

Dane County Illicit Discharge Ordinance

Draft 11-5-2019

1.1 Legislative Intent. This ordinance is designed to prevent any potentially polluting substance from reaching lakes or streams where it can create hazards to health, a nuisance or produce ecological damage, and to assess responsibility and costs of clean-up to the responsible party.

1.2 Definitions. As used in this chapter:

(1) Discharge when used without qualification includes any discharge of any pollutant.

(2) Illicit discharge means any discharge to a municipal storm sewer system that is not composed entirely of stormwater except discharges authorized by a Wisconsin Pollutant Discharge Elimination System (WPDES) permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

(3) Person means an individual, owner, operator, corporation, partnership, association, limited liability company, municipality, interstate agency, state agency or federal agency.

(4) Potentially polluting substance means any dredged soil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, sump pump residue, waste from mobile sources, industrial, municipal and agricultural waste discharged into water resources.

1.3 Discharge or Release Prohibited. It shall be unlawful for any person to release, discharge, or permit the escape of any potential polluting substance into water resources located in or adjacent to the boundaries of Dane County, or into any street, sewer, ditch or drainage way leading into any lake or stream, or to permit the same to be so discharged to the ground surface.

1.4 Clean-up of Spilled or Accidentally Discharged Wastes. Any persons delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution to the lakes and streams under the jurisdiction of Dane County.

1.5 Duty of Notification. Spills or accidental release of hazardous materials or potentially polluting substances at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible person shall be reported immediately to the emergency number for Public Health Madison and Dane County.

1.6 Financial Liability. The person responsible for the release, escape or discharge of potentially polluting substances may be held financially liable for the cost of any clean-up or attempted clean-up deemed necessary or desirable and undertaken by Dane County, or its designated agent, in an effort to minimize the polluting effects of the discharged substance.

1.7 Storage of Polluting Substances. It shall be unlawful for any person to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream in or under the jurisdiction of Dane County.

1.8 Enforcement Responsibility. The Director of Public Health Madison and Dane County or her/his designee shall have the administrative responsibility for the enforcement of this ordinance.

1.9 Penalty. Any person failing to comply with this ordinance may be subject to a fine of not less than fifty dollars (\$50) no more than two thousand dollars (\$2000). Each day of violation shall constitute a separate offense.