

ORDINANCE NO. 896

AN ORDINANCE OF THE FOX RIVER WATER RECLAMATION DISTRICT, KANE AND COOK COUNTIES, ILLINOIS ENACTING AN AMENDED PRETREATMENT PROGRAM, REGULATING DISCHARGES TO THE PUBLICLY OWNED TREATMENT WORKS (POTW) AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

**PREAMBLE**

WHEREAS, Clean Water Act of 1977 (33 USC 1251 et seq.) and regulations promulgated thereunder relating to the development by Publicly Owned Treatment Works of general Pretreatment programs requires the Fox River Water Reclamation District, Kane and Cook Counties, Illinois to develop and implement such a general Pretreatment program, and,

WHEREAS, the Board of Trustees of the Fox River Water Reclamation District has determined that Ordinance 574 enacting a general pretreatment program approved on February 22, 1993, as amended from time to time, shall be replaced in its entirety to incorporate a thorough and substantive review of the program by the District's staff and its consultants, and,

WHEREAS a review has been conducted of the January 2007 Model Ordinance prepared under the authority of the U.S.E.P.A. Office of Wastewater Management, Water Permit Division, Federal Regulations and the State of Illinois Water Pollution Regulations contained in Part 307 et seq. of Title 35 of the Illinois Administrative Code, and,

WHEREAS, the Board of Trustees of the Fox River Water Reclamation District has determined that the general Pretreatment program as set forth in this Ordinance regulating the use of public and private sewers and drains complies with the act, regulations, and permit requirements; and,

WHEREAS, the Board of Trustees of the Fox River Water Reclamation District has determined that this ordinance is necessary for the public health, safety and welfare;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE FOX RIVER WATER RECLAMATION DISTRICT, KANE AND COOK COUNTIES, STATE OF ILLINOIS:

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## **SECTION 100 - GENERAL PROVISIONS**

### **100.001 Enactment**

This Ordinance is adopted by the Board of Trustees of the Fox River Water Reclamation District pursuant to the requirements of the Clean Water Act (33 USC 1252 et seq.) and the regulations promulgated thereunder, and the Illinois Environmental Protection Act of 1970 as amended (Ch. 111- 1/2, 111. Rev. Stat. 1983, Sec. 305.1) and the authority granted by the Sanitary District Act of 1917 (70 ILCS 2405/ et seq.).

### **100.002 Purpose and Policy**

This Ordinance, promulgated by the Fox River Water Reclamation District, has as its purpose the protection of the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of sewage, industrial wastes, and other wastes admitted to or Discharged into the sewerage systems, and sewage treatment facilities under the jurisdiction of the Fox River Water Reclamation District. The objectives of this Ordinance are:

- A. To prevent the introduction of Pollutants into the Fox River Water Reclamation Districts Wastewater treatment system that will or could interfere with the operation of the system or contaminate the resulting Sludges and Bio-solids;
- B. To prevent the introduction of Pollutants into the Fox River Water Reclamation Districts Wastewater treatment system that will Pass Through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;
- C. To prevent the introduction of Pollutants into the Wastewater treatment system that will pose a health or safety threat to the general public or to the Fox River Water Reclamation Districts industrial Pretreatment program, collection system field crew or Wastewater treatment plant personnel.
- D. To promote reuse and recycling of industrial Wastewater and Bio-solids from the Fox River Water Reclamations Districts Wastewater treatment plants;
- E. To enable the Fox River Water Reclamation District to comply with its National Pollutant Discharge Elimination System permit conditions, Sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting.

### **100.003 Administration**

Except as otherwise provided herein, the Executive Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to a duly authorized Fox River Water Reclamation District employee or designee.

### **100.004 Jurisdiction**

This Ordinance shall apply to Users located within the boundaries of the Fox River Water Reclamation District and to parties outside of the Fox River Water Reclamation District who are, by contract or agreement with the District, Users of the Fox River Water Reclamation Districts Wastewater treatment system.

## SECTION 200 - ABBREVIATIONS AND DEFINITIONS

### 200.001 Abbreviations

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

ADSL	Accidental Discharge/Slug Load
BMP	Best Management Practices
BMR	Baseline Monitoring Report
BOD <sub>5</sub>	Biochemical Oxygen Demand (5-Day)
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
FOG	Fats, Oils and Grease
GPM	Gallons per Minute
IU	Industrial User
IEPA	Illinois Environmental Protection Agency
µg/L	Micrograms per liter
mg/L	Milligrams per liter
MGD	Million Gallons per Day
NCPS	National Categorical Pretreatment Standard(s)
NPDES	National Pollution Discharge Elimination System
NSRU	Non-Significant Regulated User
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act (42 USC 6901 et. seq.)
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

### 200.002 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

"Act" shall mean the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987 (33 USC 1251 et seq.).

"Administrator" shall mean the Regional Administrator of Region V of the U.S. Environmental Protection Agency.

"Agency" shall mean the Illinois Environmental Protection Agency.

"Amalgam Process Wastewater" Means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

"Amalgam Separator" Means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

"Applicable Pretreatment Standards" or "Pretreatment Standards" shall mean, for any specified Pollutant, the District's Prohibitive Discharge Standards, the District's specific limitations on Discharge, the State of Illinois Pretreatment Standards or the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.

"Approval Authority" shall mean the Administrator.

"Authorized Representative of Industrial User" shall mean:

- A. If the User is a corporation:
  - 1. The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation;
  - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
- C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C, above, may designate a duly Authorized Representative only if the authorization is made in writing to the District by a Person described above, and the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates or having overall responsibility for environmental matters for the company.
- E. 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 authorization satisfying the requirements of this section must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

"Baseline Monitoring Report" shall mean that required by 40 CFR Section 403.12b (1-7) and Section 700.001.

"Best Management Practices" or "BMPs" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 300.003 or compliance with limits in Section(s) 300.004-007. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Sludge or waste disposal, or drainage from raw materials storage.

"Biochemical Oxygen Demand (BOD<sub>5</sub> or BOD)" shall mean the quantity of oxygen, expressed in mg/L, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in Standard Methods, measured over a five day period at 20 degrees centigrade.

"Bio-solids" shall mean aerobically digested and stabilized organic solids removed from the Wastewater Treatment Works and disposed of on agricultural land or at a landfill.

"Board of Trustees" or "Board" shall mean the Board of Trustees of the Fox River Water Reclamation District.

"Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

"Categorical Industrial User" shall mean an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard. A CIU is considered to be a Significant Industrial User.

"Chemical Oxygen Demand (COD)" shall mean a measure of oxygen required to oxidize all compounds, both organic and inorganic, in water.

"Combined Waste Stream Formula" shall mean the formula as found in 40 CFR Section 403.6 (e)(1)(i).

"Composite Sample" shall mean a sample of Wastewater composed of two or more discrete samples collected based on a Flow proportional or time proportional method.

"Contact Cooling Water" shall mean the water Discharge from a non-residential source that has come in contact with a product or service.

"Compatible Pollutant" shall mean Biochemical Oxygen Demand, Chemical Oxygen Demand, FOG, Total Suspended Solids, pH and Fecal Coliform bacteria; plus any additional Pollutants identified in the District's POTW NPDES permit, where the POTW treats such Pollutants and, in fact, does treat such Pollutants to the degrees required by the POTW's NPDES permit.

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

"Control Authority" shall mean the Fox River Water Reclamation District.

"Daily Maximum" shall mean the arithmetic average of all effluent samples for a Pollutant collected during a 24-hour period.

"Daily Maximum Limit" shall mean the maximum allowable Discharge limit of a Pollutant during a 24-hour period. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass Discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.

"Dental Amalgam" Means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

"Dental Discharger" Means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a Publicly Owned Treatment Works (POTW).

"Director" means the Director of the Illinois Environmental Protection Agency.

"District" or "Sanitary District" shall mean the Fox River Water Reclamation District.

"Duly Authorized Agent" shall mean a person or persons authorized by the Executive Director to assist with tasks for the pretreatment program implementation.

"Executive Director" shall mean the Chief Administrative Officer of the Fox River Water Reclamation District.

"Existing Dental Discharger Source" means a dental discharger that is not a new source

"Existing Source" shall mean any building, structure, facility or installation from which there is or may be Discharge, which is not a New Source.

"Fecal Coliform" shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

"Fats, Oil or Grease (FOG)" means any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is extracted by any Oil and Grease test method contained in the latest edition of Standard Methods for the Examination of Water and Wastewater.

"Flow" shall mean volume of Wastewater per unit of time.

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

"General Pretreatment Regulations" shall mean General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403, as amended.

"Grab Sample" shall mean a sample which is taken from a waste stream on a one time basis with no regard to the Flow in the waste stream over a period of time not to exceed 15 minutes.

