

CITY OF ROCHELLE, ILLINOIS
SEWER USE & PRETREATMENT ORDINANCE
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ARTICLE IV: SEWERS AND SEWAGE DISPOSAL

DIVISION I: GENERAL PROVISIONS

Sec. 98-151- Enactment

(+) Pursuant to the requirements of the Federal Water Pollution Control Act and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970, as amended, and in accordance with Illinois Municipal Code, this Ordinance, hereby known as Sewer Use and Pretreatment Ordinance, is enacted by the City Council of the City of Rochelle.

Sec. 98-152- Purpose and Policy

- (1) This Ordinance enables the City to comply with all applicable State and Federal laws, including the Federal Water Pollution Control Act (33 United States Code § 1251 et seq.) and General Pretreatment Regulations of 40 CFR Part 403. Additional objectives of this ordinance are:
 - (a) To prevent the introduction of Pollutants into the POTW that will Interfere with its operation;
 - (b) To prevent the introduction of Pollutants into the POTW that will Pass Through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
 - (c) To protect both POTW Personnel who may be affected by air, Wastewater, and Biosolids in the course of their employment and the general public;
 - (d) To promote reuse and recycling of Industrial Wastewater and Biosolids from the POTW;
 - (e) To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, Biosolids Use and Disposal Requirements, and any other Federal or State laws to which the POTW is subject;
 - (f) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
 - (g) To regulate private Wastewater disposal systems.
- (2) This Ordinance shall apply to all Users of the POTW and provides for the enforcement of general requirements for Users. The Ordinance authorizes the issuance of Wastewater connection and Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein. The Ordinance authorizes the issuance of Wastewater Discharge Permits that do not allow the Discharge of defined process waste streams but continue to allow the Discharge of domestic or Sanitary Wastewater.

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Sec. 98-153- Administration

(+) Except as otherwise provided herein, the Pretreatment Coordinator and/or Duly Authorized Agent(s) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Pretreatment Coordinator and/or Duly Authorized Agent(s) may be delegated by the City or Pretreatment Coordinator to other City Personnel or other Duly Authorized Agent(s) of the City. It shall be the duty of employees of the Police, Building, Engineering, Fire, Street, and Water departments to give vigilant aid to the Utilities Department in the enforcement of this ordinance; to this end they shall report all violations thereof which come to their knowledge to the Superintendent.

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Sec. 98-154- Jurisdiction

(+) This Article shall apply to the City and to Persons outside the City who are, by contract or agreement with the City, Users of the City POTW. Contract and agreement provisions are provided in Section 98-164.

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Sec. 98-155- Abbreviations

(+) The following abbreviations, when used in this ordinance, shall have the designated meanings:

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BOD/BOD ₅	Biochemical Oxygen Demand
BMPs	Best Management Practices
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
FOG	Fats, Oils and Grease, interchangeable with Oil and Grease
FSE	Food Service Establishment
GI	Grease Interceptor
gpd	gallons per day
IAC	Illinois Administrative Code
IEPA	Illinois Environmental Protection Agency
IU	Industrial User

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mg/l	milligrams per liter
NCPS	National Categorical Pretreatment Standard
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
NSRU	Non-Significant Regulated User
O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
RMU	Rochelle Municipal Utilities
SIU	Significant Industrial User
SNC	Significant Noncompliance
SSO	Sanitary Sewer Overflow
SWDA	Solid Waste Disposal Act
TSS	Total Suspended Solids
USC	United States Code
USEPA	U.S. Environmental Protection Agency

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~~(g)(f)~~ If an authorization under ~~Paragraph Sections (e)5~~ of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall environmental matters for the company, a new authorization satisfying the requirements of ~~Section (5) Paragraph 5~~ must be submitted to the City of Rochelle within 30 calendar days. If an authorization under ~~Sections (e) Paragraph 5~~ of this section is no longer accurate because the individual described in ~~Sections Paragraphs (a)4~~ through ~~(d)4~~ above has changed, a new authorization satisfying the requirements of ~~Sections (e) Paragraph 5~~ must be submitted to the City of Rochelle within 30 calendar days.

- (7) *Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 98-173 and 40 CFR 403.5(a)(1) and (b) and/or prevent or reduce the pollution conveyed to the POTW. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Biosolids or waste disposal, or drainage from raw materials storage.
- (8) *Biochemical Oxygen Demand (BOD) or (BOD₅)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures approved in 40 CFR Part 136 for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).
- (9) *Biosolids* refers to the anaerobically digested and stabilized organic solids removed from the POTW and disposed of on agricultural land or at a landfill.
- (10) *Building Drain* means that part of the lowest piping of a drainage system which receives the Discharge from waste, and other drainage pipes inside the walls of the building, and conveys it to the Building Sewer or other approved point of Discharge, beginning five feet (1.5 meters) outside the inner face of the building wall. Discharge of Stormwater runoff to the Building Drain is prohibited.
- (11) *Building Sewer* means the extension from the Building Drain to the Public Sewer or other place of disposal.
- (12) *Bypass* means the intentional diversion of waste streams from any portion of a User's treatment or Pretreatment facility.
- (13) *Categorical Industrial User (CIU)* means an Industrial User (IU) subject to a Categorical Pretreatment Standard or Categorical Standard. A CIU is a specific type of significant industrial user (SIU) (see significant industrial user definition below).
- (14) *Carbonaceous Biochemical Oxygen Demand or CBOD₅* means the quantity of oxygen used in the oxidation of nitrogenous compounds, mediated by microorganisms. When the nitrogenous oxygen demand of the sample is inhibited by chemicals during the five-day incubation period at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/L), the results are reported as CBOD₅.
- (15) *Chemical Oxygen Demand (COD)* means the quantity of oxygen utilized in the chemical oxidation of all compounds, both organic and inorganic, in water.
- (16) *City* means the City of Rochelle, Ogle County, Illinois and any reference to "within the City" shall mean all territory within the perimeter of the City limits or Wastewater service area.
- (17) *Combined Waste Stream Formula* means the formula set forth in 40 CFR 403.6(e).

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- (18) *Composite Sample* means a sample of Wastewater composed of two or more discrete samples collected based on a Flow-proportional or time-proportional method.
- (19) *Control Authority* means USEPA.
- (20) *Cooling Water* means the water Discharged from any use such as air conditioning, cooling, or refrigeration, to which the only Pollutant added is heat.
- (21) *Daily Average* means the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.
- (22) *Daily Discharge* [consider adding—term used in definitions on monthly average and monthly average limit below.]
- (23) *Daily Maximum* means the maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum is expressed in terms of a concentration, the Daily Maximum is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day. Where Daily Maximum is expressed in units of mass, the daily Discharge is the total mass Discharged over the course of a day.
- (24) *Dental Amalgam* means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.
- (25) *Dental Discharger* means a facility where the practice of dentistry is performed, including, but not limited to, an institution, a permanent or temporary office, clinic, home office, or a facility owned and operated by Federal, state, or local governments, that Discharges Wastewater to a Publicly Owned Treatment Works (POTW).
- (26) *Discharger* means any Person, firm, establishment, or institution that Discharges Wastewater, excluding inflow and infiltration, into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act and 35 Ill Adm. Code (IAC) 307.
- (27) *Discharge Permit* means an individual or general permit issued to a User that specifies the requirements for Discharge of Wastewater or the requirements for zero Discharge of Wastewater, as appropriate.
- (28) *Duly Authorized Agent* means the Mayor and City Council of Rochelle and designated employees and agents of the City.
- (29) *Dwelling* means a unit designed for occupancy by one family. It may be a house designed for the exclusive use of one family or it may be a portion of a building designed and intended to be used by one family.
- (30) *Easement* means an acquired legal right for the specific use of land owned by others.
- (31) *Effluent Criteria* means those criteria defined in any applicable NPDES Permit.
- (32) *Existing Dental Discharger* means a Dental Discharger that is not a New Source.

- (33) *Existing Source* means any source of Discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards which will be applicable to such source, if the standard is thereafter promulgated in accordance with section 307 of the Act (33 USC 1317), that is not a New Source.
- (34) *Fats, Oil, And Grease (FOG)* is used interchangeably with “Oil and Grease”.
- (35) *Floatable Grease-Derived Material* means Fats, Oil, and Grease in a physical state such that it will separate by gravity from Wastewater by treatment in an approved Pretreatment facility.
- (36) *Flow* means volume of Wastewater per unit of time.
- (37) *Food Service Establishment (FSE)* means any User engaged in the activities of manufacturing, preparing, serving, or otherwise making available for consumption foodstuffs that use one or more of the following preparation activities: blending, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and infrared heating, searing, barbecuing, and any other food preparation or servicing activity that produces a consumable food product in or on a receptacle requiring washing to be reused. A limited food preparation establishment is not considered to be a FSE when only engaged in reheating, hot holding or assembly of ready to eat food products and as a result, there is no Wastewater Discharge containing significant amounts of FOG.
- (38) *Grab Sample* means a sample which is taken from a waste stream on a one-time basis without regard to the Flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (39) *Grease Disposal Mitigation Fee* means a fee charged to an owner/operator of a Food Service Establishment (FSE) when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE under consideration impossible or impracticable. The Grease Mitigation Fee is intended to cover the costs of the increased maintenance of the sewer system for inspection and cleaning of FOG and other viscous or solidifying agents that a properly employed grease control device would otherwise prevent from entering the sewer system.
- (40) *Hauled Waste* means sanitary or process Wastewater transported as a commercial venture.
- (41) *Hot Spots* means areas where Sanitary Sewer lines have experienced Sanitary Sewer Overflows or that must be cleaned and maintained frequently to avoid blockages of the sewer system.
- (42) *Indirect Discharge or Discharge* means the introduction of Pollutants into POTW from any non-domestic source under section 307(b), (c), or (d) of the Act, 33 USC 1317(b), (c), or (d).
- (43) *Industrial User (IU) or User* means a source of Indirect Discharge from a Non-Residential Source.
- (44) *Industrial Waste* means a combination of liquid and water-carried wastes Discharged or permitted to flow or escape from any Non-Residential Source, including the Wastewater from Pretreatment facilities and polluted Cooling Water.
- (45) *Infiltration* means water other than Wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, as is distinguished from, Inflow.

- (46) *Inflow* means water other than Wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between Storm Sewers and Sanitary Sewers, catch basins, cooling towers, Stormwater, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.
- (47) *Instantaneous Maximum Allowable Discharge Limit or Instantaneous Limit* means the maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial Flow rate and the duration of the sampling event.
-
- (49) *Limited Dental Discharger* means a Dental Discharger that does not place Dental Amalgam and does not remove Dental Amalgam except in limited emergency or unplanned, unanticipated circumstances. A New Limited Dental Discharge Source means a Limited Dental Discharger whose first Discharge to a POTW occurs after July 14, 2017. An Existing Limited Dental Discharge Source means a Limited Dental Discharger that is not a New Source.
- (50) *Local Limit* means specific Discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (51) *Maximum Allowable Headworks Loading* means the estimated maximum loading of a Pollutant that can be received at a POTW's headworks without causing Pass Through or Interference.
- (52) *Maximum Allowable Industrial Loading* means the estimated maximum loading of a Pollutant that can be received at a POTW's headworks from all permitted industrial Users and other controlled sources without causing Pass Through or Interference. This is usually calculated by applying a safety factor to the Maximum Allowable Headworks Loading and discounting for uncontrolled sources, Hauled Waste and growth allowance.
- (53) *Medical Wastes* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (54) *Milligrams Per Liter* means a unit of the concentration of water or Wastewater constituent representing 0.001 g of the constituent in 1,000 ml of water.
- (55) *Mobile Unit* means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.
- (56) *Monthly Average* means the sum of all "Daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.
- (57) *Monthly Average Limit* means the highest allowable average of "Daily Discharges" over a calendar month, calculated as a sum of all the "Daily Discharges" measured during a calendar month divided by the number of "Daily Discharges" measured during that month.

(58) *National Categorical Pretreatment Standard (NCPS), Categorical Pretreatment Standard, or Categorical Standard* means any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(59) *National Pollutant Discharge Elimination System (NPDES)* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits from point sources to waters of the United States, and imposing and enforcing Pretreatment Requirements, under Section 402 of the CWA.

(60) *National Pollutant Discharge Elimination System Permit (NPDES Permit)* means a permit issued pursuant to Section 402 of the CWA. The City operates its POTW under NPDES Permit No. IL0030741.

(61) Natural Outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(62) *Natural Water* means water that occurs in a “real world” environment, such as a lake, stream, or groundwater body, as opposed to discharge coming from an industrial user or water found in the sewer system.

(63) New Dental Discharger Source means a Dental Discharger whose first Discharge to a POTW occurs after July 14, 2017.

(64) New Source means:

(a) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that one of the following is true:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located;
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
3. The production or Wastewater generating processes of the building, structure, facility, or installations 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.

(b) 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 (a) 2 or 3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

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(c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has done one of the following:

1. Begun, or caused one of the following to begin, as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. 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
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 ~~sub~~section.

(d) 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.

(65) *Non-Contact Cooling Water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(66) *Non-Residential User* means any User not defined as a “Residential User.”

(67) *Non-Significant Categorical Industrial User (NSCIU)* means a Categorical Industrial User (CIU) that the City has determined to be non-significant pursuant to [reference (c) of SIU definition below].

(68) *Non-Significant Regulated User (NSRU)* means a Non-Residential User that meets the criteria outlined in Section 98-189(3)(e).

(69) *Oil and Grease* means any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is extracted by a solvent in a method approved in 40 CFR Part 136.

(70) *Pass Through* means a Discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with 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 the magnitude or duration of a violation.

(71) *Person or Personnel* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

(72) *pH* means a measure of the acidity or alkalinity of a solution expressed in standard units.

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- (73) *Population Equivalent* means a term used to evaluate the impact of industrial or other waste on a Treatment Works or stream. One Population Equivalent is 100 gallons (380 liters) of Sewage per day, containing 0.17 pounds (77 g) of BOD₅ (five-day Biochemical Oxygen Demand) and 0.20 pounds (91 g) of Total Suspended Solids. The impact on a Treatment Works is evaluated or defined as the highest Population Equivalent of the three (four) parameters. (35 IAC 301.345)
- (74) *Pollutant* means any dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Solid food waste, Wastewater Biosolids, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal, and agricultural Wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (75) *Potential Problem* means any Discharge which alone or in combination with Discharges from other sources inhibits or disrupts the POTW or any of its processes or operations including plant emissions, or any conditions which create public nuisance, causing the POTW to expend additional resources or manpower or take additional steps to protect the POTW processes or receiving stream.
- (76) *Pretreatment* means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, Discharging or otherwise introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.
- (77) *Pretreatment Coordinator* means the Superintendent of the City of Rochelle or their designee.
- (78) *Pretreatment Standards or Requirements or Standards* means for any specified Pollutant, City prohibitive Discharge Standards as set forth in Section 98-173, City specific limitations on Discharge as set forth in Section 98-176, State of Illinois Pretreatment Standards in 35 IAC Part 307, or the National Categorical Pretreatment Standards.
- (79) *Prohibited Discharge Standards or Prohibited Discharges* means absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section 98-173.
- (80) *Properly Shredded Solid food waste* means the wastes from the preparation, cooking and dispensing of food that have 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 one-half inch (1.27 centimeters) in any dimension.
- (81) *Public Sewer* means a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City limits that serve one or more Persons and, ultimately Discharge into the City Sanitary Sewer, even though those sewers may not have been constructed with City funds.
- (82) *Publicly-Owned Treatment Works (POTW)* means a "Treatment Works," as defined by Section 212 of the Act, 33 U.S.C. 1292, which is owned by the City. This definition includes any devices or systems used in the collection, conveyance, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature that are connected to the City POTW, but does not include sewers, pipes, and other conveyances not connected to the City POTW Treatment Plant. POTW Treatment Plant, Wastewater Treatment Works, Water Pollution Control Facility, and Wastewater Facilities may be used interchangeably with POTW.

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- (83) *Regional Administrator* means the Regional Administrator for USEPA Region V.
- (84) *Residential Source or Residential User* means any single-family or multi-family Dwelling unit designed primarily as a place of human habitation which Discharges only domestic Wastewater to the City’s system.
- (85) *Rochelle Municipal Utilities (RMU)* means the Utilities Department of the City, which includes the Water Reclamation Department and the POTW.
- (86) *Sanitary Sewer* means a pipe or conduit designed and/or intended to carry Wastewater from residences, commercial buildings, industrial plants and institutions, and to which Stormwater, surface water, ground water and unpolluted Non-Contact Cooling Water are not intentionally admitted.
- (87) Sanitary Sewer Overflows (SSOs) [consider adding definition]
- (88) *Septic Tank Waste* means any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (89) *Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).
- (90) *Sewerage* means the system of sewers and appurtenances for the collection, transportation and pumping of Sewage and Industrial Wastes to the City POTW.
- (91) *Shall/May*: “Shall” is mandatory; “May” is permissive.
- (92) *Significant Industrial User* means a User of the POTW (except as provided by [Sections paragraphs](#) (c) and (d)) who is:
- (a) An Industrial User subject to any National Categorical Pretreatment Standards; or
 - (b) An Industrial User that:
 1. Has an average process Wastewater Discharge Flow to the City POTW of twenty-five thousand (25,000) gallons or more per Work Day (excluding sanitary, Non-Contact Cooling and boiler blow-down Wastewater);
 2. Contributes a process Wastewater Discharge Flow that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
 3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation, becoming a Potential Problem, causing Interference or Pass Through, or for otherwise violating any Pretreatment Standard or Requirement.

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(c) The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User (NSCIU) rather than a Significant Industrial User (SIU) on a finding that the Industrial User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, Non-Contact Cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
2. The Industrial User annually submits the certification statement required in Section 98-2087(3), based on 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
3. The Industrial User never Discharges any untreated concentrated Wastewater.

(d) Upon a finding that an Industrial User meeting the criteria in ~~Sub~~Section (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, determine that such Industrial User should not be considered a Significant Industrial User (SIU) in accordance with the procedures in 40 CFR 403.8(f)(6).

(93) Sludge see Biosolids.

(94) *Slug, Slug Discharge, or Slug Load* means any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge or any Discharge of a Flow rate or concentration, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions, or a non-customary batch Discharge or any Discharge of Flow rate or concentration that could cause a violation of the Prohibited Discharge Standards in Section 98-173.

(95) *Solid food waste* means solid wastes from domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce or food.

(96) *Standard Industrial Classification Code (SIC Code)* means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

(97) *State Act* means the Illinois Anti-Pollution Bond Act of 1970.

(98) *Storm Sewer* means a sewer that carries rain water, snow melt, and surface drainage, but excludes Sewage and Industrial Wastes other than unpolluted Non-Contact Cooling Water.

(99) *Stormwater* means any Flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(100) *Superintendent* means the Person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a Duly Authorized Representative.

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- (101) *Sump Pump* means any electrical and/or mechanical device designed to raise water from a lower level to a higher level and is designed to remove collected Stormwater from a pit to a Storm Sewer or other approved point of Discharge.
- (102) *Total Suspended Solids (TSS)* means total suspended matter, expressed in milligrams per liter (mg/l), that either floats on the surface of, or is suspended in water, Wastewater, or other liquid, and which is removable by laboratory filtration, under standard laboratory procedures approved in 40 CFR Part 136.
- (103) *Total Toxic Organics* means the summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for the toxic organics specified in the applicable regulation.
- (104) *Unpolluted Water* means water that has quality equal to or better than the Effluent Criteria in effect or water that would not cause violation of receiving Water Quality Standards and would not be benefited by Discharge to the Sanitary Sewers and Wastewater treatment facilities provided by the City POTW.
- (105) *Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (106) *U.S. Environmental Protection Agency (USEPA)* means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Division Director, the Regional Administrator or other duly authorized official of said Agency.
- (107) *User* means a source of Indirect Discharge. It also includes such Persons or sources that are prohibited from Discharging specific Pollutants or waste streams to the POTW.
- (108) *Wastewater* means any combination of the liquid and water-carried Industrial Wastes and Sewage from residential Dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributing to the POTW.
- (109) *Wastewater Discharge Permit* means the document or documents issued to a User by the City pursuant to Division VIII.
- (110) *Water Quality Standards* means those Standards defined in the Water Pollution Regulations of Illinois, Title 35, Subtitle C, Chapter I.
- (111) *Water Reclamation Plant* means that a portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial Waste.
- (112) *Waters of the State of Illinois* means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, Flow through, or border upon the State of Illinois or any portion thereof.
- (113) *Work Day* means a day on which work or service is performed by an industry.

