

HEART OF THE VALLEY METROPOLITAN
SEWERAGE DISTRICT
ORDINANCE NO. 11

The Commission of the Heart of the Valley Metropolitan Sewerage District do ordain as follows:

SECTION ONE. Repeal and recreate Article XIII – Infiltration/Inflow Reduction Program of the Heart of the Valley Metropolitan Sewerage District Sewer Use and User Charge Ordinance No. 2006-1 (the “Ordinance”) to read as follows:

ARTICLE XIII – Clearwater Sustainability Plans

Section 13.01 Infiltration/Inflow.

- (1) Public Policy Considerations. The entry of unpolluted waters, of storm sewer waters and other ground waters into the HOVMSD Facility and into Municipal Facilities is not in the public interest in that it reduces the capacities of these facilities to transmit and treat Wastewaters. Indeed, engineering studies indicate that in peak flow conditions, the HOVMSD Facility experiences surcharging. It is recognized that given current methods of construction and materials, it is not possible to completely eliminate from Sanitary Sewers the infiltration and inflow of ground water, surface water and other unpolluted waters (herein “I&I”). Nevertheless, it is the stated goal of HOVMSD to develop and implement a sustainability plan associated with I&I that will maintain and extend the longevity of the HOVMSD Facility and its intercepting system and even continue to reduce the levels of clean water entering the sanitary sewerage system.
- (2) CMOM Program. Each Municipality served by HOVMSD shall be required to develop and implement a CMOM (Capacity, Management, Operation and

Maintenance) Program relating to its Public Sewerage System. Prior to its implementation, any such CMOM Program shall be submitted to the Commission of HOVMSD for review and approval. The HOVMSD Commission may approve, approve with conditions, or disapprove all or any portion of a CMOM Program submitted by a Municipality. In developing a CMOM Program, each Municipality shall address and include the CMOM components identified by the DNR as set forth in NR 208, Wis. Adm. Code, and publications issued pursuant thereto. Such components shall include, but not be limited to:

- (a) Statement of Goals
- (b) Organization
- (c) Legal Authority
- (d) Maintenance of Municipal Sewerage Systems
- (e) Design and performance standards of Municipal Sewerage Systems
- (f) Overflow energy response plan
- (g) Capacity Assurance Review
- (h) Annual self-audit
- (i) Annual compliance report

Section 13.02 Program Submission. Each Municipality shall prepare a CMOM Program and submit the same to the Commission of HOVMSD. The CMOM Program shall be submitted on or before October 31, 2014, unless the Commission determines by resolution to extend the date of submittal. Annual reports, revisions, alterations, modifications, and updates of the CMOM Program are due each year thereafter.

Section 13.03 CMOM Program Approval. Once submitted, the CMOM Program or any update, revisions, alteration or modification thereto shall be first reviewed by the Commission. The Commission may approve, approve with conditions or disapprove any CMOM Program, either in whole or in part.

Section 13.04 Enforcement. In the event any Municipality shall (i) fail to submit and/or implement an approved CMOM Program; or (ii) fail to satisfy a stated goal or objective in any approved CMOM Program; or (iii) fail to obtain a grade of C in any CMAR (Capacity Management Annual Report) as prescribed for in NR 208.06(3), Wis. Adm. Code; or (iv) fail to obtain a grade point average of 2.00-2.99, as stated in NR 208.06(4), Wis. Adm. Code, then in any such events, the Commission may take enforcement action against such Municipality. Such enforcement may include, but not be limited to the following:

- (a) Require the Municipality to submit an "action plan" to address the deficiencies.
- (b) Issue a special order pursuant to Section 200.45(2), Wis. Stats.
- (c) Declare the failure of the Municipality to be a violation of this Ordinance; and invoke any of the remedies provided for in Article XV below.
- (d) Levy a fine of not less than \$500 for each day a violation/failure continues, with each day constituting a separate violation.
- (e) Exercise any other right or remedy provided for by law or equity.

All enforcement actions may be taken independently or concurrently, and the election of one remedy shall not preclude the other. Any Municipality that is the subject of an enforcement action shall reimburse the District for all enforcement costs so received, including but not limited to reasonable attorney's fees.

SECTION TWO. This ordinance shall become effective upon its posting in the manner provided for by law.

HEART OF THE VALLEY METROPOLITAN
SEWERAGE DISTRICT

By:  _____
Commission President

Attest:  _____
Commission Secretary

Adopted: 2/11, 2014
Published: 2/21, 2014

Ayes: 5
Nays: 0

NOTICE OF PUBLIC HEARING
RE: AMENDMENT TO HEART OF THE VALLEY
METROPOLITAN SEWERAGE DISTRICT
SEWER USE AND USER CHARGE ORDINANCE NO. 2006-1

TO: All Interested Parties

PLEASE TAKE NOTICE that the Commission of the Heart of the Valley Metropolitan Sewerage District (the "Commission"), a metropolitan sewerage district, will hold a public hearing on the adoption of an amendment to the Heart of the Valley Metropolitan Sewerage District Sewer Use And User Charge Ordinance No. 2006-1, which hearing shall be held as follows:

Place: Conference/Meeting Room
Heart of the Valley Metropolitan Sewerage District
801 Thilmany Road
Kaukauna, Wisconsin

Date: February 11, 2014

Time: 6:00 p.m.

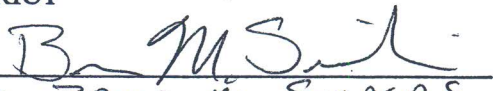
The purpose of the public hearing is to receive comments on the proposed amendment.

The amendment will repeal and recreate Article XIII of Ordinance No. 2006-01 relating to infiltration/inflow reduction; and replace that article with provisions relating to "Clearwater Sustainability Plans." Current ordinance provisions relating to infiltration/inflow in municipal sewerage systems, and any associated surcharge program, are contemplated to be repealed and replaced with the requirement that each municipality develop a capacity, management, operation and maintenance program for its respective municipal sewerage system. The amendment establishes the criteria and components of such a plan, an implementation schedule, and an enforcement mechanism. Copies of the proposed amendment are available by contacting the District Administrative Staff at the foregoing location during normal business hours, Monday through Friday of each week. (Telephone No. 920-766-5731). It is anticipated that following the public hearing, the Commission of the District will give consideration of public comment and may enact the amendment.

Please be advised that the exclusive means of judicial review of the validity of the proposed amendment to the ordinance is an action for declaratory judgment as to the validity of the amendment brought in the circuit court for the county in which the District is located or for the county in which the plaintiff resides. Such action must be brought in accordance with the provisions of Section 200.45(1)(d), Wis. Stats.

Dated: 1/9/2014

HEART OF THE VALLEY
METROPOLITAN SEWERAGE
DISTRICT

By: 
Name: BRUCE M. SIEBERS
Secretary _____