"Hauled Waste" shall mean sanitary or process Wastewater transported as a commercial venture.

"Incompatible Pollutant" shall mean all Pollutants other than compatible Pollutants as defined in Section 300.002 of this ordinance.

"Indirect Discharge" or "Discharge" means the Discharge or the introduction of Pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

"Industrial User" means a source of Indirect Discharge.

"Instantaneous Limit" shall mean 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.

"Interference" shall mean a Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, both:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its Sludge processes, use or disposal; and
- B. Therefore 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) or of the prevention of sewage Sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SDWA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State Sludge management plan prepared pursuant to Subtitle D of the SDWA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"Local Limit" shall mean the specific Discharge limits developed and enforced by the District upon Non-Residential Users or facilities to implement the general and specific Discharge prohibitions.

"Medical Wastes" shall mean 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 as defined by 40 CFR 259.30(a).

"Mobile Unit" means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

"Monthly Average" shall mean the sum of all daily Discharges measured during a calendar month divided by the number of daily Discharges measured during that month.

"Monthly Average Limit" shall mean 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 daily Discharges measured during that month.

"National Categorical Pretreatment Standard or Categorical Pretreatment Standard" means prohibited Discharge standards, Categorical Pretreatment Standards, Local Limits, and any other Pretreatment Standard specifying quantities or concentrations of Pollutants which may be Discharged to a POTW by Industrial Users in specific industrial subcategories as established in regulations promulgated by the USEPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) and appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"National Pollutant Discharge Elimination System Permit (NPDES Permit)" means a permit issued to a POTW pursuant to section 402 of the Act.

"New Dental Discharger Source" means a dental discharger whose first discharge to a POTW occurs after July 14, 2017.

"New Source" shall mean the following:

- A. Any building, structure, facility, or installation from which there is or may be a Discharge, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.
  - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 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 installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- 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 (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
    1. Begun, or caused 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 paragraph.

If National Categorical Pretreatment Standards are not applicable, "New Source" shall mean any building, structure, facility, or installation from which there is or may be a Discharge of Pollutants, the remodeling (if that remodeling results in a new process or new SIC code being assigned to the Industrial User by the Fox River Water Reclamation District) or the construction of which commences after the effective date of this Ordinance.

"Non-Contact Cooling Water" shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

"Non-Significant Categorical Industrial User" shall mean an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard that never Discharges more than 100 gallons per day 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:

- A. The Industrial User, prior to District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- B. The Industrial User annually submits the certification statement [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
- C. The Industrial User never discharges any untreated concentrated wastewater.

"Non-Significant Regulated User" or "NSRU" shall mean an Industrial User that is not a Significant Industrial User and is further defined in Section 500.002.

"Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a

violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Permitted Wastewater Hauler Vehicle" shall mean a vehicle used for hauling residential source Wastewater, or landfill leachate, or other leachate, which has been granted a permit under the requirements of the District's applicable ordinances and/or State applicable laws or regulations.

"Person" shall mean 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.

"pH" shall mean the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration.

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, filter backwash, medical wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor) industrial, municipal and agricultural waste Discharged into water.

"Population Equivalent" shall mean 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) or Total Suspended Solids (TSS). The impact on a treatment works is evaluated or defined as the highest Population Equivalent of the above parameters. (IEPA 301.345)

"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, 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.

"Pretreatment Coordinator" shall mean that Person who is responsible for the operations of the District's Pretreatment Program.

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

"Pretreatment Standards or Standards" shall mean Prohibited Discharge Standards, National Categorical Pretreatment Standards, and Local Limits.

"Prohibitive Discharge Standard" shall mean any regulations developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

"Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. section 1292), owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature that are conveyed to the POTW treatment plant regardless of ownership, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, POTW shall also include any sewers that convey Wastewaters to the POTW from Persons outside the District who are, by contract or agreement with the District, Users of the District's POTW.

"Qualified Professional" shall mean an individual with working knowledge of facility processes and Wastewater Discharge.

"Regional Administrator" means the Regional Administrator for the USEPA for Region V.

"Sanitary Sewer" shall mean a pipe of conduit designed and/or intended to carry Wastewater from residences, commercial buildings, industrial plants and institutions to the POTW, and to which storm, surface, and groundwaters and unpolluted Non-Contact Cooling Waters are not intentionally admitted.

"Septic Tank Waste" shall mean any residential source of sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

"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.

"Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.) See "Wastewater."

"Sewerage" means the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

"Shall" is mandatory; "May" is permissive or discretionary.

"Significant Industrial User" or "SIU" shall mean any User of the District's disposal system who qualifies based upon the following definitions, unless that User has successfully petitioned the District for removal from the SIU list in accord with 40 CFR 403.8(f)(6):

- A. A User subject to Categorical Pretreatment Standards under 40 CFR 403.6, or
- B. A User that contributes a Flow which makes up 5 percent or more of the average dry weather capacity of any District treatment plant, or
- C. A User that Discharge an average of 25,000 gallons per day or more of process wastewater per work day to the POTW, excluding sanitary, non-contact cooling water, boiler blowdown wastewater.
- D. One that in the opinion of the District, has a reasonable potential to adversely affect the operation of the POTW.
- E. Upon a finding that a User meeting the criteria in Subsection B and C of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, FRWRD may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

"Significant Non-Compliance" or "SNC" shall mean:

- A. Chronic violations of Wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same Pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by 40 CFR 403.3(l);

- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same Pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, Fats, Oil, and Grease, and 1.2 for all other Pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a Discharge;
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 45 days after the due date, required reports such as Baseline Monitoring Reports, 90-day compliance reports, periodic Self-Monitoring Reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

"Sludge" see "Bio-solids".

"Slug Load" or "Slug Discharge" shall mean any Discharge at a Flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any way violates the POTW's regulations, Local Limits, or Industrial Discharge Permit conditions. This can include but is not limited to spills and other accidental Discharges; Discharges of non-routine, episodic nature; a non-customary batch Discharge; or any other Discharges that can cause a violation of the prohibited Discharge standards in Section 300.003.

"Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, the Water Pollution Control Federation, and any other procedures recognized by the USEPA and IEPA.

"Storm Sewer" shall mean a sewer that carries stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, Non-Contact Cooling Waters, or any other Unpolluted Water.

"Substantial Change" shall mean a change that includes, but is not limited to, a change in spill or slug potential, the addition of a new process or storage capacity regardless of waste discharge or lack of discharge, shutdown of a process, addition or deletion of a product, an increase of production waste for an existing process, any change in the volume or characteristics of pollutants or any process change.

"Technical Services Director" shall mean the Chief Engineer of the Fox River Water Reclamation District registered as a Professional Engineer by the State of Illinois.

"Total Metals" shall mean the sum of the concentration of Copper, Nickel, Total Chromium and Zinc.

"Total Solids" shall mean the sum of suspended and dissolved solids.

"Total Suspended Solids (TSS)" shall mean total suspended matter, expressed in milligrams per liter, that either floats on the surface of, or is in suspension in water, Wastewater or other liquids and is removable by laboratory filtration using a Reeve Angel type 9344A or 984H glass fiber filter disc as prescribed in Standard Methods.

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

"United States Environmental Protection Agency" or "USEPA" shall include the Administrator or other duly authorized official of said agency, as appropriate.

"Unpolluted Water" shall mean water of quality equal to or better than the IEPA effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by Discharge to the Sanitary Sewers and Wastewater treatment facilities provided.

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

"User" shall mean a source of indirect discharge.

"Wastewater" shall mean the combination of the liquid and water carried wastes, including Cooling Water containing Pollutants, from residences, commercial buildings, industrial plants, institutions and improved properties.

- A. Sanitary Wastewater shall mean the combination of liquid and water carried wastes Discharged from toilets and other sanitary plumbing facilities.
- B. Industrial Wastewater shall mean a combination of liquid and water carried waste, Discharged from any Industrial User and resulting from any trade or process carried on in that establishment including the Wastewater from Pretreatment facilities and Cooling Water containing Pollutants.
- C. Combined Wastewater shall mean Wastewater including sanitary Wastewater, industrial Wastewater, storm water, infiltration and inflow carried to the POTW treatment facilities by a sewer.

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

"Wastewater Hauler" shall mean any Person, partnership or corporation engaged in transporting sanitary wastewater as a commercial venture.

"Waters of the State of Illinois" shall mean 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.

"Work Day" shall mean a day on which production work or services are performed.

