

STATE OF WISCONSIN PUBLIC WORKS COMMISSION CITY OF WATERTOWN  
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CITY OF WATERTOWN,  
106 Jones Street  
Watertown WI 53094-0477  
Petitioner,

**ORDER TO SHOW CAUSE**

v.

Case No. 2024-PWC-100

RAIL & TRANSLOAD INC.,  
546 West Street  
Watertown, WI 53094  
Respondent.

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WHEREAS, the respondent in this action was issued a notice of violation of Watertown Code of Ordinances Section 508-8 on January 31, 2024, which required that they file a plan with the City of Watertown Wastewater Utility to address the violations within thirty (30) days.

WHEREAS, the respondent has dumped unknown substances into the City's sewer system on five (5) occasions as further described below:

1. October 6, 2022 – White cake/solid like substance. Lab testing found high phosphorus.
2. October 25, 2022 – Blue discharge. Rail & Transload, Inc's owner stated the blue tint is mixed in with salt as a dye. Lab testing is inconclusive.
3. November 15, 2022 – White crusty/tinted blue substance. Lab testing found extremely high chlorides, 17,495 mg/L.
4. April 3, 2023 - Butter like discharge, thick and sticky but changes with temperature.
5. January 30, 2024 – Greasy/oily type substance hardened. Similar to butter like discharge from April 3, 2023.

WHEREAS, in response to the notice issued on January 31, 2024 the respondent alleged that it has created a system that will "catch customer run off at its facility and pump it back into the customers railcars."

WHEREAS, despite repeated requests, respondent has not provided additional information about addressing the violations nor permitted the City of Watertown Wastewater Department to review the recapture system to ensure it addressed the violations.

NOW, THEREFORE, upon the authority granted to the City by Watertown Code of Ordinances Section 508-10:

IT IS HEREBY ORDERED that Rail & Transload Inc., appear before the City of Watertown, Public Works Commission Hearing Board on the **29<sup>th</sup> day of April, 2024 at 5:00 p.m.** in the Common Council Chambers of the Municipal Building, Second Floor, 106 Jones Street, Watertown, Wisconsin, 53094, to show cause why it should not be found in violation of Watertown Code of Ordinances Section 508-8 for failing to address the notice of violation within thirty (30) days after January 1, 2024.


Should Rail & Transload Inc. fail to appear, or should the Hearing Board find Rail & Transload Inc. in violation of Watertown Code of Ordinances Section 508-8 for its illegally dumped substances on October 6, 2022; October 25, 2022; November 15, 2022; April 3, 2023; and January 30, 2024 the City will seek the following enforcement actions be taken:

1. Rail & Transload Inc. will coordinate with the Wastewater Department to permit a full facility review within five (5) business days of the Hearing Board's Decision.
2. Rail & Transload Inc. shall submit an application to the Watertown Wastewater Department for an industrial permit within ten (10) business days of the Hearing Board's Decision.
3. Rail & Transload Inc. shall provide original samplings to a third-party lab approved by the Watertown Wastewater Department within (ten) 10 business days of the Hearing Board's Decision.
4. Rail & Transload Inc. shall sign any necessary paperwork for a third-party lab to permit results and transfer any requested information to the Watertown Wastewater Department.
5. Rail & Transload Inc. shall provide all test results of the third-party lab analysis of its samplings within ten (10) days of receipt of those results.
6. Rail & Transload Inc. shall obtain an industrial permit as soon as reasonably possible not to exceed sixty (60) days. The City will provide a decision on issuance of a permit within twenty (20) days of receipt of the third-party lab results and all information required from the application.

7. Rail & Transload Inc. shall comply with the requirements of any issued industrial permit.
8. Civil Forfeitures shall be issued as follows:
  - a. Slug dumping on or about April 3, 2023 : \$250.00
  - b. Slug dumping on or about January 30, 2024 : \$500.00
  - c. Court reporter fees : \$300.00
  - d. Any additional court costs or attorney fees should additional action be necessary.
9. Upon Rail & Transload Inc.'s failure to comply with any of the deadlines set forth, the Watertown Wastewater Department Manager shall send notice to Rail & Transload Inc. and a copy to the City Attorney, upon mailing of the notice the Watertown Wastewater Department shall discontinue Rail & Transload's access to the City's Sewer System.
10. Upon receipt of any notice indicating Rail & Transload Inc. has failed to comply with the requirements, the City Attorney shall refer the matter to the Jefferson County District Attorney's Office for filing of criminal charges.

Dated this 12<sup>th</sup> day of April, 2024.

BY THE PUBLIC WORKS COMMISSION:

  
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Bob Wetzel  
Chairperson