

# TITLE 7

## HEALTH AND SANITATION

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## CHAPTER 1

### PUBLIC AND PRIVATE SEWER REGULATIONS

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#### 7-1-1: PRETREATMENT:

##### PART 1: GENERAL PROVISIONS

**ARTICLE 1: ENACTMENT:** Pursuant to the requirements of Title III of the Clean Water Act Amendments (33 USC 1311 et seq.) and regulations promulgated thereunder, the Illinois Environmental Protection Act of 1970 as amended (Ch. 111 ½, Ill. Rev. Stat. 1983, Sec. 1001, et seq.) and in accordance with Cities and Villages, (ch. 24, Ill. Rev. Stat. 1985, Sec. 11 et seq.), the following Chapter is hereby enacted by the Village Board of the Village of Arthur, Illinois. (The Village of Arthur, Illinois is hereafter referred to as "The Publicly Owned Treatment Works" or as "the POTW").

**ARTICLE 2: PURPOSE AND POLICY:** This Chapter regulates the use of sewers, private wastewater disposal, and the discharge of wastewater into the POTW wastewater system. The Chapter sets forth uniform requirements for discharges into the wastewater collection and treatment system for the POTW.

The objectives of this Chapter are:

- (A) To regulate private wastewater disposal systems;
- (B) To prevent the introduction of pollutants into the POTW wastewater system that will interfere with the operation of the POTW wastewater system, including interference with its use or disposal of municipal sludge;

- (C) To prevent the introduction of pollutants into the POTW wastewater system which will Pass Through the treatment works or otherwise be incompatible with such works; and
- (D) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

**ARTICLE 3: JURISDICTION:** This Chapter shall apply to the POTW and to persons outside the POTW who are, by contract or agreement with the POTW, users of the POTW.

**ARTICLE 4: EFFECTIVE DATE:** The effective date of this Chapter shall be ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

**ARTICLE 5: RIGHT OF REVISION:** The POTW reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.

**ARTICLE 6: SEVERABILITY:** If any provision, paragraph, word, section or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

**ARTICLE 7: CONFLICT:** All other Chapters and parts of other Chapters inconsistent or conflicting with any part of this Chapter are hereby repealed to the extent of such inconsistency or conflict.

**ARTICLE 8: ADMINISTRATION:** Except as otherwise provided herein, the Superintendent of Public Works of the POTW shall administer, implement, and enforce the provisions of this Chapter.

**PART 2: ABBREVIATIONS AND DEFINITIONS**

**ARTICLE 1: ABBREVIATIONS:** The following abbreviations shall have the designated meanings:

|       |   |
|-------|---|
| BOD   | Biochemical Oxygen Demand                       |
| CFR   | Code of Federal Regulations                     |
| COD   | Chemical Oxygen Demand                          |
| FOG   | Fats, Oils and Grease                           |
| IEPA  | Illinois Environmental Protection Agency        |
| mg/l  | Milligrams per liter                            |
| NCPS  | National Categorical Pretreatment Standards     |
| NPDES | National Pollutant Discharge Elimination System |
| POTW  | Publicly Owned Treatment Works                  |
| PSES  | Pretreatment Standards for Existing Sources     |
| PSNS  | Pretreatment Standards for New Sources          |
| RCRA  | Resource Conservation and Recovery Act          |
| SIC   | Standard Industrial Classification              |
| 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   |

**ARTICLE 2: DEFINITIONS:**

"A" as in "Cyanide-A" means amenable to alkaline chlorination.

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. (33 U.S.C. 1251, et seq)

"Authorized Representative of Industrial User" is (I) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (II) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (III) a duly authorized representative of the individual designated above. A person is a duly authorized representative only if the authorization is made in writing to the POTW by a person described above.

"Baseline Report" means that report required by 40 CFR Section 403.12 (b) (1-7).

"Biochemical Oxygen Demand (BOD)" means 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.

"Chemical Oxygen Demand (COD)" means the quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures as described in Standard Methods.

"Combined Waste Stream Formula" means the formula as found in 40 CFR Section 403.6(e).

"Composite Sample" means a sample of wastewater based on a flow proportional or time proportional method.

"Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

"Compatible Pollutant" means biochemical oxygen demand, chemical oxygen demand, FOG, suspended solids, pH and fecal coliform bacteria.

"Consistent POTW Treatment Works Removal, Pollutant Removal or Removal" means reduction in the amount of a pollutant or alteration of the nature or concentration of a pollutant in the influent of the POTW to a less incompatible or concentrated state in the effluent. Consistent POTW 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.