## **SECTION 300 - WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS**

### **300.001 Conditions for Discharge to the System**

- A. In addition to the provisions of this ordinance, conditions for the connection and discharge to the public sewer system shall be in accordance with the District's applicable sewer use ordinance.
- B. The purpose of this Ordinance is set forth in Section 200.002. The District strives for fair and equitable charges to its users for wastewater treatment. The District provisions for user charges and any excess strength surcharge rates are set forth in the District's User Charge Rate Ordinance. Users are directed to the District's User Charge Rate Ordinance for information on discharge rates.

### **300.002 Private Sewage Disposal**

- A. No Person shall construct a Wastewater treatment facility within the corporate limits of the District or in any area under the jurisdiction of the District for the purpose of treating Wastewater and discharging same to a water course except as allowed by the District's applicable sewer use ordinance.
- B. No Person shall construct a private sewage disposal system within the corporate limits of the District or any area under the jurisdiction of the District as allowed by the District's applicable sewer use ordinance.

### **300.003 Prohibitive Discharge Standards**

- A. No User shall contribute or cause to be contributed, either directly or indirectly, to the District Sewage works any Pollutant or Wastewater contaminant which will Pass Through or cause Interference with, inhibition of, or Upset to the operation of the POTW.
- B. No User shall increase the use of process water or, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate Pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards (NCPS) (when effective) or in any other Pollutant-specific limitation developed by the District or State. The Executive Director may impose mass limitations on Users who may be using dilution to meet Applicable Pretreatment Standards or requirements or in cases when the imposition of mass limitations is appropriate.
- C. The following specific prohibitions shall apply to all Users of the District's POTW whether or not a User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A User may not contribute the following pollutants to the District's POTW.
  - 1. No Person shall Discharge or cause to be Discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, Cooling Waters, or any other Unpolluted Water to any Sanitary Sewer unless specifically authorized by the Executive Director.
  - 2. Pollutants which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the POTW, including but not limited to:
    - a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

- b. At no time, shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at a point at the nearest accessible point to the POTW in a Sanitary Sewer, at the point of Discharge into the POTW, or at any point in the POTW be more than five percent (5%) nor any single reading greater than ten percent (10%).
3. The following materials may not be added to the sewers in detectable quantities unless specifically permitted or limited in the Users Wastewater Discharge Permit: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard solvents and sulfides. The permitting of these items in no way relieves the User of prohibitions of Discharges of explosive, hazardous, or injurious substances.
4. Solid or viscous pollutants which may cause obstruction to the Flow in a sewer or other Interference with the operation of the Wastewater treatment facilities such as, but not limited to: grease, Garbage with particles greater than one half inch (1/2") in any dimensions, any material which can be disposed of as trash, animal guts or tissues, whole blood, sand, spent lime, metal, straw, grass clippings, rags, wood, plastics, tar, asphalt residues from refinishing or processing of fuel or lubricating oil, mud, or tumbling and deburring stones.
5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other Wastewaters are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair.
6. Any Pollutant(s) 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.
7. Any Discharge exceeding the standards established in 35 Ill. Adm. Code 307.
8. Any Slug discharged to the POTW.
9. Any Wastewater containing Incompatible Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create an incompatible effect in the receiving water of the POTW, exceed the limitation set forth in a National Categorical Pretreatment Standard (when effective), or in Section 300 or create a public nuisance. An Incompatible Pollutant shall include, but not be limited to, any Pollutant identified pursuant to Section 307(a) of the Act.
10. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
11. Any pollutants which will cause corrosive structural damage to the POTW, but in no case any discharges having a pH lower than 5.0.
12. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.
13. Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the POTW.
14. Detergents, surface-active agents, or other substances which may cause excessive foaming at the POTW.

15. Any Pollutants, including but not limited to, petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or compatible Pollutants released at a Flow or Pollutant concentration which will interfere with the operation of or Pass Through the POTW.
  16. Any regulated Medical Wastes as defined by 40 CFR 259.30(a), or residues resultant from treatment and destruction processes of said wastes, except as specifically authorized by the District in a Discharge Permit.
  17. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the latest State or Federal Regulations including Section 10 CFR 20 and Illinois Administrative Code Title 32: Chapter II: Subchapter b: Part 340.
  18. Trucked or hauled Pollutants, except at Discharge points designated by the Executive Director in accordance with Section 500.002 E of this ordinance.
  19. Sludges, screening, or other residues from the Pretreatment of industrial wastes.
  20. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
  21. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
  22. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
  23. In no case shall a substance Discharged to the POTW cause the POTW to be in noncompliance with Sludge use or disposal criteria, guidelines, regulations developed under Section 405 of the Act; any criteria guidelines or regulations affecting Sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or State criteria applicable to the Sludge management method being used.
  24. Wastewater which has a COD over 5,000 mg/L and a BOD which is less than 20% of the COD cannot be Discharged to the POTW unless the Discharge is either specifically permitted in the Industrial User's Industrial Wastewater Permit or specifically permitted by written authorization from the Executive Director of the District. Additional charges for treating such excess strength wastes shall be determined by the applicable District ordinance.
- D. Pollutants, substances, or Wastewater prohibited by this Section 300.002 shall not be processed or stored in such a manner that they could be Discharged to the POTW.
- E. Compliance with the provisions of this Section 300.003 shall be required on the effective date of this Ordinance.

#### **300.004 Incorporation of National Categorical Pretreatment Standards**

- A. The National Categorical Pretreatment Standards found at 40-CFR Chapter 1, Subchapter N, Parts 405 through 471 are hereby incorporated into this Ordinance by reference.

- B. Upon the promulgation of the National Categorical Pretreatment Standards (NCPS) for a particular User, the said standard, if more stringent than the limitations imposed under this ordinance for sources in that category, shall, when effective, immediately supersede the limitations, conditions and enforcement provisions imposed under this ordinance. The Executive Director shall notify all known affected Users of the applicable reporting requirements under 40 CFR 403.12(b)(1-6).
- C. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of pollutant in wastewater, the Executive Director may impose equivalent concentration or mass limits in accordance with Section 300.004 (G ) and Section 300.004 (H)
- D. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Executive Director 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 Industrial Users.
- E. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Executive Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- F. A CIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
  - 1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the District. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph 2 of this Section are met.
  - 2. Criteria.
    - a. Either (i) The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
    - b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
    - c. Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
    - d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The District may waive this requirement if it finds that no environmental degradation will result.
- G. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that The District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Executive Director. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 300.004 G(1)(a) through 300.004 G(1)(e) below.

1. To be eligible for equivalent mass limits, the Industrial User must:
  - A. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - B. 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;
  - C. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, 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;
  - D. 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
  - E. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
  
2. An Industrial User subject to equivalent mass limits must:
  - A. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - B. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - C. Continue to record the facility's production rates and notify the Executive Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 300.004(G)(1)(C) of this Section. Upon notification of a revised production rate, the Executive Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - D. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 300.004(G)(1)(A) of this Section so long as it discharges under an equivalent mass limit.
  
3. When developing equivalent mass limits, the Executive Director:
  - A. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - B. 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
  - C. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial 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 300.008. The Industrial User must also be in compliance with Section 1400.002 regarding the prohibition of bypass.
  
- H. The Executive Director 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 Industrial Users. The conversion is at the discretion of the Executive Director, and will be made in compliance with 40 CFR Section 403.6(c).

- I. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 300.004 in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
- J. 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 limitation.
- K. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Control Authority within two (2) business 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 Control Authority 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.
- L. When the District calculates end-of-pipe limits, combined waste stream limits per 40 CFR 403.6(e), mass or Pollutant limits, or equivalent concentration limits based upon data supplied by the User, these shall be enforceable as Pretreatment requirements. Any User operating under any of these alternative limits shall notify the District within two business days after the User has a reasonable basis to know that the data used to calculate the limit is not accurate.

### **300.005 Incorporation of Illinois Pretreatment Program Requirements**

Illinois Pretreatment Program requirements, found at Title 35 of the Illinois Administrative Code, Parts 307 and 310, are hereby incorporated into this Ordinance by reference.

### **300.006 Pollutant Concentration Limits**

- A. The following Pollutant limits are established to protect against Pass Through and Interference.
  - 1. Toxic Pollutants – Local Limits
 

No User shall Discharge any Wastewater containing concentrations greater than the Local Limits as set forth in Exhibit A of this Ordinance into any Sewers that connect either directly or indirectly to the POTW.
  - 2. The District reserves the right to establish, by ordinance or in a Wastewater Discharge Permit, to require control over the quantities and rates of Discharge.

### **300.007 Separators (Grease Traps)**

This section shall apply to all non-domestic users of the Publicly Owned Treatment Works, as defined in Section 200.002 of this Ordinance.

Grease traps or grease interceptors shall not be required for residential users.

Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as set forth in Exhibit B of this Ordinance.

These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption. Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall meet the Local Limits as set forth in Exhibit A of this Ordinance.

### **300.008 Dilution**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Executive Director 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.

