

ORDINANCE NO. 408  
OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT

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ORDINANCE NO. 408  
OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL  
DISTRICT AN ORDINANCE ENACTING A GENERAL  
INDUSTRIAL PRETREATMENT PROGRAM, REGULATING THE  
USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS,  
PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND  
CONNECTION OF BUILDING SEWERS, THE DISCHARGING OF  
WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM,  
THE IMPOSING OF A SEWERAGE CONNECTION CHARGE,  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND  
REPEALING CERTAIN ORDINANCES THEREIN NAMED, IN THE  
GREATER PEORIA SANITARY SEWAGE DISPOSAL DISTRICT  
OF PEORIA COUNTY, ILLINOIS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE GREATER PEORIA SANITARY AND SEWAGE DISPOSAL DISTRICT:

ARTICLE I

ABBREVIATIONS AND DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 101. Abbreviations -

The following abbreviations shall have the designated meanings:

|       |   |
|-------|---|
| BOD   | Biochemical Oxygen Demand   |
| CFR   | Code of Federal Regulations   |
| COD   | Chemical Oxygen Demand  |
| FOG   | Fats, Oils and Grease (see Grease and Oil)                              |
| G&O   | Grease and Oil (equivalent to FOG)                                      |
| GPSD  | Greater Peoria Sanitary and Sewage Disposal District                    |
| IEPA  | Illinois Environmental Protection Agency                                |
| IPCB  | Illinois Pollution Control Board  |
| MSDS  | Material Safety Data Sheet  |
| mg/l  | Milligrams per liter  |
| NCPS  | National Categorical Pretreatment Standards                             |
| NPDES | National Pollutant Discharge Elimination System                         |
| POTW  | Publicly Owned Treatment Works  |
| PSES  | Pretreatment Standards for Existing Sources                             |
| PSNS  | Pretreatment Standards for New Sources                                  |
| RCRA  | Resource Conservation and Recovery Act<br>(42 USC 6944 <u>et-seq.</u> ) |
| SIC   | Standard Industrial Classification                                      |
| SS    | Suspended Solids  |
| SWDA  | Solid Waste Disposal Act (42 USC 6901 <u>et-seq.</u> )                  |
| TTO   | Total Toxic Organics  |
| USC   | United States Code  |
| USEPA | United States Environmental Protection Agency                           |

Section 102. "A" as in "Cyanide-A" shall mean amenable to alkaline chlorination.

Section 103. "Ammonia Nitrogen" or "NH<sub>3</sub>-N" shall mean the amount of ammonia, expressed in milligrams per liter of nitrogen as determined by Standard Methods.

Section 104. "Authorized Representative of an Industrial User" shall mean:

104.1 If the Industrial User is a corporation, authorized representative shall mean:

104.1.1 the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function or any other Person who performs similar policy or decision-making functions for the corporation;

104.1.2 the manager of one or more manufacturing, production or operation facilities employing more than 250 Persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

104.2 If the Industrial User is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

104.3 If the Industrial User is a Federal, State or local governmental facility, an authorized representative shall mean a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility;

104.4 The individuals described in paragraphs 104.1-104.3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

Section 105. "Baseline Report" shall mean that report required by 40 CFR Section 403.12(b).

Section 106. "Biochemical Oxygen Demand" or "BOD" shall mean a measure of the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter as determined by Standard Methods. Incubation at 20 degrees Celsius for 5 days shall be assumed unless otherwise stated.

Section 107. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes within a building and that conducts it to the Building Sewer or other approved point of discharge beginning outside the inner face of the building wall.

Section 108. "Building Sewer" shall mean the extension from Building Drain to the Public Sewer or other place of disposal and shall include all appurtenances thereof.

Section 109. "Bypass" shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

Section 110. "Cesspool" shall mean a lined or partially lined underground pit into which household Wastewater is discharged and from which liquid seeps into the surrounding soil.

Section 111. "Chemical Oxygen Demand" or "COD" shall mean a measure of the quantity of oxygen consumed from a strong chemical oxidant (standard potassium dichromate in a hot, strongly acid solution) as determined by Standard Methods.

Section 112. "Combined Sewer" shall mean a Sewer which is designated and intended to receive Wastewater, Unpolluted Water, Stormwater Runoff and/or surface water.

Section 113. "Combined Wastestream Formula" shall mean the formula as found in 40 CFR Section 403.6(e).

Section 114. "Compatible Pollutant" shall mean a Pollutant which is appropriate for discharge to and does not interfere with the POTW, which would not better be disposed of by other means, which is treatable by the District's facilities, and which is soluble or miscible with water or suspended in a wastestream moving with a velocity of no more than 2 feet per second, and if solid, no longer than 1/2 inch in any dimension. Compatible Pollutants may include, within limits established elsewhere in this Ordinance, Ammonia-Nitrogen, Biochemical Oxygen Demand, Grease and Oil, Suspended Solids, pH, and Fecal Coliform Bacteria.

Section 115. "Composite Sample" shall mean a combination of individual samples obtained over a stated period of time at regular intervals (proportional-to-time) or at varying intervals and/or volumes in conjunction

with the rate of flow (proportional-to-flow or ptf) to represent the integrated composition of the sample source.

Section 116. "Control Manhole" shall mean a structure located on a site through which all Industrial Wastes from that site are discharged and which is to provide access to a District representative to sample and/or measure discharges.

Section 117. "Consistent Treatment Works Removal", "Pollutant Removal" or "Removal" shall mean reduction in the amount of a Pollutant or alteration of the nature or concentration of a Pollutant in the influent of the District's treatment facilities to a less incompatible or concentrated state in the effluent. Consistent removal efficiency shall be the difference between the average concentration of the Pollutant in the influent of the treatment plant and the average concentration in the effluent of the treatment plant divided by the average concentration of the Pollutant in the influent.

Section 118. "Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only Pollutant added is heat.

Section 119. "Director" shall mean the Executive Director of The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, or his authorized deputy, agent, or representative.

Section 120. "District" shall mean The Greater Peoria Sanitary and Sewage Disposal District of the County of Peoria and State of Illinois, acting by a duly constituted Board of Trustees or other duly authorized representative or representatives.

Section 121. "District Sewer" shall mean any Sewer owned or under the jurisdiction of the District.

Section 122. "Domestic Wastewater" shall mean the Wastewater including human wastes discharged from Residential dwelling units as the result of human occupancy and/or the discharges from the sanitary conveniences of non-Residential establishments.

Section 123. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Section 124. "Effluent Limitations" are defined in any applicable NPDES Permit.

Section 125. "Existing Source" shall mean any establishments, building, structure, facility, installation, or property from which there is or may be a discharge, which is not a New Source.

Section 126. "Fecal Coliform Bacteria" shall mean certain aerobic and facultative, gram-negative, nonspore-forming, rod-shaped bacteria associated with fecal matter of warm-blooded animals as determined by Standard Methods.

Section 127. "Federal Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC Section 1251, et seq).

Section 128. "Federal Administrator" shall mean the Administrator of the U.S. Environmental Protection Agency.

Section 129. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Section 130. "Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Section 131. "Grease and Oil" or "Oil and Grease" or "Fats", Oil, or Grease" or "FOG" shall mean any hydrocarbons, fatty acids, soaps, Fats, waxes, Oils and any other material or materials that are extracted by trichlorotrifluoroethane solvent as determined by Standard Methods.

Section 132. "Incompatible Pollutant" shall mean any Pollutant other than a Compatible Pollutant as defined in this Article.

Section 133. "Indirect Discharger" shall mean a non-domestic source of Pollutants discharged to the POTW and regulated under Section 307(b), (c), or (d) of the Federal Act.

Section 134. "Industrial User" shall mean any source of discharges to the Publicly Owned Treatment Works which includes Industrial Wastes regardless of the frequency or quantities of those discharges and shall include all indirect discharges. All Users of the Publicly Owned Treatment Works identified in the Standard Industrial Classification Manual are included unless determined to be discharging only segregated Domestic Wastewater as described in this Ordinance.

Section 135. "Industrial Wastes" shall mean any solid, liquid, or gaseous wastes or excess energy resulting from any process of industry, manufacturing, trade, service or business or from the development, processing or recovery of any natural resource.

Section 136. "Infiltration" shall mean the water unintentionally entering the Sewer system, including Building Drains and Sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from Inflow).

Section 137. "Infiltration/Inflow" shall mean the total quantity of water from both Infiltration and Inflow without distinguishing the source.

Section 138. "Inflow" shall mean the water discharged into the Sewer system, including Building Drains and Sewers, from such sources as, but not limited to, roof drains, cellar, yard, and area drains, foundation drains, unpolluted (except for heat) Cooling Water discharges, drains from springs and swampy areas, manhole covers, cross connections from Storm Sewers and/or combined Sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, Infiltration.)

Section 139. "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its Sludge processes, use or disposal; and

(2) Therefore is the cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of the violation) or of the prevention of Sewage Sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State Sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Section 140. "Isolated Sewerage System" is a system for the collection, storage and treatment of Wastewater which serves more than 15 Persons.

Section 141. "Mobile Home" or "Trailer Coach" shall mean any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy thereof, as a dwelling place for one or more Persons, provided that any such structure resting in whole on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a "Mobile Home" or "Trailer Coach".

Section 142. "Multiple Dwelling Unit" shall mean any single structure designed for occupancy by more than a single family.

Section 143. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any Pretreatment Standard specifying quantities or concentrations of Pollutants which may be discharged to a POTW by Industrial Users in specific industrial subcategories as established in regulations promulgated by the USEPA in 40 CFR Chapter I, Subchapter N.

Section 144. "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of Wastewaters to the navigable Waters of the United States pursuant to the Federal Act.

Section 145. "Natural Outlet" shall mean any outlet into a Watercourse, pond, ditch, lake or other body of surface or underground water.

Section 146. "New Source" shall mean:

146.1 Any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

146.1.1 The building, structure, facility or installation is constructed at a site at which no other source is located.

146.1.2 The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or

146.1.3 The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

146.2 Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section 146.1.2 or 146.1.3 above but otherwise alters, replaces, or adds to existing process or production equipment.

146.3 Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

146.3.1 Begun, or caused to begin as part of a continuous on site construction program

146.3.1.1 Any placement, assembly, or installation of facilities or equipment, or

146.3.1.2 Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

146.3.2 Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Section 147. "Ordinance" shall mean this Ordinance and includes all subsequent amendments thereto.

Section 148. "Pass Through" shall mean a discharge which exits the POTW into Waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or duration of the violation).

Section 149. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, society, group, agency, municipal corporation, the State of Illinois and political subdivisions thereof, the Federal Government and its agencies or any other legal entity or their legal representative, agent or assigns.

Section 150. "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration in gram moles per liter of solution as determined by Standard Methods.

Section 151. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage Sludge, munitions, chemical

wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, and agricultural waste discharged into any Waters as will or is likely to create a nuisance or render such Waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life, or cause or may cause Interference with the operation of the POTW.

Section 151. "Population Equivalent" or "P.E." shall mean for the purposes of this Ordinance the amount of Biochemical Oxygen Demand (BOD) contributed per capita per day which shall equal 0.17 pounds of BOD, per capita per day or as defined by 35 Illinois Administrative Code Section 301.345.

Section 153. "Pretreatment" shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the District's treatment facilities. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 714 of this Ordinance or other applicable provisions of this Ordinance. Appropriate Pretreatment technology includes equipment, such as equalization tanks or facilities, for protection against surges or Slug loadings that might Interfere with or otherwise be incompatible with the POTW.