"Director" means the Director of IEPA.

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

"Fecal Coliform" means 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 trichlorotrifluoroethane solvent.

"Flow" means volume of wastewater per unit of time.

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

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

"Incompatible Pollutant" means all pollutants other than compatible pollutants as defined in this Article.

"Indirect Discharge or Discharge" means the introduction of pollutants into the 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, including but not limited to, a manufacturing, commercial or process facility, or other facility engaged in the purchase or sale of goods, transaction of business or who otherwise renders services to the public.

"Interference" means an inhibition or disruption of the POTW, its treatment process or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance 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 (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act, and the Toxic Substances Control Act.

An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such User:

- (A) Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by Federal, State or Local law;



- (B) Discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or
- (C) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

"National Categorical Pretreatment Standard" means any pretreatment standard specifying quantities or concentrations of pollutants which may be discharged to a POTW by Industrial Users in specific industrial subcategories as established in regulations promulgated from time to time by the USEPA in 40 CRF Chapter I, Subchapter N.

"National Pollutant Discharge Elimination System Permit (NPDES Permit)" means a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to the Act.

"New Source" means any building structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

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 could result in the assigning by the POTW of a new Standard Industrial Classification code) or the construction of which commences after the effective date of this Chapter.

"Pass Through" means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An Industrial User significantly contributes to such permit violation where it:

- (A) Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by Federal, state, or Local law;



- (B) Discharges wastewater which substantially differs in nature and constituents from the User's average discharge;
- (C) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- (D) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

"Permitted Wastewater Hauler Vehicle" means a vehicle used for hauling wastewater, which has been granted a permit under the requirements of this Chapter.

"Person" means any individual, firm, company, association, society, corporation or group.

"pH" means 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" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, and agricultural waste discharged into water.

"POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

"Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an Industrial User.

"Pretreatment Standards" means for any specified pollutant, prohibitive discharge standards are set forth in Part 3, Article 2, specific limitations on discharge as set forth in Part 3, Article 3, the State of Illinois pretreatment standards or the applicable National Categorical Pretreatment Standards, whichever standard is most stringent.

"Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act, owned by the Village of Arthur, Illinois. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature that convey wastewater to the POTW treatment plant regardless of ownership, but does not include sewers, pipes, and other conveyances not connected to the jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

"Sanitary Sewer" means a sewer which is designed to carry sanitary and Industrial wastewater, and to which storm, surface and ground water are not intentionally admitted.

"Shall" is mandatory. "May" is permissive.

"Significant Industrial User" shall mean any Industrial User of the POTW's wastewater disposal system who (I) has a discharge flow of 10,000 (10,000) gallons or more per average work day, or (II) has a discharge flow greater than 15 percent (15%) of the flow in the POTW's wastewater treatment system, or (III) has in its wastewater incompatible pollutants as defined pursuant to Section 307 of the Act, or by State Statutes, or by applicable federal and state rules and regulations, or (IV) is found by the POTW, IEPA, or USEPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system, or (V) is subject to any National Categorical Pretreatment Standard.

"Significant Violation" means a violation of this Chapter which remains uncorrected forty-five (45) days after notification of such noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Article 4, Article 5 or Article 7 of Part 5.

"Sludge" means the settleable solids separated from the liquids during the wastewater treatment processes.

"Slug" means any discharge of water or wastewater which in concentration of any given pollutant, as measured by a grab sample, exceeds more than five (5) times the allowable concentrations as set forth in Part 3 of this Chapter or any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

"Superintendent of Public Works" means the chief administrator of the POTW Treatment Works.

"T" as in "Cyanide-T" means total.

"Total Solids" means the sum of suspended and dissolved solids.

"Total Suspended Solids (TSS)" means total suspended matter, expressed in milligrams per liter, that either floats on the surface or, is in suspension in water, wastewater and other liquids and is removable by laboratory filtration using a Reeve Angel type 934A or 984H glass fiber filter disc as prescribed in Standard Methods.

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

"Unpolluted Water" means water of quality equal to or better than the effluent criteria set forth in 35 I. Adm. Code Part 304 or water that would not cause violation of receiving water quality standards set forth in 35 Ill. Adm. Code Parts 302 and 303 and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"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 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" means any person who contributes, causes or permits the contribution of wastewater into the POTW treatment plant.

"Wastewater" means the combination of the liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions including polluted cooling water.