### **300.009 Pretreatment Facilities**

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

Users shall provide necessary Wastewater Pretreatment as required to comply with this ordinance and shall achieve compliance with all applicable Pretreatment requirements and standards within most stringent of the time limitations as specified by appropriate statutes, regulations, and ordinance. Any facilities required to pretreat Wastewater to a level acceptable to the District shall be provided, properly operated and maintained at the User's expense.

Detailed plans showing the Pretreatment facilities shall be submitted to the District for review and must be acceptable to the District before construction of the facility. The User shall obtain all necessary construction-operating permits from the IEPA. Such Pretreatment facilities shall be under the control and direction of an IEPA certified Wastewater Treatment Operator. The review of such plans shall in no way relieve the User from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the District under the provisions of this ordinance.

Within a reasonable time after the completion of the Wastewater Pretreatment facility, the User shall furnish its operations and maintenance procedures for the District to review. Any subsequent, significant changes in the Pretreatment facilities or method of operation shall be reported to and be accepted by the District prior to the User's initiation of the changes.

### **300.010 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Executive Director 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Executive Director may require any Person 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. An individual Wastewater Discharge Permit may be issued solely for Flow equalization.

- C. Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- D. No Person shall reintroduce into the sewer system of the District materials which have been removed from the sewer system by catch basins, grease traps, and other Pretreatment devices. Physical, chemical or biological agents shall not be introduced into catch basins, grease traps or other Pretreatment devices for the purpose of re-suspending, dissolving, emulsifying or rendering soluble any Pollutants or other materials removed from a wastestream by such Pretreatment devices and reintroducing these materials into the sewer system.

**300.011 Technically Enhanced Naturally Occurring Radioactive Material Dischargers (TENORM)**

- A. If a User as defined by Section 200.002 is required by Federal or State Drinking Water Regulations to remove NORM, and the process chosen by the User requires periodic Discharges of TENORM to the Sanitary Sewer the User must petition the Districts Executive Director to accept the waste.
- B. The User must by submittal of detailed calculations, plans and specifications demonstrate compliance with the provisions of Section 10 CFR 20 and Illinois Administrative Code Title 32: Chapter II: Subchapter b: Part 340.

**300.012 Amalgam Management at Dental Offices**

- A. Except as provided in paragraphs (2), (3), and (4) of this section, this part applies to Dental Dischargers as defined in Section 200.002.
  - 1. Unless otherwise designated by the Control Authority, 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 this rule.
  - 2. 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.
  - 3. This part does not apply to wastewater discharges from a Mobile Unit as defined in Section 200.002 operated by a Dental Discharger.
  - 4. This part does not apply to Dental Dischargers that do not discharge any Amalgam Process Wastewater as defined in Section 200.002 to a 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.
  - 5. Dental Dischargers that do not place Dental Amalgam as defined in Section 200.002, 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.
- B. Within the shortest reasonable time, but not later than July 14, 2020, any Existing Dental Discharger as defined in Section 200.002 subject to this section must comply with the requirements of 40 CFR 441.30(a) and (b) and also must comply with the reporting and recordkeeping requirements of 40 CFR 441.50.

- C. As of July 14,2017, any New Dental Discharger Source as defined in Section 200.002 subject to this section must comply with the requirements of 40 CFR 441.30(a) and (b) and also must comply with the reporting and recordkeeping requirements of 40 CFR 441.50.

### **300.013 Districts Right of Revision**

The District reserves the right to establish, by ordinance or an Individual or General Wastewater Discharge Permit, more stringent Standards or Requirements on Discharges to the POTW consistent with the purpose of this ordinance.

### **300.014 Accidental Discharge/Slug Control Plans**

- A. The District shall evaluate a User within one year of being designated as a SIU, whether each SIU needs an Accidental Discharge / Slug Control Plan (ADSL Plan) or other action to control Slug Discharges. The District may require any User to develop, submit for approval, and implement such a ADSL Plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the District may develop or require to be developed such a plan for any Significant or Non-Significant User. The ADSL Plan shall be submitted for review by the District and implemented by the User.

Each User having the ability to cause Interference with the POTW treatment plant or to violate the regulatory provisions of this Ordinance shall provide protection from accidental and Slug Discharges to the POTW of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental and Slug Discharges of prohibited materials shall be provided and maintained at the Owners or Users own cost and expense.

All Users whose Wastewater includes or could include compatible or Incompatible Pollutants in amounts great enough to cause Interference with the POTW must, when required by the District, have a detailed plan on file with the District showing facilities and operating procedures to provide this protection.

No User shall be permitted to introduce such Pollutants into the system until accidental Discharge facilities and Slug control procedures, as appropriate, have been reviewed by the District and installed or implemented by the User. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

- B. When the District determines that an Accidental Discharge/ Slug Control Plan is needed, the Plan shall address, at minimum, the following:
1. Description of Discharge practices, including non-routine batch Discharges;
  2. Description of stored chemicals;
  3. Procedures for immediately notifying the District of spills and Slug Loads, including any Discharge that would be a violation under 40 CFR 403.5(b);
  4. Procedures for follow-up written notification within five (5) days;
  5. Procedures necessary to prevent spills and slugs, including plans for:
    - a. Inspection and maintenance of storage areas,
    - b. Handling and transfer of materials,
    - c. Loading and unloading operations,

- d. Control of plant site run-off,
  - e. Worker training,
  - f. Building of containment structures or equipment,
  - g. Measures for containing toxic organic Pollutants, or solvents,
  - h. And/or measures and equipment necessary for emergency response.
6. Locations of all floor drains and reasons for each floor drain existence. If any exist, the plan should describe how spills which hit the floor will be prevented from leaving the plant through the floor drain.
- C. Review of such plans and operating procedures by the District shall not relieve the User from the responsibility to modify the User's facility or ADSL Plan as necessary to meet all requirements of this Article. Review by the District does not constitute an approval of an ADSL plan, and the District 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.
- D. At least once every two (2) years the Pretreatment Coordinator shall evaluate whether each Significant Industrial User needs a revision to its ADSL Plan. The Pretreatment Coordinator may require any User to submit at a frequency of less than two (2) years such Spill Plan or require modification of an existing ADSL Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW Treatment Works.

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

## **SECTION 400 - INFORMATION REQUIRED OF NON-RESIDENTIAL USERS**

### **400.001 Initial Survey (Questionnaire)**

- A. The Initial Survey shall be completed in order to ensure that said Users of the Wastewater Treatment Works of the District adhere to and comply with the restrictions and prohibitions set forth in Section 300.003 pertaining to Prohibited Discharges into the Wastewater Treatment Works of the District, and to facilitate the District's investigation of apparent or suspected violations thereof. The requirements are as follows:
1. All existing or new Non-Residential Users, or in areas receiving sewer service from the District, shall complete and submit an Initial Survey on a form provided by the District when requested by the District.
  2. All Users defined in Section 200.002 seeking to establish a new account for Sanitary Sewer service from the District or to establish a new connection to the Wastewater Treatment Works of the District shall file a completed Initial Survey with the District as a condition to the establishment of such new Sanitary Sewer service account or connection to the Wastewater Treatment Works of the District.
  3. The Initial Survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an Authorized Representative of the User as defined in Section 200.002.

4. All Users defined above that fail to complete and submit to the District an Initial Survey shall be in violation of the provisions of this division, 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 commercial or Industrial User in question for the Discharge of sewage or Wastewater into the Wastewater Treatment Works of the District.

#### **400.002 Affirmation to Initial Survey**

- A. The District shall determine based on building, zoning and occupant usage whether the User shall be required to file a Triennial Affirmation of Survey. The Users status will be defined by the District after review of the Initial Survey submitted as required in Section 400.001.
- B. Any User, defined in Section 200.002, having filed an Initial Survey where the information remains true, complete and correct in all respects may be required to submit a statement that the information remains current.
  1. The statement is required to be signed by an Authorized Representative of the firm.
  2. The statement will be due normally not later than January 31 of each year required unless altered in the request by the Pretreatment Coordinator.
  3. All Users defined above that fail to file an Affirmation with the District shall be in violation of the provisions of this division (Section 400.001) 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 commercial or Industrial User in question for the Discharge of sewage or Wastewater into the Wastewater Treatment Works of the District.

#### **400.003 Reports of Changed Conditions**

- A. Any User, defined in Section 200.002, that makes any changes determined to be substantial as defined in Section 200.002 shall report said changes as required in Section 700.005. Reports of changed conditions are required to be made prior to the change. The User shall report any changed condition within the time frame in Section 700.005. The User may be required to file an updated survey as a result of changed conditions.

