

## **SECTION 5 ENFORCEMENT, VALIDITY, AND SEVERABILITY**

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### **5.1 Duty to Mitigate; Local Enforcement Remedies**

#### **5.1.1 GENERAL**

1. Upon learning of a violation of any provision of this regulation, the person or persons responsible for such violation shall immediately take all reasonable action to determine the cause of such violation, correct such violation, mitigate its results and prevent further violation.
2. Any person found to be violating any provision of this regulation may be served by the WPCA with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
3. The offender shall, within the period of time stated in such notice, permanently cease all violations.
4. Any person violating any of the provisions of this regulation shall become liable to the Town of Canton and the WPCA for any expense, loss, or damage occasioned by reason of such violation.

#### **5.1.2 Consent Orders**

The WPCA may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as administrative orders and shall be judicially enforceable.

#### **5.1.3 Show Cause Administrative Hearing**

The WPCA may order a user that has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the WPCA and show cause why the proposed enforcement action should not be taken. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

#### **5.1.4 Compliance Orders**

When the WPCA finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other

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pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing the user come into compliance within a specified time. If the user does not come into compliance with these Regulations within the time provided, sewer service may be discontinued.

### **5.1.5 Cease and Desist Orders**

1. When the Superintendent finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:
  - Immediately comply with all requirements; and
  - Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

### **5.1.6 Administrative Fines**

1. When the WPCA finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the WPCA may fine such user. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. Any person that has violated any of the provisions of these Regulations shall become liable to the Town of Canton, acting through the WPCA, for any expenses, loss, or damage occasioned, by reason of such violation.
3. Any user found to be in violation of Section 22a-430 of the Connecticut General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the Statutes. If the Town is found to be in violation of Section 22a-430 and is fined, and if the violation and fine result from the violation of Section 22a-430 or these Regulations by any user subject to these Regulations, then the Town may require that user to indemnify the Town for said fine.

4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

### **5.1.7 Emergency Suspensions**

1. The WPCA may immediately suspend a user's discharge, after notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which that reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The WPCA may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the WPCF, or that presents, or may present, an endangerment to the environment.
2. Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the WPCA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WPCF, its receiving stream, or endangerment to any individuals.
3. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. However, a hearing shall be held as soon as practicable to allow the user to show cause why the suspension should not remain in effect.

### **5.1.8 Termination of Discharge**

1. Any user who violates the following conditions may be subject to discharge termination:
  - Violation of wastewater discharge permit conditions;
  - Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - Violation of the pretreatment standards in Section 4 of these Regulations.
2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this

option by the WPCA shall not be a bar to, or a prerequisite for, taking any other action against the user.

### **5.1.9 Public Nuisances**

No person shall maliciously, willfully or negligently break, damage, destroy, cover, deface or tamper with any structure or appurtenance or equipment that is part of the sewage collection system or WPCF.

## **5.2 Penalties**

1. Any person found to be in violation of any provisions of these Regulations, may be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, except that an order to connect to the sewerage system shall be pursuant to Section 7-257 of the Connecticut General Statutes, as amended. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who continues any violation beyond the specified time limit, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person who is found to be in violation of any of the provisions of these Regulations shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.
4. Any person who is found to be in violation of Section 25-54i of the Connecticut General Statutes as amended shall be subject to a monetary penalty or forfeiture under Section 25-54q of the statutes.

## **5.3 Appeals**

1. The person or persons served a written notice pursuant to Section 5.2.1 above may appeal the issuance of such notice to the WPCF Superintendent within 15 days of receipt. The appeal shall be in writing and shall contain a short and plain statement of the facts asserted. The WPCF Superintendent may elect to meet with the appellant prior to responding to it.
2. The person or persons who received a written notice of violation and who appealed to the WPCF's Superintendent pursuant to Section 5.3.1 may seek further consideration of the WPCF Superintendent's decision. The appellant may request and present an appeal to the

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Canton WPCA at an upcoming Regularly Scheduled Meeting within 60 days from the date of the appeal to the WPCF Superintendent. The decision of the Canton Water Pollution Control Authority shall be final.

## **SECTION 2 MISCELLANEOUS**

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