

**Summary of Proposed Modifications  
Sewer Use Ordinance  
Green Bay Metropolitan Sewerage District  
2022**

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 22-XXX effective January 1, 2023. Those amendments have been incorporated into these rules.

**2. SUO Chapter 2 – Definitions**

- 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, ~~BOD~~, ~~TSS~~, ~~TP~~, and ~~TKN~~. The *Commission* may change *billing parameters* by resolution, from time to time.
- Capital Charge – A Commission approved portion of annual budgeted capital expenses, independent of unit rate charges, assigned to customers.
- ~~Fixed Charge – Portion of annual budgeted expenses, independent of unit rate charges, assigned to customers annually.~~
- Industrial Bypass – The discharge of untreated or partially treated *wastewater* from any portion of an an industrial user's pretreatment facility ~~for pretreatment~~.
- Industrial User – Any *user*, other than a *residential user* or commercial user that discharges only domestic waste, who discharges *wastewater* containing *pollutants* into the *GBMSD sewerage system* from any non-domestic source regulated under the *Act* or these rules.
- ~~Industrial Wastewater Discharge Permit Application – See Baseline Monitoring Report.~~
- Interceptor Capital Cost – The sum of (1) the cost of construction or acquisition of an *interceptor segment*; (2) any costs or expenses incurred in connection with obtaining permanent financing for an *interceptor segment* (including, but not limited to, interest, attorneys' fees...
- New Source - ...(3) the production processes or *wastewater* generating processes of the building, structure, facility, or installation that GBMSD ~~the Pretreatment Program Coordinator~~ determines are substantially independent of an *existing source* at the same site.

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- Person – An individual, partnership, firm, limited liability company, corporation, association, joint venture, trust, estate, governmental entity, or any other legal entity. ~~The masculine gender shall include the feminine.~~
- Sludge - The accumulated solids generated during the biological treatment, chemical treatment, coagulation, or sedimentation of water or wastewater.
- State Market Rate – The interest rate charged by the *state* for non-subsidized loans under the Clean Water Fund at the time that the final payment schedule is developed.

**3. SUO Chapter 4.60 – Construction Over or Within a GBMSD Easement**

- 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 from *GBMSD*. Changes in ground surface elevation shall not be permitted over or within an easement of any *GBMSD interceptor* without prior written approval 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.

**4. SUO Chapter 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. A customer can also elect to pay a lump sum cost of the *interceptor cost recovery charge*.

**5. SUO Chapter 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. A customer can also elect to pay a lump sum cost of the *delayed interceptor cost recovery charge*.

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**6. SUO Chapter 5.35 – Use of Interceptor Cost Recovery Charge Payments and Rental Charges by GBMSD**

- *Interceptor cost recovery charge* payments received by GBMSD may be used by GBMSD in such manner as the *Commission* may determine; provided, however, that in the absence of a direction from the *Commission*, *interceptor cost recovery charge* payments shall be kept in a separate restricted fund balance and shall be used to pay any ~~cost~~ debt incurred in connection with the construction of an *interceptor segment*. *Rental charges* shall be treated as miscellaneous revenue.

**7. SUO Chapter 6.05 – Prohibitions on Discharge**

- (5) ~~any solid waste greater than 1 inch diameter.~~ Any solid or viscous pollutants in amounts which will cause or contribute to obstruction to the flow in sewers or other interference with the operation of the GBMSD sewerage system.
- (6) any *wastewater* containing color that would cause a *detrimental effect* or is prohibited by the *WDNR*.
- (11) 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 the *pH* is outside the 5.0 - 11.0 s.u. range shall not exceed one percent of the total minutes monitored within a calendar month.

**8. SUO Chapter 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 submitting with a copy to the *customer* that owns the *collector*. The *GBMSD Executive Director* may, in their ~~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 12.5 s.u., under the following conditions:
  - (1) ~~the~~The *industrial user*...
  - (2) ~~the~~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.
- *pH* variances are not transferable or assignable, without the prior written approval of GBMSD, and *industrial users* shall request a *pH* variance at any new location if the *industrial user* or its discharge location is relocated

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**9. SUO Chapter 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.

