:~~

- ~~(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.~~

~~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.~~