- (A) Sanitary Wastewater means the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
- (B) Industrial Wastewater means a combination of liquid and water carried waste, discharged from any industrial User including the wastewater from pretreatment facilities and polluted cooling water.

"Wastewater Discharge Permit" means the document or documents allowing discharge to the POTW issued to a user by the POTW in accordance with the terms of this Chapter.

"Wastewater Hauler" means any person, partnership or corporation engaged in transporting sanitary wastewater as a commercial venture.

"Waters of the State of Illinois" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Illinois or any portion thereof.

### **PART 3: WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS**

#### **ARTICLE 1: USE OF WASTEWATER FACILITIES:**

- (A) It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to any POTW Treatment Plant, any solid, liquid or gaseous waste unless through a connection approved by the POTW.
- (B) It shall be unlawful to discharge wastewater, without an NPDES permit, to any natural outlet within POTW or in any area under its jurisdiction.

#### **ARTICLE 2: PROHIBITIVE DISCHARGE STANDARDS:**

- (A) 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.

- (B) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will Interfere with the operation or performance of the POTW or will Pass Through the POTW.
- (C) The following general prohibitions shall apply to all Users of the 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 shall not contribute the following substances to the POTW:
1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) 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%). Materials for which discharge is prohibited under this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard solvents, and sulfides.
  2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference with the operation of the wastewater treatment facilities, including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and de-burring stones.

3. Any wastewater which will cause corrosive structural damage to the POTW, but in no case wastewater having a pH less than 5.0, unless more strictly limited elsewhere in this Chapter.
4. 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, cause a violation of the water quality standards of the receiving waters of the POTW, exceed the limitation set forth in a National Categorical Pretreatment Standard (when effective) or in Article 3 of this Part 3 or create a public nuisance.
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. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substances Control Act, or State regulations Subtitle C Part 391 applicable to the sludge management method being used.
7. Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
8. Any wastewater having a temperature at the point of discharge to the POTW which will inhibit biological activity in the POTW treatment plant resulting in interference; in no case shall wastewater be introduced to the POTW which exceeds 40 C (104 F) at the POTW treatment plant.
9. Any pollutants, including compatible pollutants released at a flow or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW or will pass through the POTW.
10. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal regulations.



11. Any wastewater which may contain more than 50 mg/l concentration of fat, oil, grease, (FOG) or trichlorotrifluoroethane extractable material.
12. Any wastewater containing BOD, total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; provided however, that a user may be permitted by specific, written agreement with the POTW, which agreement to discharge such BOD or TSS may provide for special charges, payments or provisions for treating and testing equipment.
13. Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the POTW.
14. Any discharge exceeding the standards established in 35 Ill. Adm. Code 307 from time to time.
15. Any slug discharged to the POTW.

Compliance with the provisions of this Article 2 shall be required on the effective date of the promulgation of this Chapter.

**ARTICLE 3: SPECIFIC LIMITATIONS ON DISCHARGE:** Discharges from each separate discharge of a User, as measured under the provisions of this Chapter, shall not contain in excess of the following concentrations based upon a twenty-four (24) hour composite sample. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow weighted manner to determine compliance with the following limitations for a twenty-four (24) hour composite sample.



| <u>Pollutant</u>                     | <u>Maximum Concentration</u> |
|--------------------------------------|------------------------------|
| Aluminum                             | 800 MG/Liter                 |
| Arsenic                              | 0.25 MG/Liter                |
| Barium                               | 2.0 MG/Liter                 |
| Boron                                | 1.0 MG/Liter                 |
| Cadmium                              | 0.15 MG/Liter                |
| Chlorides                            | 7000.0 MG/Liter              |
| Chlorine                             | 30.0 MG/Liter                |
| Chromium                             | 1.0 MG/Liter                 |
| Copper                               | 1.0 MG/Liter                 |
| Cyanide                              | 0.6 MG/Liter                 |
| Fluorides                            | 2.5 MG/Liter                 |
| Iron                                 | 2.0 MG/Liter                 |
| Lead                                 | 0.1 MG/Liter                 |
| Manganese                            | 0.1 MG/Liter                 |
| Mercury                              | 0.0005 MG/Liter              |
| Nickel                               | 1.0 MG/Liter                 |
| Nitrate                              | 45.0 MG/Liter                |
| Phenols                              | 0.3 MG/Liter                 |
| Pickling Waste                       | 0.0 MG/Liter                 |
| Selenium                             | 0.01 MG/Liter                |
| Silver                               | 0.05 MG/Liter                |
| Total Solids                         | 750.0 MG/Liter               |
| Zinc                                 | 1.0 MG/Liter                 |
| pH (permissible range, no averaging) | 6.0-9.0 MG/Liter             |
| Oils (hexane soluble or equivalent)  | 100 MG/Liter                 |

Compliance with the provisions of this Article 3 shall be required no later than thirty (30) days subsequent to the effective date of this Chapter.