Parameter	GBF <u>Daily</u> <u>Maximum</u> Concentration	GBF <u>Daily</u> <u>Maximum</u> Mass	DPF <u>Daily</u> <u>Maximum</u> Concentration	DPF <u>Daily</u> <u>Maximum</u> Mass
	(mg/L)	(lb/day)	(mg/L)	(lb/day)
Arsenic	0.38	<del>1.03</del> <u>0.70</u>	0.12	<del>0.22</del> <u>0</u>
Cadmium	0.30	<del>0.14</del> <u>0.64</u>	0.23	<del>0.31</del> <u>0.29</u>
Chromium	5.01	<del>5.56</del> <u>9.66</u>	3.54	<del>3.90</del> <u>5.74</u>
Copper	<del>3.26</del> <u>2.65</u>	<del>2.90</del> <u>1.49</u>	2.16	<del>1.44</del> <u>0.32</u>
Lead	4.03	<del>1.79</del> <u>7.95</u>	0.66	<del>0.67</del> <u>1.07</u>
Mercury	0.0004	-	0.0004	-
Nickel	<del>2.56</del> <u>4.24</u>	<del>3.09</del> <u>8.18</u>	<del>3.00</del> <u>4.12</u>	<del>3.30</del> <u>6.57</u>
Zinc	<del>2.34</del> <u>5.66</u>	<del>3.04</del> <u>9.1</u>	<del>1.06</del> <u>2.04</u>	<del>1.60</del> <u>1.2</u>
Acrylonitrile	<del>1.0</del>	-	<del>1.0</del>	-

- Compliance with the approved Mercury BMP Plan will be in lieu of compliance with the mercury numeric local limit. ~~GBMSD may provide guidance to the Significant Industrial User during this process.~~

**10. SUO Chapter 7.22 – Notice of Intent to Discharge for New Construction**

- A principal executive officer of the industrial user or ~~his/her~~ their designee shall sign the notice of intent to discharge.

**11. SUO Chapter 7.25 – Industrial Wastewater Discharge Permits**

- (10) A statement regarding ~~of non-~~transferability (~~but non-~~transferability of a permit shall not limit a permittee's ability to participate in pollutant mass sharing in accordance with Section 7.26).

**12. SUO Chapter 7.30 – Industrial Pretreatment Monitoring**

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- ~~Some industrial users may be an integral part of the GBMSD billing program. Refer to 9.10 for additional requirements.~~

**13. SUO Chapter 7.45 – Industrial Pretreatment Reporting Requirements**

- In cases where a *pretreatment* standard requires compliance with a Best Management Practice (BMP) Plan, the *industrial user* ~~will~~ shall submit, semi-annually, documentation needed to determine the compliance status as determined by *GBMSD*.
- Any Significant ~~I~~industrial User that owns and operates a *wastewater effluent* flow meter must calibrate or confirm the accuracy of the instrument at least annually in accordance with manufacturer's specifications and provide documentation to *GBMSD* ~~no later than January 15 of the following year~~ upon request.
- All reports submitted to *GBMSD* shall be signed and sworn to by the *principal executive officer* of the *user* or ~~his/her~~ their designee, subject to the signatory requirements set forth in NR 211.15(10).

**14. SUO Chapter 7.65 – Hazardous Waste Notification**

- 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. to the extent economically practicable.

**15. SUO Chapter 7.75 – Loss of Pretreatment Capacity and Bypass by a Significant Industrial User**

- A *Significant Industrial User* may allow a bypass of its *pretreatment* facilities to occur which does not cause *pretreatment standards* or *pretreatment program* requirements to be violated, but only if it is for ~~critical~~ essential maintenance.
- A bypass by a *Significant Industrial User* that results in a violation of any *pretreatment standard* or *pretreatment program* requirement is prohibited unless all ~~three~~ four of the following conditions are met:
  - (1) (a) ~~†~~The bypass is...  
(b) ~~†~~The bypass is...  
(c) ~~†~~The Significant Industrial User...
  - (2) ~~no~~No feasible alternatives...
  - (3) ~~a~~A Significant Industrial User... shall notify GBMSD at least ten (10) days prior to the bypass, if possible, or otherwise as soon as possible.
  - (4) ~~a~~A Significant Industrial User...