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DIVISION II: SEWER EXTENSION REQUIREMENTS

Sec. 98-157- Applicability

⊕ The extension of a Sanitary Sewer by any entity that will serve or in the future may serve more than one building and that will connect either directly or indirectly to the City POTW shall be made only after an application for a City permit has been made in writing on forms prescribed and furnished by the City and an extension permit is issued by the City

Sec. 98-158- Sewer Extension Requirements

(1) Installation Requirements.

- (a) All sewer plans and installation shall conform to the standards and specifications of the City and the Illinois Environmental Protection Agency and the Standard Specifications for Water and Sewer Main Construction in Illinois.
- (b) Sanitary Sewer lines shall be installed to serve all properties in a subdivision except subdivisions where individual Sewage disposal systems are permitted.
- (c) Where Sanitary Sewer mains of larger capacity than necessary to serve the subdivision as delineated in the preliminary plan are required to serve the future growth in the vicinity of the subdivision, as determined by the City, the upsizing will be paid for by the City in accordance with Section 86-50.
- (d) Sewer main extensions shall be extended by the property owner to the property or annexation line, whichever is further, of the premises to be served so that future sewer main extensions will not require excavation in the subdivision.

(2) Sewer Specifications.

- (a) Before commencing the sewer layout, the designer shall confer with the City to determine the required size and grades for any trunk sewers traversing the subdivision to fit the City's overall plan. These shall be installed by the subdivider.
- (b) House service laterals of four-inch internal diameter shall be provided for each lot, parcel, or tract. House services shall be extended five feet beyond the property line and marked with a four-inch by four-inch post painted green. It is required that the lateral shall be eight to ten feet below the proposed street grade where possible. Proper bedding is required per Illinois Environmental Protection Agency regulations.

(3) Application. Persons desiring such extension of the sewer system shall file with the City the following documents:

- (a) Detailed plans and specifications prepared by a professional engineer registered in the State of Illinois.
- (b) IEPA permit application with such supporting documents required by the IEPA, completely filled out and ready for City signature.
- (c) Detailed estimate of the cost of the extension of the public Sanitary Sewer.

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- (4) Issuance. The City will issue an extension permit in accordance with the following:
- (a) It has been demonstrated that the downstream POTW, including City sewers and pump stations, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
 - (b) A permit has been issued by the Illinois Environmental Protection Agency (IEPA).
 - (c) The City has received an irrevocable letter of credit or surety bond guaranteeing the completion of the improvements in the amount of 150 percent of the estimated construction cost as approved by the City. The letter of credit or bond shall remain in effect for a period of one (1) year after acceptance of the work by the City as a guarantee of good faith of the permittee to correct defects. At the discretion of the City Council, the letter of credit or bond may be reduced during the maintenance period.
 - (d) The City has received copies of all permits, insurance, and bonds required from other agencies for street openings or stream crossings and any other permits required by an agency having jurisdiction.
 - (e) The City has received certificates of insurance protecting the City from any liability or damage whatsoever from injury, including death, to any Person or property. The amount of the insurance shall be as established by the City Council.
 - (f) The City has received payment for the cost of the permit and the estimated cost of inspection. The cost of inspection shall include resident supervision if deemed necessary by the Superintendent. The permittee, however, shall pay only the actual costs of such services based on standard engineering fees. At the completion of the work any unused portion of the amount deposited shall be returned. No interest shall be paid on deposited funds.

(5) Construction Requirements

- (a) The rules, regulations, ordinances, and policies listed hereafter and issued by the authorities indicated are incorporated herein by reference and shall govern the work to the extent that they apply to said work.
- (b) The City’s rules, regulations, resolutions, policies, directives, and instructions that may be adopted or issued from time to time by the City include but are not limited to the following:
 1. “Standard Specifications for Water and Sewer Main Construction in Illinois” latest edition.
 2. The Illinois Environmental Protection Agency’s rules, regulations, technical releases and requirements.
 3. “The Illinois Recommended Standards for Sewage Works,” IEPA, latest edition.
 4. “The State of Illinois Plumbing Code,” latest edition.
 5. “Federal Manual of Practice No. 9,” Water Pollution Control Federation, latest edition.

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(c) The permittee agrees that they shall provide adequate inspection during the entire construction period, which at the option of the City, may require a full-time resident engineer. The City reserves the right to review the construction.

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(d) Changes in the work to be done or materials to be used from those shown on the plans or set forth in the specifications, as submitted to the City, shall be approved by the City prior to the changed work being done or the changed materials being installed.

(e) The contractor or the contractor's representative constructing the sewer extension shall notify the City 24 hours prior to commencing construction. When the construction of the sewer extension is interrupted for a period of seven (7) calendar days or more, the City shall be notified 24 hours prior to continuing construction of the sewer extension.

(f) At the time a sewer extension is connected to an existing sewer, the connection shall be made at an existing manhole or in a manhole constructed over the existing sewer. If an existing manhole is the point of connection and a suitable stub is not provided for the extension, the existing manhole shall be core drilled and a suitable connection stub installed. The sewer extension shall be plugged with a watertight concrete plug by the contractor at the time the connection to the existing sewer is made. The plug shall be maintained in place at all times until the sewer extension is approved in writing by the City. If the plug is not maintained in place, the City shall install a concrete plug and charge a fee to the contractor for each time a plug is installed by the City. A fee for a plug is established annually by the Utilities Department and is published in Division XVII. Mechanical plugs are also an acceptable means of plugging the sewer to maintain it out of service. The charge for installation of a plug in the sewer is published in Division XVII and will also include the cost of materials.

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(g) Upon completion of construction, the contractor shall notify the City Department requesting final review of the work. The contractor shall televise the completed extension in the presence of City staff, who will take immediate possession of the videotape prior to leaving the site. The City shall review the work for conformance with the City's requirements and adherence to the approved plans and specifications for which the City's sewer extension permit was issued. If deficiencies are found in the work, the City shall furnish the contractor with a listing of such deficiencies. When the contractor believes that the deficiencies have been corrected, the contractor shall request a re-review of the work. Should the re-review of the work show that the deficiencies as set forth have not been corrected, the contractor shall make the necessary corrections, and subsequent to that, shall notify the City and request another review. The City shall charge a fee for each additional review and/or inspection after the first inspection following the issuance of the list of deficiencies. The fee for each additional review and/or inspection is published as part of Division XVII.

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(h) All Sanitary Sewers shall be constructed within public rights of way or within Easements dedicated for public utilities. No Sanitary Sewer mains shall be installed in the rear or side yard of any property unless first approved by the Superintendent.

(i) All Sanitary Sewers shall be constructed of polyvinyl chloride (PVC) SDR-26 or heavier sewer pipe which shall conform to ASTM D-3034 with a D-3212 joint; it shall be bedded per standards.

(j) (Minimum Sanitary Sewer main size shall be eight-inch (8") diameter for Public Sewer mains or sewer mains serving more than one building.

- (k) "Band seal" or similar couplings of appropriate type and size shall be used when joining conduits of dissimilar materials.
- (l) All lateral stub ends and mainline ends must be plugged with proper PVC sewer caps.
- (m) All Sanitary Manholes shall be designed and installed as required in the City Requirements and Specifications Manual, which may be provided upon request.
- (n) All Sanitary Sewers shall be air tested (low pressure) in accordance with the Sanitary Sewer department and IEPA requirements: flexible sewers will be tested for deflection, which shall not exceed five percent of pipe diameter, as determined by running a mandrel through all sewer connections. The developer shall furnish the test results to the City.
- (o) All new Sanitary Sewer manholes are to be tested with a vacuum tester as follows:
 1. Plug all incoming and outgoing sewer and service lines and restraining plugs.
 2. Remove lid and place vacuum tester head on frame.
 3. Draw vacuum of ten inches mercury.
 4. Time for vacuum to drop to nine inches mercury shall not be less than 40, 50, or 60 seconds for manhole diameters of 48, 60, and 72 inches respectively. For manholes deeper than 20 feet, test times shall be increased by two seconds per foot of additional manhole depth.
 5. Manholes that fail shall be sealed and restored by the contractor at no additional compensation until the manhole is able to pass the test.

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(6) Project Completion

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- (a) No connection permits shall be issued or building permits released until final approval of the improvement has been made in writing by the City. Final approval is contingent upon the following:
 1. All punch-list work has been completed;
 2. As-built plans prepared by a Registered Illinois Professional Engineer are furnished to the City as a CAD file compatible with the City's Geographic Information System (GIS). The as-builts shall include the exact location of all laterals, rim and invert elevations of all manholes, and elevations of lateral ends;
 3. The sewer has been televised by the contractor or by the permittee in the presence of City Personnel per the City's requirements. The cost of the cleaning and televising shall be the responsibility of the contractor or permittee;
 4. A video record of the television inspection has been provided to the City. In addition to a video record, air exfiltration testing as outlined in Division III, Section 31-1.11 of the Standard Specifications for Water & Sewer Main Construction in Illinois, will be completed prior to acceptance.
 5. All additional charges levied by the City have been paid.

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(b) Connections to Extension. No Sanitary Sewer service connection shall be made to the public Sanitary Sewer until sewer connection permits have been issued by the City under ~~Section 98-2010~~.

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(c) Performance Bond Release. The letter of credit or bond will not be released until the guarantee period has expired and the following documents are filed with the City and approved by the City Council:

1. As-built drawings: Electronic file and paper copy;
2. Video record of television inspection;
3. Acceptance documents from outside agencies,
4. Copies of all testing reports required by the connection extension agreement;
5. Bill of sale for all constructed public improvements; and

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6. Such other documents as may be reasonably requested by the City.

~~6.~~

DIVISION III: SEWER CONNECTION PROCEDURES

Sec. 98-159- Use of Public Sewers Required

- (1) It shall be unlawful for any Person to place, deposit or allow to be deposited any human or animal excrement, Solid food waste, or other objectionable waste in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City.
- (2) It shall be unlawful to Discharge to any Natural Outlet within the City, or in any area under the jurisdiction of said City, without the express written approval from the Superintendent that all state and federal effluent limitations have been met and there are no reasonable alternative methods of disposal and has been permitted by the City.
- (3) Except as hereinafter provided, 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 Sewage.
- (4) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public Sanitary Sewer of the City, is hereby required at owner’s expense to install suitable facilities therein, including toilets, urinals, lavatory sinks, and kitchen sinks; and to connect such facilities directly with the POTW in accordance with the provisions of this chapter and other governing building and construction codes, within ninety (90) calendar days after date of any official notice to do so, provided that said Public Sewer is within 200 feet of the property line. If such Public Sewer benefits other properties, the City shall enact a recapture ordinance and make best efforts to collect and return to the owner amounts received from the other benefited properties. All Public Sewer extensions shall be made in accordance with Section 98-158.

(a) Application for a permit to make a connection to the public Sanitary Sewer shall be made in accordance with Section 98-161.

~~(b)~~ Failure to install such facilities and to connect same to the public Sanitary Sewer within ninety (90) calendar days after the adoption and publication of the ordinance, or upon installation or extension of such public Sanitary Sewer and after date of official notice to connect, shall be deemed, held, and construed as a violation of this provision, punishable as provided in Articles Divisions XIV and XV.

(5) No User(s) shall make connection of roof downspouts, Stormwater Sump Pumps, exterior foundation drains, areaway drains, or other sources of surface run-off, groundwater, or other Unpolluted Water to a Building Sewer or Building Drain that is connected directly or indirectly to a Public Sanitary Sewer.

Sec. 98-160- Private Sewage Disposal

(1) Where a public Sanitary Sewer is not available under the provisions of Section 98-159 and the Wastewater source to be treated is domestic in nature, the Building Sewer shall be connected to a private Sewage disposal system employing subsurface absorption facilities complying with the County Health Code.

(2) In cases where development is possible, but gravity sewers and conventional sewer systems are not practical:

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~~(2)~~ It is the policy of the City to approve grinder pump systems on a discretionary case-by-case basis. In order to implement a grinder pump system, a developer or individual homeowner must prove to the City that a grinder pump system is the only viable option other than a conventional Sanitary Sewer system. A permit and inspection fee as published in Division XVII shall be paid to the City at the time the application is filed. A permit for a private Wastewater treatment facility employing a grinder pump system shall not be issued until the design and installation is completed to the satisfaction of the City.

(a) Installation: The City shall be allowed to inspect the work at any stage of the construction and, in any event, the applicant for the permit shall notify the Building Director when the grinder pump system is ready for final inspection, and before any underground portions are covered.

~~(b)~~ Operation and Maintenance: The Building Director or their designee shall be entitled to inspect the grinder pump system if said Building Director has any reason to believe that the grinder pump system is not operating properly, or pursuant to a routine inspection protocol developed by the Building Director. Should the grinder pump system fall into disrepair or otherwise need maintenance, as determined by the City, and the owner refuses to repair, replace, or otherwise fix the grinder pump system to the specifications of the City, the City may do so at its own expense and obtain reimbursement from the individual owner. In that regard, and as a condition of obtaining a City permit for a grinder pump system, the individual owner shall enter into a contractual agreement indemnifying the City for any costs the City may incur with regards to maintaining the grinder pump system, and further allow the City reasonable access to the grinder pump system for inspection purposes.

(3) Other provisions.

(a) The owner shall operate and maintain the private Sewage disposal facilities in a sanitary manner at all times, and at no expense to RMU or the City.

(b) As provided in Section 98-160(2), at such time as a Public Sewer becomes available to a property served by a private Sewage disposal system, a direct connection shall be made to the Public Sewer within ninety (90) calendar days in compliance with this chapter. Any septic tanks, cesspools, and similar private Sewage disposal facilities shall be cleaned of Biosolids and filled with suitable material such as clean bank-run gravel or dirt.

(c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Ogle County Department of Health as appropriate.

Sec. 98-161- Building Sewer and Connections

(1) Permit Requirements

‡ No Person shall construct a new Wastewater source and connect same to the City POTW without first making application and receiving written authorization for said connection to the City.

~~(a)~~ No unauthorized Person shall uncover, make any connections with, or opening into or use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from RMU and the City and receipt of an IEPA permit when required under 35 IAC 309.

~~(b)~~ Only licensed plumbers/contractors bonded and approved by the City are allowed to make a connection. The bond must be for \$1,000.00, payable to RMU, and deposited with the RMU business office.

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~~(b)~~(c) No addition to or alteration of any Building Sewer shall be made or caused to be made by any Person without a permit from the City and then only through a sewer contractor.

~~(e)~~(d) All disposal by any Person into the sewer system is unlawful except those Discharges in compliance with Standards promulgated pursuant to the Federal Act, the Illinois Environmental Protection Act and regulations promulgated thereto, and the City of Rochelle Municipal Code.

~~(d)~~(c) There shall be two (2) classes of Building Sewer permits, consisting of one residential Wastewater class and one non-residential Wastewater classes as designated below:

1. Residential, and

2. Non-residential, including Commercial and Industrial.

~~(e)~~ The permit fee for connection to the POTW shall be based upon Population Equivalents. A permit and inspection fee as provided in Division XVII shall be paid to the City at the time the application is filed, or prior to receiving City sign-off for an IEPA permit in the case of a Non-Residential User.

~~(f)~~ In any case, the owner or their agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the City Building Inspector and the Superintendent.

~~(g)~~(f) Persons desiring to construct a new waste source and connect it to the City POTW shall state the quantity, quality, and rate of Discharge into the sewer. The Non-Residential User, as a condition of permit authorization, must provide information describing its Wastewater constituents, characteristics, and type of activity per Section 98-169. In the case of any fraudulent representation upon the part of the User, the permit fees will be forfeited and the use of the sewer stopped.

~~(h)~~(g) A Building Sewer permit will be issued only if it can be demonstrated that the downstream Sewerage facilities, including sewers, pump stations, and POTW, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load based on the Population Equivalent.

~~(i)~~(h) All costs and expense incident to the installation and connection of the Building Sewer shall be borne by the owner. The Person installing the Building Sewer for said owner shall be a plumber or sewer contractor, and shall indemnify the City from any loss or damage that may be directly or indirectly be occasioned by said installation. Before a Building Sewer is issued, the plumber or sewer contractor shall file with the City Clerk an indemnity bond in the amount of five thousand dollars (\$5,000.00), with corporate surety licensed to do business in the State of Illinois, on bond forms supplied by the City. In addition thereto, the plumber or sewer contractor shall file with the City Clerk a certificate of insurance covering public liability insurance in the amount of one hundred thousand to three hundred thousand dollars (\$100,000.00/\$300,000.00) for bodily injury and fifty thousand dollars (\$50,000.00) covering property damage.

~~(j)~~(i) The building permit will be issued for a period of 24 months, consistent with the IEPA permits.

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~~(k)~~ At the discretion of the Superintendent, a performance bond may be required in any amount not less than \$1,000.00. Such bond shall have as surety a corporation licensed to do business in Illinois as a survey company, and shall have an AAA rating.

(2) Building Sewer Connections

- (a) 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, court, 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 and may be done only with the explicit approval of the Superintendent. In the event of multiple living units (e.g. townhomes, duplexes, etc.), each unit shall have a separate and independent connection to the POTW. In no case shall any Owner be permitted to maintain, without the consent of the Superintendent, any connection of a Building Drain to a Building Sewer located across or under the property of another.
- (b) Old Building Sewers may be used in connection with new construction only when they are found, on examination and test by the Superintendent or their designee, to meet all requirements of this article. All costs for this examination shall be borne by the applicant.
- (c) The size, slope, alignment, and materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of RMU and the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications contained in the current editions of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- (d) No Building Sewer shall be laid parallel to or within 3 feet of any bearing wall. No Building Sewers shall be installed in any place where they may be subject to freezing temperatures, unless adequate provisions are made to protect them from frost. Changes in direction shall be made only with properly curbed pipe and fittings, or a manhole, as determined by the Superintendent.
- (e) In all buildings in which any Building Drain is too low to permit gravity Flow to the Public Sewer, sanitary Sewage carried by such Building Drain shall be lifted by approved artificial means and Discharged to the Building Sewer. Where possible, all building sanitary services shall be "overhead" installations. Buildings having basements will have a pump or ejector provided to pump the Wastewater to the Sanitary Sewer service for gravity transport to the sewer main.
- (f) The connection of the Building Sewer into the Public Sewer shall be at an existing stub and conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the current editions of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight.
- (g) If no stub is available, then a wye or tee shall be installed on the public Sanitary Sewer by the User, at their expense, subject to inspection and approval by the City.

(3) Construction Requirements

~~(3)~~ ~~3~~ Construction may not be started until all applicable fees are paid and a written permit is issued by the City. The following conditions are also required:

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- (a) The applicant shall secure a street opening permit from the City when appropriate in conformance with the provisions of the Building Code.
- (b) All excavations for Building Sewer installation 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 City. Failure to properly barricade will be cause for the job site to be shut down and a fee as provided in Division XVII must be paid before any further work can commence.
- (c) The applicant for the Building Sewer permit shall notify the Superintendent 24 hours prior to the start of any underground piping installation and when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of a qualified Duly Authorized Agent of the City during regular City working hours.
- (d) Minimum building sanitary service sewer size shall be six-inch (6") diameter. All cleanouts shall be installed on the owner's property and not in City right-of-way. The maximum distance between cleanouts is 120 feet. Cleanouts are required at the end of all dead-end sewer services for cleaning and maintenance. The Building Sewer shall be constructed of either PVC or extra heavy cast-iron soil pipe. It is the property Owner's responsibility to maintain the cleanout and cap in a manner to prevent overflows.
- (e) Sewer services shall not be connected to manholes. All Sanitary Sewer services serving single-family residences shall have "blind" connections to the sewer main. Only exceptions are when homes are located in a cul-de-sac and the connection to the sewer main would be impractical. Such an exception must be approved by the Superintendent.

