

Madison General Ordinance

7.47 REGULATIONS OF DISCHARGE OF NONSTORM WATER.

(1) Legislative Intent. This ordinance with its effluent quality requirement has as its specific objectives, the prevention of the introduction of materials in quantity or concentration that may:

- (a) Be potentially dangerous to human health;
- (b) Be potentially harmful, toxic, injurious, or destructive to the assemblage of native plants, animals, and aquatic organisms, normally found in our lakes, streams and wetlands;
- (c) Contribute adversely to the nutrient problem of the Madison lakes;
- (d) Degrade the esthetic quality of the receiving water;
- (e) Adversely affect the quality of the Groundwater within the City;
- (f) Impair any designated Federal, Wisconsin, Dane County, or City of Madison water quality standards or delay achievement of Wisconsin's water quality goals. (Am. by Ord. 12,170, 7-20-98)

(2) Definitions. In this section:

“Department” means the City of Madison Public Health Department.

“Effluent” means an overflow or discharge.

“Groundwater(s)” means the portion of subsurface water which is within the zone of saturation and includes but is not limited to perched water tables, shallow regional groundwater tables, and aquifers or zones that are seasonally, periodically or permanently saturated.

“Nonstorm water” means water from a source other than melting snow or rainfall.

“Permit” means a permit for the discharge of pollutants issued by the Department. (Sec. 7.47(2) Rev. 12/15/08 7 – 36)

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

“Potential 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, and industrial, municipal and agricultural waste discharged into water.”

“Storm water” means storm water runoff, snow or ice melt runoff, and surface runoff and drainage.

“Surface water(s)” means all natural and artificial named and unnamed lakes and all naturally flowing streams, but does not include cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters.

“Wastewater” means cooling water, contaminated storm water, noncontact cooling water, process wastewater, sewage or any combination of these. (Cr. by Ord. 12,170, 7-20-98)

- (3) Permit. No person shall discharge any nonstorm water or connect any nonstorm water facility to the storm sewer system, or directly into any lake or stream in or under the jurisdiction of the City of Madison, or into any ditch or drainage way leading into such lakes and streams without first having obtained a permit therefore as required by this section. (Am. and Renum. by Ord. 12,170, 7-20-98)
- (4) Application. The aforesaid permit shall be obtained by submitting a written application to the Department on forms provided by the City one month prior to the commencement of discharge. The applications shall include, but not be limited to, the following:
- (a) Name, location and description of the applicant’s property;
 - (b) Name and address of the owner of the property;
 - (c) Name, address and telephone number of property owner’s agent or contact person.
 - (d) Name, address and telephone number of plumbing or consulting firm, if applicable.
 - (e) Source of or type of wastewater, estimated peak flow in gallons per minute, estimated daily average flow in gallons per day, estimated temperature at point of discharge, and a list of any expected chemical additives or other substances discharged, and their concentration;
 - (f) A sketch drawn to scale of the property, showing:
 - 1. location of discharge, and
 - 2. receiving sewer or other receiving drainage or water body, and
 - 3. proper sampling facility within the building, or
 - 4. a four (4) foot diameter Madison Standard Storm Sewer Manhole or other approved access point for the purpose of sampling. (Am. and Renum. by Ord. 12,170, 7-20-98)
- (5) Availability and Connect Cost. The receiving sewer, ditch, or drainage way shall have sufficient capacity and the effluent shall not damage said sewer, ditch or drainage way as determined by the City Engineering Division. The City Engineer shall estimate the cost for the sewer connection and the cost to extend service to the applicant’s property line. (Am. and Renum. by Ord. 12,170, 7-20-98)
- (6) Effluent Quality Requirements.
- (a) The effluent shall not pollute surface water or groundwaters and the effluent shall not degrade the quality of the receiving water below standards established by the State of Wisconsin. (Am. by Ord. 7899, 12-29-82)

- (b) Guided by applicable City, State and Federal water quality requirements, the Department shall establish effluent quality requirements for each proposed nonstorm water discharge to the storm sewer system or into any lake or stream in or under the jurisdiction of the City or into any ditch or drainage way leading into such lakes and streams. (Am. by Ord. 8646, 8-2-85)
- (c) Effluent quality requirements may be revised from time to time as required by law. Discharges pursuant to initially prescribed requirements shall not create a vested right of the permit holder to continue such discharge. Permit holders must at all times meet revised effluent quality requirements for the nonstorm water specifically approved for discharge under the permit.
- (d) NR Chapters 102-106, Wisconsin Administrative Code are adopted by reference. (Am. and Renum. by Ord. 12,170, 7-20-98)

(7) Sampling Facilities and Plumbing Standards. Required sampling facilities shall be installed prior to the commencement of any discharge or upon completion of any repair or alteration to any existing source of discharge. Permit holders shall comply at all times with state or local plumbing codes. (Am. and Renum. by Ord. 12,170, 7-20-98)

(8) Approval Process.