**ARTICLE 4: INCORPORATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS:** Upon the promulgation of the National Categorical Pretreatment Standard for a particulate Industrial User, the said standard, when effective, shall be enforceable under this Chapter and said standards shall be complied with by all Industrial Users subject to each of said National Categorical Pretreatment Standards. The POTW shall notify all known effected Users of the applicable reporting requirements under 40 CFR Section 403.12.

**ARTICLE 5: PRETREATMENT:** All Industrial Users shall provide necessary wastewater pretreatment as required to comply with this

Chapter and shall achieve compliance with all applicable Pretreatment Requirements and Standards within the time limitations as specified by appropriate statutes, regulations and this Chapter. National Categorical Pretreatment Standards shall be added to this Chapter as amendments. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, properly operated and maintained at the User's expense. All Industrial Users shall obtain all necessary construction-operating permit from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified Wastewater Treatment Operator. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the POTW prior to the Industrial User's initiation of the changes.

**ARTICLE 6: PROHIBITION OF IMPROPER DILUTION:** 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 limitations developed by the POTW.

**ARTICLE 7: SPILL CONTAINMENT:**

- (A) Each Industrial User having the ability to cause Interference with the POTW treatment plant or to violate the regulatory provisions of this Chapter shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.
- (B) All Industrial Users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause Interference with the POTW must have detailed plans on file at the POTW showing facilities and operating procedures to provide protection from accidental discharge. All industrial users shall complete construction of said facilities by January 1, 1988. No Industrial User who begins contributing to or could contribute such pollutants to the POTW after the effective date of this Chapter shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the POTW and installed by the Industrial User. Review and approval of such plans and operating procedures shall

not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

- (C) In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which may cause Interference at the POTW or will Pass Through the POTW or violate requirements of this Chapter, it shall be the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration and volume.
- (D) Within fifteen (15) days following such an accidental or deliberate discharge the Industrial User shall submit to the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Follow-up reports may be required by the POTW as needed. Such report, or reports, shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the POTW, result in the revocation of the discharger's wastewater discharge permit.
- (E) The Industrial User shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (F) A notice in English and the language of common use shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or illegal discharge. Employers shall insure that all employees who are in a position to cause, discover, or observe such discharge are advised of the emergency notification procedures.

**PART 4: DISCHARGE PERMITS**

**ARTICLE 1: PROHIBITION OF DISCHARGES WITHOUT PERMIT:** It shall be unlawful for any Significant Industrial User to discharge wastewater to the POTW without a permit, or contrary to the conditions of a permit, issued by the POTW in accordance with the provisions of this Chapter.

**ARTICLE 2: PERMITS:****(A) Wastewater Discharge Permit**

All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All Significant Industrial Users which are Existing Sources connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within one hundred eighty (180) days after the effective date of this Chapter. All Industrial Users which become Significant Industrial Users after promulgation of this Chapter shall apply for a Wastewater Discharge Permit within one hundred eighty (180) days after becoming a Significant Industrial User. (The latter includes, but is not limited to, Industrial Users regulated by a newly promulgated National Categorical Pretreatment Standard.)

**(B) Wastewater Discharge Permit Application**

1. Significant Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the POTW an application in a form to be prescribed and furnished by the POTW.
2. Existing Significant Industrial Users shall apply for a Wastewater Discharge Permit within ninety (90) days after the effective date of this Chapter. Proposed Significant Industrial Users which are New Sources shall apply at least ninety (90) days prior to discharging to the POTW. In case of conflict between application deadlines for Significant Industrial Users in Part 4, Article 2(A) and Part 4, Article 2(B) (2), the stricter deadline shall apply.

3. In support of the application, the Significant Industrial User shall submit, in units and terms appropriate for evaluation the following information:
  - (a) Name, address and location.
  - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - (c) Wastewater constituents and characteristics including, but not limited to, those set forth in Part 3 of this Chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with Standard Methods;
  - (d) Time and duration of discharge;
  - (e) Average and maximum wastewater flow rates, including monthly and seasonal variations, if any;
  - (f) Site plans showing all pipe sizes, manholes and location of sanitary and storm sewers leaving the building or premises, together with all connections to lateral sanitary and storm sewers.
  - (g) Total number of employees and hours of operation of a plant.
  - (h) Proposed or actual hours of operation of pretreatment system and the name of the IEPA certified pretreatment operator.
  - (i) Name of the authorized representative of the Significant Industrial User.
  - (j) Significant Industrial User's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category.
  - (k) If additional Significant Industrial User operation and maintenance or pretreatment techniques or installations will be required to meet pretreatment standards, the shortest schedule by which the Significant Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established under Part 3.