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~~(3)~~ No Person shall enter any confined space without following the U.S. OSHA requirements (29 CFR 1900 et. seq.) for entering the facility.

(4) Sanitary Sewer Uses Outside of the Corporate Limits of the City:

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~~(4)~~ ~~4~~ No new permit shall be issued for the tapping into or use of Sanitary Sewer facility under the jurisdiction of the City for any location outside of the corporate limits or the Wastewater service area of the City.

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(5) Sewer Service Installation Acceptance

- (a) A one (1) year warranty will be submitted to the City by the contractor doing the sewer installation against all defects, including poor workmanship, improper installation, or material failure. The warranty will require the contractor to correct any problems with the installation discovered during that one year period.
- ~~(b)~~ A video recording will be required of the entire length of the sewer service from the building to the main sewer including the connection into the main sewer. The video shall be in a format readily viewable by the City.

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Sec. 98-162- Use of Public Sewers

- (1) It shall be unlawful to Discharge or cause any Wastewater to be Discharged to any facility served by the City, without having first complied with the terms of this ordinance. At minimum, all Users are subject to the Prohibited Discharge Standards in Section 98-2143, Change Notification in Section 98-2119, and Hazardous Waste Notification in Section 98-174, if applicable. Spill/Slug Control Planning may also be necessary for some Non-Residential Users as identified in Section 98-186.
- (2) No User(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to a public Sanitary Sewer.

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Sec. 98-163- Manhole Requirements

- (1) Sampling Manhole Requirements. All Users located in areas zoned industrial and/or business park and such other Users as required by the Superintendent, except Residential Users, are required to install a monitoring manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the City. Each manhole shall be situated on the User's premises in a location approved by the City.
- (2) The sampling manhole shall be located on the sewer connection pipe at a point where there are no changes in grade or alignment for at least 15 pipe diameters upstream and downstream from the manhole. The grade (slope) of the pipe shall not exceed 1% (1 foot per 100 feet) through the manhole and for a distance of 15 pipe diameters upstream and downstream from the manhole.
- (3) There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The manhole shall be installed and maintained by the owner/User at their sole expense so as to be safe and accessible to the City at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.
 - (a) Where such a manhole location would be impractical or cause extreme hardship on the User, the Superintendent may concur with the manhole being constructed in the public street or sidewalk area, providing that the manhole is located so that it shall not be obstructed by landscaping or parked vehicles. In those cases where a sampling manhole must be in a parking lot, a permanent barricade such as a vertical pipe shall be placed around the manhole to prevent vehicles from driving or parking over the manhole cover.
 - (b) The Superintendent may postpone the installation of the sampling manhole when specific circumstances prevent the installation of a manhole.
 - (c) Any request for postponement of the installation of a sampling manhole will be evaluated on a case-by-case basis by the Superintendent, and may be granted only if it is determined that the Discharge is solely from a Residential Source and the site is not in a zoned business park/industrial area.
 - (d) When a postponement for a sampling manhole installation is granted by the City, an affidavit will be signed by the property owner committing to install the manhole at a later date should business practices change at the location where the manhole installation was postponed.

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- (e) The Superintendent may determine sub-classes of business that need not install monitoring manholes, and will advise the Building Director of such sub-classes. Monitoring manholes will always be required in zoned business or industrial parks.
- (4) Liquid Quantity Measurements. All Significant Industrial Users may be required to install an open channel Flow measuring device in said sampling manhole. When required, the sampling chamber shall contain a Palmer-Bowlus or Parshall flume or equivalent, unless a weir or similar device is approved by the City.
- (5) The City may, at its option, based on the water usage and/or waste loadings, require the User to install a device with a recording and totalizing register for measurement of the liquid quantity. The device shall include a circular chart recorder, suitable to record seven (7) calendar days of Flow. The equipment required to indicate, record, and totalize the Flow shall be located in a warm, dry location and be accessible to the City for reading. This equipment shall be installed and maintained by the User at their sole expense. Should the requirement be made, the User shall complete installation of the flume and secondary Flow measuring device based on the installation schedule approved for such device by the City.
- (6) The User shall be required to calibrate and maintain the Flow metering equipment in accordance with the manufacturer's recommended procedures and frequencies. Users who operate Flow measuring devices will submit the procedure for operation and maintenance (O&M) to the City. The User shall further document O&M in a log, which shall be available for inspection by City Personnel. At minimum, the User shall submit a semi-annual calibration report performed by an outside representative by the deadline defined in the User's Discharge Permit. The User may be required to submit Flow records to the Pretreatment Coordinator monthly.
- (7) Sampling Equipment. The City may, at its option, based on water usage, waste loadings, or when the waste loads cannot be accurately evaluated by time-based Composite Samples, require the User to install Flow-proportional sampling equipment. This equipment shall be installed and maintained by the User at their sole expense.
- (8) Users shall submit the procedure for operation and maintenance to the City. The User shall further document O&M in a log which shall be available for inspection by City Personnel. At minimum, the User shall submit an annual report confirming the accurate operation of the equipment performed by an outside representative by the deadline defined in the Discharge Permit.

Sec. 98-164- Additional Structures Required for the Use of the Public Sewers

- (1) An inspection fee as provided by ~~Article~~ Division XVII shall be paid to the City prior to issuance of the permit, should it be determined that the User is required to install any of the following structures:
 - (a) Solid food waste Grinders. Solid food waste is required to be properly shredded in order to be approved to be Discharged to the Public Sewer. Wastes classified as Properly Shredded Solid food waste contain all particles being carried freely under the Flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. The installation and operation of any solid food waste grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval of the City. The Discharge of grinders is prohibited to be connected to a grease interceptor.

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(b) Grease, Oil, and Sand Interceptors for Non-FSE. Interceptors shall be provided in services connected to the City where it is determined that they are necessary for the proper handling of the Wastewater containing excessive amounts of grease, oil, and sand, except that such interceptors shall not be required for private living quarters or Dwelling units. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Oil and sand interceptors used for petroleum grease and oils may be located inside the building. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their expense.

(c) Neutralizing Basins. Laboratory and facilities commonly using acid or alkaline chemicals or compounds must install a neutralizing basin. All basins shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection.

(d) Equipment and devices installed under this section shall not be considered to provide Pretreatment to Wastewater. Any User operating devices installed in this section shall submit such operating data as may be required by the City.

(2) Equalization and Pretreatment Equipment.

(a) Approval. If the City requires the equalization or Pretreatment of Wastewater Flows, the design and installation of the equipment shall be subject to the review and approval of the City, and, subject to the requirements of all applicable codes, ordinances and laws. Said facilities shall also be subject to approval by IEPA consistent with IEPA regulations.

(b) O&M. Where Flow-equalizing or Pretreatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.

Sec. 98-165- Food Service Establishments

(1) Grease and Interceptors – Food Service Establishments (FSE). Hydro-mechanical grease interceptors and gravity grease interceptors (collectively referred to as grease interceptors or GI) are required to be installed in all new FSE. All GI shall be of a type and capacity approved by the Superintendent based on an evaluation of the volume and characteristics of the Discharge in conjunction with the operating plan of the FSE. The Superintendent may require GI to be installed or modified in an existing FSE if that FSE has caused or contributed to overflows and/or blockages, at existing FSE that that meet the remodeling requirements identified in Section 98-164, or when streetscapes or street/sewer replacements are installed.

(a) Installation Requirements.

1. All newly constructed FSEs shall install an exterior GI prior to operation of the facility.
2. Common Interceptors are required to be installed when the tenants or purchasers of sub-properties that are unknown by the complex Owner and zoning allows the build-out of an FSE in said properties. The Owner of the property on which the Common Interceptor is located shall be primarily responsible for the maintenance, upkeep, and repair of the Common Interceptor.

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3. Existing FSE; All existing FSE's may be required to install a GI at the request of the Superintendent. The Superintendent may require a GI to be installed or modified in an existing FSE within ninety (90) calendar days of notification by the City where the FSE has caused or contributed to overflows and/or blockages, when any reconstruction, rebuilding, or remodeling of fifty percent (50%) or more of the building occurs, or when streetscapes or Street/Sewer Replacements are installed. The Superintendent may require a new GI to be installed when the facility has an undersized, irreparable, or defective GI. In the event that winter weather will impact the installation of a GI, the Superintendent may grant an extension of the installation schedule to a maximum of one hundred eighty (180) calendar days.
 4. Existing FSE where Hot Spots or blockages have occurred. GI's will be required to be installed within ninety (90) calendar days of a notice by the City if Hot Spots or blockages have occurred. GIs interior to the building may be required as an interim measure to the installation of an exterior GI. Such GI will be required to be installed within from five (5) to thirty (30) calendar days, as determined by the Superintendent based upon the nature of the Hot Spot or blockage, after a notice by the City.
- (b) Location; All GI shall be so located to be easily accessible for cleaning and inspection. All GI will be provided exterior to the building for all new construction and when feasible at existing FSE. The GI shall not be located in drive-through lanes.
- (c) Review & Inspection Fee; An inspection fee as provided by Division XVII shall be paid to the City prior to issuance of the permit, should it be determined that the User is required to install any GI.
- (d) Sign-off Inspection; Prior to the initial operation of any FSE, the GI shall be inspected by the City and a sign-off will be issued by the City. Notification of readiness for inspection will be made by the FSE to the Superintendent or their designee during normal business hours of the City. Inspections normally will be made by the City within two (2) City Work Days of the notice. The FSE will be required to make appropriate changes prior to initial operation, in the event that the GI does not meet requirements.
- (e) Maintenance; Such GIs shall be inspected, the grease cap and solids blanket cleaned every three months, the entire contents of the trap cleaned annually and repaired regularly, as needed, by the owner at their expense. Logs of inspection and cleaning are to be posted in a readily accessible location at the facility. It shall be the responsibility of the FSE to inspect its GI during the pumping procedure to ensure that the GI is properly cleaned out and that all fittings and fixtures inside the GI are in working condition and functioning properly. In the event that actual operations of the GI fail to produce results sufficient to consistently prevent Prohibited Discharges, as defined in Section 98-173, or fail to meet Local Limits, as defined in Section 98-176, the owner of the FSE will be required by the Superintendent to have the GI cleaned at a more frequent rate or install additional Pretreatment as necessary.
1. A GI located inside an FSE shall be inspected and cleaned weekly.
- (f) Modifications; The Superintendent may make determinations of GI adequacy, need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding GI performance, facility site, and building plan review by all regulatory reviewing agencies, and may require repairs to, modification, or replacement of the GI.

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(g) FSE may be issued a general permit as provided by this Division III.

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(2) Grease Interceptor Criteria. GI installed at new and existing FSE must meet the following criteria:

(a) Capacity Sizing; The size will be determined by a formula approved by the City. The minimum capacity of any one unit shall be 500 gallons and the maximum capacity shall be 1500 gallons. Where sufficient capacity cannot be achieved with a single unit, installation of GI in series is required.

(b) Twenty-five Percent Requirement; Provide for a minimum hydraulic retention time of 24 minutes at actual peak Flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the GI being allowed for any food-derived solids to settle or accumulate and Floatable Grease-Derived Materials to rise and accumulate, identified as a solids blanket and grease cap respectively.

(c) Access Manholes; Access manholes, with a minimum diameter of 24 inches, shall be provided over each exterior GI chamber and each sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water Inflow or Infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and Wastewater sampling activities.

(d) Prohibitions; Dishwashers and food waste disposal units shall not be connected to or Discharged into any GI.

(3) FSE Waivers; A request for any waiver described below is required to be filed with the Superintendent on a form provided by the City, and a waiver review fee will be required at the time of the filing as defined in Division XVII. Waiver requests are not considered to be filed until the request has been reviewed and determined complete. If the Superintendent fails to act on a completed waiver request within forty-five (45) calendar days, a request for waiver shall be deemed to be denied. Although a waiver may result in an alteration of certain GI requirements, it will not waive the requirement to prevent Prohibited Discharges, as defined in Section 98-173, through any alternate technologies or Best Management Practices.

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(a) Existing External FSE GI Installation Waiver; The requirement to install and to properly operate and maintain a GI is conditionally stayed, that is, delayed in its implementation by the Superintendent. Terms and conditions for application of a stay granted to a FSE shall be set forth in a permit. The terms may include the requirement to install GI(s) inside the facility, alternate technology, and the implementation of Best Management Practices. The waiver will not be granted to any existing facility that has not operated as a FSE for the last 12 consecutive months prior to the adoption of this ordinance. Such facilities will be required to install a GI in order to operate a FSE in the City Sanitary Sewer service area.

(b) Common GI Waiver; Common GI means one or more interceptors receiving FOG-laden Wastewater from more than one establishment. Common interceptors may be used in lieu of individual GI at each FSE, provided a waiver has been granted by the Superintendent. A common GI may be located at shopping centers, malls, entertainment complexes, sporting arenas, hotels, multi-tenant "flex" spaces, mixed use spaces, and other sites where multiple establishments are connected to a single GI. The owner of the property on which the common grease interceptor is located shall be responsible for operation and maintenance of the common interceptor, including program documentation, upkeep, and repair. In such cases, a City permit will be issued to the property owner for the GI and general permits will also be required at each FSE for Best Management Practices requirements.

- (c) Limited Food Preparation Establishments GI Installation Waiver; Waivers for installations at FSE only serving beverages and snack bars with no food preparation other than food warming will be handled on a case-by-case basis by the Superintendent and are deemed to be limited food preparation establishments.
- (d) Constraint Waivers at existing FSE; Where the installation of a GI is not feasible and no equivalent alternative Pretreatment can be installed, a waiver from the installation of the GI requirement may be granted. The Superintendent's determination whether to grant the waiver will be based upon, but not limited to, evaluation of the following conditions:
 1. There is no adequate space for installation and/or maintenance of a grease interceptor;
 2. There is no adequate slope for gravity Flow between the kitchen plumbing fixtures and the GI and/or between the GI and the private collection lines or Public Sewer; or
 3. A waiver from GI installation cannot be granted to allow alternative Pretreatment technology that is, at least, equally effective in controlling the FOG Discharge in lieu of a GI.

If a Constraint Waiver is granted, the Superintendent will institute the Grease Disposal Mitigation Fee as defined in Division XVII.

- (e) Alternate Technology Waiver; The use of automatic grease removal systems is permissible only upon the written approval of the Superintendent, the lead plumbing inspector of the City, and the Ogle County Health Department. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The City may approve these types of devices dependent on manufacturer's specifications on a case-by-case basis. Any User operating an alternative technology may be subject to additional operational requirements. Any User receiving an alternate technology waiver shall operate the alternate system in such manner that attainment of the grease Wastewater Discharge limit, as measured from the unit's outlet, is consistently achieved as required by the Superintendent.

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- (f) Cleaning Cycle Waiver; The GI owner or operator may petition the Pretreatment Coordinator to reduce the cleaning and servicing frequency of the GI from every three months to a maximum of every six months upon demonstration that the amount removed every three months is significantly less than the Twenty-five Percent (25%) Requirement for the basin capacity, as defined in Section 98-176(3), and the Discharge does not exceed the Oil and Grease Local Limit, as defined in Section 98-176, at a downstream sampling location. The GI Owner or operator will be required to submit data sufficient to document to the Pretreatment Coordinator that the Twenty-five Percent (25%) Requirement can be maintained using a longer cleaning cycle.

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Sec. 98-166- Sewer Line Maintenance/Replacement

- (1) The property owner is responsible for the maintenance and repair of the private sewer line from their structure to the centerline of the Public Sewer, including the tap into the Public Sewer.
- (2) In the event that the property owner finds it necessary to excavate the private sewer line for maintenance or replacement, that shall be the property owner’s responsibility.
- (3) In those instances when property owners excavated the surrounding sidewalk, curb, and street, the property owner will be responsible for complete restoration of the street (surface and sub-surface), curb, and sidewalk.
- (4) In those instances where ~~Sub~~Section (3) may be involved, it is recommended that the property owner utilize tunneling under the curb and sidewalk instead of excavation whenever practical. Sidewalk and curb must be cut when removal is required.
- ~~(5)~~All work, as it is related to the replacement and/or repair of the private sewer line, shall be in conformance with the City standard construction specifications and will be inspected by a Duly Authorized Agent of the City during the repair and replacement.

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Sec. 98-167- Automobile Service, Repair, and Fuel Dispensing Properties

- (1) When property use involves automotive repair or handling or sale and dispensing of petroleum products and/or automotive fluids, all Discharges shall have installed a sampling manhole consistent with the requirements of Section 98-163. All sampling manholes of this type shall be monitored throughout the year in a manner secured and coordinated by the Pretreatment Coordinator. Additionally, any property involved in the repair or servicing of automobiles, trucks, or engine-powered equipment shall install a triple basin oil separator (per State of Illinois Plumbing codes) in the sanitary line servicing the repair area of the building. This system shall be cleaned, serviced, and inspected at least four times per year by the owner at their expense. The owner may petition the Pretreatment Coordinator to reduce the cleaning and servicing frequency of the triple basin oil separator to two times per year upon demonstration that the amount removed quarterly is significantly less than the Twenty-five Percent (25%) Requirement for the basin capacity and that the Discharge does not exceed the Oil and Grease Local Limit. Conversely, the system may be required by the Pretreatment Coordinator to be cleaned at a more frequent rate if the property cannot meet all applicable requirements.
- (2) When property use involves automotive repair or handling or sale and dispensing of petroleum products and/or automotive fluids, there shall be a separate drainage system constructed to collect all fluids from the areas associated with pump islands and under-pump canopies. This separate drainage system shall collect these fluids and hold them in a separate sealed tank for testing and removal by approved special waste handling methods. All fuel dispensing equipment, piping, and venting shall be installed in accordance with the standards listed below and comply with the current adopted building, electrical, and fire codes, including but not limited to the following:
 - (a) Guidance Manual for LUST Cleanups in Illinois, September 1989; and Leaking Underground Storage Tank Manual, September 1991; both published by IEPA, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276.
 - (b) Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP 100, 1994; published by Petroleum Equipment Institute, P.O. Box 2380, Tulsa, OK 74101.

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(c) Flammable and Combustible Liquid Code, NFPA/30; Automotive and Marine Services Station Code, NFPA/30A; National Electric Code, NFPA/70; and Underground Leakage of Flammable and Combustible Liquids, NFPA/329; latest editions all published by National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.

(d) Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules, 40 CFR Parts 280 and 281, Part II, Federal Register, Friday, September 23, 1988; and Musts for UST's: A Summary of the New Regulations for Underground Storage Tank Systems, and Hazardous Waste Management Standards, Federal Register, July 14, 1986, both published by USEPA, Office of Underground Storage Tanks, 401 M Street, S.W., Washington, DC 20460.

(e) Rules of the Illinois State Fire Marshall, Parts 170 & 180, Title 41, Chapter 1, State of Illinois, Office of the Fire Marshall, 1035 Stevenson Parkway, Springfield, IL 62703.

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(3) Jurisdiction:

(a) These requirements shall apply to any property use associated with automotive repair or the handling or sale or dispensing of petroleum products and/or automotive fluids, where any water main or Wastewater or Stormwater facility falls under the jurisdiction of the City, regardless of whether such property lies within the corporate limits or Service Area of the City.

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(b) The requirements of this Section 98-167 shall not be applied to existing property uses except that whenever a permit shall be required for new construction or reconstruction of a property used or associated with automotive repair or the handling, sale, or dispensing of petroleum products and/or automotive fluids, involving placement, replacement, reconfiguration, removal, or modification of any fueling area, a Discharge has occurred that does not meet the Local Limits, or a blockage has been caused or contributed to, then compliance with the provisions of Section 98-166 shall be required.

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Sec. 98-168- Amalgam Management at Dental Offices

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(1) Applicability.

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(a) Except as provided in Sections (c), (d), and (e) of this section, this part applies to all Dental Dischargers as defined in Section 98-156.

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(b) Dental Dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR Part 403 and are not Categorical Industrial Users or Industrial Users subject to Categorical Pretreatment Standards as those terms and variations are used in 40 CFR Part 403, as a result of applicability of 40 CFR Part 441.