- (a) The City Engineer or designee and the Director of Public Health or designee shall review the application according to the effluent quality requirements. If the requirements are met, the applicant shall be issued a permit by the Department.
- (b) Fees. The applicant shall pay to the City:
 1. a nonrefundable seventy-five dollar (\$75) application fee at the time of application before discharge begins;
 2. the cost of connection and extension of service before discharge begins;
 3. an annual discharge permit fee prior to July first for each year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15% of the license fee or a minimum of \$3.00, whichever is greater. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. The annual discharge permit fee shall be in accordance with the following schedule of discharge volumes and said volumes shall be based upon the best available data:

Annual Discharge in Gallons	Fee
Up to 50,000	\$150.00
50,001 to 100,000	180.00
100,001 to 1,000,000	240.00
1,000,001 to 10,000,000	480.00
10,000,001 to 100,000,000	840.00
Greater than 100,000,000	1440.00

Discharge fees for new sources of discharge shall be based upon the best available estimates of discharge volume. (Am. by ORD-08-00141, 12-23-08)

- (c) The owner or owner's agent shall admit to the property at any reasonable time duly authorized City employees to sample the effluent quality and/or inspect all required plumbing facilities;
- (d) To have a permit in good standing, the applicant shall maintain the prescribed effluent quality requirements.
- (e) Any change in type or amount of flow of discharge requires the written approval of the City Engineer and Director of Public Health. (Am. & Renum. by Ord. 12,170, 7-20-98)

(9) Revocation of Permit.

- (a) If investigation reveals that the effluent in any way does not meet the effluent quality requirements prescribed by the Department or the permitted volume discharges, the owner or owner's agent shall be notified and given a time specified not to exceed thirty (30) days by the permit-issuing authorities within which to correct the deficiencies noted. Failure to make correction within the specified time limits will result in automatic revocation of the permit.
- (b) After a permit has been so revoked, a new application shall be made and acted upon through the procedures set out herein before discharge may again be started. (Am. By Ord. 7899, 12-29-82)

(10) Appeal.

- (a) Any applicant or permit holder aggrieved by an order of the Director of Public Health may request a hearing to appeal the order. A request for a hearing shall be submitted to the Board of Health for Madison and Dane County within fifteen (15) days after issuance of the order; otherwise, the right to request a hearing shall be deemed waived.
- (b) The matter shall be heard before a subcommittee of the Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. All parties shall be notified of the date, time and location of the hearing to be set no more than thirty (30) days nor less than ten (10) days after the request has been received by the Board of Health for Madison and Dane County. At the hearing the applicant or permit holder and the Director of Public Health may be represented by counsel, shall have the opportunity to present evidence, and shall be able to call and cross-examine witnesses. Within ten (10) days of the hearing, the subcommittee shall issue a written decision stating the reason therefore. The decision shall be mailed to the addresses provided by the parties.
- (c) The decision of the subcommittee shall be a final determination and shall be subject to review in Circuit Court of Dane County as may be provided by law. Any party aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination. (Cr. by Ord. 12,170, 7-20-98; Am. by ORD-05-00033, 02-24-05)

- (11) Limitation on Regulation. Nothing in these regulations shall prevent ordering effluents that do not meet prescribed effluent quality requirements out of the storm sewer or stopping their discharge into any stream or lake in or under the jurisdiction of the City of Madison. (Renum. by Ord. 12,170, 7-20-98)
- (12) Inspection of Records. All permit records shall be open to public inspection. (Renum. by Ord. 12,170, 7-20-98)
- (13) Penalty. Any person who shall violate the provisions of this ordinance or who shall refuse to comply with any lawful order issued pursuant to the provisions of this ordinance shall be fined not less than fifty dollars (\$50) nor more than two thousand dollars (\$2000) for each and every violation hereof, each day of violation shall constitute a separate offense. (Am. by ORD-08-00140, 12-23-08)