Section 154. "Pretreatment Standards" shall mean for any specified Pollutant, the District's Wastewater discharge criteria as set forth in this Ordinance, the State of Illinois Pretreatment Standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

Section 155. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.

Section 156. "Private Sewerage System" is a system for the collection, storage and treatment of Wastewater or other wastes which serves 15 or less Persons.

Section 157. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than 1/2 inch in any dimension.

Section 158. "Publicly Owned Treatment Works" or "POTW" shall mean a Treatment Works as defined by Section 212 of the Act, owned by the District. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or Industrial Wastes

of a liquid nature that convey Wastewater to the District's treatment plant regardless of ownership, but does not include Sewers, pipes, and other conveyances not connected to the District's treatment plant. The term also means the District, which has jurisdiction over the indirect discharges to and the discharges from such a Treatment Works.

Section 159. "Public Sewer" shall mean a Sewer provided by or subject to the jurisdiction of the District and shall also include Sewers within or outside the District boundaries that serve one or more Persons and ultimately discharge into the sanitary or combined Sewer system, even though those Sewers may not have been constructed with District funds.

Section 160. "Regional Administrator" shall mean the Regional Administrator for the USEPA for Region V.

Section 161. "Residence" shall mean a single family dwelling or one dwelling unit including a Mobile Home unit.

Section 162. "Residential" or "Commercial" or "Non-industrial" User, shall mean any User of the Treatment Works not classified as an Industrial User or excluded as an Industrial User as provided for in this Ordinance.

Section 163. "Sanitary Sewer" shall mean a Sewer which is designed to carry Sewage and Industrial Wastewater and into which storm, surface waters, groundwaters or Unpolluted Waters are not intentionally admitted.

Section 164. "Seepage Pit" shall mean and include a dry well, leaching pit or any other cavity in the ground which receives human excrement and Domestic Wastewater or the liquid discharge of a Septic Tank.

Section 165. "Septic Tank" shall mean and include a septic toilet, chemical closet or any other water tight enclosure used for treating Wastewater by a combination of settling and anaerobic digestion.

Section 166. "Servicing" or "Cleaning" or "Maintaining" shall mean Cleaning and removing wastes from any Septic Tank, Seepage Pit, Cesspool or other Sewage and waste treatment facility or removing wastes from any business, Commercial or industrial establishment and transporting such wastes to a point of disposal.

Section 167. "Severe Property Damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

Section 168. "Sewage" shall mean household and Commercial Wastewater that contains human waste together with such other wastes, ground water, surface

runoff, storm waters and Unpolluted Water as may be present. Sewage is also used interchangeably with "Domestic Wastewater".

Section 169. "Sewer" shall mean a pipe or conduit that carries Sewage or other waste liquids, including storm, surface and groundwater drainage.

Section 170. "Sewerage" shall mean a complete system of Sewers and appurtenances for the collection, transportation, pumping, treating and discharging of Wastewater.

Section 171. "Shall" is mandatory; "May" is permissive.

Section 172. "Significant Industrial User" shall mean:

172.1 All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

172.2 Any other Industrial User that:

172.2.1 discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or

172.2.2 contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the District's treatment plant; or

172.2.3 is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

172.3 Upon a finding that an Industrial User meeting the criteria in paragraph 2 of this section has no reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

Section 173. "Significant Noncompliance(SNC)" shall mean:

173.1 Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month

period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter; or

173.2 Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, Oil and Grease, and 1.2 for all other Pollutants except pH); or

173.3 Any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of District personnel or the general public); or

173.4 Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under Article XIII Section 1327 and Section 1328 of this Ordinance to halt or prevent such a discharge; or

173.5 Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance; or

173.6 Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or

173.7 Failure to accurately report noncompliance; or

173.8 Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the District's Pretreatment program.

Section 174. "Sludge" shall mean any solid material (which may contain large amounts of entrained water) separated from the liquids during Wastewater treatment processes.

Section 175. "Slug" shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article VII of this Ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

Section 176. "Standard Industrial Classification" or "SIC" shall mean the system and codes put forth in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as amended and supplemented.

Section 177. "Standard Methods" shall mean the sampling and analytical techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling and analytical techniques for the Pollutant in question, or where the District or Federal Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the Federal Administrator.

Section 178. "State Act" shall mean the Sanitary District Act of 1917 (Illinois Compiled Statutes 1992, Chapter 70, Act 2405) or the Illinois Environmental Protection Act of 1970 as amended (Illinois Compiled Statutes 1992, Chapter 415, Act 5).

Section 179. "State Director " shall mean the Director of the Illinois Environmental Protection Agency.

Section 180. "Storm Sewer" or "Storm Drain" shall mean a Sewer that carries storm, surface and groundwater drainage but excludes Domestic Wastewater and Industrial Wastes other than unpolluted (except for heat) Cooling Water.

Section 181. "Stormwater Runoff" shall mean that portion of the precipitation over a given area which finds its way to natural or man-made drainage channels.

Section 182. "Suspended Solids" or "SS" or "TSS" or "Total Nonfilterable Residue" shall mean total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, Wastewater or other liquids and is removable by laboratory filtration using a Whatman 934AH Millipore AP-40, Gelman type A/E, or equivalent glass fiber disc and dried to constant weight at 103 - 105 degrees Celsius as prescribed in Standard Methods.

Section 183. "T" as in Cyanide-T" shall mean total.

Section 184. "Total Toxic Organics " or "TTO" shall mean the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.

Section 185. "Treatment Works" or "Sewage Treatment Plant" shall mean individually or collectively those facilities or devices, except Sewers, used for collecting, pumping, treating, or disposing of Wastewaters or for the recovery of by-products from such Wastewaters.

Section 186. "Unpolluted Water" shall mean water of quality equal to or better than the effluent criteria set forth in 35 Illinois Administrative Code Part 304 or water that would not cause violation of receiving Water Quality Standards set forth in 35 Illinois Administrative Code Parts 302 and 303 and would not be benefited by discharge to the Public Sewers and Wastewater treatment facilities provided.

Section 187. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

Section 188. "User" shall mean any Person who contributes, causes or permits the contribution of Wastewater into the POTW and shall include any Person who owns the property where a discharge originates, any Person who owns the property where a discharge enters the Public Sewer, and any Person (including an Authorized Representative of an Industrial User) who can control a discharge to the Public Sewers.

Section 189. "User Class" shall mean the type of User either "Domestic as Residential or Commercial (non-industrial)" or "Industrial" as defined herein.

Section 190. "User Charge System" shall mean the system of charges established for the purpose of apportioning among Users the cost of operation and maintenance and replacement and improvement reserve requirements for Wastewater Facilities.

Section 191. "Water Quality Standards" are defined in 35 Illinois Administrative Code Parts 302 and 303.

Section 192. "Wastewater" shall mean the spent water or used water of a community or industry and is a combination of the liquid and water-carried wastes from Residences, Commercial buildings, Industrial plants, and institutions including polluted Cooling Water and the discharges (but not Sludge) from Pretreatment facilities.

Section 193. "Wastewater Discharge Permit" shall mean the document or documents issued to a User by the District in accordance with the terms of this Ordinance.

Section 194. "Wastewater Facilities" or "Sewage Works" shall mean structures, equipment, and processes required to collect, convey, and treat domestic and Industrial Wastes and dispose of the effluent and Sludge.

Section 195. "Wastewater Hauler" shall mean any Person, partnership or corporation engaged in transporting sanitary Wastewater or other wastes as a Commercial venture.

Section 196. "Wastewater Source" shall mean any equipment, facility or other point source of any type whatsoever which discharges Wastewater.

Section 197. "Wastewater Treatment Plant" shall mean an arrangement of devices and structures for treating Wastewater, Industrial Wastes, and Sludge. Sometimes used as synonymous with "waste treatment plant" or "Wastewater Treatment Works" or "Sewage Treatment Plant" or "water pollution control plant".

Section 198. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 199. "Waters" shall mean all streams, lakes, ponds, marshes, Watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, or flow through, or border upon the territorial boundaries of the District.

## ARTICLE II

### USE OF WASTEWATER FACILITIES REQUIRED

Section 201. It shall be unlawful to discharge any Pollutant, waste, or Wastewater to any Waters within the District, or in any area under its jurisdiction, without an NPDES Permit or other permit as may be required by federal, state or other agencies having jurisdiction.

Section 202. Except as provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, Septic Tank, Cesspool, or other facility intended or used for the disposal of Wastewater.

Section 203. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, Easement, or right-of-way in which there is located a Public Sewer is hereby required to connect directly with the Public Sewer at the owner's expense in accordance with the provisions of this Ordinance within one year of the effective date of this Ordinance, or in the case of a newly provided Sewer, within one year after the date of official notice by the Director to do so.

Section 204. It shall be unlawful for any Person to deposit or discharge, or to allow to be deposited or discharged, to the Publicly Owned Treatment Works, any solid, liquid or gaseous waste unless through a connection approved by the District or through a Wastewater Hauler who has been issued a permit by the District for the individual discharge.

Section 205. It shall be unlawful for any Industrial User to deposit or discharge, or to allow to be deposited or discharged, to the Publicly Owned Treatment Works, any solid, liquid, or gaseous waste without a currently valid operating permit (Wastewater Discharge Permit) issued by the District in addition to any other permits which may be required.

Section 206. It shall be unlawful to discharge any contaminant, Pollutant, waste, or Wastewater to a surface impoundment or lagoon within the District, or in any area under its jurisdiction, from which there is no discharge, without written authorization from the Federal Administrator, the Regional Administrator, or the State Director certifying that the surface impoundment or lagoon is not an open dump within the scope and meaning of Section 4004 of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 USC Section 6944). Valid copies of appropriate permits issued under federal and state law, including but not limited to RCRA, the Federal Act, and/or the Illinois Environmental Protection Act, when provided to the District, will serve as the required certification.

## ARTICLE III

### PRIVATE AND ISOLATED SEWERAGE SYSTEMS

Section 301. Where a public sanitary or combined Sewer is not available, the Building Sewer shall be connected to a private or Isolated Sewerage System complying with the provisions of this Ordinance.

Section 302. Before commencement of construction of a Private Sewerage System, the owner shall first obtain a written permit from the Peoria County Health Department. The application and requirements for obtaining such permit and approval of the construction shall conform to the current requirements of the Peoria County Health Department.

Section 303. Where Isolated Sewerage Systems are to provide for more than 15 people, written approval of the plans and specifications shall be obtained from both the Illinois Environmental Protection Agency and the District. Permit applications shall be submitted to the Environmental Protection Agency and the District and said permits must be issued prior to the start of construction. Where necessary, applications shall also be made for an NPDES permit.

Section 304. At such time as a Public Sewer becomes available to a property served by a private or Isolated Sewerage System, a direct connection shall be made to the Public Sewer in compliance with this Ordinance, and any Septic Tanks, Cesspools, and similar Sewerage facilities shall be abandoned and filled with suitable material.

Section 305. The owner shall operate and maintain the private and isolated Sewerage facilities in a manner approved by and at no expense to the District.

Section 306. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by other regulatory agencies.

## ARTICLE IV

### WASTEWATER HAULERS AND PERMITS

Section 401. Except as hereinafter provided, no Person shall transport and discharge Wastewaters or other wastes from any tank, Septic Tank, Seepage Pit, Cesspool, private or Isolated Sewerage System, Treatment Works, business, Commercial or Industrial establishment, to a Public Sewer or appurtenance, thereof, without first obtaining a written permit.