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(c) This part does not apply to Dental Dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

(d) This part does not apply to Wastewater Discharges from Mobile Units as defined in Section 98-156 operated by a Dental Discharger.

(e) This part does not apply to Dental Dischargers that do not Discharge any Amalgam Process Wastewater as defined in Section 98-156 to the City POTW, such as Dental Dischargers that collect all Dental Amalgam Process Wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.

(f) Dental Dischargers that do not place Dental Amalgam as defined in Section 98-156, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 40 CFR 441.50, are exempt from any further requirements of this part.

(2) Existing Dental Discharger Compliance: Existing Dental Dischargers as defined in Section 98-156 were required to comply with 40 CFR 441.30(a), which defines removal of amalgam solids, and 40 CFR 441.30(b), which requires implementation of two Best Management Practices, by July 14, 2020; to submit a One-Time Compliance Report per 40 CFR 441.50(a) by October 12, 2020 to USEPA Region V; and to maintain and make available for inspection defined records per 40 CFR 441.50(b).

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(a) If a transfer of an Existing Source occurs after July 14, 2020, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.

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(3) New Dental Discharger Compliance: As of July 14, 2017, any New Dental Discharger Source as defined in Section 98-156 subject to this section must comply with the requirements of 40 CFR 441.30(a), which defines removal of amalgam solids, and 40 CFR 441.30(b), which requires implementation of two Best Management Practices, by July 14, 2020; to submit a One-Time Compliance Report per 40 CFR 441.50(a) by October 12, 2020 to USEPA Region V; and to maintain and make available for inspection defined records per 40 CFR 441.50(b).

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(a) If a transfer of a New Source occurs after July 14, 2017, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.

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(4) Limited Dental Dischargers: Limited Dental Dischargers were required to file a One-Time Compliance Report with certification that they do not remove Dental Amalgam except in limited emergency or unplanned, unanticipated circumstances by October 12, 2020 to USEPA Region V.

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(a) New Source Limited Dental Dischargers are required to submit this One-Time Compliance Report to the USEPA Region V within ninety (90) calendar days following the introduction of Wastewater for New Sources.

(5) Signatory Requirements: The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the Dental Discharger is a partnership or sole proprietorship, or a Duly Authorized Representative in accordance with the requirements of 40 CFR 403.12(j) and Section 98-156 under Authorized Representative (e) and (f).

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DIVISION IV: INFORMATION REQUIRED OF NON-RESIDENTIAL USERS

Sec. 98-169- Initial Survey (Questionnaire)

(1) The Initial Survey shall be completed in order to ensure that all Non-Residential Users of the City POTW adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the City POTW set forth in Division V, spill control of raw materials, intermediates, and waste as set forth in Section 98-186, and to facilitate the City's investigation of apparent or suspected violations thereof. The requirements are as follows:

(a) All existing or new Non-Residential Users, or those in areas receiving sewer service from the City shall complete and submit an Initial Survey on a form provided by the City when requested by the City.

(b) All Users defined in Section 98-169(1)(a) seeking to establish a new account for Sanitary Sewer service from the City or to establish a new connection to the City POTW shall file a completed Initial Survey with the City as a condition to the establishment of such new Sanitary Sewer service account or connection to the City POTW.

(c) All Users defined above that fail to complete and submit to the City an Initial Survey shall be in violation of the provisions of this section (Section 98-169) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the User in question for the Discharge of Sewage or Wastewater into the City POTW.

(2) Food Service Establishment (FSE) Survey

The Initial FSE Survey shall ensure that FSEs discharging the City POTW adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the City POTW set forth in Section 98-173 and to control spills of raw materials, intermediates, and waste as set forth in Section 98-186, and shall facilitate the City's investigation of apparent or suspected violations thereof. The requirements for the Initial FSE Survey are as follows:

(a) All existing or new FSEs, including those in areas receiving Sewer Service from the City, shall complete and submit an Initial FSE Survey on a form provided by the City when requested by the City.

(b) The Initial FSE Survey shall cover at a minimum information that includes a description of processes, kitchen fixtures, water usage, and Wastewater characteristics, in addition to grease usage and management for the facility. This information will be required to be submitted and will be evaluated by the City for determination of the requirement to issue a General FSE Discharge Permit or FSEP per Section 98-198(4).

(c) All FSEs that establish a new account for Sanitary Sewer Service or those that transfer an existing FSE account in the City shall file a completed Initial FSE Survey with the City as a condition to the establishment of such new or transferred Sanitary Sewer Service account or connection to the City POTW.

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(d) The Initial FSE Survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an Authorized Representative of the FSE as defined in Section 98-156. In the event that the City obtains the information through a site inspection(s) but the Initial FSE Survey is not signed by an Authorized Representative, the City may proceed to determine classification and permit as appropriate based on the information obtained at the site.

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(e) All FSE that fail to complete and submit to the City an Initial FSE Survey within thirty (30) calendar days of notice by the City shall be in violation of the provisions of this section (Section 98-169(1)) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the FSE in question for the Discharge of Sewage or Wastewater into the City POTW.

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Sec. 98-170- Affirmation to Initial Survey

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(1) The City will determine the frequency an Affirmation to the Initial Survey or Initial FSE Survey needs to be submitted.

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(2) Any User, defined in Section 98-169, having filed an Initial Survey or Initial FSE Survey where the information remains true, complete, and correct in all respects may be allowed to submit a statement that the information remains current in lieu of submitting a new survey. The statement is required to be signed by an Authorized Representative of the User.

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(3) All Users that fail to file either an Affirmation or an updated Survey or FSE Survey with the City within thirty (30) calendar days of notice by the City shall be in violation of the provisions of this section (Section 98-169) and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the User in question for the Discharge of Sewage or Wastewater into the City POTW.

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Sec. 98-171- Additional Survey Information

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(1) After review of the Initial Survey or Initial FSE Survey completed per Section 98-169, all Non-Residential Users that the City has determined to have the potential to be defined a Significant Industrial User (SIU) or a Non-Significant Regulated User (NSRU) shall be required to complete and file a more detailed Wastewater Survey on a form provided by the City. At a minimum, a description of processes, water usage, and Wastewater characteristics for the facility will be required to be submitted. This information will be evaluated by the City for determination of the requirement to issue an Individual or General Wastewater Discharge Permit per Division VII and VIII.

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(2) Periodic Updates of Wastewater Survey Information. The information provided in the Wastewater Survey may be required to be revised and/or updated for the following conditions:

(a) A Report of Changed Conditions is filed as required in Section 98-211.

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(b) An application for a Wastewater Discharge Permit is required to be filed per Divisions VII and VIII, or

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(c) As the City determines is needed to support a re-issuance of a Wastewater Discharge Permit per Section 98-203.

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(3) In addition to the Wastewater Survey defined in this Section 9-171, Categorical Industrial Users may be required to complete a category-specific survey that identifies sub-processes and processes performed at the site in order to define which sub-processes and processes are regulated by Categorical Pretreatment Standard

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DIVISION V: GENERAL DISCHARGE REQUIREMENTS

Sec. 98-172- Applicability

- (1) It shall be unlawful to Discharge or cause any Wastewater to be Discharged to any facility served by the City, without having first complied with the terms of this ordinance.
- (2) Users must meet the most stringent applicable requirements and limitations at all times, either as set forth in this Ordinance or in individual Wastewater Discharge Permits, Federal Pretreatment Standards as established by 40 CFR Part 403, or State of Illinois Standards as codified in 35 IAC 307. Said Users shall provide the necessary Wastewater treatment to achieve compliance with all National Categorical Pretreatment Standards and Requirements within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment Standards including Local Limits and requirements, by applicable deadlines.
- (3) Each FSE shall provide Wastewater Pretreatment and implement Best Management Practices as necessary to comply with this Article and shall achieve compliance with all Local Limits and the prohibitions set out in Sections 98-173 and 98-176, respectively, within the time limitations specified by the Pretreatment Coordinator.

Sec. 98-173- Prohibited Discharge Standards

These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

- (1) No User shall introduce or cause to be introduced, directly or indirectly, to the City POTW, any Pollutant or Wastewater contaminant which will Pass Through or cause Interference, inhibition of POTW operations, or a Potential Problem to the POTW;
- (2) No User shall increase the use of potable or 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 or other Pretreatment Standard or Requirement, except where expressly authorized to do so by an applicable Pretreatment Standard or Requirements and set forth in a Wastewater Discharge Permit. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate; and
- (3) No User shall introduce, or cause to be introduced, either directly or indirectly, any of the following described Pollutants, substances, or Wastewater into the POTW:
 - (a) Any Unpolluted Water including, but not limited to, uncontaminated Non-Contact Cooling Water, Stormwater, surface water, groundwater, subsurface drainage, roof runoff, spill contaminant area runoff, footing drains or construction drainage except as specifically permitted by the Pretreatment Coordinator;
 - (b) Any Pollutant which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause safety hazards, fire, or explosion or be injurious in any other way to City facilities or Personnel, or to the operation of the City POTW, including but not limited to materials with a closed-cup flashpoint of less than 140° F or 60° C using the test methods specified in 40 CFR 261.21;

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- (c) Any solid, solid waste, or viscous substance in amounts that will cause obstruction of the Flow in a sewer or the POTW resulting in Interference, inhibition of the operation of the POTW, or Potential Problems. Prohibited materials include but are not limited to: waste cooking oil, grease, grease interceptor wastes, Solid food waste with particles greater than one-half (1/2-inch) in any direction, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, paper, wood, plastics, residues from gas, tar or asphalt, residues from refining or processing of fuel or lubricating oils, mud or glass grinding or polishing waste, fatty acids or esters of fatty acids, or any material which can be disposed of as trash;
- (d) Any noxious or malodorous solids, liquids, gases, of other Wastewater which, either singly or by their interaction with other wastes, are capable of creating a public nuisance or hazard to life, or to Interfere with, inhibit or cause a Potential Problem to any operation of POTW, including but not limited to, prevention of entry into sewers for their maintenance and repair;
- (e) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or which necessitate the City taking special measures to counteract and/or alleviate the impact of the Pollutant(s);
- (f) Any Wastewater containing substances in sufficient quantity to cause Interference;
- (g) Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction, to injure or cause Interference or a Potential Problem to any POTW treatment processes or facilities, constitute a hazard to humans or animals, or to exceed a limitation as set forth in the existing Act, or the Act as it may be amended;
- (h) Any Wastewater having a temperature which will inhibit biological activity or cause Interference in the City's POTW facilities, but in no case heat in such a quantity that the influent temperature at the POTW will exceed 40° C or 104° F;
- (i) Any Wastewater having a pH less than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or Personnel in the POTW. The pH limits are Instantaneous Limits that shall be met at all times, and are not subject to averaging;
- (j) Any Pollutant, including oxygen demanding Pollutants, released in a Discharge at a Flow rate and/or Pollutant concentration (including any Slug Load) which, either singly or by interaction with other Pollutants, may cause Interference with, inhibit, or cause a Potential Problem at the POTW;
- (k) Ammonia nitrogen in amounts that would cause a violation of the Water Quality Standards of the receiving waters of the POTW or the POTW's NPDES Permit limits;
- (l) Any wastes containing detergents, surface-active agents, aqueous firefighting foam, or other substances which may cause excessive foaming in the collection system or the treatment process, result in Interference or Pass Through, or inhibit the nitrification process. Wastes prohibited in this section shall not be processed or stored in such a manner that they could be Discharged to the POTW;

- (m) Additives for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to Interceptor maintenance that have a content of enzymes, surfactants, or solvents that is greater than ten percent (10%) by volume without the written consent of the Pretreatment Coordinator;
- (n) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
- (o) Any Wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to POTW organisms other than those contained in direct excrement;
- (p) Any Wastewater containing any radioactive wastes or isotopes, except in compliance with City, State, and Federal regulations governing such Discharges;
- (q) Wastewater or wastes containing iron pickling wastes, concentrated plating solutions, or coating solutions, whether neutralized or not;
- (r) Any leachate, groundwater remediation Wastewater or waste material, originating within or outside the POTW service area, which does not meet Discharge limitations as set forth in this Article, except at Discharge points designated by the Pretreatment Coordinator;
- (s) All hauled or Hauled Waste; except at the City designated Discharge points. All such wastes are to be individually approved and permitted by the City as set forth in this Article prior to Discharge;
- (t) Any Biosolids, screenings, or other residues from the Pretreatment of Non-Residential wastes;
- (u) Any Medical Wastes, except as specifically authorized by the Superintendent in an Individual Wastewater Discharge Permit;
- (v) Any solid, solid waste, or viscous substances that have caused an obstruction to the Flow in a sewer that is eliminated by a professional service or contractor;
- (w) Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) that will cause a Potential Problem or Interference with POTW operations;
- (x) Any Wastewater or substance that imparts color which is not removed in the treatment processes, such as, but not limited to dye waste, ink waste, and vegetable tanning solutions, which consequently imparts color to the POTW effluent, thereby violating the City's NPDES Permit;
- (y) Any substances that inhibit the use of UV for disinfection purposes;
- (z) Wastewater or wastes containing substances which are not amenable to treatment or reduction by the POTW treatment processes employed, or are amenable to treatment only to such degree that the POTW effluent cannot meet the NPDES Permit limits or other requirements of agencies having jurisdiction over Discharge to the receiving waters;
- (aa) Any substance or combination of substances which shall cause the POTW facilities to be in violation of its NPDES Permit(s), or to cause the City's POTW to violate receiving stream water quality standards or general effluent Discharge Standards;

(bb) Any Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a toxicity test;

(cc) Any substance which may cause the City's POTW effluent or Biosolids to be unsuitable for reclamation or re-use, or Interfere with the reclamation processes. In no case shall a substance Discharged to the City's POTW cause the City to be in noncompliance with any Biosolids use or disposal regulations developed under Section 405 of the Act; or any regulations affecting Biosolids use or disposal developed pursuant to the Resource Conservation and Recovery Act, Solids Waste Disposal Act, Toxic Substance Control Act, or any State or local Standards applicable to any Biosolids management methods either being used or considered by the City.

(dd) Any waste containing items that could clog or damage the City's Sanitary Sewers, pump stations, or POTW operations, including but not limited to the following items: disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers, baby wipes, wet/dry cleaning cloths, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, and any plastic products.

(ee) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, swimming pool drainage, deionized water, Non-Contact Cooling Water, and Unpolluted Water, unless specifically authorized by the Superintendent. The owner of any building connected to the POTW is required at owner's expense to disconnect all existing roof drains from the POTW within 90 days after the date of official notice to do so. Disconnected roof drains shall be connected into an available Storm Sewer or shall be disconnected above ground in the manner approved by the City building inspector.

(ff) Fats, Oils, or greases of animal or vegetable origin in concentrations greater than 125 mg/L, or polar oils greater than 20 mg/L.

(gg) Wastewater causing two readings on an explosion hazard meter at the point of Discharge into the POTW, or at any point in the POTW, of more than 20 percent or any single reading over 100 percent of the Lower Explosive Limit (LEL) of the meter.

(4) Wastes prohibited in this section shall not be processed or stored in such manner that they could be Discharged or introduced to the POTW. All Users with prohibited wastes described in this Section or those that have Hazardous Wastes as defined in Section 98-214 shall develop and implement a Spill Prevention/Slug Control Containment and Countermeasures Plan consistent with the requirements in Section 98-186. The Pretreatment Coordinator may also determine that Spill Prevention/Slug Control is required of liquids and solids not previously described on either list based on an evaluation of a User's potential to cause spills or Slug Loads to be introduced to the POTW. Notice Requirements shall be permanently posted as provided in Sections 98-186 and 98-212. Spill planning applies to all Users, not just permitted Users.

(5) Requirements of Polluted Discharges - Discharge Locations:

(a) Discharge of Polluting Substances From Fixtures into Storm Sewers Prohibited: It shall be unlawful for any Person or User to connect or cause to be connected, any drain carrying, or designed to carry, any toilet, sink, basement, septic tank, cesspool, Industrial Waste, or any fixture or device Discharging polluting substances, to any Storm Sewer or Stormwater drainage system within the corporate limits of the City.

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(b) Discharge of Sanitary and Industrial Waste into Stormwater Drainage Systems Prohibited, Nuisance Declared: For reasons of the protection of the health, safety and welfare of the inhabitants of the City, is the declared policy of the City to prohibit sanitary and Industrial Waste from entering into the Storm Sewer or other Stormwater drainage system, and any such connection to the Storm Sewer or other Stormwater drainage system is determined to be injurious to the public health and welfare and is hereby declared a public nuisance.

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(c) Prohibited Discharges into Natural Outlets; It shall be unlawful to Discharge into any Natural Outlet within the City or in any area under the jurisdiction of the City, any sanitary Sewage, Industrial Wastes or other polluted waters, except where suitable treatment has been provided in accordance with this chapter and all required permits have been obtained, and the Discharge is in compliance with the Clean Water Act.

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(6) Requirements of Unpolluted Water Discharges

(a) Discharge of Sump Pumps: A Sump Pump or Sump Pumps must Discharge into a Storm Sewer system; or with the prior written permission of the Superintendent may Discharge outside a building in an area first approved by the Superintendent. A shut-off valve or similar device which can divert the Unpolluted Water from the Sump Pump into the Sanitary Sewer system, rather than into the Storm Sewer, or vice versa, shall not be constructed or installed, and any construction or installation of same shall be deemed a violation of this chapter. It shall be prima facie evidence of a violation of this chapter if any Person or User has on their premises or under their control a Sump Pump, or any other pump, fixture, or gravity drain connected to the Sanitary Sewer system which would allow the Flow of Unpolluted Water into the Sanitary Sewer system.

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(b) Discharge of Unpolluted Drainage into Storm Sewers or Natural Outlets; Stormwater and all other unpolluted drainage shall be Discharged to such sewers as are specifically designated as Storm Sewers, or to a Natural Outlet if approved by the Superintendent. Non-Contact Cooling Waters or unpolluted process waters may be Discharged, upon approval by the Superintendent and the IEPA if appropriate, to a Storm Sewer or Natural Outlet. Discharges are required to be in compliance with the Clean Water Act.

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(c) Discharge of Unpolluted Water Upon Adjacent Property or Public Streets or Ways Prohibited: It shall be unlawful for any Person or User to Discharge any Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, Non-Contact Cooling Water, or other Unpolluted Water, including the use of a Sump Pump for such purpose, in such manner as to cause such waters to overflow onto adjacent property or to be Discharged upon any public street or public way.

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Sec. 98-174- National Categorical Pretreatment Standards

These Pretreatment requirements shall apply to all Non-Residential Users subject to National Categorical Pretreatment Standards promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, currently Discharging or scheduled to Discharge to the City. The National Categorical Pretreatment Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 – 471 are hereby incorporated into this ordinance.

Limits in Categorical Pretreatment Standards shall apply to the Discharge from the process regulated by the Standards or as otherwise specified by the Standards. Compliance with National Categorical Pretreatment Standards is mandatory.

(1) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Pretreatment Coordinator may impose equivalent concentration or mass limits in accordance with paragraphs B and F below and 40 CFR 403.6(c), unless specifically restricted by the Categorical Pretreatment Standard. Any equivalent limitations calculated in accordance with the following requirements are deemed to be Pretreatment Standards. Users shall be required to comply with the equivalent limitations instead of the promulgated Categorical Standards from which the equivalent limitations were derived. An alternative Pretreatment limit shall not be used if such alternative limit is below the analytical detection limit for any of the regulated Pollutants.

(2) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Pretreatment Coordinator may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users.

If calculating equivalent mass-per-day limitations, the City shall calculate such limitations by multiplying the limits in the Standard by the User's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the User's actual long-term daily production during a representative year. For New Sources, actual production shall be estimated using projected production.

If calculating equivalent concentration limitations, the City shall calculate such limitations by dividing the mass limitations by the average daily Flow rate of the User's regulated process Wastewater. This average daily Flow rate must be based upon a reasonable measure of the User's actual long-term average Flow rate, such as the average daily Flow rate during a representative year.

