

Illicit Discharge Ordinance Summary

What is an illicit discharge?

Any discharge of a potentially polluting substance directly or through stormwater that reached a municipal storm sewer, drainage way, wetland, waterbody or groundwater. Exemptions are listed in the ordinance.

Why do we need an illicit discharge ordinance?

Our WI Pollutant Discharge Elimination System (WPDES) Permit requires us to have an ordinance to prevent and eliminate illicit discharges to our storm sewer system and Dane County waters and enforce it.

Background

This ordinance was developed to meet the requirements of WPDES Permit no. WI-S058416-4. As a permittee, Dane County is required to have an ordinance or other regulatory mechanism to prevent and eliminate illicit discharges to the municipal separate storm sewer systems (MS4) and Dane County waters and establish enforcement authority. To date, response and enforcement has been a patchwork with each partner municipality addressing issues by their own policy and priority. This ordinance will establish and standardize response and cleanup requirements across the county.

Dane County/City of Madison Public Health and Dane County Land and Water Resources Dept. receives reports of possible illicit discharges, however Dane County/City of Madison Public Health currently does not have enforcement authority outside the City of Madison. When reports come in from outside the City of Madison, Public Health investigates and then contacts the local municipality to follow up or refers the incident to DNR directly. Dane County Public Health is often contacted by local municipalities to assist with response efforts when the local municipality lacks expertise, time or capability to respond. The Madison Area Municipal Stormwater Partners expressed support for Dane County to also assist with enforcement actions, when necessary. This ordinance will provide Dane County/City of Madison Public Health the authority to enforce violations, and require cleanup across the county.

Dane County is also required to develop and facilitate implementation of a stormwater information and education plan on behalf of all co-permittees. The plan must address all public education and outreach topic areas outlined in the permit, including illicit discharge detection and elimination. To date, there has not been a regional effort to educate and ask for the public's help in detecting and reporting potential illicit discharges though they are likely the best tool we have in preventing spills and illegal discharges from reaching our waters. In order to implement a regional illicit discharge outreach campaign, the message must be clear and consistent and provide an easy way for residents and businesses to report potentially polluting discharges to storm sewer or directly to our waters. This ordinance will set the stage for a regional illicit discharge outreach campaign and allow for Dane County to be the single point of contact to receive reports.