Section 402. Wastewaters and other wastes, as described in this Article, originating from outside the corporate limits of the District may be accepted for discharge to a Public Sewer at the option of the District and the acceptance of such discharge may be cancelled at any time without cause, and the discharge shall be immediately discontinued. For wastes originating from outside the corporate limits of the District, only those wastes of a domestic nature will be considered for discharge to the Public Sewer. Wastes originating from outside the corporate limits of the District which are of nondomestic or industrial origin and conveyed by closed container, will not be accepted for discharge to the Public Sewer. This section shall not apply to those Industrial Users which, on the effective date of this Ordinance, hold a current Wastewater Discharge Permit which permits the Industrial User to haul and discharge their Wastewater to the Public Sewer.

Section 403. Wastewaters and other wastes, as described in this Article, shall be accepted for discharge to a Public Sewer only when they are found, on examination by the District and in accordance with such tests as the District may require, to meet all the requirements of this Ordinance.

Section 404. Prior to the discharge of any Wastewater or other waste regulated by the provisions of this Article, any Person desiring to discharge Wastewaters or other wastes shall make application for a Wastewater Hauler permit for each individual discharge on a form furnished by the District. The permit application shall be supplemented by any information considered pertinent in the judgment of the District. Each permit application shall be accompanied by payment of a permit fee or other charges in an amount hereinafter provided. The permit issued must be in the possession of the Person at the time the waste is discharged at the designated location.

Section 405. There shall be two classes of Wastewater Hauler permits: (1) A Class I permit shall include wastes originating from within the corporate limits of the District; (2) A Class II permit shall include wastes originating from outside the corporate limits of the District. The payment of permit fees or other charges shall be as provided in another Ordinance adopted by the District, which Ordinance shall establish a fair and equitable User Charge System.

Section 406. Wastes of a nondomestic or industrial origin, from Commercial or Industrial establishments, located within the corporate limits of the District, must apply for and receive District authorization to discharge prior to discharging. The District may require additional information to establish the nature and strength of the waste including quality and quantity of all biological and chemical constituents prior to granting authorization to discharge the waste to the Public Sewer. The payment of permit fees or other charges shall be as specified in this Article.

Section 407. Before a permit shall be issued in accordance with the provisions of this Article, a Person must first comply with the following requirements:

- 407.1 Each Wastewater Hauler shall provide a bond in the amount of \$5,000.00 in the favor of the District. Such a bond shall be furnished on a form furnished by the District and shall cover all permits issued for a period of one year.
- 407.2 Each Wastewater Hauler must apply for and be issued a license by the District, granting permission to discharge wastes to a Public Sewer at a time and location designated by the Director. The cost of the license shall be \$25.00 per year from May 1st to May 1st of each succeeding year.
- 407.3 Each Wastewater Hauler must register each Wastewater hauling vehicle as may be required.
- 407.4 Each Wastewater hauling vehicle must prominently display any identifying markings as may be required.
- 407.5 Each truck tank shall have a sight glass calibrated in 100 gallon increments or other means of readily establishing load volumes.
- 407.6 Wastewater from an Industrial User shall not be mixed with Wastewater from a domestic User.
- 407.7 Vehicles which haul or have hauled materials not intended for discharge to the District's facilities may not be used for Wastewater hauling until thoroughly cleaned to the Director's satisfaction.
- 407.8 All procedures for discharging, for cleanliness, and for general sanitary operation as presented by the District shall be strictly adhered to by all Persons.

Section 408. Nothing in this Article shall be construed to require a license and bond for any property owner within the corporate limits of the District, where such property owner elects to service his own facility and transports

the Wastewaters or other wastes collected, therefrom, to a designated Public Sewer. Such property owners shall meet all other provisions of this Ordinance.

Section 409. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by other regulatory agencies.

Section 410. Any Person who violates any provision of this Article shall be subject to a revocation of the required license and other penalties as may be prescribed in this Ordinance.

ARTICLE V

BUILDING SEWERS AND CONNECTIONS

Section 501. All disposal by any Person into the Sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

Section 502. It shall be unlawful to uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenances thereof, except as provided, in accordance with the provisions of this Article, and the requirements of the State, Federal or other public agencies of jurisdiction.

Section 503. No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Director and such other permits as may be required by State, Federal or other agencies of jurisdiction.

Section 504. There shall be two classes of Building Sewer permits for Sanitary Sewers located inside the limits of the District. A Class I permit shall include a Building Sewer to a single family Residence and a Class II permit shall include Building Sewers to all other buildings based on total floor area. The Owner, his Agent, or both shall make application on permit forms furnished by the District and shall provide such additional plans, specifications or other information considered pertinent in the judgment of the Director. An Industrial User, as a condition of permit authorization, must provide information describing its Wastewater constituents, characteristics, and type of activity. The permit fee shall be paid to the District in amounts to be determined by the Director as follows:

| <u>Classification</u>   | <u>Inside GPSD</u> |
|---|--------------------|
| Class I - Single Family Residence                                 | \$ 25.00           |
| Class II - All other buildings with total floor areas as follows: |                    |
| Less than 1,000 sq. ft.   | 25.00              |
| 1,000 to 4,999 sq. ft.  | 50.00              |
| 5,000 to 9,999 sq. ft.  | 75.00              |
| 10,000 to 49,999 sq. ft.  | 100.00             |
| 50,000 sq. ft. or more  | 150.00             |

Section 505. Before a permit shall be issued, a Person must first secure a license and a bond as hereinafter provided.

Section 506. Any Person who desires to make a connection, or perform maintenance or repairs upon a Building Sewer connection, to Sewers owned, operated, or maintained by the District shall provide a bond in the amount of \$5,000 in favor of the District and written on the proper bond forms provided by the District. Bonds for Persons in the business of building, Maintaining, or repairing Sewers and Sewer connections shall cover all permits issued and work done in the life of the bond. Bonds for all others not engaged in the business of building, Maintaining, or repairing Sewers and Sewer connections shall be good only for the permit issued and work to be done.

Section 507. Any competent Person engaged in the business of Building Sewers and Sewer connections must take out a Sewer license from the District, granting him permission to construct such Sewers and connections within the District. The cost of the license shall be \$25.00 per year from May 1st of each succeeding year.

Section 508. Any Person who shall neglect, refuse or fail to correct any defect in workmanship following a thirty day notice to make such correction, shall be notified of cancellation of the Sewer license and all permits outstanding.

Section 509. All permits issued for Building Sewers or Sewer connections shall be valid for one year after date of issue shown on the permit. If the work is not completed during the one year period, the permit is cancelled and a new permit must be issued. Upon completion and approval of the work, the permit shall be given to the property owner.

Section 510. A Building Sewer permit will only be issued and a Sewer connection shall only be allowed if it can be demonstrated that the downstream Sewerage facilities, including Sewers, pump stations and Wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Section 511. A Building Sewer permit shall only be issued and a Sewer connection shall only be allowed for an Industrial User if it can be demonstrated to the Director's satisfaction that all required Pretreatment facilities have been provided for in accordance with the specifications and regulations of the District. Pretreatment facilities shall include, at a minimum, a manhole which allows sampling access to the Building Sewer.

Section 512. All costs and expenses incident to the installation, connection, maintenance, or repair of the Building Sewer shall be borne by the building owner. The building owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance, or repair of the Building Sewer.

Section 513. All Building Sewers and Sewer connections shall be gas and watertight and shall also be constructed in accordance with the specifications entitled the "General Specifications for Sanitary Sewers and Appurtenances of The Greater Peoria Sanitary District" and the regulations entitled "Building

Sewer Regulations" as approved and adopted by a resolution of the Board of Trustees of the District.

Section 514. No downspouts, open drains, footing tile, Septic Tank, or Cesspool shall be connected to a Building Sewer nor shall any storm water source be discharged to a Sanitary Sewer. Storm water drains shall be connected to a Storm Sewer, if possible, or otherwise discharged to the surface of the property or street.

Section 515. Building Sewers subject to flooding or ponding conditions, shall be provided with drain plugs, valves or other approved devices to protect the Sanitary Sewer and the property owner's building during heavy rain or high water periods. Exposed drain lines shall be protected from freezing as directed by the Director.

Section 516. A separate and independent Building Sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

Section 517. Old Building Sewers may be used in connection with new buildings only when they are found on examination and test to meet all requirements of this Ordinance.

Section 518. Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

Section 519. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary Sewage carried by such drain shall be lifted by means approved by the Director and discharged to the Building Sewer.

Section 520. All excavations required for installation of a Building Sewer shall be open trench work unless otherwise approved by the Director. Pipe laying and the manner of making watertight joints and connections shall be in accordance with the specifications and regulations of the District. No Sewer connections shall be backfilled until the work has first been inspected and approved.

Section 521. The connection of the Building Sewer into a Public Sewer shall be made at the place and in the opening as provided and indicated by the Director. In the event that no such opening is available, a connection may be made by "tapping" the District Sewer in accordance with the specifications and regulations of the District.

Section 522. The applicant for the Building Sewer permit shall notify the Director when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Director.

Section 523. All excavations for Building Sewer installation, maintenance, or repair shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

Section 524. The issuance of a Building Sewer permit is conditional upon the provision of at least one public water supply utility water meter and water supply service for each facility served by a Building Sewer installed in accordance with the provisions of this Ordinance. No water supply meter shall be situated so that the metered water is discharged to more than one Building Sewer. This section is not intended to require metering of private sources of water except as provided in another Ordinance adopted by the District, which Ordinance shall establish a fair and equitable User Charge System.

ARTICLE VI

SEWERAGE CONNECTION CHARGE

Section 601. Owners of properties, not in a special assessment district and where Sewers are to be connected to District Sewers, shall be charged a Sewerage connection charge in an amount as determined by the following formula in which:

A = Total area of lot or parcel in square feet  
W = Average width of lot or parcel in feet  
C = Sewerage connection charge in dollars

601.1 Where a Building Sewer is directly connected to an existing District Sewer, the Sewerage connection charge shall be:

601.1.1 Areas less than one acre  
 $C = \$0.04A + \$34.00W$

601.1.2 Areas of one acre or more C =  
 $\$0.032A + \$27.20W$

601.1.3 Areas requiring private pumping facilities for service  
C = (Same as 601.1.1 or 601.1.2) Less 25%

601.2 Where District Sewers are being extended at the expense of the property owner, the Sewerage connection charge shall be:

601.2.1 Areas less than one acre  
C =  $\$0.04A$

601.1.2 Areas of one acre or more  
C =  $\$0.032A$

601.1.3 Areas requiring private pumping facilities for service  
C = (Same as 601.2.1 or 601.2.2) Less 25%

Section 602. Owners of properties in a special assessment district who have paid a direct benefit and indirect benefit assessment for Sanitary Sewer service shall be exempt from payment of a Sewerage connection charge provided special assessment installments are current.

Section 603. Owners of properties in a special assessment district who have paid only indirect benefit assessment for Sanitary Sewer service shall be charged a Sewerage connection charge in an amount as determined by the following formula in which:

W = Average width of lot or parcel in feet

C = Sewerage connection charge in dollars

603.1 Where a Building Sewer is directly connected to an existing District Sewer, the Sewerage connection charge shall be as follows provided special assessment installments are current:

603.1.1 Areas less than one acre

C = \$34.00W

603.1.2 Areas of one acre or more

C = \$27.20W

603.1.3 Areas requiring private pumping facilities for service

C = (Same as 603.1.1 or 603.1.2) Less 25%

603.2 Where District Sewers are being extended at the expense of the property owner, the property shall be exempt from payment of a Sewerage connection charge provided special assessment installments are current.