#### **400.004 Additional Survey Information**

- A. After review of the completed Initial Survey, all Non-Residential Users that 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 District. 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 District for determination of the requirement to issue an Individual Wastewater Discharge Permit per Sections 500 and 600.
- B. 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:
  1. A Report of Changed Conditions is filed as required in Section 700.005,
  2. An application for a Wastewater Discharge Permit is required to be filed per Sections 500 and 600, or

3. A re-issuance of a Wastewater Discharge Permit occurs per Section 600.006.
- C. In addition to the Wastewater Survey defined in Section 400.004, 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 an USEPA Effluent Guideline category.

## **SECTION 500 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

### **500.001 Wastewater Analysis**

When requested by the Executive Director, a User must submit information on the nature and characteristics of its Wastewater within ninety (90) days of the request. The Executive Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### **500.002 Individual Wastewater Discharge Permit Requirement**

- A. No Significant Industrial User shall Discharge Wastewater into the POTW without first obtaining an Individual Wastewater Discharge Permit from the Executive Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 500.003 of this ordinance may continue to Discharge for the time period specified therein.
- B. The Executive Director may require other Users to obtain Individual Wastewater Discharge Permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an Individual Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the Wastewater Discharge permittee to the sanctions set out in Sections 1100 through 1200 of this ordinance. Obtaining an Individual 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.
- D. Other Wastewater Discharge Permits. The Pretreatment Coordinator may require other Non-Residential Users to obtain an Individual 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 Significant Industrial Users and will be defined as Non-Significant Regulated Users (NSRU). Non-Residential Users with Wastewater Discharge Permits in this class may include but are not limited to:
  1. Any User that has been determined to be a Non-Significant Categorical Industrial User as defined in Section 200.002;
  2. Any User that has been determined not to be a Significant Industrial User as defined in Section 200.002 that is required to be regulated by Wastewater Discharge Permit;
  3. Any User subject to National Categorical Pretreatment Standards that opts not to Discharge said regulated waste shall obtain a Zero Process Wastewater Discharge Permit;
  4. Any User that is a non-Categorical Zero Process Wastewater Discharger that the Pretreatment Coordinator determines shall be permitted;

5. Any User that discharges individual batch or batches that that have the potential to be a Slug Load to the Wastewater treatment plant.
- E. Wastewater Haulers shall Discharge all Wastewaters at a designated Wastewater Hauler dumping station and at times established the District Executive Director. No Load may be Discharged without prior consent of the Executive Director or designated representative. Wastewater Haulers shall have a valid Wastewater Hauler Discharge Permit before discharging wastes at the District. Each Wastewater Hauler vehicle shall meet the following conditions before permits will be issued under Sections 500 and 600 of this Ordinance.
1. Until the District provides scales for weighing Wastewater hauling vehicles, each truck tank shall have a sight glass calibrated in 100 gallon increments.
  2. Each vehicle shall be equipped to use the quick disconnect couplers at the Wastewater Hauler dumping station.
  3. Representative samples of Wastewater Discharged by a Wastewater Hauler shall comply with the provisions of Section 300.006.
  4. Each load delivered to the Wastewater dumping station must have a waste-tracking manifest. This form shall include, at minimum:
    - a. The name and address of the Wastewater Hauler,
    - b. Permit number,
    - c. Truck identification,
    - d. Names and address of sources of waste,
    - e. Volume of Wastewater being Discharged,
    - f. And whether any Wastewaters are RCRA hazardous wastes.
  5. All procedures for discharging, for cleanliness and for general sanitary operation on District property as prescribed by the District shall be strictly adhered to by all Wastewater Haulers delivering Wastewater to the Districts dumping station.
  6. The source or sources of all liquid wastes being hauled to the POTW treatment plant shall be properly documented using the District manifest system.
  7. Wastewater from residential source Users shall not be mixed with Wastewater from a non-residential source. Vehicles hauling Wastewater from a non-residential source shall not be used to haul Wastewater from a residential source for disposal at the POTW.
  8. The District may collect samples of each hauled load to ensure compliance with applicable standards.
  9. The District may require the Wastewater Hauler to provide a waste analysis of any or all loads prior to Discharge.
  10. In addition to remedies available to the District set forth elsewhere in this ordinance, failure of a Wastewater Hauler to comply with the provisions of this section shall be grounds for revocation of the Hauler's Discharge Permit by the Board.

### **500.003 Individual Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain an Individual 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) days after said date, apply to the Executive Director for an Individual Wastewater Discharge Permit in accordance with Section 500.005 of this ordinance, and shall not cause or allow Discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an Individual Wastewater Discharge Permit issued by the Executive Director.

### **500.004 Individual Wastewater Discharge Permitting: New Connections**

Any User required to obtain an Individual Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such Discharge. An application for this Individual Wastewater Discharge Permit, in accordance with Section 500.005 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any Discharge will begin or recommence.

### **500.005 Individual Wastewater Discharge Permit Application Contents**

- A. All Users required to obtain an Individual Wastewater Discharge Permit must submit a permit application. The Executive Director may require Users to submit all or some of the following information as part of a permit application:
  1. Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises;
  2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  3. Description of Operations.
    - a. 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.
    - b. Types of wastes generated, and 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;
    - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
    - d. Type and amount of raw materials processed (average and maximum per day);
    - e. 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;
  4. Time and duration of Discharges;
  5. The location for monitoring all wastes covered by the permit;
  6. 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 Section 300.004(E) (40 CFR 403.6(e)).
  7. Measurement 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 Executive Director, 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 and shall be analyzed in accordance with procedures set out in Section 700.011 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in Section 700.012 of this ordinance.
8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 700.004(H).
  9. Any other information as may be deemed necessary by the District to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **500.006 Application Signatories and Certifications**

All Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 700.015(A).

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 District prior to or together with any reports to be signed by an Authorized Representative.

#### **500.007 Individual Wastewater Discharge Permit Decisions**

The Executive Director will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Executive Director will determine whether to issue an Individual Wastewater Discharge Permit. The Executive Director may deny any application for an Individual Wastewater Discharge Permit.

## **SECTION 600 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

### **600.001 Individual Wastewater Discharge Permit Duration**

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 Executive Director. Each Individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.

### **600.002 Individual Wastewater Discharge Permit Contents**

An Individual Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Executive Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate Sludge management and disposal, and protect against damage to the POTW.

- A. Individual Wastewater Discharge Permits must contain:
  - 1. A statement that indicates the Wastewater Discharge Permit issuance date, expiration date and effective date;
  - 2. A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the District in accordance with Section 600.004 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
  - 3. Effluent limits, including Best Management Practices, based on Applicable Pretreatment Standards and State and local laws;
  - 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on local limits, Federal, State, and local law.
  - 5. 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.
  - 6. Requirements to control Slug Discharge, if determined by the Executive Director to be necessary.
- B. Individual Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
  - 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for Flow regulation and equalization;
  - 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
5. The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including Flow measurement devices;
7. 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 700.004 H.
8. Any grant of the monitoring waiver by the Pretreatment Coordinator in Section 700.004 H shall be included as a condition in the User's permit.
9. A statement that compliance with the Individual Wastewater Discharge 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 Individual Wastewater Discharge Permit; and
10. Other conditions as deemed appropriate by the Executive Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### **600.003 Permit Modification**

- A. The Executive Director may modify an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
  1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  2. To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the Individual Wastewater Discharge Permit issuance;
  3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
  4. Information indicating that the permitted Discharge poses a threat to the District's POTW's, personnel, or the receiving waters, POTW's beneficial Sludge use;
  5. Violation of any terms or conditions of the Individual Wastewater Discharge Permit;
  6. Misrepresentations or failure to fully disclose all relevant facts in the Individual Wastewater Discharge Permit application or in any required reporting;
  7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  8. To correct typographical or other errors in the Individual Wastewater Discharge Permit; or

9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 600.004.

#### **600.004 Individual Wastewater Discharge Permit Transfer**

- A. Individual Wastewater Discharge Permits are issued to a specific User for the process activity specified in the Individual Wastewater Discharge Permit. An Individual Wastewater Discharge Permit shall not be assigned, transferred or sold to a new owner or new User in different premises or to a new or changed operation in the same or different premises without the approval of the District.

If the premises are sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, then the Individual Wastewater Discharge Permit may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the District and the Executive Director approves the Individual Wastewater Discharge Permit transfer. The notice to the District must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  2. Identifies the specific date on which the transfer is to occur; and
  3. Acknowledges full responsibility for complying with the existing Individual Wastewater Discharge.
- B. Failure to provide advance notice of a transfer renders the Individual Wastewater Discharge Permit void as of the date of facility transfer.

