

ORDINANCE NO. 3760

AN ORDINANCE TO CREATE OR AMEND VARIOUS SECTIONS OF CHAPTER 29 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO THE WASTEWATER TREATMENT SYSTEM

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1. Section 29.01(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“ (1) This chapter establishes uniform requirements for all contributors to the City wastewater collection and treatment system and enables the City to comply with applicable State and federal laws required by the Clean Water Act (33 U.S.C. 1251, et. seq.), the General Pretreatment Regulations (40 CFR, Part 403) and Chapter NR 211 of the Wisconsin Administrative Code.”

Section 2. Section 29.01(3)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“ (a) Regulates all contributors to the municipal wastewater system through:

1. Enforcement of general requirements for all users;
2. Issuance of permits to certain users;
3. Monitoring activities including sampling and flow measurements;
4. User reporting requirements.”

Section 3. Section 29.30(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Contents of Wastewater Discharge Permit. The City's IPP Manual identifies those items required to be included in Wastewater Discharge Permits. Different standards may apply to permits issued to different categories of significant industrial users. The permit shall contain a requirement that monthly and semi-annual reports shall contain a certification statement required by Wis. Admin. Code NR 211.15(10)(a)”

Section 4. Section 29.02 of the Code of General Ordinances of the City of Beloit is hereby amended to include, in alphabetical order, the following additions, amendments and deletions to chapter definitions:

"Illicit Discharge. A discharge, release, leach, leak or spill any substance that contains pollutants that should otherwise be treated or disposed of as required by law so that it enters the sanitary sewer, surface waters or is otherwise discharged to public or private property unless such discharge, release, leach, leak or spill is approved by permit or ordinance."

"Significant Industrial User or Significant User. A person who discharges wastewater which meets one or more of the following criteria:

1. Discharges an average of 25,000 gallons per day or more of process wastewater; or
2. Has the potential to discharge toxic pollutants in amounts that significantly violate this chapter or the user's permit; or
3. Has significant impact, either alone or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emission generated by the system; or
4. Is subject to categorical pretreatment standards; or
5. Discharges a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW.
6. Any other user designated as a significant industrial user by the City."

"Significant Noncompliance. A user is in significant noncompliance if one or more of the following occurs:

1. Sixty-six percent or more of all measurements taken during a continuous 6-month period exceed the user's daily maximum discharge limit or the user's average discharge limit for the same pollutant parameter.
2. Thirty-three percent or more of all measurements for each pollutant parameter taken during a continuous 6-month period equal or exceed the product of the user's daily maximum limit or the user's average limit multiplied by the applicable TRC factor. The TRC factor for conventional pollutants such as phosphorus BOD, TSS, fats, oil, and grease is 1.4. The TRC factor for all other pollutants, except pH, is 1.2.
3. The user discharges effluent that, alone or in combination with the effluent discharges of others, interferes with the POTW or causes a pass through.
4. The user discharges any pollutant that causes imminent danger to human health, safety or welfare or to the environment or causes the POTW to exercise its emergency authority to halt or prevent such a discharge.
5. The user fails to meet, within 90 days after the schedule date, a compliance schedule milestone required by a discharge permit or enforcement order for starting or completing construction, or attaining final compliance.
6. The user fails to provide required reports, such as monitoring reports and compliance reports within 30 days of the due date.
7. The user fails to accurately report noncompliance.
8. Any other violation or group of violations which adversely affects the operation or implementation of the local pretreatment program."

Section 5. Section 29.10(3) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“(3) ILLICIT DISCHARGE PROHIBITED. No person shall discharge, release, leach, leak or spill any substance that contains pollutants that should otherwise be treated or disposed of as required by law so that it enters the sanitary sewer, surface waters or is otherwise discharged to public or private property unless such discharge, release, leach, leak or spill is approved by permit or ordinance.”

Section 6. Section 29.17(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) DEVELOPMENT OF SPILL CONTROL PREVENTION PROGRAM (SCPP). Each significant industrial user (and certain other commercial and industrial users as determined by the City) shall at the user's expense, develop a spill control prevention program (SCPP) to (i) protect the POTW from pass through, slug discharges and prohibited discharges of materials which may interfere with the POTW, (ii) protect the public and the environment from hazardous substance releases, and (iii) prevent illicit discharges to surface water or public or private property. The POTW shall review the discharges of commercial and industrial users, as necessary, to determine whether an SCPP is needed. See the IPP Manual for detailed guidance.”

Section 7. Section 29.17(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) An up-to-date description and location of stored chemicals;”

Section 8. Section 29.17(3)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Procedures for immediately notifying the Water Resource Director, or his/her designee, of hazardous substance releases or illicit discharges to the environment as required by section 29.18 of this chapter.”