Section 604. Total areas shall include usable land serviced by the District Sewers as determined by the Director. Portions of the total area may be excluded with District approval; however, such areas shall be subject to applicable Sewerage connection charges at such later date as they are connected to a District Sewer.

Section 605. The average width shall generally be determined as the average of the frontage width and the width of the property at a depth of 100 feet from the frontage. Irregularly shaped lots or parcels shall be as computed by the District.

Section 606. Where special circumstances are encountered, the amount charged shall be determined by the District subject to approval by the District Board of Trustees.

## ARTICLE VII

### WASTEWATER DISCHARGE CRITERIA

Section 701. No Person shall discharge or cause to be discharged any Wastewater or other wastes, storm water, surface water, ground water, roof runoff, subsurface drainage, Cooling Water or unpolluted industrial process water except in accordance with the provisions of this Article and such regulations imposed by State, Federal or other public agencies of jurisdiction or otherwise approved by the District.

Section 702. No Person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, Cooling Waters, or any other Unpolluted Water to any Sanitary Sewer.

Section 703. Storm water, surface water, ground water, roof runoff, subsurface drainage, Cooling Water and all other unpolluted drainage shall be discharged to such Sewers as are specifically designated as Combined Sewers or Storm Sewers, or to a Natural Outlet approved by the District. Industrial Cooling Water or unpolluted process waters may be discharged, upon approval of the District, to a Storm Sewer, Combined Sewer or Natural Outlet.

Section 704. No Person shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Wastewater which will cause Interference with the operation or performance of the POTW.

Section 705. No Person shall contribute or cause to be contributed, directly or indirectly, any Pollutant which will Pass Through the POTW.

Section 706. No Person shall discharge or cause to be discharged any of the following described substances to the POTW:

706.1 Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion hazard or be injurious or hazardous in any other way to the POTW or to the operation or maintenance of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited substances include, but are not limited to, petroleum distillates (hydrocarbons), gasoline, kerosene, naphtha, benzene, toluene, xylene, stoddard solvent, chlorinated hydrocarbons, methylene chloride, chloroform, carbon tetrachloride, pesticides, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, sulfides, and except when highly diluted, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, and

bromates. At no time and at no point in the POTW shall gases or vapors accumulate so that any of the following occur:

706.1.1 Two successive readings of an explosion hazard meter be more than five percent (5%) nor any single reading be over ten percent (10%) of the lower explosive limit (LEL) of methane;

706.1.2 The reading of a toxic gas meter indicating more than fifty parts per million of carbon monoxide by volume or ten parts per million hydrogen sulfide by volume; or

706.1.3 The response of an oxygen availability meter indicating the presence of less than nineteen and one half percent (19.5%) oxygen by volume.

706.2 Any Wastewater containing Incompatible Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, cause a violation of the Water Quality Standards of the receiving Waters of the POTW, or exceed the limitations set forth in a National Categorical Pretreatment Standard or in accordance with the provisions of this Article.

706.3 Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other Wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into Sewers for their maintenance and repair.

706.4 Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems;

706.5 Any water or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

706.6 Any water or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- 706.7 Solid or viscous substances which may cause obstruction to the flow in a Sewer or other Interference with the operation of the POTW such as, but not limited to, Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, or tumbling and deburring stones.
- 706.8 Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the District.
- 706.9 Any liquid or vapor having a temperature which will result in the inhibition of the biological activity at the District's Treatment Works or otherwise interfere with the POTW; in no case shall Wastewater liquid or vapor be introduced into the POTW which exceeds 65 degrees Celsius (149 degrees Fahrenheit) or which causes the influent at the District's Treatment Works to exceed 40 degrees Celsius (104 degrees Fahrenheit).
- 706.10 Any water or waste containing Fats, wax, Grease, or Oils, whether emulsified or not, in excess of 100 mg/l as Grease and Oil (G&O) or trichlorotrifluoroethane extractable materials or containing substances which may solidify or become viscous at temperatures between 32 and 149 degrees Fahrenheit (0 to 65 degrees Celsius).
- 701.11 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations or more stringent limits established by the District.
- 706.12 Any Pollutants, including Compatible Pollutants released at a flow or Pollutant concentration which a User knows or has reason to know will cause Interference to the POTW or will Pass Through the POTW.
- 706.13 Any substance which will cause the POTW to violate its NPDES Permit, applicable effluent standards or the receiving Water Quality Standards.

706.14 In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with Sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; any criteria guidelines or regulations affecting Sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or State criteria applicable to the Sludge management method being used.

706.15 Any Wastewater containing BOD, COD, chlorine requirements, total solids, or Suspended Solids of such character and quantity (i.e. lime slurries, lime residues, Fuller's earth, dissolved solids such as but not limited to sodium chloride and sodium sulfate) that unusual attention or expense is required to handle such materials at the Sewage Treatment Plant; provided however, that a User may be permitted by specific, written agreement with the District, which agreement to discharge such BOD or SS may provide for special charges, payment or provisions for treating and testing equipment.

706.16 Any discharge exceeding the standards established in 35 Illinois Administrative Code Part 307.

706.17 Any unusual volume of flow or concentration of wastes constituting a Slug, as defined herein, discharged to the POTW.

706.18 Materials which exert or cause excessive discoloration as determined by the Director (such as, but not limited to, dye wastes and tanning solutions).

Section 707. Unless a User has been classified an Industrial User by the District and has a valid Wastewater Discharge Permit issued by the District which provides different limits for a specific Pollutant, no Person shall discharge any Wastewater or waste, based on a working day or 24-hour Composite Sample (except Grab Samples must be used for Hexavalent Chromium, Cyanide, Grease and Oil, Phenols and Volatile Organics) obtained and analyzed under the provisions of this Ordinance, which contains any Pollutants in concentration greater than listed as follows:

| <u>Pollutant</u>   | <u>Maximum<br/>Allowed<br/>Concentration<br/>(mg/l)</u> (1) |
|--|---|
| Arsenic (As)   | 0.25  |
| Barium (Ba)  | 2.0   |
| Cadmium (Cd)   | 0.15  |
| Chromium (Cr)  |   |
| - Total  | 1.0   |
| - Hexavalent   | 0.1   |
| Copper (Cu)  | 0.5   |
| Cyanide  | 0.1   |
| Fluoride (F)   | 15.0  |
| Grease & Oil (FOG)   | 100   |
| Iron (Fe)  | 2.0   |
| Lead (Pb)  | 0.2   |
| Manganese (Mn)   | 1.0   |
| Mercury (Hg)   | 0.0005  |
| Nickel (Ni)  | 1.0   |
| Phenols  | 0.3   |
| Silver (Ag)  | 0.1   |
| Total Dissolved Solids (TDS)   | 3500  |
| Zinc (Zn)  | 1.0   |
| All Pollutants listed in<br>40 CFR Part 403 Appendix B and<br>not regulated elsewhere in<br>this Ordinance | 0.1   |

(1) Unless otherwise specifically allowed in a Wastewater Discharge Permit issued by the District.

Section 708. Whenever sufficient information is available the District shall establish the maximum levels that can be tolerated by the District to assure that no Interference of the POTW, no Pass Through, nor any reduction in the quality of the District's Sludge occurs with respect to any Pollutants, not otherwise controlled by the provisions of this Ordinance, for which water quality criteria of the District's receiving stream, effluent standards by regulation or by NPDES permit and/or Sludge disposal criteria by IEPA permit have been established.

Section 709. Industrial Users shall provide necessary Wastewater treatment as required to comply with this Ordinance, Federal Pretreatment Standards, as established by 40 CFR Chapter N, Subpart I, State standards and permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment Standards by applicable deadlines.

Section 710. Any facilities required to pretreat Wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the District for review and approval before construction of the facility. The review and approval of plans and operating procedures does not relieve the Industrial User from complying with the provisions of this Ordinance and permit conditions. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and approved by the District prior to the Industrial User's initiation of the changes.

Section 711. New Sources shall install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

Section 712. All conditions of discharge, discharge criteria, and Pretreatment Standards imposed on a User under the Federal or State acts and regulations including, but not limited to 40 CFR Part 403; 40 CFR Chapter I, Subchapter N; 35 Illinois Administrative Code Section 307; and provisions in any applicable NPDES permit or IEPA Water Pollution Control Permit, are Wastewater discharge criteria for purposes of this Ordinance, are enforceable as provisions of this Ordinance, and, if more stringent, take precedence over other Wastewater discharge criteria or conditions provided by this Ordinance. The District shall classify and notify all known affected Industrial Users of the applicable reporting requirement under 40 CFR 403.12. Upon application by the Industrial User, the District will issue or modify a Wastewater Discharge Permit to show the most stringent discharge criteria applicable to that User including any applicable National Categorical Pretreatment Standards.

Section 713. Only after request by an Industrial User and acceptance of all associated costs by that Industrial User will the District, if it is determined by the District to be in its own best interest, develop the procedures whereby the following could be accomplished:

713.1An Industrial User might receive revision of Pretreatment Standards to reflect POTW removal of Pollutants which, if for revision of Federal Categorical Pretreatment Standards, would be in accordance with 40 CFR 403.7 as revised.

713.2An Industrial User might receive variances from Pretreatment Standards for nontoxic Pollutants for fundamentally different factors which, if for revision of Federal Categorical Pretreatment Standards, would be in accordance with 40 CFR 403.13.

713.3An Industrial User's Pretreatment Standards might be adjusted to reflect the presence of Pollutants in the Industrial User's intake water which, if for Federal Categorical Pretreatment Standards adjustment, would be in accordance with 40 CFR 403.15.

Section 714. No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 715. Each User having the ability to cause Interference with the POTW or to violate the regulatory provisions of this Ordinance shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.

Section 716. The District may require any User whose Wastewater includes or could include Compatible or Incompatible Pollutants in amounts great enough to cause Interference with the POTW to have detailed plans on file at the District showing facilities and operating procedures to provide protection from Slug discharges. These plans shall contain, at a minimum, the following:

716.1Description of discharge practices, including nonroutine batch discharges.

716.2 Description of stored chemicals.

716.3Procedures for immediately notifying the POTW of an accidental or Slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Article.

716.4 Procedures to prevent adverse impact from any accidental or Slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents) and/or measures and equipment for emergency response.

These Industrial Users shall complete construction of said facilities by the deadline established in the Industrial User's Wastewater Discharge Permit. No Industrial User who begins contributing to or could contribute such Pollutants to the POTW after the effective date of this Ordinance shall be permitted to introduce such Pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the District and installed by the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Section 717. In the case of a Slug or an accidental or deliberate discharge of Compatible or Incompatible Pollutants which may cause Interference at the POTW or will Pass Through the POTW or violate requirements of this Ordinance, it shall be the responsibility of the Industrial User to immediately telephone and notify the District of the incident. The notification shall include name of caller, location and time of discharge, type of Wastewater, concentration and volume.

Section 718. Within five (5) working days following such an accidental or deliberate discharge the Industrial User shall submit to the District a detailed written report detailing the date, time and cause of the discharge, the quantity and characteristics of the discharge, and the measures to be taken by the User to prevent similar future occurrences. Follow up reports may be required by the District as needed. Such report, or reports, shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to Person or property; nor shall such report relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the District result in the revocation of the Industrial User's Wastewater Discharge Permit.