(3) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Pretreatment Coordinator shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR 403.6(e), provided that the regulation allows the Wastewaters to be mixed and the User can supply the information necessary to allow calculation of an alternative limit.

(4) A User may request and obtain a variance from Categorical Pretreatment Standards from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR 403.13. If such a variance is granted by USEPA, the City may calculate and impose revised limitations based on that variance, which will be deemed to be Pretreatment Standards.

(5) A User may request a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the done CFR.

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(6) State Pretreatment Standards. State Pretreatment Standards are located at 35 III. Admin. Code 310.201-310.233.

(7) When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Pretreatment Coordinator. The City may establish equivalent mass limits only if the User meets all the conditions set forth in Sections a(1) through a(5) below.

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(a) To be eligible for equivalent mass limits, the User must:

1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water during the term of its individual Wastewater Discharge Permit;
2. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
3. Provide sufficient information to establish the facility's actual average daily Flow rate for all waste streams, based on data from a continuous effluent Flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily Flow rate and the long-term average production rate must be representative of current operating conditions;
4. Not have daily Flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
5. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.

(b) A User subject to equivalent mass limits must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
2. Continue to record the facility's Flow rates through the use of a continuous effluent Flow monitoring device;
3. Continue to record the facility's production rates and notify the Pretreatment Coordinator whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in section a(3) of this Section. Upon notification of a revised production rate, the Pretreatment Coordinator will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section (a) of this Section so long as it Discharges under an equivalent mass limit.

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(c) When developing equivalent mass limits, the Pretreatment Coordinator:

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1. Will calculate the equivalent mass limit by multiplying the actual average daily Flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

3. May retain the same equivalent mass limit in subsequent individual Wastewater Discharge Permit terms if the User's actual average daily Flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily Flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 98-173(2). The User also must be in compliance with Section 98-220.21 regarding the prohibition of Bypass.

(8) The Pretreatment Coordinator may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the Pretreatment Coordinator.

(9) Once included in its Wastewater Discharge Permit, the User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived. Note: see 40 CFR 403.6(c)(7).

(10) Many Categorical Pretreatment Standards specify one limit for calculating Maximum Daily Discharge limitations and a second limit for calculating Maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or Flow figure shall be used in calculating both the average and the maximum equivalent limitations. Note: see 40 CFR 403.6(c)(8).

(11) Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Pretreatment Coordinator within two (2) working days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Pretreatment Coordinator of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. Note: see 40 CFR 403.6(c)(9).

All Users that are subject to National Categorical Pretreatment Standards are required to file reports as required in this Ordinance, signed by an Authorized Representative per Sections 98-207 and 98-208. These reports shall include all information that the City deems necessary to make compliance determinations.

Sec. 98-175- State Limits

(1) All Users are subject to State Standards and Requirements as defined in 35 IAC Part 307. Specifically, the State Standard for Discharge of mercury is as follows:

(a) Mercury (35 IAC 307.1102)

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1. Except as provided below, no Person shall cause or allow the concentration of mercury in any Discharge to a publicly owned or publicly regulated sewer system to exceed the following level, subject to the averaging rule contained in 35 IAC 304.104(a):

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<u>CONSTITUENT</u>	<u>STORET NUMBER</u>	<u>CONCENTRATION (mg/L)</u>
<u>Mercury</u>	<u>71900</u>	<u>5</u>

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2. It shall be an exception to section 1) if the Discharge is to a publicly owned or publicly regulated sewer system which is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the Discharge limitation shall be the same as that applicable to the publicly owned or regulated sewer system to which it Discharges.

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3. It shall be an exception to section 1) if all the following conditions are met:

a. The Discharger does not use mercury; or, the Discharger uses mercury and this use cannot be eliminated; or, the Discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of Wastewater; and,

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b. The Discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 IAC 304.104(a); and,

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c. The Discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and,

d. The Discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury Discharges.

4. The Discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of section 1) if all the following conditions are met:

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a. The total Discharge is less than 227 g (one half pound) as mercury (Hg) in any year;

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b. This Discharge is to a Public Sewer system; and

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c. The Discharge does not, alone or in conjunction with other sources, causes the effluent from the sewer system or POTW to exceed 0.0005 mg/l of mercury.

5. No Person shall cause or allow any Discharge of mercury to a publicly owned or publicly regulated sewer system which, alone or in combination with other sources, causes a violation by the sewer treatment plant Discharge of the Water Quality Standard of 35 IAC 302 for mercury applicable in the receiving stream.

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6. For purposes of permit issuance the IEPA may consider application of the exception of Section (2) or (3) to determine compliance with this Section. The IEPA may impose permit conditions necessary or required to assure continued application of the exception. When Section (2) or (3) applies, the IEPA may impose an effluent limitation in the permit which allows the Discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.

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Sec. 98-176- Local Limits

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The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following Pollutant limits are established to protect against Pass Through and Interference. No person shall Discharge Wastewater containing Pollutants in excess of the following Local Limits.

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(1) Nontoxic Pollutants

<u>Pollutant</u>	<u>Concentration (mg/L)</u>
<u>Ammonia-nitrogen</u>	<u>35.0</u>
<u>BOD₅</u>	<u>250.0</u>
<u>COD</u>	<u>600.0</u>
<u>Nonpolar Fats</u>	<u>125.0⁽¹⁾</u>
<u>Phosphorus</u>	<u>10.0</u>
<u>Polar Oils</u>	<u>20.0⁽¹⁾</u>
<u>Total Suspended Solids (TSS)</u>	<u>300.0</u>

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⁽¹⁾ Instantaneous Maximum Allowable Discharge Limit

Unless otherwise indicated, all concentrations reflect the Daily Maximum Local Limit.

(2) Toxic Pollutants

No User shall Discharge any Wastewater containing concentrations greater than the Daily Maximum Local Limits as set forth below into any sewers that connect either directly or indirectly to the POTW.

<u>Pollutant</u>	<u>Concentration (mg/L)</u>
<u>Arsenic</u>	<u>0.25</u>
<u>Barium</u>	<u>2.0</u>
<u>Cadmium</u>	<u>0.5</u>
<u>Chromium (total)</u>	<u>1.0</u>
<u>Copper</u>	<u>1.0</u>
<u>Cyanide</u>	<u>0.025</u>
<u>Fluoride</u>	<u>2.5</u>
<u>Iron</u>	<u>4.0</u>
<u>Lead</u>	<u>0.3</u>
<u>Manganese</u>	<u>1.0</u>
<u>Mercury</u>	<u>0.0005</u>
<u>Nickel (total)</u>	<u>1.0</u>
<u>Phenols (total)</u>	<u>0.5</u>
<u>Selenium</u>	<u>1.0</u>
<u>Silver</u>	<u>0.1</u>
<u>Zinc</u>	<u>2.0</u>

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All concentrations for metallic substances are for total metals unless indicated otherwise.

(3) Variances. If the User requires a site-specific alternative limit for any of the City's Local Limits provided in Sections (1) and (2) above, the User must petition the City for a variance of the Local Limit. No alternative limit will be granted for Pollutants which Interfere with or negatively impact the operation of the POTW. Unless a variance is granted, no Person shall Discharge Wastewater containing in excess of the City's Local Limits.

(4) FSE Twenty-five Percent (25%) Requirement. The City reserves the right to apply a Twenty-five Percent (25%) Requirement at the Discharge side of the external Grease Interceptor prior to mixing with any other Wastewater from the contributing FSE's property in lieu of the limits listed in Section 98-176(1) above. The last section of an external GI at an FSE shall be measured to determine that the total volume of the GI being used for any food-derived solids to settle or accumulate plus the Floatable Grease-Derived Materials that rise and accumulate, identified as a solids blanket and grease cap respectively, is less than twenty-five percent (25%) of the total design hydraulic depth as measured from the effluent Discharge pipe to the bottom ("Twenty-five Percent (25%) Requirement"). The City may also apply the Twenty-five Percent (25%) Requirement for external GI that are used in non-FSE locations such as an automobile service, repair and dispensing properties.

(5) The Local Limits found in Sections 98-176(1) and (2) above will normally apply at the point where the Wastewater is Discharged to the POTW.

(6) The City reserves the right to establish requirements, by ordinance or in an Individual or General Wastewater Discharge Permit, to require control over the quantities and rates of Discharge from any User.

(7) The City reserves the right to establish, by ordinance or in an Individual or General Wastewater Discharge Permit, mass limitations rather than concentration limitations on Discharges, particularly where Users are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

(8) The City reserves the right to set specific limits for those Pollutants not identified in Sections 98-176 (1) or (2) on a case-by-case basis for impacts caused to the POTW including but not limited to Interference, Potential Problem, Pass Through and prevention of beneficial Biosolids re-use. Those limits shall be set forth in an Individual or General Wastewater Discharge Permit per Division VIII.

(a) Local limits for additional Pollutants not identified in Sections 98-176 (1) or (2) will be noticed to the permit holder a minimum of thirty (30) calendar days prior to the effective date of the Wastewater Discharge Permit. In the event that the City receives written comment on said limit during the comment period, the limit will take effect within sixty (60) calendar days of the public notice date to allow review and comment by the City.

(9) The City may develop Best Management Practices (BMPs), by ordinance or in Individual or General Wastewater Discharge Permits, to implement Local Limits and the requirements of Section 98-173.

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(10) Any User Discharging Pollutants such as but not limited to Oil and Grease, BOD, or TSS to the City's facilities that cause the City to alter its method of Wastewater treatment or Biosolid disposal to a more costly method shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the City Council.

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(11) Any User, whose Discharge is pretreated by the City pursuant to the City's determination that such Pretreatment is more effective and which Discharges Pollutants into the City's facilities so as to necessitate the City's alteration of its method of Wastewater treatment or Biosolid disposal to a more costly method, shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the City Council.

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Sec. 98-177- Right of Revision

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(1) The City reserves the right to establish, by ordinance or in Individual or General Wastewater Discharge Permits, more stringent limitations, Standards, or Requirements on Discharges to the POTW consistent with the purpose of this ordinance. The specific limitations on Discharge listed in Section 98-176 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. The MAILs are allocated only to those IUs, at the City's discretion, that contribute the regulated Pollutant, and all remaining IUs are held to either the background concentration or slightly higher than background but lower than the specific Discharge limit. In no case shall the total of all allocations exceed the MAIL.

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(2) The City will maintain a reserve of the Maximum Allowable Headworks Loading for each Pollutant for new industries or potential increases from existing industries. The City will recalculate the maximum concentrations from time to time using site specific data, taking into consideration revisions to State and Federal regulations that may impact the calculations.

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Sec. 98-178- Monitoring Facilities

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(1) Sampling Manhole Applicability.

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(a) All Non-Residential Users are required to install a sampling manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the City and Section 98-163.

1. When required by the City, a SIU or NSRU that does not have a unique sampling chamber at end-of-pipe, shall install a monitoring manhole or sampling chamber for use as the regulation location of Local Limits in the Building Sewer in accordance with plans and specifications approved by the City.

2. When required by the City, a Categorical Industrial User shall install a monitoring manhole or sampling chamber for use as the regulation location of the categorically regulated Discharge in the Building Sewer in accordance with plans and specifications approved by the City. This sampling chamber may be required to be installed within the building and may be in addition to an end-of-pipe manhole.

(b) The City reserves the right to apply said Local Limits in Section 98-176 (1) and (2) at an end-of process Discharge location that connects to the POTW sewer system in the event that:

1. A unique sampling manhole at end-of-pipe is not available;

- 2. A more representative sample can be taken of a process batch Discharge even though an end-of-pipe manhole exists;
- 3. A more representative sample can be taken at the end-of-process location than the end-of-pipe location as a result of impacts from dilute waste streams;
- 4. An end-of process location is used because the IU is unable to provide adequate Flow documentation to use a Combined Waste Stream Formula.

(c) In the event that a suitable Sampling Manhole does not exist as per Section 98-178 and no end-of-process Discharge sampling location exists, the “sampling facility” shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

(2) Wastewater Monitoring and/or Flow Measurement Facility Operation and Maintenance

(a) Such facilities will be installed and maintained at all times at the User’s expense. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that the sample results are unrepresentative of its Discharge. Installation will be consistent with the requirements of Section 98-162.

(b) The manhole or chamber located on a Building Sewer Discharge located in dedicated Easements shall be easily accessible to representatives of the City twenty-four (24) hours per day, seven (7) days per week.

(c) The manhole or chamber at a Discharge location within the building shall be accessible to representatives of the City during normal User operating hours.

(d) Metered water supply may be used to determine Wastewater Flow if it is substantiated to the City that the metered water supply and Wastewater quantities are approximately the same, or where an adjustment agreed to by the City is made in the metered water supply to determine Wastewater Flow which is documented through the use of sub-meters and/or production records. In the event that the Wastewater Flow cannot be substantiated at any regulated location, the User will be required to install Flow monitoring consistent with Section 98-163.

(e) The sampling chamber, Flow metering device, sampling equipment and documentation of the frequency of sampling, sampling methods and analysis of samples shall be subject, at any reasonable time, to inspection by the City.

Sec. 98-179- Monitoring Requirements

(1) Applicability

At minimum, all SIUs including CIUs as well as Non-Significant Regulated Users (NSRUs) are required to sample based on the City Monitoring Frequency as stated in the Wastewater Discharge Permit applicable to the User’s Discharge. Other Users are required to sample upon the request of the City. Each User shall pay the costs of sampling of its Discharge and the costs of analyses of its samples, regardless of whether the sampling and analyses are conducted by the User or by the POTW.

(2) Frequency

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(a) All SIUs, including CIUs with Individual Wastewater Discharge Permits must sample their effluent consistent with the Wastewater Discharge Permit requirements and report the results to the POTW at least twice a year. The City may specify more frequent reporting, such as quarterly or monthly, dependent on the frequency of sampling for those parameters specified in the User's Wastewater Discharge Permit and the City Monitoring Frequency defined in the City's Enforcement Response Plan. An SIU may request that the City conduct routine monitoring using an independent laboratory. Sampling visits of this type will normally be unannounced.

(b) Any NSRU with an Individual or General Wastewater Discharge Permit shall sample their effluent and report the results to the POTW consistent with the requirements of the Wastewater Discharge Permit.

(c) Hauled Waste or batch Discharges that have been approved by the Superintendent will have sampling and analysis defined in an Individual Wastewater Discharge Permit.

(d) The City shall have the right to perform its own sampling at any time at any location.

(e) The City may resample a FSE within thirty (30) calendar days when a violation of the Twenty-five Percent (25%) Requirement as defined in Section 98-176(3) is identified.

(f) The City may initiate sampling and analyses at a greater frequency as a result of a violation of any Wastewater Discharge Permit limit, including in cases where Hot Spot maintenance issues or blockage to the Sanitary Sewer System has occurred.

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(3) Sample Collection

(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period, as defined in the Wastewater Discharge Permit.

(b) Except as indicated in Sections (c) and (e) below, the User must collect Wastewater samples using 24-hour Flow-proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator, the samples must be representative of the Discharge.

(c) In the event Flow proportional sampling is infeasible, the Pretreatment Coordinator may authorize the use of time-proportional sampling, which will required at minimum collecting samples every 15 minutes during a 24-hour Work Day; or a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being Discharged. A proportional number of samples shall be collected for Wastewater Discharges less than 24 hours.

(d) Single Grab Samples may be required in the event of an infrequent batch Discharge or to show compliance with Instantaneous limits.

(e) Samples for Fats, Oil and Grease, temperature, pH, cyanide, hexavalent chromium, phenols, sulfides, and volatile organic compounds must be obtained using the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. Multiple Grab Samples that are individually preserved as specified in 40 CFR Part 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:

1. For, cyanide, hexavalent chromium, phenols, and sulfides: multiple Grab Samples may be composited in the laboratory or in the field;
2. For volatile organics and Fats, Oil and Grease: multiple Grab Samples may be composited only in the laboratory.

(f) Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate.

(4) Cost - The cost of City sampling and analyses for any monitoring will be invoiced to the applicable User.

Sec. 98-180- Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the USEPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by USEPA.

Sec. 98-181- Protection of City Sampling and Flow Metering Equipment From Damage

No unauthorized Person shall maliciously, willfully, or recklessly/negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is owned or contracted by the City. Any Person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

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DIVISION VI: GENERAL DISCHARGE COMPLIANCE

Sec. 98-182- Applicability

Each User that Discharges from a Non-Residential Source shall provide Wastewater treatment and Best Management Practices as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Division V, within the time limitations specified by USEPA, the State, or the Pretreatment Coordinator, whichever is more stringent.

Sec. 98-183- Pretreatment Facilities

Any Pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be acceptable to the Pretreatment Coordinator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the City under the provisions of this ordinance.

All Users are required to comply with IEPA permitting requirements. Users shall obtain all necessary construction-operating permits from the IEPA prior to the City connection and/or Wastewater Discharge Permit(s) being issued. IEPA will make the determination of actual permitting requirements based on changes in the Wastewater volume or characteristics generated at the User site. The City will track and parallel this IEPA permitting process. No sources of non-residential Wastewater will be allowed to Discharge to City POTW until all permitting requirements have been satisfied. Such Pretreatment facilities shall be under the control and direction of an IEPA-certified Wastewater operator.

Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to the City and IEPA prior to the User's initiation of the changes. Users shall obtain all additional construction-operating permits from IEPA and the City for the changes prior to Discharge.

Sec. 98-184- Additional Pretreatment Measures

At minimum, the City may require the additional Pretreatment measures defined below. The City reserves the right to make unannounced inspections of any additional Pretreatment measures during normal business hours, regardless of whether the User has been issued an Individual or General Wastewater Discharge Permit.

- (1) Whenever deemed necessary, the Pretreatment Coordinator may require Users to restrict their Discharge during peak Flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial Waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance. Users discharging a large volume of strong waste over a short period of time may be ordered to Discharge such waste uniformly over a longer period of time if the Pretreatment Coordinator deems it necessary for the satisfactory operation of the POTW.
- (2) The Pretreatment Coordinator may require any Person or User Discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and Flow-control facility to ensure equalization of Flow. The City may issue an Individual or General Wastewater Discharge Permit solely for Flow equalization.

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(3) Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 98-185- Best Management Practices (BMP) Plan

(1) FSE's are required to develop, implement and maintain Best Management Practices (BMP) plans that include, but are not limited to:

(a) Proper storage of unused cooking oil;

(b) Segregation, collection, and proper storage of waste cooking oil;

(c) Disposal of food waste into the trash or solid food waste disposal;

(d) Installation of drain screens;

(e) Wipe-up grease spills before using water;

(f) Employee training within ninety (90) calendar days of initiation and twice each calendar year thereafter;

(g) Grease Interceptor maintenance;

(h) Kitchen exhaust filter maintenance;

(i) Record keeping requirements;

(j) Notifications required for spills or Slug Loads changes; and

(k) Notices and signage advising employees in the language used in the kitchen.

All FSE's that meet the criteria defined in Section 98-182 are required to develop and implement a BMP Plan regardless of whether such FSE are regulated by a Wastewater Discharge Permit.

(2) Each FSE meeting the criteria in Section 98-182 is to provide ready documentation that the provisions of the BMP Plan are being implemented, as follows:

(a) Specifics of documentation:

1. Site diagram showing location of all containers holding unused or spent yellow grease;
2. Procedures to prevent adverse impact from any accidental Discharge to Storm or Sanitary Sewers. 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 runoff, worker training and building of containment structures or equipment;
3. Location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use who to call in the event of a spill, accidental Discharge of prohibited materials, Slug Discharge or a Bypass of any part of a Pretreatment system; and
4. Off-site emergency (24-hour) telephone number, and backup telephone number.

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(b) Notification Procedure. The BMP Plan shall contain procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge of any raw materials or recycled oil to either the Sanitary or Storm Sewer consistent with the requirements in Section 98-212.

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(3) The City may require the submittal of BMP Plans and documentation of procedures required in this Section. Review of such plans and documentation of procedures by the City shall not relieve the User from the responsibility to modify the User's facility or BMP Plan and procedures as necessary to meet all requirements of this ordinance. Review by the City does not constitute an approval of a BMP Plan and procedures, and the City and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Discharge.