Section 9. Section 29.17(3)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(e) If necessary, procedures to prevent (i) adverse impact of unpermitted discharges to the POTW, and (ii) hazardous substance releases or illicit discharges to the environment. Procedures may include inspection and maintenance of storage areas, handling and transfer of chemicals and materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.”

Section 10. Section 29.17(3)(f) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

- “(f) A detailed site map that contains the following:
1. Location and labeling of all storm drains;
 2. Location and labeling of any open floor drains on the property (i.e. car wash bays, catch basins);
 3. Location and labeling of chemical storage areas; and
 4. Location of spill response equipment”

Section 11. Section 29.17(6) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

- “(6) SPILL KIT. A user who is required to have a SCPP shall keep on hand a spill kit(s) capable of containing spills that may occur on the user’s property.”

Section 12. Section 29.17(7) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

- “(7) RECORDS. A user who is required to have a SCPP shall maintain all records related to spills for a minimum of three (3) years.”

Section 13. Section 29.18(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) NOTIFICATION OF HAZARDOUS SUBSTANCE RELEASE OR ILLICIT DISCHARGE TO ENVIRONMENT. A permittee must immediately notify the Water Resources Director, or his/her designee, of a hazardous substance release or illicit discharge to the environment. Within 5 calendar days of a hazardous substance release or illicit discharge, unless waived in advance in written form by the City, each permittee subject to this section, shall submit to the Water Resources Director, or his/her designee, a detailed written report describing the cause of the hazardous substance release or illicit discharge and the measures taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee from any liability for damage as a result of the hazardous substance release or illicit discharge or from any forfeiture or other liability which may be imposed by a court.”

Section 14. Section 29.30(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) PERMIT REQUIRED.
- (a) Wastewater Discharge Permit. All significant industrial users of the POTW shall obtain a permit as required by this Chapter. A permit application shall

be completed in accordance with this section. Permit applications shall contain the information required by NR 211.235(1), Wis. Adm. Code, and Chapter 4 of the City's Industrial Pretreatment Manual. The application shall be signed by the user or the user's authorized representative and, if required, shall be certified by a qualified professional. The user shall support the application with information, in units and in terms appropriate for evaluation.

- (b) Business Permit. All commercial users and industrial users of the POTW that are not otherwise required to obtain a permit under (a) above, shall obtain a permit as required by this Chapter. An application for a Business Permit shall be completed in accordance with this section. Permit applications shall contain the information required by Chapter 4 of the City's Industrial Pretreatment Manual. The application shall be signed by the user or the user's authorized representative. A Business Permit enables the City to identify and monitor types and locations of commercial and industrial users that are connected to City utilities."

Section 15. Section 29.30(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(4) MONITORING AND ANALYSIS TO DEMONSTRATE CONTINUED COMPLIANCE.

- (a) If sampling performed by a SIU in accordance with NR 218 and NR 219, Wis. Admin. Code, indicates a violation of the user's permit or this chapter, the SIU shall notify the City within 24 hours of becoming aware of the violation. The SIU shall repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. This provision does not apply to SIUs that monitor multiple days each month nor does it supersede the requirement for SIUs to immediately report accidental discharges of high strength waste or large amounts of grease or as otherwise required by the user's permit
- (b) If a user is required to sample effluent by permit, a user shall use the method and manner of sampling required by Wis. Admin. Code NR 218.
- (c) If a user is required to analyze effluent for regulatory compliance, a user shall use the analytical test methods and procedures required by permit and Wis. Admin. Code NR 219."

Section 16. Pursuant to §§ 66.0821(2)(b) and 66.0813(3)(a), Wis. Stats., section 29.07 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

"29.07 LIMITS ON SERVICE AREA.

- (1) CITY LIMITS. Except as specifically provided in sub. (2) of this section, and notwithstanding any other provision of this chapter, the City shall not provide sewer service to any area outside the City.

- (2) EXTRATERRITORIAL SERVICE. Subject to the provisions of sec. 29.05(8),
- (a) The City may provide sewer service to the part of the Town of Beloit shown on Exhibit A to the November 2019 Agreement for Sewer and Water Service Between the Town of Beloit and the City of Beloit or any amendments thereto, a copy of which is on file in the office of the City Clerk.
 - (b) The City may provide sewer service to the parts of Winnebago County, Illinois, and the City of South Beloit, Illinois shown on the map dated October 9, 2019 and entitled City of Beloit Sewer Customers in Illinois on file in the office of the City Clerk.
 - (c) The City may provide sewer service to the areas shown as Township Sewer Customers on the map dated October 9, 2019 and entitled City of Beloit Sewer Customers in Townships on file in the office of the City Clerk."

Section 17. Section 29.30(5)(c) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

- "(c) Permit Modification Fee. A fee shall be charged if a user is required or requests to modify a permit issued under this section. The amount of the fee shall be established by City Council resolution."