Section 719. The Industrial User shall control production activities and/or discharges to the District's facilities to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its Pretreatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation

where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Section 720. The Authorized Representative of an Industrial User shall receive reports from the Industrial User's employees concerning accidental or deliberate discharges and report to the District as described in this Article.

In the same manner, reports of the failure of any aspect of the Industrial User's discharge monitoring equipment and Pretreatment facility are to be received by and reported to the District by the Authorized Representative. To this end, the Authorized Representative shall inform all of the Industrial User's employees of the type and nature of the discharges and equipment failures that must be reported, the information that must be reported, and the urgency of the reporting requirement. The Authorized Representative shall provide to the District upon request evidence that all employees have been informed as required and as to the information provided.

Section 721. Grease, Oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing Grease in excessive amounts, or any sand, flammable wastes, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the District, and shall be located as to be readily and easily accessible for Cleaning and inspection. Such interceptors shall be maintained by the User, at his expense, in continuously efficient operation at all times.

Section 722. Grease and Oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

## ARTICLE VIII

### WASTEWATER DISCHARGE PERMITS

Section 801. It shall be unlawful for any Significant Industrial User to discharge Wastewater to the District's POTW without a Wastewater Discharge Permit, or contrary to the conditions of a Wastewater Discharge Permit, issued by the District in accordance with the provisions of this Ordinance.

Section 802. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

Section 803. Except where otherwise provided in this Article, Significant Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the District an application in a form to be prescribed and furnished by the District and accompanied by a fee as may be determined by the District.

Section 804. Proposed new Significant Industrial Users shall apply for a Wastewater Discharge Permit at least 90 days prior to discharging to the POTW.

Section 805. In support of the application, the Significant Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

805.1 Name, address and location of the facility including the name of the operator and owners.

805.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.

805.3 Name of Authorized Representative of the Industrial User.

805.4 Total number of employees and hours of operation of the facility.

805.5 List of any environmental control permits held by or for the facility and copies of all currently valid NPDES Permits (and attached applications).

805.6 Average and maximum Wastewater flow rates, including monthly and seasonal variations, if any.

805.7 Time and duration of discharge.

805.8 Industrial User's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category.

- 805.9 Site plans showing all pipe sizes, manholes and location of Sanitary and Storm Sewers leaving the building or premises, together with all connections to lateral Sanitary and Storm Sewers, and sampling access locations.
- 805.10 Listing of each process activity and, where there are two or more connections to the Public Sewers from the User's facilities, a schematic diagram identifying all processes, the source of water for each process and the drains and Sewers by which each process waste is discharged.
- 805.11 Wastewater constituents and characteristics including, but not limited to, those set forth in this Ordinance as determined by an analytical laboratory approved by the District; sampling and analysis shall be performed in accordance with Standard Methods. Samples shall be daily composite or Grab Samples, as applicable, representative of the Wastewater as discharged to the Public Sewer. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- 805.12 Proposed or actual hours of operation of the Industrial User's Pretreatment system and the name of the IEPA certified Pretreatment operator, if applicable.
- 805.13 Line diagram and basic information, including capacity, of existing or proposed spill containment areas and installation.
- 805.14 Listing of raw materials and chemicals that are used in the manufacturing process and are capable of being discharged into the POTW, and, if not previously provided, Material Safety Data Sheets for each such material or chemical.
- 805.15 If additional Industrial User operation and maintenance or Pretreatment techniques or installations will be required to meet Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the Pretreatment Standard.

805.15.1The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components , commencing construction, completing construction, etc.).

805.15.2No increment referred to in the above paragraph shall exceed nine months.

805.15.3Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the District including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the District.

805.16Any other information as may be deemed by the District to be necessary to evaluate the permit application.

Section 806. In support of an application for a revised Wastewater Discharge Permit (equivalent to a Baseline Report), where an Industrial User is subject to a National Categorical Pretreatment Standard, that Industrial User shall submit, in addition to all information listed in Section 806, in units and terms appropriate for evaluation, the following information:

806.1Brief description of the nature, average rate of production, and Standard Industrial Classification of each process and operation carried out by such User. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes.

806.2Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

806.2.1 Regulated process streams, and

806.2.2 other streams as necessary to allow use of the Combined Waste Stream Formula of 40 CFR Section 403.6(e).

806.3 The Industrial User shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall do the following:

806.3.1 Submit the results of sampling and analysis identifying the nature and concentration of regulated Pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. This sample shall be representative of daily operations.

806.3.2 A minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organics. For all other Pollutants, 24-hour Composite Samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

806.3.3 The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

806.3.4 Take the samples immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, in order to evaluate compliance with the National Categorical Pretreatment Standards, the Industrial User shall measure the flows and concentrations necessary to allow use of the

Combined Waste Stream Formula of 40 CFR Section 403.6(e). Where an alternate concentration has been calculated in accordance with 40 CFR Section 403.6(e), this adjusted limit along with supporting data shall be submitted to the District.

806.3.5 Perform sampling and analysis in accordance with Standard Methods.

806.3.6 Submit, only with District authorization, a revised Wastewater Discharge Permit Application/Baseline Report which utilizes only historical data, so long as the data provides information sufficient to determine the need for Industrial Pretreatment measures.

806.3.7 Provide, for each report the time, date, and place, of sampling and methods of analysis and certification that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.

806.4 The Industrial User shall provide a statement, reviewed by an Authorized Representative of the Industrial User and certified by an Illinois Registered Professional Engineer, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional Pretreatment is required for the Industrial User to meet the National Categorical Pretreatment Standards.

806.5 If additional Pretreatment or operation and maintenance will be required to meet the National Categorical Pretreatment Standards, the Industrial User will provide the shortest schedule which will provide such additional Pretreatment or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

806.5.1 Where the Industrial User's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR Section 403.7) or the Combined Wastestream Formula (40 CFR Section 403.6(e)), or net/gross calculations (40 CFR Section 403.15), at the time the Industrial User

submits a revised Wastewater Discharge Permit Application/Baseline Report the information required in Sections above shall pertain to the modified limits.

806.5.2 If the National Categorical Pretreatment Standard for the Industrial User is modified after the application for a revised Wastewater Discharge Permit/Baseline Report is submitted, the Industrial User shall make any necessary amendments to information provided as a response to Sections above and submit them to the District within 60 days after the modified limit is approved.

806.5.3 The conditions described in Section 805.15.1, 805.15.2, and 805.15.3 of this Article shall apply.

Section 807. Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR Section 403.6(a)(4), whichever is later, existing Industrial Users subject to such National Categorical Pretreatment Standards and currently discharging to the District's POTW shall apply for a revised Wastewater Discharge Permit. The Baseline Report required by 40 CFR Part 403.12(b) will constitute the application for revision.

Section 808. New Sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge to the POTW.

Section 809. The District will evaluate the data furnished by the Industrial User and may require additional information from the Industrial User. After evaluation of the data furnished, the District may issue a Wastewater Discharge Permit. No interim or temporary permit will be issued by the District except as set forth in this Article.

Section 810. A Wastewater Discharge Permit issued to an Industrial User shall be revised by the incorporation of standards and conditions for an Industrial User which has processes regulated by National Categorical Pretreatment Standards. The revised Wastewater Discharge Permit shall include the limits on average and daily maximum Pollutant concentrations from the applicable National Categorical Pretreatment Standard.

Section 811. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR Section 403.7) or the Combined Waste Stream Formula (40 CFR Section 403.6(e)) or net/gross calculations (40 CFR Section 403.15) or Fundamentally Different Factor Variance for non-toxics (40 CFR Section 403.13), of the General Pretreatment Regulations, the limits as

modified shall be made a part of the Wastewater Discharge Permit and shall be adjusted consistent with USEPA guidelines and regulations.

Section 812. Where an Industrial User has manufacturing processes which are regulated by more than one National Categorical Pretreatment Standard at the same permitted discharge location, the limitation in the Wastewater Discharge Permit shall be adjusted consistent with USEPA guidelines and regulations.

Section 813. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the District. Wastewater Discharge Permits shall include such conditions as are reasonably deemed necessary by the District to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate Sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

813.1 Wastewater Discharge Permits shall contain the following conditions:

813.1.1A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed 5 years.

813.1.2A statement that the Wastewater Discharge Permit is nontransferable.

813.1.3 Effluent limits applicable to the User based on applicable standards in Federal, State and local law.

813.1.4 Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of Pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

813.1.5 Statement of applicable civil, criminal, and administrative penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

813.2 Wastewater Discharge Permits may contain, but not be limited to, the following:

- 813.2.1 Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirement for flow regulation and equalization.
- 813.2.2 Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified Wastewater Pollutants or properties.
- 813.2.3 Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the Treatment Works.
- 813.2.4 Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, routine, or Slug discharges.
- 813.2.5 Requirements for the development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW.
- 813.2.6 The unit charge or schedule of Industrial User charges and fees for the management of the Wastewater discharged to the POTW.
- 813.2.7 Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- 813.2.8 A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit.
- 813.2.9 Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

Section 814. In the event the type, quality, or volume of Wastewater from the property for which a Wastewater Discharge Permit was previously granted shall materially or substantially change (as determined by the District), the Person previously granted such permit shall make a new application to the District, at least 30 days in advance of any such change, in the same manner and form as originally made, provided that information previously submitted and unchanged need not be resubmitted by the permittee. No permittee shall materially or substantially change the type, quality or volume of its Wastewater beyond that allowed by its permit without prior approval of the District.

Section 815. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The Permittee shall file an application for renewal of its permit at least 90 days prior to expiration of the Industrial User's permit. The Industrial User shall apply for reissuance of the permit on a form provided by the District. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Where any changes are made in the Industrial User's permit, a reasonable time shall be given to achieve compliance.

Section 816. Wastewater Discharge Permits are issued to a specific Industrial User for the process activities specified in the permit. A Wastewater Discharge Permit shall not be assigned, transferred or sold without the approval of the District. If the premises are sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, then the permit held by the seller shall be reissued by the District to the new owner as a temporary permit, provided that the new owner shall immediately apply for a new permit in accordance with this Ordinance and further provided that the temporary permit shall only be effective for ninety (90) days after the date of sale or transfer. The District shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

Section 817. Detailed plans and specifications, prepared by an Illinois Registered Professional Engineer, of Pretreatment facilities proposed to be constructed shall be submitted to the District for review and must be acceptable to the District before construction of the facility is commenced. The review of such plans shall in no way relieve the Industrial User from the responsibility of modifying its facility as necessary to comply with this Ordinance. Within a reasonable time after the completion of the facility, the Industrial User shall furnish its operations and maintenance procedures for the District to review. Any subsequent alteration or additions to such Pretreatment facilities shall not be made without due notice to and prior approval of the District.

Section 818. No Wastewater Discharge Permit shall be issued by the District to any Person whose discharge of material to Sewers, whether shown upon his application or determined after inspection and testing conducted by the

District, is not in conformity with District Ordinances and regulations, or whose application is incomplete or does not comply with the requirements of District Ordinances as applicable. The District shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant, within ten (10) working days after denial.

Section 819. If the application is denied by the District, the Industrial User may obtain review of the denial by the District's Board of Trustees, provided that the Industrial User shall give written notice of this request therefore, within thirty (30) days after receipt of such denial. The Board of Trustees shall review the permit application, the written denial and such other evidence and matters as the applicant and District shall present. The decision of the Board of Trustees shall be final.