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Sec. 98-186- Accidental Discharge & Slug Control Plan

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(1) All permitted Non-Residential Users are required to develop, implement and maintain Best Management Practices in the form of an Accidental Discharge & Slug Control Plan hereafter referred to as a Spill Plan.

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(2) All Non-Permitted Users that meet the below criteria are required to develop and implement a Spill Plan regardless of whether that User is regulated by a Wastewater Discharge Permit.

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(a) Chemicals (raw materials, chemical intermediates, wastes to be recycled, final products, or utility chemicals) that total or exceed 250 gallons at or on its site;

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(b) Prohibited Discharge Materials as defined in Section 98-173 at or on its site; or

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(c) Hazardous Waste as defined in Section 98-214 at or on its site; or

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(d) Been defined by the Pretreatment Coordinator to have a need to control Slug Discharges.

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(3) The Spill Plan which is required to be submitted to the City for review if the User's Discharge is permitted and shall address, at a minimum, the following:

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(a) Specifics of Spill Plan:

1. Description of Discharge practices, including non-routine batch Discharges;

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2. Description of stored chemicals, including quantity of chemicals and type and number of storage containers;

3. Site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing 8 drums or more of raw materials, prohibited wastes, wastes to be recycled, hazardous wastes or final product. Identification and location of all liquid materials is mandatory;

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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response. Building containment structures or production equipment changes are considered procedures to prevent adverse impact from spills. If containment structures are connected to the Sanitary Sewer, a valve normally left in a closed position is required;

5. Location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use who to call in the event of a spill, accidental Discharge of prohibited materials, Slug Discharge, or a Bypass of any part of a Pretreatment system; and

6. Emergency telephone number (24-hour) off permitted location and backup telephone number. If the Spill Plan has been submitted to the City, any change in the telephone numbers should be submitted to the City within five (5) working days when revised.

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(b) Notification Procedure. The Spill Plan shall contain procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge, as required by Section 98-212;

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(c) Documentation. The Spill Plan shall contain a sample of the documentation maintained at the site that:

(d) Ensures that all employees who are in a position to cause, discover, or observe such Discharge are advised of the emergency notification procedures; and

(e) Such logs as necessary to verify inspection and maintenance procedures to prevent adverse impacts and confirm that said procedures are being performed on a regular basis. At minimum, logs are required to verify that valves in containment structures, if present, are closed.

(4) Review of such plans and operating procedures by the City shall not relieve the User from the responsibility to modify the User's facility or Spill Plan as necessary to meet all requirements of this ordinance. Review by the City does not constitute an approval of a spill plan and the City and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Load.

(5) At least once every two (2) years the Pretreatment Coordinator shall evaluate whether each SIU needs a revision to its Spill Plan. The Pretreatment Coordinator may require any User to submit at a frequency less than two (2) years such Spill Plan or require modification of an existing Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

In alternate years, the Pretreatment Coordinator shall evaluate whether each NSRU is required to file a revision to its Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

Sec. 98-187- Closure Plan

(1) Any Non-Residential User meeting the requirements of Section 98-186(1), including but not limited to those with Wastewater Discharge Permits, that determines it will cease operations permanently, or if some of the processes that classify the User as an SIU are closed, the User shall file a written closure plan with the City. The closure plan shall be submitted ten (10) working days prior to the initiation of the plan and shall contain, at a minimum, the following:

(a) A description of each Wastewater generating process that will be closed;

(b) A description of how the facility will be closed and the extent of operations during the closure period;

(c) An inventory and estimate of the volume of all process Wastewater, chemicals, and hazardous waste on site. A description of the methods for disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste management facilities to be used;

(d) A schedule of the closure activities indicating the time required to complete each closure step; and

(e) Additional monitoring scheduled that will identify compliance with Pretreatment Standards during the closure operations.

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DIVISION VII: WASTEWATER DISCHARGE PERMITS

Sec. 98-188- Wastewater Information and Analysis

When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) calendar days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require Users to update this information. The Pretreatment Coordinator may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in Division IV and Section 98-191. Hauled Waste is permitted under the provisions of Sections 98-189 and 98-195.

Sec. 98-189- Wastewater Discharge Permit Authority and Requirements

- (1) Individual Wastewater Discharge Permits issued to Significant Industrial Users (SIUs), which includes Categorical Industrial Users (CIUs). No SIU, including any CIU, shall Discharge Wastewater to the POTW without first obtaining an Individual Wastewater Discharge Permit from the Pretreatment Coordinator, except that a SIU, including any CIU, that has filed a timely application pursuant to this ordinance may continue to Discharge for the time period specified therein.
- (2) General Wastewater Discharge Permit issued to SIU and CIU. At the discretion of the Pretreatment Coordinator, the City may use General Wastewater Discharge Permits to control SIU or CIU Discharges to the POTW if the following conditions are met. All facilities to be covered by a General Wastewater Discharge Permit must:
 - (a) Involve the same or substantially similar types of operations;
 - (b) Discharge the same types of waste;
 - (c) Require the same effluent limitations or BMPs;
 - (d) Require the same or similar monitoring and/or reporting requirements; and
 - (e) In the opinion of the Pretreatment Coordinator, are more appropriately controlled under a general permit than under individual Wastewater Discharge Permits.
- (3) Other Wastewater Discharge Permits. The Pretreatment Coordinator may require other Non-Residential Users to obtain either Individual or General Wastewater Discharge Permits as necessary to carry out the purposes of this ordinance. The Wastewater Discharge Permit will define that holders of permits issued under this section shall not be classified as SIUs. Non-Residential Users with Wastewater Discharge Permits in this class may include but are not limited to:
 - (a) Any User that has been determined to be a NSCIU as defined in Section 98-156;
 - (b) Any User that has been determined not to be a SIU as defined in Section 98-156 that the Pretreatment Coordinator requires to be regulated by Wastewater Discharge Permit;
 - (c) Any User subject to National Categorical Pretreatment Standards that opts not to Discharge Pollutants shall obtain a Zero Process Wastewater Discharge Permit;

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(d) Any User that is a non-Categorical Zero Process Wastewater Discharger that the Pretreatment Coordinator determines shall be permitted;

(e) Non-Significant Regulated Users (NSRUs), as defined below:

1. NSRUs that Discharge process Wastewater Flow greater than or equal to one-half (0.5%) percent of the POTW's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller;

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2. NSRUs that Discharge more than or equal to one-half (0.5%) percent of the design dry-weather organic treatment capacity of the POTW;

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3. NSRUs that Discharge one-half (0.5%) percent of the Maximum Allowable Headworks Loading for any Pollutant regulated by a Local Limit developed in accordance with Section 98-176; or

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4. NSRUs that intermittently Discharge any individual batch or batches that would meet the criteria in a, b, or c above when Discharged, or otherwise has the potential to Discharge a Slug Load to the POTW;

(f) Non-Residential Users that have devices installed to remove oils, grease, and sand;

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(g) Food Service Establishments (FSE);

(h) Hauled waste; and

(i) Non-Residential Users required to eliminate or control specified Pollutants from their waste stream through the development and implementation of a BMP Plan.

(4) Any violation of the terms and conditions of an Individual or General Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the Wastewater Discharge Permittee to the sanctions set out in Division XIII through XV. Obtaining an Individual or General Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

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Sec. 98-190- Individual and General Wastewater Discharge Permitting: Existing Connections

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(1) Any SIU or CIU required to obtain an Individual or General Wastewater Discharge Permit who was Discharging Wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such Discharges in the future, shall, within ninety (90) calendar days after said date, apply to the Pretreatment Coordinator for the appropriate Wastewater Discharge Permit in accordance with Section 98-191, and shall not cause or allow Discharges to the POTW to continue after one hundred eighty (180) calendar days of the effective date of this ordinance except in accordance with a Wastewater Discharge Permit issued by the Pretreatment Coordinator.

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(2) Any non-SIU or non-CIU that is required to obtain Individual or General Wastewater Discharge Permits shall file an application within ninety (90) calendar days or the time frame stated, whichever is shorter, of a notification sent by the Pretreatment Coordinator.

(3) General Permits for Food Service Establishments (FSE). No Person shall Discharge, or cause to Discharge any Wastewater from FSE directly or indirectly into the sewer system without first obtaining a FSE Wastewater Discharge Permit. The City will implement the FSE permit process by issuing a survey provided by Division IV specific to FSE. The survey will serve as the Discharge Application. Any FSE that submits a survey in the timeframe required by the City will be deemed to have complied with the permit requirements during the implementation of this program.

Sec. 98-191- Individual and General Wastewater Discharge Permitting: New Connections

(1) Any SIU or CIU, who proposes to begin or recommence Discharging into the POTW must obtain an Individual or General Wastewater Discharge Permit prior to the beginning or recommencing of such Discharge. An application for this Individual or General Wastewater Discharge Permit, in accordance with Section 98-192, must be filed at least ninety (90) calendar days prior to the date upon which any Discharge will begin or recommence, pending review by the Pretreatment Coordinator.

(2) Any non-SIU or non-CIU who proposes to begin or recommence Discharging into the POTW that is required to obtain an Individual or General Wastewater Discharge Permit must obtain such permit prior to the beginning or recommencing of such Discharge, or operations in the case of a zero process Discharger, in accordance with Section 98-192. An application for this Individual or General Wastewater Discharge Permit must be filed at least thirty (30) calendar days prior to the date upon which any Discharge or operations will begin or recommence, pending review by the Pretreatment Coordinator.

(3) A FSE that proposes a new connection is required to obtain a FSE Wastewater Discharge Permit in accordance with Section 98-192.

Sec. 98-192- Individual and General Wastewater Discharge Permit Application Contents

(1) Individual Application Requirement. All Users required to obtain an Individual Wastewater Discharge Permit or Zero Process Wastewater Discharge Permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(2) Individual Application Contents. The Pretreatment Coordinator may require all Users to submit as part of an application all or some of the following information:

(a) All information required by Sections 98-169, 98-171, and 98-211;

(b) Identifying and contact information for the facility, including the name and address of the facility, the name of the operator and owner, and contact information for the Authorized Representative and daily on-site contact.

(c) Description of Operations.

1. A brief description of the nature of the activities, services, production, and plant processes on the premises. Include the average rate of production (including each product produced by type, amount, process or processes, and rate of production), and SIC Code of the operation(s) carried out by such User;

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2. Types of wastes generated;

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;

4. Type and amount of raw materials processed (average and maximum per day), including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, Discharged to the POTW;

5. Information showing the measured average daily and maximum daily Flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the Combined Waste Stream Formula set out in 40 CFR 403.6(e).

6. Measurements of Pollutants.

a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated Pollutants in the Discharge from each regulated process.

c. Instantaneous, Daily Maximum and long-term average concentrations (or mass, where required) shall be reported.

d. The sample shall be representative of daily operations. In cases where the Standard requires a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard; _____

(d) Time and duration of Discharges, with an estimate of the average daily and maximum Flow;

(e) Waste Characteristics. Information showing the nature and concentration of the Discharge in relation to applicable Pretreatment Standards and Local Limits;

(f) Requests for a monitoring waiver for a Pollutant regulated as a Categorical Pretreatment neither present nor expected to be present in the Discharge based on 40 CFR 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request;

(g) Plans and Diagrams

1. Site plans / floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;

2. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of Discharge; and

3. A schematic process diagram showing the location for monitoring the Discharge of all wastes covered by the permit and the points of discharge to the POTW from the regulated processes.

(h) Environmental Permits. A list of any environmental control permits held by or for the facility.

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(i) Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the Wastewater Discharge Permit application.

(3) General Application Requirement. The Pretreatment Coordinator may require all Users that are required to obtain a General Wastewater Discharge Permit to submit an application on a form provided by the City which is specific to the category regulated by the General Wastewater Discharge Permit. The form may require but is not limited to contact information, production processes, the types of wastes generated, and the location for monitoring all wastes if regulated by the general permit. Where the Standard will require compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator.

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(4) General Application Requirement for Food Service Establishments (FSE). The Pretreatment Coordinator may require all FSE that are required to obtain a General Wastewater Discharge Permit to submit an application on a form provided by the City which is specific to FSE. The form may require but is not limited to contact information, general business information, facility operation, kitchen fixtures, Fats, Oil, and Grease handling, kitchen clean-up and water usage, grease interceptor or alternatives used, and sampling locations. The City requires FSE to comply with a BMP and the FSE shall submit documentation as required by the Pretreatment Coordinator.

(5) General Application for Waste Haulers. The Pretreatment Coordinator may require waste haulers, as determined by Section 98-196, that are required to obtain a Wastewater Discharge Permit to submit an application on a form provided by the City. The form may require but is not limited to contact information, truck identification, names and addresses of sources of waste, volume and characteristics of the waste, type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

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(6) Categorical Monitoring Waivers

(a) Authority. Pursuant to 40 CFR 403.12(e)(2)(v) and (vi), the City may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the User. This waiver is not available to Users whose concentration Standards are derived from mass Standards or production-based Standards. This authorization is subject to the following conditions:

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1. The waiver may be authorized where a Pollutant is determined to be present solely due to Sanitary Wastewater Discharged from the facility provided that the Sanitary Wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process Wastewater.

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2. The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater Discharge Permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit.

3. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

(b) Application Requirements

1. In making a demonstration that a Pollutant is not present, the User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.
2. The request for a monitoring waiver must be signed in accordance with Section 98-192 and include the certification statement in Section 98-193.
3. Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

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(c) Documentation and Record Retention for CIU Monitoring Waivers

1. Any grant of the monitoring waiver by the Pretreatment Coordinator must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Pretreatment Coordinator for 3 years after expiration of the waiver.

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Sec. 98-193- Individual and General Application Signatories and Certification

- (1) All Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the following certification statement:

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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified Personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or Persons who manage the system, or those Persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

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- (2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Pretreatment Coordinator prior to or together with any reports to be signed by an Authorized Representative.

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Sec. 98-194- Individual and General Wastewater Discharge Permit Decisions

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The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within thirty (30) calendar days of receipt of a complete Wastewater Discharge Permit application, the Pretreatment Coordinator will determine whether to issue a Wastewater Discharge Permit. The Pretreatment Coordinator may deny any application for a Wastewater Discharge Permit. If the Pretreatment Coordinator fails to act within ninety (90) calendar days, a request for permit application shall be deemed to be denied.

Sec. 98-195- Hauled Discharges

(1) Permits

No Person, firm, or corporation shall Discharge Septic Tank Wastes, holding tank wastes, portable toilet wastes, steam cleaning wastes, leachate, or other wastes from a tanker truck into the designated Discharge facilities of the City without first obtaining a written permit from the City. No hauled wastes are to be Discharged by any entity except at the Discharge points and at such times designated by the City.

(a) Application for permits shall be filed with the City on forms so provided. The application shall be signed as required by Section 98-193.

(b) Each permit shall designate the location and manner of disposing of hauled wastes.

(c) A separate permit shall be obtained for each truck and shall be always in the possession of the driver of the truck.

(d) No permit shall be valid for a period of more than two (2) years.

(e) No permit shall be transferable. A permit becomes void under any of the following conditions:

- 1. Change in ownership of the permittee;
- 2. Change in vehicle for which the permit is issued; or
- 3. Change in the name and address of the permittee.

(2) Administration and Fees

The City, from time to time shall review said applications and fees, and issue said permits, if in compliance with this Ordinance.

(a) Fees for the initial permit and individual vehicle permits are contained in Division XVII.

(b) Fees for the treatment of hauled wastes Discharged shall be recovered through the City's User charge system as set forth in Division XVII.

(3) Rules and Regulations

No Person, firm or corporation shall dispose of any hauled wastes upon any property of the City other than at the designated Discharge point so defined by the City. In its discretion the City may accept waste subject to the following:

(a) Septic tank disposal shall be limited to wastes from a septic toilet, chemical closet, or any other water-tight enclosure used for storage and decomposition of human excrement and/or domestic wastes. Other non-residential wastes shall be approved on a case-by-case basis by the City. The City will not accept Hauled Waste containing RCRA hazardous waste.

(b) Disposal shall be permitted at the City's POTW between the hours of 7:00 A.M. and 4:00 P.M., Monday through Friday. No disposal shall be permitted on any legal holidays that are observed by the City.

(c) All trucks which are permitted by the City shall be identified with the following:

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1. Owner's name, address and phone number;

2. Liquid capacity; and

3. The City Permit No. and Year covered.

(d) For each Hauled load disposed of at the City's POTW, the truck driver shall deliver to the operational office in the building designated on the permit, a signed, numbered ticket showing the permit identification number, liquid capacity of the truck, time of arrival and departure, origin of every pickup point comprising the load, along with the telephone number of each originating source. The ticket shall contain a signed certification for all septic tank and portable toilet wastes identifying where the load has originated and that they are domestic in origin. The ticket shall also contain a certification that the load does not contain RCRA hazardous waste. The driver shall not unload until obtaining approval by the Operator at the City.

(e) The driver is required to take a sample of every load Discharged in accordance with City procedures. A sample may also be taken by the City of each truckload of waste delivered to the City's POTW.

(f) Persons disposing of waste at the City shall be responsible for cleaning up all the spills and replacing the manhole covers at the end of the unloading process.

(g) The permittee shall furnish a list of authorized drivers to the City covered by the permit and keep this list current.

(h) The City will implement procedures to randomly confirm the source and type of waste hauled and to analyze Hauled Waste samples for compliance with this Ordinance.

(i) The City reserves the right to reject any wastes delivered to the facilities of the City, which the City believes may have an adverse effect on the POTW and/or processes.

(4) Insurance Requirements

Each permittee shall carry such insurance as is deemed necessary by the City to protect it against claims, causes of actions or any act of any permittee.

(a) A Certificate of Insurance shall be filed with the City. After approval of the Certificate and upon issuance of a permit, the Septic Tank Waste hauler shall be permitted to Discharge at the designated location. No one shall be allowed on the site without a valid Certificate of Insurance. The City shall be a named insured on any such policies. The Certificate of Insurance shall conform to the types and amounts of insurance as listed in the insurance requirements on file with the City.

(5) Revocation of Permits

Any violation of the conditions stated above shall be justification for the City to immediately revoke any or all permits issued in addition to the reasons stated in Section 98-202. The City reserves the right to revoke any and all permits at any time if it determines the revocation of said permits is in the best interests of the City.

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Sec. 98-196- Intermittent Discharges and Clean-ups

- (1) No Person, firm, or corporation shall Discharge atypical waste, contaminated waters from any non-domestic source, special waste, or leachate on an intermittent or one-time basis without first obtaining a connection permit and Wastewater Discharge Permit as provided in Sections 98-161 and 98-189, respectively. The request to Discharge and project description shall be submitted on a form provided by the City. In the event that such waste will be hauled to a Discharge point designated by the City, the Discharger shall also comply with the provisions of Section 98-195.
- (2) An evaluation by the City shall be made to determine provisions necessary to prevent the introduction of Pollutants to the POTW which could:
- (a) Cause injury, Interference, or otherwise be incompatible with the system or the use or disposal of Biosolids;
 - (b) Constitute a hazard to humans, animals, or the environment; and/or
 - (c) Cause Pass Through of Pollutants into the receiving waters or the atmosphere.
 - (d) Provisions may include site-specific Discharge rates, unique standards – either concentration or mass based or both, special monitoring, and/or Pretreatment requirements.

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DIVISION VIII: WASTEWATER DISCHARGE PERMIT ISSUANCE

Sec. 98-197- Individual and General Wastewater Discharge Permit Duration

- (1) An Individual Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Pretreatment Coordinator. Each individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.
- (2) A General Wastewater Discharge Permit shall be issued for a specific time period, not to exceed five (5) years from the effective date of the permit. The City will identify in the general Wastewater Discharge Permit whether or not the permittee is defined as a SIU.
- (3) A general FSE Wastewater Discharge Permit (FSEP) may be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. Each FSEP will indicate a specific date upon which it will expire.
- (4) The Pretreatment Coordinator may extend a permit issued under Section 98-197 (1), (2), or (3) above with a duration of less than five (5) years to a maximum duration of five (5) years upon written notification.

