

Agenda item 5A.

FOG enforcement

Resolution 164 which created the FOG control program discusses enforcement under 5. Enforcement. It describes the non-compliance as a violation of the SUO and subject to all “penalties, forfeitures, and enforcement actions described therein”.

Previous discussions on the FOG program as well as all enforcement letters I could find left from Glen show a violation forfeiture of \$50 per day. Review of the SUO and specifically Section 15.04(4) Administrative fees does not mention the FOG program or any \$50 forfeiture for failure to comply with provisions of the SUO. The SUO should be amended with language added to reflect the \$50 forfeiture for noncompliance with Section 5.10 Grease and/or Sand traps of the SUO and HOV Resolution 164.

Suggested addition to the SUO would be to create and insert:

Sec 15.04(4)(k) Failure to install, maintain, or adequately service a Grease and/or Sand trap - \$50 /day

Additional changes to the SUO may also be worthy of consideration and include:

Connection fees – Fee A was the portion of the connection fee collected for the plant upgrade in 1995. This connection fee has expired and is no longer being collected. Consideration may be given to wipe the SUO clean of all mention of Fee A if it no longer applies. A call for a legal opinion may be necessary if the HOV Commission would like to pursue this option.

Notice of noncompliance (NON) – there currently is no provision for a letter of noncompliance within the pretreatment program. This would amount to the lowest level of enforcement for permitted industries to place them on notice that some part of their sampling and reporting program needs to be changed. This would have to be done in conjunction with a modification to the Enforcement Response Plan and be submitted and approved by WI DNR prior to the SUO being changed to reflect the new compliance mechanism.

Changes to the SUO require specific timelines and public notification prior to holding a public hearing during a Commission meeting. These items can be acted upon individually or as a group depending upon the wishes of the HOV Commission.