## ARTICLE IX

### MONITORING FACILITIES, RECORDS, AND REPORTS

Section 901. Within 90 days following the date for final compliance with applicable Pretreatment Standards, or in the case of a New Source, within 90 days following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Pretreatment Standards shall submit to the District a report, on forms provided by the District, indicating the nature and concentration of all Pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and the average and maximum daily flow for those process units in the Industrial User facility which are limited by such Pretreatment Standards. Where equivalent mass or concentration limits are established by the POTW for a User, this report shall contain a reasonable measure of the User's long-term production rate. Where a User is subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production, the report shall include the User's actual production during the appropriate sampling period. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional Industrial User operation and maintenance or Pretreatment techniques or installations are necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards. This statement shall be signed by an Authorized Representative of the Industrial User and certified by an Illinois Registered Professional Engineer.

Section 902. Any Industrial User subject to an applicable Pretreatment standard, after the compliance date of such applicable Pretreatment Standard or, in the case of a New Source, after discharge of Wastewater to the POTW begins, shall submit to the District on or before the 20th day of the months of July and January, for the preceding two calendar quarters, a certified report indicating the nature and concentration of Pollutants in the effluent which are limited by such applicable Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. At the discretion of the District, this report shall also include concentrations of BOD, SS or other Pollutants specified by the District. The permittee shall sample and analyze its Wastewater for BOD, SS or other Pollutants at the discretion of the District as set forth in the permit issued to the Industrial User. At the discretion of the District and in consideration of such factors as a local high or low flow rate, holidays or budget cycles, the District may alter the months during which the above reports are submitted. The District may require more frequent reporting of flow rates and Pollutant discharges.

Section 903. The District may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 902 shall indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent of the Industrial User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of Pollutants contained therein which are limited by the applicable Pretreatment Standards.

Section 904. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR 403.6(c), the report required by Section 902 shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant discharge per unit of production (or other measure of operation), the report required by Section 902 shall include the User's actual average production rate for the reporting period.

Section 905. Significant noncategorical Industrial Users shall submit to the District at least once every six months (on dates specified by the District) a description of the nature, concentration, and flow of the Pollutants required to be reported by the District. The District may require more frequent reporting of flow rates and Pollutant discharges.

Section 906. If sampling performed by an Industrial User indicates a violation, the User shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

906.1The POTW performs sampling at the Industrial User at a frequency of at least once per month, or

906.2The POTW performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

Section 907. The reports required in this Article shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

Section 908. If an Industrial User subject to the reporting requirements in this Ordinance monitors any Pollutant more frequently than required by the District, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

Section 909. The POTW shall require appropriate reporting from those Industrial Users with discharges that are not subject to Categorical Pretreatment Standards and are not otherwise deemed by the District to be significant.

Section 910. Each Industrial User, where required by the District, shall be required to install, maintain, calibrate, and operate at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer or internal drainage systems. All such facilities and their locations shall be in accordance with plans and specifications approved by the District.

Section 911. No Industrial User which is a New Source may discharge to the POTW without written certification by the District that all Pretreatment Requirements including, but not limited to, the monitoring and Pretreatment facilities required by this Ordinance have been provided and have been inspected by the District.

Section 912. An Industrial User shall provide one metered water supply for the Industrial User's building or complex and connect to the POTW by way of one Building Sewer and Control Manhole unless otherwise approved by the District. If the discharge as measured at the Control Manhole is not representative in quality or quantity of the Wastewaters discharged to the POTW by the Industrial User, or in quantity as measured by the water supply meter, then the District may require remedies, which the Industrial User shall undertake at the Industrial User's own expense, and which may include, but are not limited to, the following:

912.1 Require existing Sewer connections be consolidated into one.

912.2 Require water meters be installed and maintained to determine the total water supplied and any quantities of water not discharged to the Sewer.

912.3 Require that a flume be installed and maintained in each Control Manhole and that a flow monitoring system (including totalizer, recorder and automatic proportional-to-flow sampler actuator) be installed, maintained, calibrated, and operated.

Section 913. Monitoring facilities which may be required of any Industrial User include, but are not limited to, Control Manholes, flumes, weirs, flow monitoring systems, automatic Wastewater sampling systems, pH recorder, and temperature recorders. These and all monitoring facilities shall be constructed and located in accordance with plans and specifications approved by the District. Industrial Users which are New Sources or which are moving, expanding, or improving their facilities within the District shall contact the District to determine which new or revised monitoring facilities will be required.

Section 914. Whenever required by permit, an Industrial User shall install a Control Manhole or sampling chamber for each separate discharge in the Building Sewer in accordance with plans and specifications approved by the District and installed and maintained at all times at the Industrial User's expense. There shall be ample room in each sampling chamber to permit the District to take accurate Composite Samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the District at all times.

Section 915. Where required by the District, additional Control Manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with Pretreatment Standards.

Section 916. The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the District.

Section 917. All measurements, test, and analysis of the characteristics of Wastewater and wastes to which reference is made in this Ordinance shall be determined in accordance with Standard Methods and shall be determined at the Control Manhole provided, or upon suitable samples taken at said Control Manhole. In the event that no special manhole has been required, the Control Manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods, as determined by the District, to reflect the effect of constituents upon the Wastewater Facilities and to determine the existence of hazards to life, limb, and property. The District will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a Grab Sample or samples should be taken.

Section 918. Users and the District shall maintain records of all the information resulting from any monitoring activities required by this Ordinance, and in the case of Industrial Users, shall include the following:

918.1 The date, exact place, method and time of sampling and the names of the Person or Persons taking the samples;

918.2The dates the analyses were performed;

918.3Who performed the analyzes;

918.4The analytical techniques/methods used; and

918.5The results of such analyses.

Section 919. The User of any property serviced by a Building Sewer carrying Industrial Wastes shall provide measurements of flow and laboratory tests and analyses of water and wastes to illustrate compliance with this Ordinance and any special conditions for discharge established by the District or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the User shall be as stipulated by the District but no less than once per year the industry must supply a complete analysis of the constituents of the Wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The User shall report the results of measurements as prescribed by the District. The User shall bear the expense of all measurements, analyses, and reporting required by the District. At such times as deemed necessary, the District reserves the right to take measurements and samples for analysis by an outside laboratory service or by the District's laboratory.

Section 920. Each User who handles, stores, generates, receives, transfers, ships out, treats, or disposes of any hazardous or toxic materials or wastes as defined in the applicable laws, statutes, rules and regulations of the federal and state governments or any other governmental agencies of authority, shall maintain a Material Safety Data (MSD) Sheet (Occupational Safety and Health Administration Form 20 or equivalent) for each of these materials and an inventory list of all of these materials. The inventory list shall show, for each material, the substance and chemical name (or names) as shown on the MSD Sheet, the quantities involved, and the period of time when the material was under the control of or on the premises of the User. These records shall be open for inspection and photocopying by the District, the IEPA, and the USEPA at all reasonable times. Additionally, the District may request and the User shall provide verification that no inventory of toxic or hazardous material has been lost to the environment. Verification may include for instance, the proper testing of underground tanks intended for storage of hazardous or toxic materials to assume that such material does not leak into the ground or Sewers in violation of this Ordinance.

Section 921. A Material Safety Data (MSD) Sheet (OSHA Form 20 or equivalent) may be valuable in determining the character biodegradability, or treatability of a substance. Therefore, in making the determination as to appropriateness for discharge to the District's facilities of a material, the District may request, or a User may provide, appropriate MSD sheets to the District.

Section 922. All Industrial Users with Pretreatment facilities shall maintain records as to the types, quantities, haulers, disposal site, and date of removal for all Sludges or other wastes resulting from the Pretreatment of Industrial waste. Pretreatment facilities include those facilities built to

protect Building Drains and Sewers and the POTW as the result of laws of federal, state, and other agencies having jurisdiction.

Section 923. The District and Industrial Users shall maintain all records required by this Ordinance for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of Pollutants by the Industrial User or regarding the operation of the District's Pretreatment program or when requested by the Regional Administrator or the State Director .

Section 924. A User shall provide, upon request, to the District, copies of any records or MSD Sheets the User has or maintains as the result of this Ordinance.

Section 925. All monitoring equipment and facilities obtained, installed or operated by the User as provided by the provisions of this Ordinance shall be maintained continuously in satisfactory and effective operation by the User at his expense. If for any reason, any monitoring equipment or facility does not operate in conformity with these regulations and, in the case of an Industrial User, with the provisions of his Wastewater Discharge Permit, the User shall immediately notify the District so that any feasible corrective action may be taken to protect the POTW. In addition, a written report addressed to the District detailing the date, time, and cause of the equipment malfunction or failure, the estimated time required for repair or replacement, the substitute monitoring being undertaken in the interim, and the corrective action being undertaken to prevent repetitive failures, shall be forwarded by the User within five (5) working days of the equipment malfunction or failure if so requested by the District.

## ARTICLE X

### POWER AND AUTHORITY OF INSPECTORS

Section 1001. The Director and other duly authorized employees or representatives of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said Easement. All entry and subsequent work, if any, on said Easement, shall be done in full accordance with the terms of the Easement pertaining to the private property involved.

Section 1002. The District, the IEPA, the USEPA, and their authorized representatives may inspect the facilities of Users to ascertain whether the purposes of this Ordinance are being met and if all requirements of this Ordinance are being complied with. Persons or occupants of premises in which a discharge source or treatment system is located or in which reports are being kept shall allow the Director and other duly authorized employees of the District, the IEPA, the USEPA, and authorized representatives, bearing proper credentials and identification, ready access at reasonable times to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of any other duties. The Director and other duly authorized employees of the District, the IEPA, the USEPA, and authorized representatives shall have the right to set up on the User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where a User has security measures in force which would require suitable identification, necessary arrangements with their security guards shall be completed so that upon presentation of suitable identification, duly authorized personnel from the District shall be permitted immediate entry for the purposes of performing their specific responsibilities.

Section 1003. While performing the necessary work on private properties, the Director or duly authorized employees of the District, the IEPA, the USEPA, and authorized representatives shall observe all reasonable safety rules applicable to the premises established by the User, and the User shall be held harmless for injury or death to the District employees, and the District shall indemnify the User against loss or damage to its property by District employees and against liability claims and demands growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the User to maintain safe conditions as required in this Ordinance.

## ARTICLE XI

### CONFIDENTIAL INFORMATION

Section 1101. Information and data relating to a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

Section 1102. When requested by the Person furnishing a report, and until such time as the District determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, and for use by the state or any state agency in judicial review or enforcement proceeding involving the User furnishing the report.

Section 1103. Information and data provided to the District which is effluent data shall be available to the public without restriction.

Section 1104. Information claimed by a User to be confidential shall not be transmitted to the general public by the District until and unless a thirty day notification is given to the User.

Section 1105. The District shall implement measures to prevent the negligent release of confidential information; however, the District or its employees shall not be held legally responsible for release of information if they have acted in good faith.

Section 1106. Nothing in this Article shall be construed as a reason for a User not to provide required information to the District.

Section 1107. Nothing in this Article shall be construed to interfere with the District providing a User with information directly related to that User if such information does not conflict with the confidentiality of information relating to other Users.

ARTICLE XII

PROTECTION OF SEWAGE WORKS FROM DAMAGE

Section 1201. No Person shall willfully, maliciously or negligently break, deface, destroy or injure any District Sewer, manhole or other appurtenance thereto, or any pumping station or Treatment Works or any other aspect of the POTW. Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE XIII

### ENFORCEMENT PROCEDURES AND PENALTIES

Section 1301. The term "permit" as used in this Article shall mean the District's NPDES Permit, the Water Pollution Control Permit issued by the IEPA covering the District's Sludge management and disposal system, the Building Sewer Permit, and/or the User's Wastewater Discharge Permit, as indicated by the context in which the term is used.