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Sec. 98-198- Wastewater Discharge Permit Contents

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Coordinator to prevent Pass Through or Interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate Biosolids management and disposal, and protect against damage to the POTW.

(1) Individual and General Wastewater Discharge Permits must contain:

- (a) A statement that indicates Wastewater Discharge Permit issuance date, expiration date and effective date;
- (b) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the City in accordance with Section 98-201, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
- (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (d) Requirements to control Accidental Spills and Slug Discharges, if determined by the Pretreatment Coordinator to be necessary;
- (e) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants or BMPs to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (f) A statement of applicable civil and criminal 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.

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(2) An individual Wastewater Discharge Permit may contain the process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with Section 98-192(6). Any grant of the monitoring waiver by the Pretreatment Coordinator shall be included as a condition of the User's permit.

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(3) Individual and General Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

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(a) Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for Flow regulation and equalization;

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(b) Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to equalize, reduce, eliminate, or prevent the introduction of Pollutants into the POTW;

(c) Requirements that allow the use of Bypass of the Pretreatment system conditions consistent with 40 CFR 403.17 and Section 98-220.22;

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(d) Requirements for the development and implementation of Spill Prevention Containment and Countermeasures / Slug Control Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;

(e) Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;

(f) Development and implementation of BMP Plans to reduce the amount of Pollutants Discharged to the POTW if the Categorical Standards do not already require the implementation of a BMP Plan;

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(h) Requirements for the zero Discharge of process waste regulated by a National Categorical Pretreatment Standard or local Standard;

(i) Documentation of any monitoring waiver approved by the Pretreatment Coordinator for categorically regulated Pollutants found to be not present and requirements to re-institute monitoring in the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operation;

(j) 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; and

(k) Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

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(4) General Permits for Food Service Establishments. The general permit for FSE will include grease interceptor requirements with operation and maintenance requirements. All FSE shall implement a BMP plan in its operation to minimize the Discharge of FOG to the sewer system. Detailed requirements for BMP plans shall be specified in the permit. This may include but is not limited to:

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(a) Installation of drain screens;

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(b) Segregation and collection of waste cooking oil;

(c) Disposal of food waste into the trash or Garbage;

(d) Employee training;

(e) Record keeping requirements;

(f) Notifications required, and

(g) Kitchen signage.

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If the FSE has a waiver for some aspect of the program, that waiver will be documented in an attachment to the permit.

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Sec. 98-199- Individual and General Wastewater Discharge Permit Appeals

The Pretreatment Coordinator shall provide public notice of the issuance of an Individual or General Wastewater Discharge Permit. Any Person, including the User, may petition the Pretreatment Coordinator to reconsider the terms of a Wastewater Discharge Permit within thirty (30) calendar days of notice of its issuance. The following conditions apply to Wastewater Discharge Permit appeals:

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(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.

(3) The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.

(4) If the Pretreatment Coordinator fails to act within thirty (30) calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Circuit Court for Ogle County within ~~thirty-~~ ~~fivesixty~~ (35) calendar days.

Sec. 98-200- Individual and General Wastewater Discharge Permit Modification

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(1) The Pretreatment Coordinator may modify an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

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(a) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;

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(b) To address substantial alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;

(c) To address introduction of a Pollutant for which a monitoring waiver had been obtained;

(d) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

(e) Information indicating that the permitted Discharge poses a threat to the City's POTW, City Personnel, or the receiving waters;

(f) Violation of any terms or conditions of the Wastewater Discharge Permit;

(g) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;

(h) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(i) To correct typographical or other errors in the Wastewater Discharge Permit;

(j) To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 98-201; or

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(k) To reflect the issuance of a monitoring waiver.

(2) (b) The Pretreatment Coordinator may modify a General Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

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(a) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;

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(b) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

(c) To correct typographical or other errors in the Wastewater Discharge Permit; or

(d) To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Section 98-201.

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Sec. 98-201- Individual and General Wastewater Discharge Permit Transfer

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Wastewater Discharge Permits shall not be transferred, assigned, or sold to a new owner or new User in different premises or to a new or different operation in the same or different premises without the express written approval of the City. If the premises sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, whether or not the seller will continue to operate the equipment or the equipment is leased to another entity for its operation at the site of the original permittee, then the permit held by the seller and/or owner shall be reissued by the City to the new owner and/or operator as a temporary permit; provided:

(1) The new owner and/or operator notified the City thirty (30) calendar days in advance of the transaction, and

(2) The new owner and/or operator confirmed to the City, within five (5) working days of the transaction, of completion of the date of sale or execution of an operating contract, and

(3) The new owner and/or operator shall apply for a new permit within ninety (90) calendar days.

Failure to provide the sale/transfer notification defined in Section (1) and (2) above, renders the Wastewater Discharge Permit void as of said sale and/or transfer date. It is further provided that the temporary permit shall only be effective for one hundred eighty (180) calendar days after the date of sale or transfer. The City shall have the same remedies for violation of temporary permits as it has for violation of other Wastewater Discharge Permits.

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Sec. 98-202- Individual and General Wastewater Discharge Permit Revocation

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The Pretreatment Coordinator may revoke an individual or general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

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(1) Failure to notify the Pretreatment Coordinator of significant changes to the Wastewater prior to the changed Discharge;

(2) Failure to provide prior notification to the Pretreatment Coordinator of changed conditions pursuant to Sections 98-210 and 98-211;

(3) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Pretreatment Coordinator and designee(s) timely access to the facility premises and records

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a Wastewater Survey or the Wastewater Discharge Permit application;

(12) Failure to provide advance notice of the transfer of business or operation ownership of a permitted facility; or

(13) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this ordinance.

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business or operation ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

Sec. 98-203- Individual and General Wastewater Discharge Permit Re-issuance

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit re-issuance by submitting a complete Wastewater Discharge Permit application, in accordance with Section 98-192, a minimum of ninety (90) calendar days prior to the expiration of the User's existing Wastewater Discharge Permit.

Sec. 98-204- Regulation of Waste Received from Other Jurisdictions

- (1) If another municipality, or User located within another municipality, contributes Wastewater to the POTW, the City shall enter into an intergovernmental agreement with the contributing municipality.
- (2) The City shall request the following information from the contributing municipality at a frequency determined by the City:
 - (a) A description of the quality and volume of Wastewater Discharged to the POTW by the contributing municipality;
 - (b) An inventory of all Users located within the contributing municipality that are Discharging to the POTW; and
 - (c) Such other information as the Pretreatment Coordinator may deem necessary.
- (3) An intergovernmental agreement, as required by Section 1, above, shall contain the following conditions:
 - (a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance, baseline monitoring, and Local Limits which are at least as stringent as those set out in Sections 98-173 and 98-176 for the area to be served by the City. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits. (Optionally, include a clause in the agreement that says the Users in the contributing municipality will abide by the ordinance of the City).
 - (b) A requirement for the contributing municipality to submit a revised Non-Residential User inventory at a frequency determined by the City but at least annually;
 - (c) A provision specifying that Pretreatment implementation activities, including Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the Pretreatment Coordinator;
 - (d) A requirement for the contributing municipality to provide the Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its Pretreatment activities;
 - (e) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the POTW;
 - (f) Requirements for monitoring the contributing municipality's Discharge;
 - (g) A provision ensuring the Pretreatment Coordinator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Pretreatment Coordinator; and
 - (h) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

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(i) Notwithstanding Section (c) above, when the Superintendent deems that the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement will specify that the City has the right to take legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment standard and requirements directly against noncompliant Dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

DIVISION IX: REPORTING REQUIREMENTS

Sec. 98-205- General Reporting Requirements

Each User of the POTW and facilities of the City shall provide reports as necessary to comply with this ordinance and any Wastewater Discharge Permit. Reporting requirements may apply to Users that are not required to obtain a Wastewater Discharge Permit.

Sec. 98-206- Pretreatment Requirements for Non-Permitted Users

Should the City find that a Non-Residential User does not meet Pretreatment Standards and Requirements applicable to its Discharge, causes or contributes to a Potential Problem at the POTW, or when analysis of waste or observation of the effect of such wastes on the POTW indicate that said wastes cannot be treated satisfactorily at the POTW, or that said wastes are injurious to the POTW, or to the treatment processes, or pollute the natural waters within the City, its service areas, or the Waters of the State of Illinois, the City will impose additional Pretreatment and/or O&M requirements to ensure that the Discharge will meet all Pretreatment Standards and Requirements. Such facilities as the City may deem necessary for Pretreatment of the wastes shall be furnished by and at the expense of the User as a condition of the Discharge of said wastes into the POTW or to any natural water within the City service area.

(1) Pretreatment Review: The Pretreatment Coordinator will require the User to initiate a Pretreatment review through a telephone call, letter, or certified letter to the Authorized Representative of the User.

(2) Pretreatment Initiation Meeting. A Pretreatment Initiation Meeting will be held between the Pretreatment Coordinator and the User to discuss the problem and the solution to said problem. If it determined that changes in operation and maintenance, plant modifications, and/or the installation of Pretreatment equipment shall occur to resolve noncompliance, a schedule shall be established with events and completion deadlines to resolve the noncompliance. If appropriate, a Compliance Agreement defining the agreed upon schedule will be sent from the City to the User shortly after the meeting. If a schedule for compliance acceptable to the Pretreatment Coordinator cannot be established, the matter will be referred for further enforcement action consistent with the provisions of Division XIII as appropriate.

(3) Progress Reports. Progress Reports will be filed by the User on a schedule agreed to by the Pretreatment Coordinator and the User concerning the completion of major events leading to the construction and operation of additional Pretreatment equipment or operations required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). The User shall identify whether it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.

(4) Final Report. A Final Report will be filed with the Pretreatment Coordinator by the User normally required within ninety (90) calendar days from the end of the schedule deadline to verify the success or failure or the schedule objective chosen by the User. The Final Report will, if appropriate, identify the steps being taken by the User to resolve noncompliance.

Sec. 98-207- Additional Pretreatment Requirements for Categorical Industrial Users

In the event that either the City, USEPA, or a User determines that the User is regulated as a CIU by Standards and Requirements promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act, the following reports are required to be filed by the User with both the City and USEPA.

(1) Baseline Monitoring Reports

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Within either one hundred eighty (180) calendar days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing CIUs currently Discharging to or scheduled to Discharge to the POTW shall submit to the Pretreatment Coordinator a report which contains the information listed below. At least ninety (90) calendar days prior to commencement of their Discharge, New Sources, and sources that become CIUs subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Pretreatment Coordinator a report which contains the information listed below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated Flow and quantity of Pollutants to be Discharged.

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Users described above shall submit the information set forth below.

- (a) Identifying Information; The name and address of the facility, including the name of the operator and owner.
- (b) Environmental Permits; A list of any environmental control permits held by or for the facility.
- (c) Description of Operations; A brief description of the nature, average rate of production, (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of Discharge to the POTW from the regulated processes.
- (d) Flow Measurement; Information showing the measured average daily and maximum daily Flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the Combined Waste Stream Formula set out in 40 CFR 403.6(e).
- (e) Measurements of Pollutants:
 - 1. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated Pollutants in the Discharge from each regulated process.
 - 3. Instantaneous, Daily Maximum and long-term average concentrations (or mass, where required) shall be reported.
 - 4. The sample shall be representative of daily operations. In cases where the Standard requires a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard;
 - 5. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. A minimum of four (4) Grab Samples are required for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds;
- (f) Samples should be taken 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 the User should measure the Flows and concentrations necessary to allow the use of the Combined Waste Stream Formula of 40 CFR 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

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(g) Sampling must be performed in accordance with procedures set out in Section 98-179 and shall be analyzed in accordance with procedures set out in Section 98-180;

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(h) The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and

(i) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the City.

(1) Compliance Certification: A statement, reviewed by the User's Authorized Representative of the User (as defined in Section 98-156), and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the User to meet the Pretreatment Standards and Requirements.

(2) Compliance Schedule: If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 98-207(2).

(3) Signature and Report Certification: All baseline monitoring reports must be signed and certified in accordance with Section 98-193.

(2) Compliance Schedule Progress Reports

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The following conditions shall apply to the compliance schedule required by Section 98-207(1)(g):

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(a) The schedule shall contain progress increments 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 User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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(b) No increment referred to above shall exceed nine (9) calendar months;

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(c) The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;

(d) In no event shall more than nine (9) calendar months elapse between such progress reports to the Pretreatment Coordinator; and

(e) All compliance schedule progress reports must be signed and certified in accordance with Section 98-193.

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(3) Reports on Compliance With Categorical Pretreatment Standard Deadline

Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information described in Section 98-207(1). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and Section 98-174 (xx.503), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 98-193.

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Sec. 98-208- Periodic Compliance Reports / Self-Monitoring Reports

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(1) Significant Non-Categorical Industrial Users

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(a) Significant Non-Categorical Industrial Users shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year (on dates specified by the City) submit a report to the City with a description of the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 98-193.

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(b) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of Sections 98-179 and 98-180.

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(c) All sampling and analysis may be performed by the City in lieu of the Significant Non-Categorical Industrial User. In such cases, the City will issue an Attachment to the Wastewater Discharge Permit that specifies that the City will perform sampling and analysis semi-annually at minimum.

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(d) In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.

(e) Where the City itself collects all the information required for the report, the Significant Non-Categorical Industrial User will not be required to submit the report.

(f) If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 98-179(3), the results of this monitoring shall be included in the report.

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(g) RMU reserves the right to conduct sampling and analysis of Discharges from all IUs and Persons.

(2) Categorical Industrial Users

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(a) All Industrial Users subject to Categorical Pretreatment Standard shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year on dates specified by the City (normally in July and January), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period. At the discretion of the City and in consideration of such factors as local high or low Flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with Section 98-193.

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(b) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of Sections 98-179 and 98-180.

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(c) This sampling and analysis may be performed by the City in lieu of the CIU. In such cases, the City will issue an attachment to the Wastewater Discharge Permit that specifies the City will perform sampling and analysis semi-annually at minimum.

(d) If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Sections 98-179 and 98-180, the results of this monitoring shall be included in the report.

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(e) Where the City has imposed mass limitations on Users as provided for by 40 CFR 403.6(c), the report required by Section 98-208 (2)(a) of this section shall indicate the mass of Pollutants regulated by the Pretreatment Standards in the Discharge from the Industrial User.

(f) For Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in Section 98-174, the report required by Section 98-208 (2)(a) shall contain a reasonable measure of the User's long term production rate. For all other 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 98-208 (2)(a) shall include the User's actual average production rate for the reporting period.

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(g) In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.

(h) Upon approval of a monitoring waiver for Pollutants found to be not present and revision of the User's permit by the Pretreatment Coordinator, the User must certify on each periodic report with the statement in Section 98-193 that there has been no increase in the Pollutant in its waste stream due to activities of the User with the following statement:

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"Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ (specify applicable National Categorical Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of the _____ (list the categorically regulated Pollutant(s)) in the Wastewaters due to the activities at the facility since filing of the last periodic report."

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(i) In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 98-208 (2)(a) or other more frequent monitoring requirements imposed by the Pretreatment Coordinator and notify the Pretreatment Coordinator.

(3) Non-Significant Categorical Users

(a) Non-Significant Categorical Industrial Users as defined in Section 98-156 shall, at a frequency determined by the Pretreatment Coordinator but no less frequently than annually (on dates specified by the City) submit a report which contains the certification statement contained in Section 98-208(3)(b) below.

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(b) Certification Statement.

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“Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____ to _____ (months, days, year):

- a. The facility described as _____ (facility name) met the definition of a Non-Significant Categorical Industrial User as described by Section 98-156;
- b. The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c. The facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during this reporting period.

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This compliance certification is based on the following information:

_____”

The report is required to be signed by an Authorized Representative of the User.

(c) Non-Significant Categorical User Status.

Should the Non-Significant Categorical Industrial Users no longer qualify for NSCIU status, as defined in Section 98-156, the IU will become a Categorical Industrial User and be subjected to the requirements of such.

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(4) Other Non-Significant Regulated Users

(a) Categorical Zero Process Dischargers, Non-Categorical Zero Process Dischargers, Batch Dischargers, Food Service Establishments and any firms regulated by Individual or General Wastewater Discharge Permit requirements, including but not limited to BMPs, shall, at a frequency determined by the Pretreatment Coordinator, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.

(b) The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation, including BMP documentation, necessary to determine the compliance status of User as defined by the Pretreatment Coordinator and identified in the Wastewater Discharge Permit.

(c) All FSE's with GI's must maintain cleaning logs. These logs shall be immediately available at the time of an inspection and are required to contain the following information:

1. Person and company that performed the cleaning;
2. Measurement of the depth of solids blanket and grease cap prior to cleaning in each interceptor;
3. Volume of material removed from each interceptor; and
4. Location where waste will be disposed.

A copy of the cleaning log may be required to be submitted to the City by a date specified in a request issued by the Pretreatment Coordinator.

Sec. 98-209- Reports from Non-permitted Users

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Pretreatment Coordinator as required. These reports include but are not limited to surveys of business activities, water usage, wastes Discharged, spill and Slug Loading potential, Pretreatment equipment, waste hauling, and facility layout.

Sec. 98-210- Authorized Representative Change Notification

Any SIU that changes the Authorized Representative of its company as defined in Section 98-156 shall file a change notice with the City within thirty (30) calendar days.

Sec. 98-211- Reports of Changed Conditions

Each User must notify the Pretreatment Coordinator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least forty-five (45) calendar days before the change, including but not limited to any change that , results in an increase, addition, planned shutdown, or deletion of products. Immediate shutdowns or deletions of products are required to be noticed to the Superintendent or their designee within five (5) working days of determination.

- (1) The Pretreatment Coordinator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 98-192.
- (2) The Pretreatment Coordinator may issue or modify an existing Individual or General Wastewater Discharge Permit under Sections 98-198 and 98-200 in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, Flow increases of twenty percent (20 percent) or greater, the addition or deletion of a shift, the Discharge of any previously unreported Pollutants, including changes to the listed or characteristic hazardous wastes for which the User has submitted initial notification under Section 98-214, introduction of a Pollutant for which a monitoring waiver had been obtained, the addition of a new process regardless of waste Discharge or lack of Discharge, shutdown of a process, or addition or deletion of a product.
- (4) SIUs and CIUs are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

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Sec. 98-212- Reports of Potential Problems

- (1) Initial Notification. In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug Load, that may cause Potential Problems for the POTW, the User shall immediately telephone and notify the Pretreatment Coordinator of the incident. If this notification cannot be made to the POTW staff during routine business hours, the User shall notify the City Police Department. This notification shall include the name of the caller, location of the Discharge, type of waste, physical state of Discharge, chemical composition, concentration, and volume, if known, and date and time of Discharge as well as duration of the Discharge, and corrective actions taken by the User. The notification shall include what Federal, State, and local entities have also been notified by the User.
- (2) The User shall control production of all Discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (3) Written Notification: Within fifteen (15) calendar days following such Discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences.
- (4) Such notifications shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (5) A Notice/Sign shall be permanently posted on the User's bulletin board or other prominent place advising employees in English and the language of common use who to call in the event of a Discharge described in paragraph A, above. Employers shall ensure through documentation that all employees, who may cause such a Discharge to occur, are advised of the emergency notification procedure.
- (6) Reports from unpermitted Users: All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Pretreatment Coordinator as the Pretreatment Coordinator may require.

Sec. 98-213- Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (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 Pretreatment Coordinator within thirty (30) calendar days after becoming aware of the violation. The User is not required to resample if the Pretreatment Coordinator monitors at the User's facility at least once a month, or if the Pretreatment Coordinator samples between the User's initial sampling and when the User receives the results of this sampling. If the City performed the sampling and analysis in lieu of the User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

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Sec. 98-214- Notification of the Discharge of Hazardous Waste

- (1) Pursuant to 40 CFR 403.12(p), any User who commences the Discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream Discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) calendar days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 98-211. The notification requirement in this section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 98-205(3), 98-207(1), and 98-208(2).
- (2) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Pretreatment Coordinator, the USEPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the Discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- (4) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Sec. 98-215- Report Submittal Due Dates

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. In order to meet deadlines, reports may be faxed or emailed on the due date to the City. The original of the Fax or email is required to be mailed to the City postmarked within one (1) working day of the transmission.

