

# Chapter 508. Wastewater Facilities

## Article II. Sewer Use

### § 508-10. Enforcement procedures.

#### A.

Slug or accidental discharges.

##### (1)

Users shall notify the City immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter in order to enable countermeasures to be taken by the City to minimize damage to wastewater facilities and the receiving waters. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions. The City may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the wastewater facilities or causes the City to violate any condition of its WPDES permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater facilities or endangerment to any individuals. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. Within five days of the date of occurrence, the user shall submit to the City a detailed written statement describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.

##### (2)

If sampling performed by an industrial user indicates a violation, the user shall notify the wastewater facilities within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the wastewater facilities within 30 days after becoming aware of the violation. The Water Systems Manager shall determine the sampling and analysis required to demonstrate compliance. Where the control authority has performed the original sampling and analysis in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis unless it notifies such user of the violation and requires the user to perform repeat analysis.

[Amended 1-5-1016 by Ord. No. 16-1]

##### (3)

Notice of noncompliance. Whenever the City finds that any user has violated or is violating this chapter, the wastewater discharge permit or any prohibition, limitation or requirements contained herein, the City shall issue to the user a notice of noncompliance for violations, except where serious noncompliance justifies immediate issuance of a notice of violation. The notice of noncompliance will explain the nature of the noncompliance and require that the user, within 30 days of the date of the notice, file a plan for the expeditious correction of the noncompliance. The plan shall be reviewed by the City and approved if the plan demonstrates that the proposed action will eliminate the violation in a timely manner. If the user does not submit a plan acceptable to the City, fails to submit a plan, or does not comply with the submitted plan, the City may take action in accordance with Subsection **B**.

[Amended by Ord. No. 88-80]

#### B.

Notification of violation. Whenever the City finds that any user is violating this chapter, the wastewater discharge permit or any prohibition, limitation or requirement contained herein, the City may serve upon such user a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for satisfactory correction thereof shall be submitted to the City by the user.

C.

Show cause hearing.

(1)

Notice of the hearing. The City may order any user which causes or allows conduct prohibited by this section to show cause before the Public Works Commission why enforcement action should not be taken against such user. A notice shall be served on the user, specifying the time and place of a hearing to be held by the Public Works Commission regarding the violation, the reasons why the action is to be taken, and the proposed enforcement action, and directing the user to show cause before the Public Works Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. The notice of the hearing may be served on any agent or officer of a corporation.

(2)

Hearing officials. The Common Council has designated the following as members of the hearing board: Public Works Commission, Public Works Director/City Engineer, Water Systems Manager and City Attorney.

[Amended 7-5-2022 by Ord. No. 22-63]

(a)

The hearing board will:

[1]

Issue, in the name of the Common Council, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

[2]

Take the evidence.

(b)

The hearing officials will make a determination on the course of action to be taken by the City.

(3)

Transcripts. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4)

Issuance of orders. After the Public Works Commission has reviewed the evidence, it may issue an order to the user responsible for the prohibited conduct. The order may direct that, following a specified time period, sewer service be discontinued unless the problem is corrected and additional measures are taken to prevent future problems. Further orders and directives as are necessary and appropriate may be issued. The orders may also revoke the user's wastewater discharge permit.

D.

Legal action. If any user discharges domestic wastewater, industrial wastes or other wastes into the City's wastewater facilities contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court.

E.

Civil and criminal penalties. Any user which is found to have violated an order of the Public Works Commission or which willfully or negligently failed to comply with any provisions of this chapter and orders, rules, regulations and permits issued hereunder shall be subject to fines as established in this subsection. The City shall have authority to seek or assess civil and criminal penalties in at least the amount of \$1,000 per day for each violation of a pretreatment standard or requirement. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder. In default of payment of such forfeiture and costs, said violator shall be imprisoned for a period not to exceed 30 days. The following administrative fines may be assessed against violators of this chapter:

(1)

For an accidental discharge, the violator shall be fined not less than \$50 for each offense.

(2)

For failure to report an accidental discharge, the violator shall be fined not less than \$1,500 for each offense.

(3)

For significant noncompliance in a six-month period, the violator shall be fined not less than \$250 per day of documented violations.

(4)

For significant noncompliance in two consecutive six-month periods, the violator shall be fined not less than \$500 per day of documented violations.

(5)

For violations which result in the wastewater facilities violating its WPDES permit, the violator shall be fined not less than \$1,000 per day of WPDES violation.

(6)

For failure to provide reports on schedule, the violator shall be fined not less than \$100 for reports 0 to 14 days late, not less than \$250 for reports 15 to 30 days late, not less than \$500 for reports 31 to 60 days late, and not less than \$500 plus \$100 per day for reports more than 61 days late.

F.

Costs of damage. Any user violating any of the provisions of this chapter, or which has a discharge which causes a deposit, obstruction, damage or other impairment to the City's wastewater facilities, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City may add to the user's charge and fees the costs assessed or incurred for any cleaning, repair or replacement work caused by the violation or discharge, or may bill the user directly. Refusal to pay the assessed or incurred costs shall constitute a violation of this chapter.

G.

Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not less than \$1,000. In default of payment, said violator shall be imprisoned for a period not to exceed 30 days.