#### **600.005 Individual Wastewater Discharge Permit Revocation**

- A. The Executive Director may revoke an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
  1. Failure to notify the District of significant changes to the Wastewater prior to the changed Discharge;
  2. Failure to provide prior notification to the District of changed conditions pursuant to Section 700.005 of this ordinance;
  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 District Employees 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 an Industrial Wastewater survey or the Wastewater Discharge Permit application;
  12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  13. Violation of any Pretreatment Standard or Requirement, or any terms of the Individual Wastewater Discharge Permit or this ordinance.
- B. Individual Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual Wastewater Discharge Permits issued to a User are void upon the issuance of a new Individual or General Wastewater Discharge Permit to that User.

### **600.006 Individual Wastewater Discharge Permit Reissuance**

A User with an expiring Individual Wastewater Discharge Permit shall apply for Individual Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 500.005 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing Individual Wastewater Discharge Permit.

### **600.007 Regulation of Waste Received from other Jurisdictions**

- A. If another municipality, or User located within another municipality, contributes Wastewater to the FRWRD's POTWs, the Executive Director shall enter into an intergovernmental agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Executive Director shall request the following information from the contributing municipality:
1. A description of the quality and volume of Wastewater Discharged to the POTW by the contributing municipality;
  2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  3. Such other information as Executive Director may deem necessary.
- C. An intergovernmental agreement, as required by paragraph A, above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 300.007 of this Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the FRWRD's ordinance or Local Limits;
  2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including individual Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality;
4. A requirement for the contributing municipality to provide the Executive Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the POTW;
6. Requirements for monitoring the contributing municipality's Discharge;
7. A provision ensuring the Executive Director 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 Executive Director; and
8. A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

## **SECTION 700 - REPORTING REQUIREMENTS**

### **700.001 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) 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 Categorical Industrial Users currently discharging to or scheduled to Discharge to the POTW shall submit to the Executive Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Executive Director a report which contains the information listed in paragraph B, 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.
- B. Users described above shall submit the following information:
  1. Identifying Information: The name and address of the facility, including the name of the operator and owner(s);
  2. Permits: A list of any environmental control permits held by or for the facility;
  3. Descriptions of Operations: A brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) of the operation(s) carried out by such IU. This description shall include a schematic process diagram which indicates points of Discharge to the District from the regulated process.
  4. Flow Measurement: Information showing the measured average daily and maximum daily Flow, in gallons per day, to the District from regulated process streams and other streams as necessary, to allow use of the Combined Waste Stream Formula as set forth in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards.

5. Measurements of Pollutants:
  - a. The Categorical Pretreatment Standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, Daily Maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in Sections 700.011 and 700.12 of this Ordinance.
  - c. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable standards to determine the compliance of the IU;
  - d. The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph;
  - e. 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 use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the 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 District. The sample shall be taken and analyzed in accordance with procedures set out in Sections 700.012 and 700.011 of this Ordinance;
  - f. The District 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;
  - g. 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 POTW.
6. Compliance Certification: A statement, reviewed by the User's Authorized Representative as defined in Section 200.002 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 to meet the Pretreatment Standards and Requirements.
7. 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 700.002 of this Ordinance.
8. Signature and Report Certification: All Baseline Monitoring Reports (BMR) must be certified in accordance with Section 700.015 of this ordinance and signed by an Authorized Representative as defined in Section 200.002 of this Ordinance.

## **700.002 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 700.001.D of this ordinance:

- 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);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Executive Director no later than fourteen (14) 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; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the District.

## **700.003 Ninety (90) Day Compliance Reports**

Within ninety (90) 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 Executive Director a report, on forms provided by the Pretreatment Coordinator, indicating the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Pretreatment Standards and requirements and the average and maximum daily Flow for the process units in the Users facility which are limited by such a Pretreatment standard or requirements. The report shall state whether the Applicable Pretreatment Standards or requirements are being met on a consistent basis and, if not, what additional User O & M or Pretreatment techniques or installations are necessary to bring the User into compliance with the Applicable Pretreatment Standards or requirements. This statement shall be signed by a Qualified Professional as defined in the General Pretreatment Regulations. For Users subject to equivalent mass or concentration limits established by the District's Executive Director, this report shall contain a reasonable measure of the User's long-term production rate. Where the District performs the required sampling and analysis in lieu of the User, the User will not be required to submit the Compliance Certificate required in Section 700.001.C. All sampling and analysis will be done in conformance with Sections 700.011 and 700.012 of this Ordinance.

## **700.004 Periodic Compliance Reports**

- A. All SIUs are required to submit periodic reports under the provisions of this Section. Any User subject to an applicable Pretreatment Standard after the compliance date of such Pretreatment Standard or, in the case of a New Source, after Discharge of Wastewater to the POTW begins, shall submit to the District Executive Director on or before the 20<sup>th</sup> day of the months of July and January (or on the date specified in the SIU's Individual Wastewater Discharge Permit), a certified report on the forms provided by the Districts Pretreatment Coordinator indicating the nature and concentration, or production and mass where required by the Executive Director, of Pollutants in the Discharge which are limited by such Applicable Pretreatment Standards. The report shall include a record of all measured or estimated average and maximum daily Flows for the reporting period. In cases where the Pretreatment Standard

requires compliance with a Best Management Practice (BMP) or pollution alternative, the SIU must submit documentation required by the District to determine the compliance status of the SIU.

- B. Other Non-SIU, at the discretion of the Executive Director, may be required to submit periodic reports as specified in an Individual Wastewater Discharge Permit. Non-Significant CIU as defined in Section 200.002 shall file a periodic report that contains the additional requirements defined in Section 700.004 (C-H) of this Ordinance.
- C. At the discretion of the Executive Director, the report may also include concentrations of BOD/COD/TSS or other Pollutants specified by the Executive Director. The permittee shall sample and analyze its Wastewater for BOD/COD/TSS or other Pollutants in accordance with the sampling and analysis procedures described in Sections 700.011, and 700.012 of this Ordinance.
- D. At the discretion of the Executive Director and in consideration of such factors as a local high or low Flow rate, holidays, budget cycles, the Executive Director may agree to alter the months during which the above reports are submitted.
- E. All periodic compliance reports must be signed and certified in accordance with Section 700.015 A. of this ordinance.
- F. All Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and Flow measurement facilities shall be properly operated, kept clean, and maintained in good working order 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
- G. If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Executive Director, using the procedures prescribed in Section 700.011 of this ordinance, the results of this monitoring shall be included in the report.
- H. FRWRD 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 Industrial 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 Industrial User. This authorization is subject to the following conditions:
  - 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 Standard and otherwise includes no process wastewater.
  - 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 five (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. In making a demonstration that a pollutant is not present, the Industrial 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.
  - 4. The request for a monitoring waiver must be signed by an Authorized Representative, and include the certification statement in Section 700.015 C.

5. 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.
6. 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 three (3) years after expiration of the waiver
7. Upon approval of the monitoring waiver and revision of the User's permit by the Pretreatment Coordinator, the Industrial User must certify on each report with the statement in Section 700.015 C., that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. 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 700.011, or other more frequent monitoring requirements imposed by the Pretreatment Coordinator, and notify the Pretreatment Coordinator
9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard

### **700.005 Reports of Changed Conditions**

Each User must notify in advance the Executive Director of any Substantial Changes, as defined in Section 200.002, to the User's operations or system which might alter the nature, quality, or volume of its Wastewater or impact the User's potential for accidental discharges or Slug Loads including the listed or characteristic hazardous wastes as defined in Section 700.010.

A change notice shall be submitted to the District for an addition or deletion of any categorically regulated process at the site that may have the potential to change the classification of the User or discharger, including those processes that have no discharge of regulated process waste. Closure of all or any part of the facility is defined to be a substantial change and is required to be noticed to the District. Formal written notification of forms provided by the District shall be made thirty (30) calendar days prior to a change for an addition or increase of equipment or process. Notification for shutdowns, deletions of processes or substantial decreases in wastewater are required within seven (7) calendar days following the determination of the change.

CIUs shall notice additive changes no less than ninety (90) calendar days in advance if a BMR submittal as provided by Section 700.001 of this Ordinance is required by Federal regulation per 40 CFR 403.12(b). At minimum, CIUs shall submit change information thirty (30) calendar days in advance of a change that does not require a BMR submittal by Federal regulation.

- A. The Executive Director 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 500.002 or survey reports under Section 400 of this Ordinance.
- B. The Executive Director may issue an Individual Wastewater Discharge Permit or modify an existing Individual Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

- C. The Executive Director may require the submittal of a Closure Plan for discontinuation of processes or the site production activities or services. The closure plan shall be submitted to the District ten (10) workdays prior to the initiation of the plan and shall contain, at a minimum, the following:
  - 1. A description of each wastewater generating process that will permanently cease operations;
  - 2. A description of how the facility will be closed and the extent of operations during the closure period;
  - 3. 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;
  - 4. A schedule of the closure activities indicating the time required to complete each closure step; and
  - 5. Additional monitoring scheduled that will identify compliance with pretreatment standards during the closure operations.