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DIVISION X: COMPLIANCE MONITORING

Sec. 98-216- Right of Entry: Inspection and Sampling

The Pretreatment Coordinator and their designee(s), Duly Authorized Agents of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, hereafter referred to as above named entities, shall have the right to enter the premises of any User at reasonable times to determine whether the User is complying with all requirements of this ordinance and any individual or general Wastewater Discharge Permit or order issued hereunder. Users shall allow the above named entities ready access to all parts of the premises for the purposes of inspection, observation, measurement, sampling, analyses, records examination and copying, and the performance of any additional duties.

- (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the above named entities will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The City shall have the right to set up on the User's property or require installation of such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (3) The Pretreatment Coordinator may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater Flow and quality shall be calibrated twice yearly (at six month intervals) to ensure their accuracy. The User shall submit these calibration reports semi-annually to the City with the Periodic Compliance Reports required in Section 98-208.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (5) Unreasonable delays in allowing the Pretreatment Coordinator and their designee access to the User's premises shall be a violation of this ordinance.

Sec. 98-217- Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Section 98-198. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator.

Sec. 98-218- Search warrants

If the Pretreatment Coordinator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Pretreatment Coordinator may seek issuance of a search warrant from the Circuit Court of Ogle County.

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DIVISION XI: CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, Individual or General Wastewater Discharge Permits, and monitoring programs, and the Pretreatment Coordinator inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Pretreatment Coordinator and City Attorney, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

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DIVISION XII: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE (SNC)

The Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users and Categorical Industrial Users (or any other User that violates Sections (3), (4) or (8) of this Section and shall mean:

- (1) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66 percent) or more of all the measurements taken for the same Pollutant parameter during a six-(6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits as Defined in Division V;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33 percent) or more of Wastewater measurements taken for each Pollutant parameter during a six-(6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Division V multiplied by the applicable criteria (1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other Pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Division V (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Pretreatment Coordinator has determined caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW Personnel or the general public;
- (4) Any Discharge of Pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator exercise of its emergency authority to halt or prevent such a Discharge;
- (5) Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in an individual or general Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, that the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local Pretreatment program.

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DIVISION XIII: ADMINISTRATIVE ENFORCEMENT REMEDIES

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Sec. 98-219- Notification of Violation

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- (1) When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement including Instantaneous Limits, the Pretreatment Coordinator may serve upon that User a written Notice of Violation (NOV). Within ten (10) working days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Pretreatment Coordinator. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV.
- (2) The Pretreatment Coordinator may initiate a Pretreatment Review meeting for any Notice of Violation issued under Section 98-219(1) but most likely for the first violation of any parameter. The City shall schedule a Pretreatment Review meeting, normally within thirty (30) calendar days of the determination that a meeting is required.
- (3) As a result of a Pretreatment Review meeting, the City may issue a compliance directive stating that the User is in a "corrective action" status. A plan for correction and compliance schedule illustrating milestones may be issued by the City to the User. This plan for correction and compliance schedule may become part of the User's permit. The User is responsible for meeting the permit limits at all times. The plan for correction, compliance schedule and revised permit does not relieve the User of meeting the permit limits and/or Ordinance requirements. The User shall take whatever actions are necessary to meet the permit limits and permit conditions.
- (4) As a result of a violation, the City may continue to sample the User and inspect the User's progress towards meeting milestones as needed to determine if the User is complying with the conditions of the plan of action, compliance schedule, and/or permit. In the event the City detects and documents any violation; a NOV will be issued to the User.
- (5) When the User has met the conditions of the plan of action, compliance schedule, and permit, the City will notify the User in writing that the conditions have been satisfied and they are no longer under a "corrective action" status if such a status was formally issued.
- (6) Nothing in this section shall limit the authority of the Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

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Sec. 98-220- Compliance Agreements

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The Pretreatment Coordinator may enter into Compliance Agreements, i.e. Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 98-220.2 and 98-220.3 and shall be judicially enforceable.

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Sec. 98-220.1- Show Cause Order

The Pretreatment Coordinator may order a User which has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear at a specified date and time to show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

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Sec. 98-220.2- Compliance Orders

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants Discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

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Sec. 98-220.3- Cease and Desist Orders

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Pretreatment Coordinator may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

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Sec. 98-220.4- Emergency Suspensions

The Pretreatment Coordinator may immediately suspend a User's Discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of Persons. The Pretreatment Coordinator may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to Interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

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(3) Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Pretreatment Coordinator may take such steps as 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 Pretreatment Coordinator may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Pretreatment Coordinator that the period of endangerment has passed, unless the termination proceedings in Section 98-220.5 are initiated against the User.

(4) A User that is responsible, in whole or in part, for any Discharge presenting 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 Pretreatment Coordinator prior to the date of any show cause or termination hearing under Sections 98-220.1 or 98-220.5.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

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Sec. 98-220.5- Termination of Discharge

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In addition to the provisions in Section 98-202, any User who violates the following conditions is subject to Discharge termination:

(5) Violation of Wastewater Discharge Permit conditions;

(6) Failure to accurately report the Wastewater constituents and characteristics of its Discharge;

(7) Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;

(8) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

(9) Violation of the Pretreatment Standards in Division V.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 98-220.1 why the proposed action should not be taken. Exercise of this option by the Pretreatment Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the User.

**DIVISION XIV: PENALTIES AND JUDICIAL ENFORCEMENT
REMEDIES**

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Sec. 98-220.6- Recovery of Costs Incurred

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(1) Any entity or User violating any of the provisions of this ordinance, or who causes damage to or impairs the City's POTW shall be liable to the City for any expense, loss, or damage caused by such violation or Discharge. The City may invoice the costs, including but not limited to, sampling and analyses associated with the investigation, costs of mitigating impact to the POTW, costs of preparing the administrative enforcement actions such as notices and orders, investigative and/or correction actions, and review of response(s) from the User. In the event of damage, losses, or impairments, the City shall bill the User for the costs incurred by the City for any cleaning, repair, replacement, or other investigative and/or corrective action(s) as a response to the violation or Discharge. Refusal to pay the assessed costs shall constitute a violation of this ordinance enforceable under the provisions of Division XIII.

(2) Recovery of costs incurred also includes but is not limited to the following provisions specific to Food Service Establishments (FSE):

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(a) The Grease Disposal Mitigation Fee shall be established in Division XVII and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or grease control device.

(b) Sewer System Overflows, Public Nuisance, Abatement and Cleanup Costs. Notwithstanding the waiver of grease interceptor installation for existing FSE established in Section 98-165, FSE found to have contributed to a sewer blockage, Sewer System Overflows (SSOs), or any sewer system Interferences resulting from the Discharge of Wastewater or waste containing FOG may be subject to costs incurred by the City's established in Division XVII. SSOs may cause threat and injury to public health, safety, and welfare of life and property, and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSE alone or collectively, are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the City must act immediately to contain and clean up an SSO caused by blockage of a private or Public Sewer lateral or system serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the property owner or operator of the FSE, and the individual(s) as a responsible officer or owner of the FSE(s), and may constitute a debt to the City and become due and payable upon the City's request for reimbursement of such costs.

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Sec 98-220.7- Administrative Fines

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(1) When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may fine such User in an amount not to exceed (insert maximum fine allowed under State Law). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average Discharge limits, fines shall be assessed for each day during the period of violation. The Pretreatment Coordinator may add the costs of preparing administrative enforcement actions, including but not limited to notices and orders, to any fine.

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(2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed and additional penalty of (ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate on (one and a half percent (1.5%)) per month. The Superintendent reserves the right to place a lien against the User's property in violation for unpaid charges, fines and penalties.

(3) Users desiring reconsideration of such fines must file a written request for the Pretreatment Coordinator to reconsider the fine along with full payment of the fine amount within thirty (30) calendar days of being notified of the fine. Where a request has merit, the Pretreatment Coordinator may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User.

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

Sec. 98-220.8- Alternative Adjudication Hearing Process

The Pretreatment Coordinator in conjunction with the City Attorney as defined by Chapter 2, Article III, Division 5, (ADD CITY REFERENCE) shall have the discretion to direct any process involving civil fines and penalties set forth in this subchapter to the administrative adjudication hearing process described in (ADD CITY REFERENCE). Upon filing of any action before the administrative adjudication hearing officer, he or she shall have plenary powers to levy all civil fines and penalties, to decide and continue cases and to take all other quasi-judicial steps which are consistent with the grant of powers under 65 ILCS 5/1-2.2-1, et. seq. given in said (ADD CITY REFERENCE). However, consistent with the limitations on the grants of powers that can be devolved onto such hearing officers, the administrative adjudication hearing officer shall have no jurisdiction to levy any criminal fine or to issue any form of injunction, restraining order or other extraordinary remedy. Final decisions of the administrative adjudication hearing officer may be appealed to the Circuit Court of Ogle County within thirty-five (35) days.

Sec. 98-220.9- Injunctive Relief

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may petition the Circuit Court of Ogle County through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general Wastewater Discharge Permit, order, or other requirement imposed by this ordinance on activities of the User. The Pretreatment Coordinator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 98-220.10- Civil Penalties

When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may petition the Circuit Court of Ogle County through the City Attorney for civil penalties as follows:

(1) Any User shall be subject to the imposition of a civil penalty in at least the amount of one thousand dollars (\$1000.00) per day for each violation. In the case of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Pretreatment Coordinator may recover costs, including but not limited to, filing fees, witness fees, attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

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(3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 98-220.11- Criminal Prosecution

(1) A User who willfully or recklessly ~~negligently~~ violates any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be criminally charged with the appropriate crime, upon conviction, be guilty of a misdemeanor, and be subject to a fine of not more than [insert maximum fine allowed under State law] per violation, per day, or imprisonment and fines based on the applicable criminal statute and sentencing guidelines, for not more than [insert maximum prison term allowed by State law] years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(2) A User who willfully or recklessly ~~negligently~~ introduces any substance to the POTW which causes personal injury or property damage shall, upon conviction, be criminally charged with the appropriate crime, guilty of a [misdemeanor or felony] and be subject to a penalty of not more than [insert maximum monetary penalty allowable under State law], or be subject to imprisonment and fines based on the applicable criminal statute and sentencing guidelines, for not more than [insert maximum prison term allowed by State law] years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(3) A User who knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be criminally charged with the appropriate crime, upon conviction, and subject to imprisonment and fines based on the applicable criminal statute and sentencing guidelines, be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [insert maximum prison term allowed by State law] years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

~~He or she shall be subject to a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [insert maximum prison term allowed by State law] years, or both.~~

The remedies provided for in this ordinance are not exclusive. The Pretreatment Coordinator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Pretreatment Coordinator may take other action against any User when the circumstances warrant. Further, the Pretreatment Coordinator is empowered to take more than one enforcement action against any noncompliant User.

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DIVISION XV: SUPPLEMENTAL ENFORCEMENT ACTION

Sec. 98-220.13- Failure to Report or Notify

(1) Sewer Extension and Connection Permits

Any entity who fails to file for and obtain a sewer extension or connection permit prior to commencing construction of said extension or connection required by this Ordinance may be subject to the following late filing fees in addition to extension, connection or annexation fees:

<u>(a) First Notice</u>	<u>Issuance of Warning/Citation</u>	
<u>(b) Second Notice</u>		<u>\$250.00</u>
<u>(c) Cost per day per Population Equivalent (PE) for each additional day past second notice deadline</u>		<u>\$100.00</u>

(2) City Reports or Notifications

Any entity who fails to file any report or notification so required by this Ordinance may be subject to the following late filing fees:

<u>(a) First Offense – less than 30 calendar days past due</u>	<u>Issuance of Warning</u>	
<u>(b) Recurring reporting violations or</u>		
<u>30 or more calendar days past due</u>		<u>\$100.00</u>
<u>NOV response noncompliance</u>		<u>\$250.00</u>
<u>Cost per additional day past final request deadline</u>		<u>\$50.00</u>
<u>(c) Substantial Change Notification: No written notification of substantial changes whether</u>		
<u>Discharged or not:</u>		
<u>At start-up or shutdown</u>		<u>\$500.00</u>
<u>Per each additional 15 days in excess of 30 calendar days</u>		<u>\$100.00</u>

(3) Reports or Notifications required by Significant or Categorical Industrial Users

Any entity who fails to file any Periodic Pretreatment Report (Semi-Annual), Baseline Monitoring Report, or 90-day Final Compliance Report so required by this Ordinance may be subject to the following late filing fees:

<u>(a) First Offense – less than 30 calendar days past due</u>	<u>Issuance of Warning</u>	
<u>(b) Recurring reporting violations or</u>		
<u>30 or more calendar days past due</u>		<u>\$250.00</u>
<u>NOV response noncompliance</u>		<u>\$500.00</u>
<u>Cost per additional day past final request deadline</u>		<u>\$100.00</u>

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(c) Substantial changes

No written notification of substantial changes whether

Discharged or not:

At start-up or shutdown \$1000.00

Per each additional 15 days in excess of 30 calendar days \$200.00

(4) Ownership Notification Specific to Entities With Wastewater Discharge Permits

(a) No written notification of change in ownership and/or operation of facility, or any portion thereof with an individual permit. \$1000.00

(b) No written notification of change in ownership and/or operation of facility, or any portion thereof with a general permit. \$500.00

(5) Actions taken by the City to collect fees for failure to report or notify shall not limit the City's authority to initiate other enforcement actions that may include penalties for late reporting violations.

Sec. 98-220.14- Performance Bonds

The Pretreatment Coordinator may decline to issue or reissue an Individual or General Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous Individual or General Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Pretreatment Coordinator to be necessary to achieve consistent compliance.

Sec. 98-220.15- Liability Insurance

The Pretreatment Coordinator may decline to issue or reissue an individual or general Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous Individual or General Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its Discharge.

Sec. 98-220.16- Payment for Outstanding Fees and Penalties

The Pretreatment Coordinator may decline to issue or reissue an Individual or General Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this ordinance, a previous Individual or General Wastewater Discharge Permit, or order issued hereunder.

Sec. 98-220.17- Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an Individual or General Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply and paid all outstanding costs, fees, and penalties.

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Sec. 98-220.18- Public Nuisances

A violation of any provision of this ordinance, an Individual or General Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Pretreatment Coordinator. Any Person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Sec. 98-220.19- Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are hereby declared to be non-responsible Users and therefore are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Pretreatment Coordinator.

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DIVISION XVI: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 98-220.20- Upset

- (1) Definition of Upset is provided in Section 98-156.
- (2) An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.
- (3) A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An Upset occurred and the User can identify the cause(s) of the Upset;
 - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The User has submitted the following information to the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the Upset (if this information is provided orally, a written report must be provided within five (5) working days):
 - 1. A description of the Indirect Discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - 4. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
 - 5. Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- (4) Users 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.

Sec. 98-220.21- Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Sections 98-173(1) and (2) or the specific prohibitions in Sections 98-173(3)(a-gg) (excluding Sections (3)(b) and (3)(j)) if it can prove that it did not know, and ~~did not have~~ reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference, and that either:

- (1) A Local Limit exists for each Pollutant Discharged and the User was in compliance with each Limit directly prior to, and during, the Pass Through or Interference; or
- (2) No Local Limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the City was regularly in compliance with its NPDES Permit, and in the case of Interference, was in compliance with applicable Biosolids use or disposal requirements.

Sec. 98-220.22- Bypass

- (1) For the purposes of this section,

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(a) "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment or Pretreatment facility.

(b) "Severe property damage" means 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.

(2) A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of Sections 3 and 4 of this section.

(3) Bypass Notifications

(a) Anticipated: If a User knows in advance of the need for a Bypass, it shall submit prior notice to the Pretreatment Coordinator, at least ten (10) working days before the date of the Bypass, if possible.

(b) Unanticipated: A User shall submit oral notice to the Pretreatment Coordinator of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) calendar days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, 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 reoccurrence of the Bypass. The Pretreatment Coordinator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) POTW Actions

(a) Bypass is prohibited, and the Pretreatment Coordinator may take an enforcement action against a User for a Bypass, unless:

1. Bypass was unavoidable to prevent loss of life, Personal injury, or severe property damage;
2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The User submitted notices as required under Section (3).

(b) The Pretreatment Coordinator may approve an anticipated Bypass, after considering its adverse effects, if the Pretreatment Coordinator determines that it will meet the three conditions listed in Section (4)(a).

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DIVISION XVII: MISCELLANEOUS FEES

The City has adopted the following fees:

<u>Ordinance Section</u>	<u>Item</u>	<u>Fee</u>
<u>98-160(2)(a)1.</u>	<u>Private Sewage Disposal Permit & Inspection Fee</u>	
<u>98-160(3)</u>	<u>Grinder Pump Permit & Inspection Fee</u>	
<u>98-161(1)(e)</u>	<u>Residential Sanitary Sewer Connection Permit & Inspection Fee</u>	
<u>98-161(1)(e)</u>	<u>Non-Residential Sanitary Sewer Connection Permit & Inspection Fee</u>	<u>Based on P.E. loading</u>
<u>98-161</u>	<u>Failure to Properly Barricade Excavation</u>	
<u>98-164(1)(b)</u>	<u>Grease, Oil & Sand Interceptor for Non-FSE Inspection Fee</u>	
<u>98-164(1)(c)</u>	<u>Neutralizing Basin Inspection Fee</u>	
<u>98-165(1)(c)</u>	<u>Grease Interceptor Review and Inspection Fee</u>	
<u>98-165(3)</u>	<u>FSE Waiver Review Fee</u>	
<u>98-165(3)(d)</u>	<u>Grease Disposal Mitigation Fee</u>	<u>TBD on case-by-case basis</u>
<u>98-195(2)(a)</u>	<u>Hauled Discharge Permit Fee</u>	
<u>98-195(2)(b)</u>	<u>Hauled Discharge Treatment Cost</u>	
<u>98-220.6(1)(a)2.</u>	<u>Sewer System Overflow, Public Nuisance, Abatement & Cleanup Costs</u>	<u>TBD on case-by-case basis</u>

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Sec. 98-220.23- Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City’s Pretreatment Program unique to a specific User found in Division XVII, which may include:

- (1) Categorical Pretreatment Standard determination, establishment and documentation for Wastewater Discharge Permit; fees for Wastewater Discharge Permit applications including the cost of processing such applications
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users;
- (3) Fees for reviewing plans or construction relating to Spill Prevention Containment and Countermeasures Slug Load Plans as defined in Section 98-186;
- (4) Fees for reviewing FSE waivers per Section 98-165(3);
- (5) Fees for responding to Report of Potential Problems as defined in Section 98-212;
- (6) Fees for filing appeals;
- (7) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Pretreatment Coordinator to address User noncompliance
- (8) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City; and
- (9) Fees for Wastewater Discharge Permit applications including the cost of processing such applications.

Sec. 98-220.24- Additional Remedies

- (1) In addition to remedies available to the City set forth elsewhere in this Ordinance, if the POTW is fined by IEPA or USEPA for violation of the POTW NPDES Permit or violation of Water Quality Standards as the result of Discharge of Pollutants by a User or group of Users, then the fine, including all legal, sampling, and analytical testing costs and any other related costs incurred by the City shall be charged to the responsible User or group of Users. Such charges shall be in addition to, and not in lieu of, any other remedies the City may have under this Ordinance, statutes, regulations, at law or in equity.
- (2) If the Discharge from any Non-Residential User causes a deposit, obstruction, or damage to any portion of the POTW, the POTW 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 or Non-Residential User causing such deposit, obstruction, or damage.

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DIVISION XVIII: MISCELLANEOUS PROVISIONS

Sec. 98-220.25- Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Sec. 98-220.26- Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Sec. 98-220.27- Offenses Under Previous Ordinances

This Ordinance shall not be construed or held to repeal a former Ordinance, whether such former Ordinance is expressly repealed or not, as to any offense committed against such former Ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former Ordinance, or in any way whatever to affect such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new Ordinance takes effect, save only that proceedings thereafter shall conform to the Ordinance in force at the time of such proceeding, so far as practicable. Nothing contained in this Ordinance shall be construed as abating any action now pending.

DIVISION XIX: EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

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