- (I) Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

(C) Review of Wastewater Discharge Permit Applications

The POTW will evaluate the data furnished by the Significant Industrial User and may require additional information. After evaluation of the data furnished, the POTW may issue a Wastewater Discharge Permit. No temporary permit will be issued by the POTW except as set forth in Part 4, Article 2(G).

(D) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges, and fees established by the POTW. Wastewater Discharge Permits shall contain the following:

1. The Wastewater Discharge Permit shall include the limits on daily maximum and average pollutant concentrations from the applicable pretreatment standard (which included federal, state and local limits) whichever is more stringent.
2. Limits on maximum and average flow rate and time of discharge or requirements for flow regulation and equalization for each separate discharge of a User.
3. Requirements for installation and operation of inspection, sampling and monitoring facilities.
4. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
5. Compliance schedule, if necessary.
6. Requirements for submission of technical reports or discharge reports.
7. Requirements to retain for a minimum of three (3) years any records of monitoring activities and results relating to wastewater discharge and for affording the POTW access to said records.



8. Requirements for advance notification to the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system pursuant to the terms of Part 4, Article 2(E) of this Chapter.
9. Requirements for notification of slug discharges as defined in this Chapter.
10. Requirements for reporting pretreatment sludge disposal practices.
11. Requirements that permittee allow the POTW or its representatives ready access upon presentation of credentials at reasonable times to all parts of its premises in which a discharge source or treatment system is located or in which records required by this Chapter are kept for the purposes of inspection, sampling, examination and photocopying of said records and for the performance of any of their duties.
12. Requirements that the permittee provide other information to the POTW from time to time as may reasonably be required.
13. Other conditions as deemed appropriate by the POTW to ensure compliance with this Chapter, and Pretreatment Requirements and Standards.

(E) Change in Conditions

In the event the type, quality, or volume of wastewater from the property for which a Wastewater Discharge Permit was previously granted is expected to materially and substantially change as reasonably determined by the permittee or POTW, the permittee previously granted such permit shall give thirty (30) day notice in writing to the POTW and shall make a new application to the POTW prior to said change, in the same manner and form as originally made, provided that information previously submitted and unchanged need not be resubmitted by permittee. No permittee shall materially and substantially change the type, quality or volume of its wastewater beyond that allowed by its permit without prior approval of the POTW.



remedies for violation of temporary permits as it has for violation of other discharge permits.

**ARTICLE 3: DENIAL OF PERMIT AND APPEAL PROCEDURE:**

- (A) No Wastewater Discharge Permit shall be issued by the POTW to any person or Industrial User whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the POTW, is not in conformity with the POTW Ordinances and regulations or whose application is incomplete or does not comply with the requirements of Part 4, Article 2(B). The POTW shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within ten (10) days after denial.
- (B) If the application is denied by the POTW, the applicant may obtain review of the denial by the Village Board, provided that the applicant shall give written notice of this request within thirty (30) days after receipt of such denial. The Village Board shall review the permit application, the written denial and such other evidence and matters as the applicant and POTW Superintendent of Public Works shall present. The decision of the Village Board shall be final.

**ARTICLE 4: MONITORING FACILITIES:**

- (A) Significant Industrial Users shall provide and operate at the Significant Industrial User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer or internal drainage systems. The monitoring facility will normally be situated on the User's premises but the POTW may, when such a location would be impractical and cause undue hardship to the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the user.
- (B) Where required by the POTW, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with Pretreatment Standards.

(F) Duration

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The Permittee shall file an application for renewal of its permit at least ninety (90) days prior to expiration of the User's permit. The Industrial User shall apply, on a form provided by the POTW, for reissuance of the Permit.