**700.006 Authorized Representative Change Notification.**

Any SIU that changes the Authorized Representative of its company as defined in Section 200.002 of this Ordinance, shall file a change notice with the District within thirty (30) calendar days.

**700.007 Reports of Potential Problems**

- A. 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, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Pretreatment Coordinator of the incident. This notification shall include the location of the Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such Discharge, the User shall 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. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might 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.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a Discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a Discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Executive Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

## **700.008 Reports from Unpermitted Users**

All Users not required to obtain an Individual Wastewater Discharge Permit shall provide appropriate reports to the District, as determined to be necessary by the Executive Director, to demonstrate compliance with the District's wastewater discharge requirements.

## **700.009 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Executive Director 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 Executive Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if The District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

If the District performed the sampling and analysis in lieu of the Industrial User, the District 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.

## **700.010 Notification of the Discharge of Hazardous Waste**

- A. Any User who commences the Discharge of hazardous waste shall notify the District, the EPA 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 and eighty (180) 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 700.005 of this ordinance. 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.
- B. 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.
- C. 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 Executive Director, the EPA Regional Waste Management Waste Division Director, and State hazardous

waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

- D. 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.
- E. 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.

### **700.011 Analytical Requirements**

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report to determine compliance with the limits found in this Ordinance or any established in a Wastewater Discharge Permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, 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 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Executive Director or other parties approved by EPA.

### **700.012 Sample Collection**

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 reporting period.

- A. Except as indicated in Section B and D and E below, the User must collect Wastewater samples using 24 hour Flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Executive Director. Where time proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the Discharge.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:
  - 1. For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field;
  - 2. For volatile organics and oil and grease, the samples shall be composited in the laboratory.

Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

- D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Sections 700.001 and 700.003 [40 CFR 403.12(b) and (d)], a minimum of four (4) Grab Samples must be

used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Executive Director may authorize a lower minimum.

- E. For sampling required for periodic reports required by paragraphs Section 700.004 [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance by with Applicable Pretreatment Standards and Requirements.

### **700.013 Date of Receipt of Reports**

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.

### **700.014 Recordkeeping**

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, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management. 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 District, or where the User has been specifically notified of a longer retention period by the Executive Director.

### **700.015 Certification Statements**

- A. The following certification statement is required to be signed and submitted by Users submitting permit applications under Section 500.006; Users submitting Baseline Monitoring Reports under Section 700.001; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 700.003; and Users submitting periodic compliance reports required by Section 700.004. The following certification statement must be signed by an Authorized Representatives defined in Section 200.002:

“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.”

- B. A facility determined to be a Non-Significant Categorical Industrial User by the Pretreatment Coordinator pursuant to Section 200.002 must semi-annually submit an alternative report with the following certification statement signed by the Authorized Representatives defined in Section 200.002:

“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]:

1. The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 200.002.
2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

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C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 700.004 H. must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 700.004.”

## **SECTION 800 - COMPLIANCE MONITORING**

### **800.001 Right of Entry: Inspection and Sampling**

The Executive Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any Individual Wastewater Discharge Permit or order issued hereunder. Users shall allow the Executive Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. 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 Executive Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Executive Director 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.
- C. The Executive Director 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 annually to ensure their accuracy.

- D. 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 Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Executive Director access to the User's premises shall be a violation of this ordinance.

### **800.002 Search Warrants**

- A. If the Executive Director 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 criminal law, the Executive Director may seek issuance of a search warrant from the Circuit Court of Kane or Cook County as appropriate, in accordance with the Illinois Code of Criminal Procedure.
- B. If the Executive Director 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 of the District 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, the Executive Director may seek issuance of a mandatory injunction from the Circuit Court of Kane or Cook County as appropriate, in accordance with the Illinois Code of Civil Procedure.

## **SECTION 900 - CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, Individual Wastewater Discharge Permits, and monitoring programs, and from the Pretreatment Coordinators 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 Executive Director, 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 at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## **SECTION 1000 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Executive Director shall publish annually, in a newspaper with a general circulation in the District in compliance with state law that provides reasonable public notice within the jurisdictions served by the Fox River Water Reclamation District, 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 (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 200;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) 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 Section 200 multiplied by the applicable criteria (1.4 for BOD, TSS, Fats, Oils and Grease, and 1.2 for all other Pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 200 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Executive Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any Discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency Authority to halt or prevent such a Discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) 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;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Executive Director determines will adversely affect the operation or implementation of the local Pretreatment program.

## **SECTION 1100 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **1100.001 Notification of Violation**

- A. When the District finds that a User has violated, or continues to violate, any provision of this Ordinance, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such 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 Executive Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## **1100.002 Consent Orders**

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents may also require the submittal of progress and a final report(s) to define the status and success of specific action items. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 1100.005 and 1100.007 of this ordinance and shall be judicially enforceable.

## **1100.003 Compliance Orders and Directives**

- A. When the Executive Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. Within fifteen (15) days of receipt of this order, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific actions, shall be submitted by the User to the District. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Compliance Order. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Compliance Order.
- B. Standards Meeting. Should a violation by a User occur following the completion of Consent Order actions or after a Review Meeting with that User that does not result in a Consent Order, the District may notify the offending User, in writing, through a "Notice of Standards Meeting" as to the particulars of such violation or violations and set a time and place for a meeting (hereinafter called a "Standards Meeting") to be attended by representatives of the District and the Authorized Representative of the User. The District may, upon determination that a violation has occurred, send the User a Notice of Standards Meetings without first having a Review Meeting or follow any procedures under Section 1100.003 hereof. The purpose of such a meeting shall be to establish such procedure, investigations, and studies as the District deems necessary and desirable for the determination of such action as it may require of the User to control and prevent discharges in violation of the limitations on discharge.
- C. Compliance Directive. Following the completion of the investigation and studies described in Section 1100.003(B) above, the District may direct and require the User to take such action as may be required to control and prevent discharges in violation of the limitations on discharge, including pretreatment of those wastewaters which contain or may contain pollutants subject to limitations on discharge. If the District has sufficient information at the time of the Standards Meeting to determine necessary action, it may, at the time of the Standards Meeting, direct and require the User to take such action, including pretreatment, without further investigation or study, and the User shall comply. The User shall cooperate fully with the District in making such investigations and studies as may be required. A directive in writing (hereinafter called "Compliance Directive" shall be issued by the District to require the User to take necessary action.
- D. Compliance Schedule. Following the issuance of a Compliance Directive, the User shall within 90 days, submit to the District for review, a schedule for compliance and preliminary information regarding any pretreatment facilities to be provided. Such preliminary information shall include, without limitation, the nature and type of facilities and equipment proposed, their general location and the degree of treatment anticipated. The District shall review and discuss the schedule and preliminary information with the User. Final acceptance by the District following discussions with the User, shall be within 30 days of the submittal of an acceptable schedule and plants to the District. Such approval does not release the User

from responsibility for compliance with the provisions of this Ordinance, either before or after any pretreatment facilities are operational, nor does such approval constitute a liability of the District should the facilities fail to produce an acceptable pollutant concentration.

- E. Progress Reports. The User shall keep the District informed as to the progress of work to provide required pretreatment facilities through written reports submitted monthly. Failure to comply with a Compliance Directive of the District regarding pretreatment facilities or failure to comply with the schedule, as approved, shall be deemed a violation of the provisions of this Ordinance and may be grounds for revocation of the User's Wastewater Discharge Permit.
- F. Variance. Any User issued a Compliance Directive under the provisions of this section relevant to Section 300.007(A)(1). shall apply for a variance at least five (5) days prior to the next Board meeting, petition the Board for a variance or variances in accordance with Section 1100.006. Failure to so apply shall be a violation of the Ordinance and subject the User to the penalties provided in Section 1200 of this ordinance. Except as provided in Section 1100.004, no variance granted pursuant to the terms of this ordinance may allow discharge greater than two (2) times the limitation on discharge for specific pollutants or shall last longer than the term of a Compliance Directive issued in accordance with Section 1100.003(C).
- G. A compliance order or directive may not extend the deadline for compliance established for a Categorical Pretreatment Standard or Requirement under Section 300.004.
- H. 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 and directives 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 or directive may not relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order or directive shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **1100.004 Variance Procedures**

- A. A variance from a National Categorical Pretreatment Standard may only be obtained if the User can prove to EPA, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the National Categorical Pretreatment Standard.

#### **1100.005 Cease and Desist Orders**

When the District finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual 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 Executive Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. 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.

