

13.12.730 – Administrative settlement in lieu of civil penalty

- A. When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may upon agreement of the User, enter an order of administrative settlement in lieu of civil penalty against such User in an amount not to exceed \$1000.00. Such settlements shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, administrative settlements in lieu of civil penalty shall be assessed for each day during the period of violation.
- B. Users desiring to dispute such settlements shall file a written request for the Director of Public Works to reconsider the administrative settlements in lieu of civil penalty along with full payment of the administrative settlement in lieu of civil penalty amount within ten (10) days of being notified of the administrative settlement in lieu of civil penalty. Where a request has merit, the Director of Public Works may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director of Public Works may add the costs of preparing administrative enforcement actions, such as notices and orders, to the administrative settlement in lieu of civil penalty.
- C. Issuance of an administrative settlement in lieu of civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.