(G) Modification

The terms and conditions of the permit may be subject to modification by the POTW during the term of the permit as limitations or requirements as identified in Section 7-1-3 are modified or other just cause exists. Where the National Categorical Pretreatment Standards are modified by a removal allowance (40 CFR Section 403.7) or the combined waste stream formula (40 CFR Section 403.6(e)) or net/gross calculations (40 CFR Section 403.15) or Fundamentally Different Factor Variance for non-toxics (40 CFR Section 403.13), of the General Pretreatment Regulations, the limits as modified shall be made a part of the Wastewater Discharge Permit and shall be adjusted consistent with USEPA guidelines and regulations. The Significant Industrial User shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Where any changes are made in the Significant Industrial User's permit, a reasonable time shall be given to achieve compliance.

(H) Transfer

Wastewater Discharge Permits are issued to a specific Significant Industrial User for the process activity specified in the permit. A 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 POTW. If the premises are sold or otherwise transferred by the permittee to a new owner who will maintain the operation in the same premises, then the permit held by the seller shall be reissued by the POTW to the new owner as a temporary permit; provided that the new owner shall immediately apply for a new permit in accordance with this Chapter and further provided that the temporary permit shall only be effective for ninety (90) days after the date of sale or transfer. The POTW shall have the same

- (C) Whenever required by a Wastewater Discharge Permit, any Significant Industrial User shall install a large manhole or sampling chamber for each separate discharge in the building sewer in accordance with plans and specifications approved by the POTW, installed and maintained at all times at the User's expense, which shall have ample room in each sampling chamber to permit the POTW to take accurate composite samples for analysis. The chamber shall be safely, easily and independently accessible to authorized representatives of the POTW at any time.
1. Each sampling chamber shall contain a Palmer-Bowlus flume, unless a weir or similar device is approved by the POTW with a recording and totalizing register for measurement of the liquid quantity; or at the discretion of the POTW the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated to the POTW that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the POTW is made in the metered water supply to determine the liquid waste quantity.
  2. When required, samples shall be taken every hour or half hour, as determined by the POTW and properly refrigerated and preserved in accordance with Standard Methods and shall be composited in proportion to the flow for a representative twenty-four (24) hour sample. Such sampling shall be done as prescribed by the User's Wastewater Discharge Permit.
  3. The sampling chamber, metering device, and documentation of the frequency of sampling, sampling methods and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the POTW.
- (D) Whenever required by a Wastewater Discharge Permit, the permittee shall pay the costs of sampling of its discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the permittee or by the POTW.
- (E) All measurements, tests, and analyses to which reference is made in this Chapter shall be determined and performed in accordance with the procedures established by the Administrator of the United States Environmental Protection Agency (hereafter "Administrator") pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures

approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

#### **ARTICLE 5: INSPECTION, SAMPLING AND RECORDS KEEPING:**

- (A) The POTW may inspect the facilities of all Industrial Users to ascertain whether the purposes of this Chapter are being met and if all requirements of the Chapter are being complied with. Persons or occupants of premises in which a discharge source or treatment system is located or in which records are kept shall allow the POTW or its representative ready access upon presentation of the credentials at reasonable times to all parts of said premises for the purposes of inspection, sampling, examination and photocopying of records required to be kept by this Chapter, and in the performance of any of their duties. The POTW shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where an Industrial User has security measures in force which would require suitable identification necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the POTW shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Such arrangements shall be made by all Industrial Users with their security guards within thirty (30) days of the passage of this Chapter.
- (B) Industrial Users and the POTW shall maintain records of all information resulting from any monitoring activities required by this Chapter and shall include:
1. The date, exact place, method and time of sampling and the names of the person or persons taking the samples.
  2. The dates analyses were performed;

3. Who performed the analyses;
  4. The analytical techniques/methods use; and
  5. The results of such analyses.
- (C) The POTW and Industrial Users shall maintain such records for a minimum of three (3) years and shall make such records available for inspection and copying by the Director of IEPA and the Regional Administrator of the United States Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or operation of the POTW pretreatment program or when requested by the said Regional Administrator or the Director of IEPA.

#### **ARTICLE 6: CONFIDENTIAL INFORMATION**

- (A) Information and data relating to an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the POTW, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.
- (B) When requested by the person furnishing a report, and until such time as the POTW determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and for use by the state or state agency in judicial review or enforcement proceedings involving the person or Industrial User furnishing the report.
- (C) Information and data provided to the POTW which is effluent data shall be available to the public without restriction.
- (D) Information claimed by an Industrial User to be confidential and which is not effluent data shall not be transmitted to the general

3. Who performed the analyses;
  4. The analytical techniques/methods use; and
  5. The results of such analyses.
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- (B) When requested by the person furnishing a report, and until such time as the POTW determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and for use by the state or state agency in judicial review or enforcement proceedings involving the person or Industrial User furnishing the report.
- (C) Information and data provided to the POTW which is effluent data shall be available to the public without restriction.
- (D) Information claimed by an Industrial User to be confidential and which is not effluent data shall not be transmitted to the general



public by the POTW except in accordance with the Illinois Freedom of Information Act.