Section 1302. Any User or other Person who violates any provision of this Ordinance, any permit condition, any Pretreatment Standards or Requirements, the Illinois Environmental Protection Act or the Federal Act or regulations promulgated under either act, or who:

1302.1 Fails to factually report the Wastewater constituents and characteristics of its discharge as determined by the User's or the District's analysis, or

1302.2 Fails to report significant changes in process activity or Wastewater constituents or characteristics, or

1302.3 Refuses reasonable access to premises by authorized District personnel for the purpose of inspection, monitoring, sampling, examination and photocopying of records required to be kept by this Ordinance, and in the performance of any other duties, or

1302.4 Tampers with, disrupts, or destroys District equipment, or

1302.5 Fails to report a Slug discharge as defined in Article I of this Ordinance, or

1302.6 Fails to report an accidental discharge of a Pollutant, or

1302.7 Fails to report an Upset of the User's Pretreatment facilities, or

1302.8 Violates conditions of the User's Wastewater Discharge Permit,

is subject to the procedures and penalties set forth in this Article.

Section 1303. Whenever the District has cause to believe a User or other Person has committed or is committing any of the violations set forth in Section 1302., the District may prepare a Notice of Violation to be served on the User or other alleged violator in any of the following manners, or combinations thereof:

- 1303.1By regular first class mail addressed to the User or other alleged violator at his place of business where it is reasonably believed that he will receive the Notice;
- 1303.2By certified or registered mail, return receipt requested, addressed to the User or other alleged violator at his place of business or residence or other address where it is reasonably believed that he will receive the Notice;
- 1303.3By personal or abode service in the manner and by person that would be appropriate for the service of a summons in a civil action on an individual, partnership or corporation pursuant to the civil practice of law of Illinois in effect at the time of service, except that no court order appointing the person shall be required; or
- 1303.4By publication in the manner and to the extent permitted in a civil action in lieu of service of summons pursuant to the civil practice law of Illinois in effect at the time of publication, except that no court filing is necessary.

The Notice of Violation shall be served at least ten (10) days before the meeting where the service is by mail and at least five (5) days before the meeting where personal or abode service is utilized and a first publication at least thirty (30) days before the meeting if publication service is utilized.

Service by mail is accomplished upon mailing. The affidavit of the person who mailed, served or published the Notice of Violation is prima facie evidence of service and may be rebutted only by clear and convincing evidence to the contrary.

Section 1304. The Notice of Violation shall specify with reasonable detail the violation and, at the discretion of the District, the time and place for a compliance meeting to be attended by representatives of the District and by the User or other alleged violator. The District may also notify any other Person with an interest in the matter whose rights may be affected by the continued enforcement proceedings.

Section 1305. Any request for a continuance of the compliance meeting must be in writing to the Director setting forth in detail the reasons for the request. The Director may grant or deny continuances upon said written request.

Section 1306. The purpose of the compliance meeting shall be to obtain a voluntary plan to remedy the specific violation. It is specifically designed as an informal process and is not penal in nature.

Section 1307. The compliance meeting shall be conducted by the Director. No formal rules of evidence shall be in effect and the proceedings shall not be transcribed by a court reporter. The Director shall discuss with the User or other alleged violator a compliance plan for remedying the specified violation.

Section 1308. Within a reasonable time after the conclusion of the compliance meeting, a letter shall be issued by the Director indicating the results of the meeting and a compliance plan for remedying the specified violation. The letter may contain a compliance schedule of events as may be required to remedy the specified violation.

Section 1309. The Director is, in his discretion, hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a User or other Person responsible for violation or noncompliance. Such orders may include compliance schedules, stipulated fines, specified remedial actions, and signatures of the User and other violator or their Authorized Representatives. Upon approval by the Board of Trustees, consent orders shall have the same force and effect as orders issued pursuant to Section 1322.

Section 1310. In the event that the user or other alleged violator does not appear at a scheduled compliance meeting, said User shall be deemed to have waived the right to a formal show cause hearing, and waiving rights to a show cause hearing, the Director may make the recommendations to the Board of Trustees that a hearing officer could make under Section 1320. and the Board of Trustees may act pursuant to Section 1322. and may proceed in all respects as if a show cause hearing had taken place.

Section 1311. Nothing herein shall prohibit the Director from attempting by less formal means to persuade the User or other violator to cease and eliminate the alleged violation.

Section 1312. The Director may, in the case of:

1312.1A failure at a compliance meeting to reach a voluntary agreement to remedy the specified violation, or

1312.2A failure on the part of a User or other alleged violator to perform according to the compliance plan developed at a compliance meeting, or

1312.3Discovery of an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to Interfere or Interferes with the operation of the POTW,

order the User, other alleged violator, or whoever causes or contributes to such discharge to show cause why the violation or discharge should not be discontinued and why other appropriate enforcement action should not be taken, and the provisions set forth in Section 1313 through 1326 shall apply.

Section 1313. A notice shall be served on the offending party specifying the violation, the time and place of a show cause hearing, and requiring the User or other alleged violator to appear at the hearing and show cause, if any, before an impartial hearing officer appointed by the Board of Trustees, why an Order should not be entered directing the discontinuance of the User's or other alleged violator's discharge or violation or directing that other appropriate enforcement action be taken. The Notice to Show Cause may be served on the User or other alleged violator in the manner set forth in Section 1303. The District may also notify any other party with an interest in the matter whose rights may be affected by continual enforcement proceedings whether or not a duly notified User or other alleged violator appears as noticed, enforcement action may be pursued as appropriate.

Any requests for a continuance must be made in writing to the hearing officer with a copy to the Director setting forth in detail reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests and may, if he desires, ask for the Director's response to the request before ruling, a copy of which shall be provided to the requesting party. Additionally, the hearing officer may in his discretion ask for argument before ruling, The grant of a continuance may be conditioned on such terms as the hearing officer in his discretion believes appropriate.

Section 1314. The hearing officer shall conduct the hearing and take the evidence.

Section 1315. Upon written request prior to the hearing, the District shall provide the following:

1315.1A list of all witnesses expected to testify at the show cause hearing;

1315.2Copies of any documents expected to be used at the show cause hearing;

1315.3An opportunity to examine any physical evidence expected to be used at the show cause hearing or upon which any documentary evidence is based.

Section 1316. The District shall make its employees available for examination at the show cause hearing upon written request. Further, upon the request of any party to the show cause hearing, or upon his own request, the hearing officer shall issue subpoenas to compel the attendance of witnesses and the production of evidence reasonably necessary to the resolution of the matter under consideration and may examine witnesses.

Section 1317. The Director may enter into stipulations of fact or law on behalf of the District.

Section 1318. The following procedures shall apply to all show cause hearings:

- 1318.1 Testimony shall be taken under oath and recorded stenographically. The transcript so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore;
- 1318.2 The hearing officer shall open the hearing by stating his name and stating the User's or other alleged violator's name and the matter involved;
- 1318.3 The hearing officer shall ask for the appearances of the parties and in responding thereto, any persons representing the various parties shall state for the record their names and whom they represent;
- 1318.4 The District shall offer a copy of the Notice to Show Cause as an exhibit into evidence and establish the date of mailing, publication, or personal service thereof. The User or other alleged violator shall be given an opportunity to object to the form or sufficiency of notice. Notice may be waived by the User or other alleged violator;
- 1318.5 The hearing officer shall determine for the record whether due notice was given;
- 1318.6 Following the determination of notice, the hearing officer shall solicit an opening statement from the District and then from the User or other alleged violator;
- 1318.7 Following the opening statements, the District shall call and examine its witnesses and present its documentary and physical evidence. The User or other alleged violator shall be afforded an opportunity to cross-examine and object to any documentary or physical evidence;
- 1318.8 After the District presents its witnesses and documentary and physical evidence, the User or other alleged violator shall be afforded the same opportunity to call witnesses and present documentary and physical evidence. The District shall be afforded the opportunity to cross-examine the witnesses and object to any documentary or physical evidence presented by the User or other alleged violator;

1318.9The hearing officer shall accept or reject any documentary or physical evidence offered. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply. All evidence which is relevant and authentic may be accepted into evidence;

1318.10Following the presentation of witnesses and documents, the hearing officer shall solicit closing statements from the District, then from the User or other alleged violator, and then rebuttal from the District.

1318.11The hearing officer may suspend the hearing to show cause and set a date on which the hearing is to continue.

Section 1319. The District shall have the burden of showing by a preponderance of the evidence the following elements:

1319.1Notice of the hearing conforming to the provisions of this Article, if not waived by the user or other violator;

1319.2The specified violation;

1319.3That the User or other alleged violator is or was responsible for the specified violation.

Section 1320. The hearing officer shall render a decision in writing with specific findings as to the elements set forth in Section 1319. herein within thirty (30) days of the hearing. If the hearing officer finds that the District has proven each of the elements set forth in Section 1319. herein, the hearing officer shall transmit a report of the evidence and hearing, which need not include the transcript, together with recommendations, to the Board of Trustees for action thereon. The recommendation of the hearing officer may consist of one or more of the following:

1320.1That any permits held by the User or other violator be revoked immediately;

1320.2That following a specified time any permits held by the User or other violator be revoked;

1320.3That the User or other violator cease the discharge immediately;

1320.4That the User or other violator cease the discharge after a specified period of time;

1320.5That the relevant permits held by the User or other violator be revised to include conditions that will eliminate violations; which may include but not be

limited to installation of adequate treatment and Pretreatment facilities, devices or other appurtenances, installation of Pretreatment technology, additional self-monitoring and management practices;

1320.6 That the User or other violator engage qualified persons and carry out designated permit conditions (for instance, engage a consultant qualified by the District to sample or analyze a given waste);

1320.7 That fines be assessed against the user or other violators as provided in Section 1326.

1320.8 That such other actions deemed necessary by the hearing officer to abate the specified violation be taken by the Board of Trustees.

Section 1321. In all cases where the hearing officer finds that the District has proven a specified violation, the hearing officer may assess the costs of enforcement as part of the recommendations. The costs shall include hearing officer fees, service fees, reasonable attorney's fees and other expenses incurred by the District in relation to the hearing.

Section 1322. After reviewing the report and recommendations transmitted by the hearing officer, or a recommendation by the Director pursuant to Section 1310, the Board of Trustees may issue an order to the User or other violator directing the implementation of one or more of the recommendations made by the hearing officer or directing implementation of such other action as deemed necessary by the Board of Trustees to cure the specified violation. The Board of Trustees may independent of any recommendation of the hearing officer, assess the costs of the proceedings against the User or violator. Any cost and any fines assessed hereunder may be added to the User's monthly bill and the District may pursue appropriate collection proceedings in a court of appropriate jurisdiction. Fees and costs incurred in collection are also chargeable to the User or other violator.

Section 1323. Following an order of revocation or suspension of its Wastewater Discharge Permit, the User or other violator shall cease discharging to the POTW in accordance with the terms of said Order. Failure to do so shall be prima facie evidence of continuing harm to the POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

Section 1324. If the User or other violator fails to cease the discharge or violation in accordance with the Order of the Board of Trustees, the District may physically disconnect the user from the POTW by any effective and appropriate means.

Section 1325. A violation of any order of the Board of Trustees shall be considered a nuisance. If any person discharges Sewage or Industrial Waste or

other wastes or Pollutants into any Waters contrary to the orders of the Board of Trustees, the District, acting through the Director, may commence an action in the Circuit Court for the purpose of having the discharge stopped either by mandamus or injunction.