## **1100.006 Emergency Suspensions**

The Executive Director 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 Executive Director 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.

- A. 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 District 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 District may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Executive Director that the period of endangerment has passed, unless the termination proceedings in Section 1100.009 of this Ordinance are initiated against the User.
- B. 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 Executive Director prior to the date of any termination or show cause hearing under Sections 1100.009 or 1100.010 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

## **1100.007 Termination of Discharge**

- A. Responsibility of the Board of Trustees. The Board shall have responsibility for reviewing all requests for revocation of Wastewater Discharge Permits, disconnection of Users from the District POTW, revocation of variance granted under provisions of this Ordinance and appeals under the procedures established in Section 1100.009. Only the Board shall have the authority to approve such revocation of permits, variances and disconnection of building sanitary sewers and only the Board shall be empowered to take final action on appeals.
- B. Conditions for Revocation. In addition to the provision in Section 600.005, any user who violates this ordinance, or applicable state or federal statutes or regulations, or the following, is subject to discharge termination:
  - 1. Failure of a User to accurately report the wastewater constituents and characteristics of its discharge as determined by the User's or the District's analysis;
  - 2. Failure of the User to provide prior notification of significant changes in process activity or wastewater volume, constituents and characteristics;
  - 3. Refusal of reasonable access to the User's premises by District representatives for the purpose of inspection, monitoring or sampling;
  - 4. Tampering with, disrupting, or destroying District equipment as determined by the Board, by a preponderance of evidence which determination shall be final;
  - 5. Failure to report an accidental discharge of a pollutant in a reportable quantity;

6. Failure to report an upset of User's treatment facilities;
  7. Violations of conditions of the Individual Wastewater Permit;
  8. Discharges which present or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW;
  9. Failure to complete a wastewater survey or the Wastewater Discharge Permit Application;
  10. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit Application;
  11. Falsifying self-monitoring reports;
  12. Failure to meet effluent limitations or compliance schedules; or
  13. Failure to pay fines or sewer use and recovery charges.
- C. Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 1100.008 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Executive Director shall not be a bar to, or a prerequisite for, taking any other action against the User.
- D. Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

### **1100.008 Show Cause Hearing**

- A. The Executive Director may order a User which has violated, or continues to violate, any provision of this ordinance, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Board and 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 Five (5) days prior to the hearing. Such notice may be served on any agent or officer or the Authorized Representative of the User as defined in Section 200.002 and required by Section 500.006. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- B. The Board shall develop rules of procedure and evidence for the conduct of such hearings. The Board may itself conduct the hearing and take the evidence, or may designate any of its members or any member of its legal staff to:
1. Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  2. Take the evidence; and
  3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

- C. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- D. After the Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing either:
  - 1. That the Wastewater Discharge Permit be revoked and the service be disconnected; or
  - 2. That following a specified time, the permit shall be revoked and sewer service disconnected or discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operate properly to comply with the Wastewater Discharge Permit; or
  - 3. That the permit be revoked and the User directed to cease the unauthorized discharge effective after a specified period of time; or
  - 4. That such other relief as deemed necessary, including but not limited to disconnection of service and levy of fines, as deemed necessary by the Board to abate the discharge be granted. Further orders and directives as necessary may be issued.
- E. Following an order of revocation, the User shall cease to discharge wastewater, other than sanitary wastewater, to the District POTW. Failure to do so shall be evidence of continuing harm to the District and provide grounds for an order of disconnection or for the granting of injunctive relief or temporary restraining orders.

### **1100.009 Appeals**

In the event a User is dissatisfied with enforcement or pretreatment program procedure used by the District as it applies to his discharge to the sanitary sewer, except as such dissatisfaction relates to proceedings under Sections 1100.008 and 1100.009, that User shall seek relief through the use of the following administrative procedures. The procedure outlined herein is voluntary, and shall not act as a bar or condition precedent to the District's use of any remedies provided herein. So that problems or disputes may be resolved on the lowest practicable level, the procedures outlined below shall be followed in order.

- A. Initial Review of Complaint. User shall contact the District with his complaint or questions, and shall be referred to the appropriate department for initial screening. Where the problem is routine in nature or requires only explanation, no further action will be taken.
- B. Staff Review of Appeal. Where a User is not satisfied with the response given by the appropriate department, the complaint or question shall be reduced to writing and referred to management personnel, to be assigned by the Executive Director for review. The management personnel so designated shall review the file and consult with the User in an effort to resolve the problem. If the matter can be resolved to the User's satisfaction at this level, no further action will be required.
- C. Executive Director Review of Appeal. If the review and discussion between the management personnel and the User do not resolve the matter, a report on the complaint, together with the management personnel's recommendations, will be forwarded to the Executive Director for his consideration and decision. If the decision of the Executive Director resolves the matter, no further action will be required.
- D. Board Review of Appeal. If the findings and actions by the Executive Director do not satisfy the User, the entire file, together with recommendations from the Executive Director, shall be given to the Board of Trustees, who, after review of the file and recommendations of the Executive Director, shall meet with the

User and review the complaint. Following the review of the file and discussion with the User, the Board of Trustees will make a final decision on the matter.

## **SECTION 1200 - JUDICIAL ENFORCEMENT REMEDIES**

### **1200.001 Injunctive Relief**

When the Executive Director finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Circuit Court of Kane or Cook County as appropriate through the Districts 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 District 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.

### **1200.002 Civil Penalties**

- A. A User who 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 shall be liable to the Fox River Water Reclamation District for a maximum civil penalty of at least \$1,000 per day per 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.
- B. The District may recover reasonable 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 District.
- C. In determining the amount of civil liability, the District 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.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **1200.004 Remedies Nonexclusive**

The remedies provided for in this ordinance are not exclusive. The Executive Director 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 Districts enforcement response plan. However, the Executive Director may take other action against any User when the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any noncompliant User.

## **SECTION 1300 - WASTEWATER TREATMENT RATES - [RESERVED]**

## **SECTION 1400 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **1400.001 Upset**

- A. For the purposes of this section, "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.
- B. 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.
- C. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An Upset occurred and the User can identify the cause(s) of the Upset;
  - 2. 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
  - 3. 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) days):
    - a. A description of the Indirect Discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. 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.
- F. 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.

## 1400.002 Bypass

- A. For the purposes of this section,
  - 1. "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.
  - 2. "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.
- B. 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 Subsections C and D of this section.
- C. Bypass Notifications
  - 1. 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) work days before the date of the Bypass, if possible.
  - 2. 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) 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.
- D. POTW Actions
  - 1. Bypass is prohibited, and the Pretreatment Coordinator may take an enforcement action against a User for a Bypass, unless:
    - a. Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;
    - b. 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
    - c. The User submitted notices as required under paragraph (C) of this section.
  - 2. 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 paragraph (D)(1) of this section.

## **SECTION 1500 - PRETREATMENT CHARGES AND FEES**

### **1500.001 Pretreatment Charges and Fees**

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the FRWRDs Pretreatment Program, which may include:

- A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
  - 1. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports and certification statements submitted by Users;
  - 2. Fees for reviewing and responding to accidental Discharge procedures and construction;
  - 3. Fees for filing appeals;
  - 4. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Executive Director to address IU noncompliance; and
  - 5. Other fees as the District 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 District.

### **1500.002 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

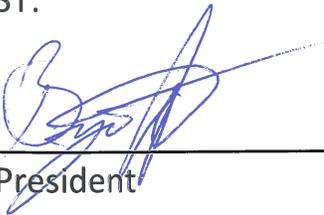
## **SECTION 1600 - EFFECTIVE DATE**

- A. Numerical Local Limits are attached as Exhibit A.
- B. Food Service Establishment requirements are attached as Exhibit B.
- C. Upon the effective date of this ordinance, Ordinance 574 as amended from time to time is hereby repealed.
- D. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.
- E. This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

FOX RIVER WATER RECLAMATION DISTRICT

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Vice-President

ADOPTED THIS 12 DAY OF FEBRUARY, 2018

VOTE: AYES: 4      NAYS: 1      ABSTAIN: 0



CERTIFICATION

I, KIM NARVAIZ, Assistant Clerk of the FOX RIVER WATER RECLAMATION DISTRICT, Kane and Cook Counties, Illinois, do hereby certify that the attached is a true and correct copy of ORDINANCE 896 passed by the Board of Trustees of the FOX RIVER WATER RECLAMATION DISTRICT at a regular meeting of such Board on February 12, 2018 and that such ordinance is in full force and effect.

Certified and sealed at Elgin, Illinois this 12 day of February, 2018.

  
\_\_\_\_\_  
Assistant Clerk

SUBSCRIBED AND SWORN to

before me this 12 day  
of February, 2018.



  
\_\_\_\_\_  
Notary Public