- (E) The POTW shall implement measures to prevent the negligent release of confidential information; however, neither the POTW nor its employees shall be held legally responsible for release of information if they have acted in good faith.

## **PART 5: ENFORCEMENT PROCEDURES AND PENALTIES:**

### **ARTICLE 1: PUBLIC NOTIFICATION OF SIGNIFICANT VIOLATIONS:**

The POTW shall annually publish in the largest daily newspaper published in the municipality in which the POTW is located, a list of Industrial Users who committed significant violations of any Pretreatment Requirement or Standard during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against those Industrial Users during the same twelve (12) months.

### **ARTICLE 2: COMPULSORY COMPLIANCE PROCEDURES:**

- (A) Notice of Violation and Compliance Meeting

Should a violation of this Chapter by an Industrial User occur, whether or not a Significant Industrial User, the POTW shall notify the offending User, in writing, through a "Notice of Violation" as to the particulars of such violation or violations and set a time and place for a meeting (hereinafter called a "Compliance Meeting") to be attended by representatives of the POTW and the Industrial User. The purpose of such a meeting shall be to establish such procedures, investigations, studies and compliance measures as the POTW deem necessary and desirable to control and prevent violation of this Chapter. The Industrial User shall cooperate fully with the POTW in making such investigations and studies.

- (B) Order

1. Following the completion of any procedures, investigations or studies as described in Part 5, Article 2(A) above, the POTW may issue an Order which may:
  - (a) Require compliance with applicable Pretreatment Standards and Requirements;



- (b) Control the contribution to the POTW to ensure compliance with applicable pretreatment standards and requirements;
  - (c) Require: (A) the development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements and (B) the submission of all notices and self-monitoring reports as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required by 40 CFR Section 403.12.
2. If the POTW has sufficient information at the time of the compliance meeting to determine necessary and desirable compliance measures, it may, at the time of the compliance meeting, issue an Order directing and requiring the Industrial User to take such action, including pretreatment, without further investigation or study.
  3. Failure to comply with the Order of the POTW shall be deemed a violation of the Chapter and may be grounds for revocation of the Industrial User's Wastewater Discharge Permit and grounds for such other actions as may be authorized for violation of this Chapter.

### **ARTICLE 3: REVOCATION OR SUSPENSION OF PERMIT:**

#### **(A) Conditions for Revocation or Suspension**

Any Significant Industrial user who violates this Chapter, an Order issued pursuant to Part 5, Article 2(B) of this Chapter, the Illinois Environmental Protection Act, or the Federal Act, or regulations promulgated under either act, or does any of the following, is subject to having its Wastewater Discharge Permit revoked or suspended in accordance with the procedures of this Article 3:

1. Fails to fully and accurately report the wastewater constituents and characteristics of its wastewater discharge as determined by the Industrial User's or POTW's analysis;

2. Fails to fully and accurately report significant changes in process activity which could affect its wastewater discharge or wastewater constituents and characteristics;
3. Refuses reasonable access to the Industrial User's premises by POTW representatives for the purpose of inspection or monitoring;
4. Tamper with, disrupts, or destroys POTW equipment;
5. Fails to report an accidental discharge of a pollutant;
6. Fails to report an Upset of the Industrial User's treatment facilities; or
7. Violates any condition of the Wastewater Discharge Permit.

(B) Procedures for Revocation or Suspension

1. The POTW may order any Industrial User who causes or allows any action which is subject to revocation or suspension under Part 5, Article 3(A) above to show cause before the Village Board why its Wastewater Discharge Permit should not be revoked or suspended. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Village Board regarding violation, the reasons why the action is to be taken, the proposed action, and directing the Industrial User to show cause before the Village Board why its Wastewater Discharge Permit should not be revoked or suspended. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
2. The Village Board may itself conduct the hearing and take the evidence, or may designate any of its members or its attorney to:
  - (a) Issue in the name of the Village Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  - (b) Take the evidence;

- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.
3. At any hearing held pursuant to this Chapter, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said hearing will be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefore.
4. After the Village Board has reviewed the evidence, it may issue an order to the Industrial User responsible for the discharge directing either: (a) that the Wastewater Discharge Permit be revoked or suspended and the service be disconnected, or (b) that following a specified time the Wastewater Discharge Permit shall be revoked or suspended and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the Wastewater Discharge Permit, or (c) direct the user to cease the unauthorized discharge effective after a specified period of time, or (d) that such other action as deemed necessary by the Village Board to abate the discharge be done by the Industrial User. Further orders and directives as are necessary may be issued.
5. Following an order of revocation or suspension of its Wastewater Discharge Permit, the Industrial User shall cease discharging to the POTW in accordance with the terms of said Order. Failure to do so shall be prima facie evidence of continuing harm to POTW and provide grounds for the granting of injunctive relief or temporary restraining orders.