Section 18. Section 29.13 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"29.13 SPECIFIC POLLUTANT LIMITATIONS. Unless otherwise allowed by a permit issued under this chapter, or waived pursuant to the provisions of §29.30(9), no person shall discharge wastewater which exceeds any of the following limits expressed as milligrams/Liter unless otherwise indicated:

- (1) Arsenic, 0.2 mg/L
- (2) Cadmium, 0.7 mg/L
- (3) Chromium, 6.5 mg/L
- (4) Copper, 10.0 mg/L
- (5) Cyanide, 0.9 mg/L
- (6) Fats, Oils and Grease, 300 mg/L. SIUs may receive a limit expressed in pounds rather than milligrams/Liter.
- (7) Grease or Oil of Mineral Origin, 25 mg/L. SIUs may receive a limit expressed in pounds rather than milligrams/Liter.
- (8) Lead, 1.8 mg/L
- (9) Mercury, 25 µg/L. The City may use BMPs in lieu of numerical value or sampling under 40 CFR 403.18 to ensure compliance with the City's WPDES permit.
- (10) Nickel, 3.6 mg/L

- (11) Phosphorus, 8.0 mg/L. SIUs may receive a limit expressed in pounds rather than millograms/Liter.
- (12) Silver, 0.6 mg/L
- (13) Zinc, 10.0 mg/L "

Section 19. Section 29.04(4) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“(4) DENTAL AMALGAM DISCHARGE

- (a) Dental clinics. This section applies to discharges from dental clinics where amalgam is placed or removed. If work in a dental clinic is limited to work that does not involve placing or removing amalgam, such as orthodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics, then this section does not apply. For the purposes of this subsection, a "dental clinic" is defined as a nonmobile facility dedicated to the examination and treatment of patients by health care professionals specializing in the care of teeth, gums and oral tissues.
- (b) Best Management Practices. Dental clinics that place or remove amalgam shall implement best management practices for amalgam as established by the Wisconsin Dental Association.
- (c) Separator Required. Dental clinics shall install, operate, and maintain an amalgam separator meeting criteria of the International Standards Organization (ISO 11143) for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained 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.
- (d) Report required. On an annual basis, dental clinics shall submit reporting information to the City using forms provided by the City. Reporting information shall include:
 - 1. The date the amalgam separator was installed.
 - 2. The manufacturer name and model number of the separator.
 - 3. Certification that the amalgam separator was installed and is being operated and maintained in accordance with instructions provided by the manufacturer.
 - 4. Certification that best management practices for amalgam as established by the Wisconsin Dental Association are being implemented.
 - 5. The person responsible for assuring compliance with the amalgam separator requirement of this section.
- (e) Contractor records. Dental clinics shall obtain records from the contractors used to remove amalgam waste for each shipment. The records shall show the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental clinics shall maintain these

records for a minimum of seven (7) years. Dental clinics shall make these records available to the City for inspection and copying at the request of the City.

- (f) Inspection. Dental clinics shall allow the City to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the City to determine compliance with this subsection. Inspections shall occur by appointment during the normal operating hours of the dental clinic as long as advance notice does not impede enforcement of this section.
- (g) Specific Prohibition Not Applicable. If a dental clinic is implementing the requirements in subsections (b) and (c) above, any numerical discharge limit for mercury established in 29.13 does not apply.”

Section 20. Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to include, in numerical order, the following amendments to the list of city employees authorized to issue municipal citations for violation of city ordinances:

Chapter	Title	Enforcement Official
6.15	Hazardous Materials	Fire Chief; Assistant Fire Chief; Deputy Fire Chief; Fire Captain; Fire Lieutenant; Acting Fire Lieutenant; Fire Department Inspection Officials; Inspection Official assigned to conduct Fire Inspections; Environmental Technician; Environmental Coordinator;
11.25	Streets and Sidewalks (gutters and culverts)	Public Works Director; Public Works Sustainability and Safety Coordinator; Environmental Technician; Environmental Coordinator
24	Stormwater Management	Public Works Director; Director of Water Resources; City Engineer; Stormwater Engineer; Director of Planning and Building Services; Building Inspector; Plumbing Inspector; Environmental Coordinator, Environmental Technician
26	Heating and Air Conditioning	Director of Planning and Building Services; Plumbing Inspector
27	City Water Utility	Public Works Director; Director of Water Resources; Environmental Coordinator; Environmental Technician; Water Utility Supervisor; Plumbing Inspector

29	Wastewater Treatment	Public Works Director; Director of Water Resources; Environmental Coordinator; Environmental Technician
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Section 21. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 22. This ordinance shall be in force and take effect upon passage and publication.

Adopted this 3rd day of October, 2022.

CITY COUNCIL FOR THE CITY OF БЕLOIT

By: _____
Regina Dunkin, President

ATTEST:

By: _____
Marcy J. Granger, City Clerk-Treasurer

PUBLISHED: 10/11/2022 _____
EFFECTIVE DATE: 10/12/2022 _____
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