Section 1326. Notwithstanding and in addition to any other Section of this Ordinance, any User or other Person who violates any provision of this Ordinance, orders of the Board of Trustees, or permits and orders issued hereunder, may be fined in an amount not less than \$100.00 nor more than \$1,000.00, except, when the violation is by an Industrial User of a Pretreatment Standard or Requirement, as those terms are used in 40 CFR 403, the fine shall be no less than \$1,000.00 nor more than \$10,000.00 per day per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled Sewer user charge bill and the Director shall have such other collection remedies as he has to collect other user charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. If the fine was not assessed following the procedures in Section 1303. through Section 1324., then the User shall upon his request made within 30 days of this notification by regular first class mail of the fines, be entitled to a show cause hearing as a matter of right, and the show cause procedures shall apply. Such user or other Person shall also be liable for reasonable attorney's fees, court costs and other expenses of litigation.

Section 1327. The Director may in lieu of proceeding under Section 1303. through Section 1324. suspend the Wastewater Treatment service, Wastewater Discharge Permit, and/or any permit held by any User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent and substantial endangerment to the health or welfare of Persons, the efficient operation of the POTW, or the environment.

1327.1 Any User notified of a suspension of the Wastewater Treatment service, the Wastewater Discharge Permit, or other permit pursuant to the proceeding paragraph shall immediately stop or eliminate its discharge to District facilities. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the endangerment has passed.

1327.2A User which is responsible, in whole or in part, for such imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to being allowed to recommence its discharge to the POTW.

Section 1328. If any Person discharges Sewage, Industrial Wastes, or other wastes into the Wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder or violates any other provision of this Ordinance, the Director may commence an action for appropriate legal and/or equitable relief in State or Federal courts. In addition, the Director may, upon discovery of an ongoing or potential discharge of Pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of Persons, seek and obtain from the Circuit Court a Temporary Restraining Order and an injunction to halt or prohibit such discharge or proceed under any other provision of this Ordinance. The remedies hereunder may be utilized immediately, without first resorting to other available procedures.

1328.1In addition to all other applicable provisions of this Ordinance, and all applicable statutes, regulations and laws, the District may institute a civil action for an injunction which restrains or compels activities of the User: To assure compliance with applicable Pretreatment Standards and Requirements; to assure compliance with any provisions of the District's Ordinances; or to assure compliance with any order of the Board of Trustees. It shall not be a requirement that the District show an inadequate remedy at law or irreparable injury.

1328.2The District, in its discretion, may commence a civil action for the assessment of fines for violations of this Ordinance and permits pursuant to the provisions of Illinois Compiled Statutes, Chapter 415, Act 5, Section 46.

1328.3In the event that all or part of the relief prayed for in an action brought pursuant to this Section is granted, the District shall be entitled as a part of its judgment, to its attorney's fees, costs, expert witness fees and all other costs and expenses of litigation.

1328.4The District may commence an action for recovery of actual damages caused by any User to District property.

Section 1329. The District may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to Interfere with the operation of the POTW, immediately issue an order to the responsible User to show cause before the Board of Trustees why the District should not disconnect service, revoke or suspend the User's Wastewater Discharge Permit or seek injunctive relief to prohibit the User from making the discharge to the POTW. Procedures to be followed by the Board of Trustees in said show cause hearing shall be in accordance with this Article. After said hearing, the District may disconnect service, revoke or suspend the Wastewater Discharge Permit, or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW.

Section 1330. In addition to remedies available to the District set forth elsewhere in this Ordinance, if the District is fined by the State of Illinois or the United States for violation of its NPDES Permit or its Sludge permit (issued by the IEPA) or for violation of Effluent or Water Quality Standards or for a fish kill as the result of a discharge of pollutants, then the fine, including all District legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible User. Such charge shall be in addition to, and not in lieu of, any other remedies the District may have under this Ordinance, statutes, regulations, at law or in equity.

Section 1331. If the discharge from any User causes a deposit, obstruction, or damage to any of the District's Wastewater Facilities, the Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the Person causing such deposit, obstruction, or damage.

Section 1332. Any Person violating any of the provisions of this Ordinance shall become liable to the District for any expense, including reasonable attorney's fees, loss, or damage occasioned the District by reason of such violation.

Section 1333. Any Person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance or Wastewater Discharge Permit, shall be subject to the penalties and costs provided in this Article and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) and/or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed six (6) months.

Section 1334. In the case of Industrial Users, the District shall annually publish in a daily newspaper, which general circulation area includes the District, a list of Industrial Users who were in Significant Noncompliance of any Pretreatment Standard or Requirement during the previous twelve months.

The notification shall also summarize any enforcement actions taken against the Industrial User(s) during the same twelve months.

Section 1335. A User shall have an affirmative defense in any action brought against it alleging an Interference and/or Pass Through violation of this Ordinance where the User can demonstrate that the User did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause a Pass Through or Interference; and

1335.1A District limit or prohibition designed to prevent Pass Through and/or Interference, as the case may be, has been established in this Ordinance or in the User's Wastewater Discharge Permit for each Pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit or prohibition directly prior to and during the Pass Through or Interference; or

1335.2 In the case where a District limit or prohibition designed to prevent Pass Through and/or Interference, as the case may be, has not been established for the Pollutant(s) that caused the Pass Through or Interference, and the User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or in constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirement and, in the case of Interference, applicable requirements for Sewage sludge use or disposal.

Section 1336. The District may institute a civil action to specifically enforce the terms of an agreement entered into by the District with any User, including any Industrial User. When such agreement relates to protection of the environment or protection of the POTW, and/or when the agreement relates to affirmative acts to be undertaken by the User, it shall not be a defense to the User that the agreement is to imprecise, indefinite or otherwise unclear to be enforced specifically under the traditional equitable principles, nor shall it be a defense that contracts for construction of works on structures should not be specifically enforced.

Section 1337. In addition to the authority granted elsewhere in this Article, the District shall have all powers and capabilities as may be necessary to comply with Section 307 of the Federal Water Pollution Control Act and regulations promulgated thereunder, as now required, or as may be required by amendment from time to time. It is the specific intent of this provision that the District shall not be required to amend its Ordinance from time to time to have the powers and capabilities required of it by the Act and regulations herein referenced.

## Section 1338. Bypass

1338.1 Subject to the requirements of Section 1338.3, an Industrial User may allow any Bypass to occur which does not violate Pretreatment Standards or Requirements, but only if it is for essential maintenance to assure efficient operation. These Bypasses are not subject to 1338.2.

### 1338.2 Notice

1338.2.1 If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the District, if possible at least ten days before the date of the Bypass.

1338.2.2 An Industrial User shall orally notify the District of an unanticipated Bypass that exceeds applicable Pretreatment Standards or Requirements within 24 hours of becoming aware of the Bypass. A written submission shall also be provided within 5 days of becoming aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact times and dates, and if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the Bypass.

### 1338.3 Prohibition of bypass

1338.3.1 Bypass is prohibited and the District may take enforcement action against an Industrial User for a Bypass, unless: (i) Bypass was unavoidable to prevent loss of life, personal injury or Severe Property Damage; (ii) There are no feasible alternatives to Bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime (This condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of

equipment downtime or preventative maintenance); and (iii) The Industrial User submitted notices as required by paragraph 1338.2.

1338.3.2The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph 1338.3.1.

#### Section 1339. Upset provisions

1339.1For the purposes of this section, "Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

1339.2An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph 1339.3 are met.

1339.3An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1339.3.1An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

1339.3.2The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

1339.3.3The Industrial User has submitted the following information to the District within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

1339.3.3.1A description of the discharge  
and cause of noncompliance;

1339.3.3.2The period of noncompliance,  
including exact dates and times,  
or if not corrected, the  
anticipated time the  
noncompliance is expected to  
continue;

1339.3.3.3Steps being taken and/or planned  
to reduce, eliminate and prevent  
recurrence of the noncompliance.

1339.4In any enforcement proceeding the Industrial User seeking  
to establish the occurrence of an Upset shall have the  
burden of proof.

1339.5The Industrial User shall control production of all  
discharges to the extent necessary to maintain  
compliance with Categorical Pretreatment Standards  
upon reduction, loss, or failure of its treatment  
facility until the facility is restored or an  
alternative method of treatment is provided. This  
requirement applies in the situation where, among  
other things, the primary source of power of the  
treatment facility is reduced, lost or fails.

ARTICLE XIV  
GENERAL

Section 1401. On the effective date of this Ordinance all other Ordinances or parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Specifically Ordinance No. 352 (May 14, 1985), Ordinance No. 360 (June 17, 1986), Ordinance No. 365 (May 12, 1987), Ordinance No. 373 (August 16, 1988), Ordinance No. 378 (January 17, 1989, and Ordinance No. 390 (June 19, 1990) are hereby repealed on the effective date of this Ordinance. This Ordinance shall be effective and applicable only from the effective date of this Ordinance and shall not affect the validity or enforceability of courses of action pursuant to the provisions of Ordinance 352 and prior amendments thereto prior to the effective date of this Ordinance.

Section 1402. The invalidity of any provision of this Ordinance or amendments thereto shall not impair the validity of any other provision. Any provision of this Ordinance or amendments thereto determined by a court of competent jurisdiction to be unenforceable will be deemed severable and the Ordinance or amendments thereto shall be enforced with that provision severed or as modified in the court.

Section 1403. Failure on the part of the District to exercise any rights or remedies provided for in this Ordinance shall not be deemed to be a waiver of any of the provisions of this Ordinance or of any such rights and remedies and shall not preclude the District from the exercise of any such rights and remedies upon any future violation of the terms and provisions of this Ordinance.

Section 1404. Each right, power and remedy herein, or by law conferred upon the District is cumulative of every other right, power or remedy of the District, whether herein or by law conferred, and the exercise of one or more of the same shall not be deemed or considered an election of remedies. Any and all such rights, powers and remedies may be exercised and enforced concurrently and whenever and as often as the occasion therefore arises.

Section 1405. Any mention herein of the Code of Federal Regulations (CFR) or any particular rule, regulation, statute or law, and any specific sections or paragraphs thereof by reference, means the text thereof and not necessarily the heading, section or paragraph number, and shall continue to apply to and mean the text thereof as it exists on the date hereof, as amended from time to time, even if such rule, regulation, statute or law is renumbered or becomes a part of another rule, regulation, statute or law. Any mention of a particular title, office, position, government, or agency thereof, as used herein shall also mean any successor title, office, position, government or agency thereof who shall assume or be given the duties of the title, office, position, government or agency thereof, on the date of adoption of this Ordinance. It is the express intent of this paragraph to try to avoid amendments to this Ordinance every time a rule, regulation, provision of the Code of Federal Regulations, statute or law is renumbered, amended, or placed elsewhere in the

rules, regulations, statutes and laws of various governments, or when the duties of a particular title, office, position, government or agency thereof are transferred to someone or somewhere else.

ARTICLE XV

EFFECTIVE DATE

Section 1501. This Ordinance shall take effect from and after its passage, approval, recording and due publication as provided by law.

THE GREATER PEORIA SANITARY  
AND SEWAGE DISPOSAL DISTRICT

BY Michael A. Landwirth  
President

ATTEST:

James E. Shadid  
Clerk

Seal

Passed: July 20, 1993

Approved: July 20, 1993

Recorded: July 20, 1993

Published: August 4, 1993