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**16. SUO Chapter 7.80 – Records Retention**

- ...a Significant Industrial User in connection with its discharge, including compliance information...

**17. SUO Chapter 7.82 – Confidential Information**

- ...available to the public or governmental agencies without restriction, unless the industrial user...

**18. SUO Chapter 8.10 – Hauled Waste Permits**

- All hauled waste permits will expire on dates established by GBMSD, regardless of the date of issue.

**19. SUO Chapter 8.20 – Fees and Charges**

- GBMSD will also annually establish an annual permit fee ~~and a per use discharge fee~~ to be paid by haulers discharging at a GBMSD-owned receiving station.

**20. SUO Chapter 8.25 – Hauled Waste Billing Methodology**

- ...based on 1,000 gallon unit and billing parameter concentrations, or as determined by GBMSD.

**21. SUO Chapter 8.30 – Indemnification of GBMSD**

- ...and/or arising out of the activity or conduct of such hauler or ~~his/her/its~~ their equipment.

**22. SUO Chapter 9.05 – General**

- The Commission shall annually establish sewer service rates based on a capital fixed charges and *billing parameter* charges in such a manner that will:
  - (1) ...annual budget;
  - (2) ...among GBMSD's customers;
  - (3) ...be based on current billing methodology.

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**23. SUO Chapter 9.10 – Billing Methodology for Metered and Sampled Wastewater**

- GBMSD will determine the need and location of meter stations, and shall be solely responsible for determining their construction, ownership, calibration, operation, and maintenance. GBMSD shall have sole authority to determine the frequency and type of sampling required to provide accurate *customer* billing. GBMSD will maintain the appropriate *records* regarding meter station readings, sampling, and reports. ~~GBMSD's determination of wastewater flow and concentration, in addition to the annually developed fixed charge, will be the sole basis of GBMSD billings.~~

**24. SUO Chapter 9.20 – Billing Methodology of Other Wastewater Charges**

- If any portion of the *wastewater* is metered, but not sampled, charges will be based upon metered flow and assigned mass. When the flow is not metered or sampled, charges will be based upon assigned flow and mass. The *Commission* will establish the assigned flow and assigned mass annually. ~~GBMSD's determination of flow, mass, and the annually developed fixed charge shall be the sole basis of GBMSD's billings to metered but not sampled and not metered and not sampled customers.~~

**25. SUO Chapter 9.25 – Miscellaneous Charges**

- 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.

**26. SUO Chapter 9.45 – Billing Disputes**

- Within thirty (30) days of the hearing, the *Commission* will mail or deliver a written decision to the contesting *customer* ~~a written decision~~.
- GBMSD considers all bills final   and no adjustments will be made on such bills unless a timely, written appeal has been filed per this rule ~~has been filed~~.

**27. SUO Chapter 9.50 – Records of Industrial Users**

- (1) Aa list of...greater than or equal to 25,000 gallons.
- (2) Aa list of all new connections from industrial users.

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**28. SUO Chapter 10.10 – Unreasonable Endangerment Surcharge**

- The *unreasonable endangerment surcharge* shall apply whenever flow discharged from the *customer* exceeds its total allocated capacity in any *interceptor segment*, regardless of fault, except in the instances where the *excess flow* is caused by revolution or substantial civil disorder, war or act of national enemies, or natural ~~disorders~~ disasters, including earthquake, flood, tornado, lightning strike, hail, and wind.

**29. SUO Chapter 10.20 – Public Nuisances and Damages**

- Any violation by a *person* of the provisions of these rules, or any other regulation, permit, or special order issued or promulgated by the *Commission* or the *Executive Director*, shall constitute a public nuisance, pursuant to the authority of provisions of Wis. Stats. §200.11(1)(d).

**30. SUO Chapter 10.25 – Emergency Actions Regarding Industrial Users**

- (1) Aa discharge presents...
- (2) Aa discharge presents...
- (3) Aa discharge would...
- (4) Aa discharge violates...

(end)

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