**ARTICLE 4: ORDER TO SHOW CAUSE REGARDING DISCONNECTION:** The POTW may, upon discovering an ongoing or potential discharge to the POTW which presents or may present a danger to the environment or which threatens to interfere with the operation of the POTW, immediately issue an order to the responsible Industrial User to show cause before the Village Board why the POTW should not disconnect service, revoke or suspend the Industrial User's Wastewater Discharge Permit or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW. Procedures to be followed by the Village Board in said show cause hearing shall be in

accordance with Part 5, Article 3(B) of this Chapter. After said hearing, the POTW may disconnect service, revoke or suspend the Wastewater Discharge Permit, or seek injunctive relief to prohibit the Industrial User from making the discharge to the POTW.

**ARTICLE 5: IMMEDIATE DISCONNECTION OF SERVICE:**

(A) Conditions for Immediate Disconnection of Service:

Any Industrial User is subject to immediate disconnection of service under either of the following conditions:

1. Whenever immediate disconnection is required to halt or prevent any discharge of pollutants to the POTW which reasonably appears to the Superintendent of Public Works to present an imminent endangerment to the health or welfare of persons; or
2. Whenever the Industrial User's Wastewater Discharge Permit is revoked.

(B) Procedures for Immediate Disconnection

1. Notwithstanding Article 2, 3, or 4 of Part 5 of this Chapter, the Superintendent of Public Works shall have the authority, after informal notice to the Industrial User, to immediately and effectively halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Superintendent of Public Works determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the Industrial User stating the problem and requiring immediate cessation of the discharge. The Superintendent of Public Works' actions may include disconnection of wastewater collection service. The Superintendent of Public Works shall obtain the concurrence of the POTW attorney before initiating action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the Industrial User and POTW employees, telephone calls, letters, hand delivered messages or notices posted at the Industrial User's premises or point of discharge.

**ARTICLE 6: ELIMINATION OF DISCHARGE/REINSTATEMENT:** Any Industrial User notified of a disconnection of wastewater treatment service under Article 4 or 5 of Part 5 and/or revocation or suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial User to comply voluntarily with the disconnection or revocation or suspension order, the POTW shall take such steps as deemed necessary, including immediate blockage or severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any person. If the Superintendent of Public Works exercises his authority under Part 5, Article 5(A)(1), the Superintendent of Public Works shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

**ARTICLE 7: INJUNCTIVE RELIEF:**

- (A) The POTW may institute a civil action for an injunction to restrain violations of this Chapter.
- (B) The POTW may, upon discovering an ongoing or potential discharge of pollutants to the POTW which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Moultrie or Douglas County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the discharger shall be given informal notice of the POTW intention to file such action. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between discharger and the POTW employees, telephone calls, letters, hand delivered messages or notices posted at the discharger's premises or point of discharge. Personal contact between the POTW personnel and the discharger shall be attempted, but shall not be condition precedent to the POTW petitioning for and obtaining a temporary restraining order.

**ARTICLE 8: ADDITIONAL REMEDIES:**

- (A) In addition to remedies available to the POTW set forth elsewhere in this Chapter, if the POTW is fined by the State of Illinois or USEPA for violation of the POTW NPDES permit or violation of water quality standards as the result of discharge of pollutants, then the fine, including all the POTW legal, sampling analytical testing

costs and any other related costs shall be charged to the responsible Industrial User. Such charge shall be in addition to, and not in lieu of, any other remedies the POTW may have under this Chapter, statutes, regulations, at law or in equity.

- (B) If the discharge from any Industrial User causes a deposit, obstruction or damage to any of the POTW wastewater facility, the POTW shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person or Industrial User causing such deposit, obstruction or damage.
- (C) The remedies provided in this Chapter shall not be exclusive and the POTW may seek whatever other remedies are authorized by statute, at law or in equity against any person or Industrial User violating the provisions of this Chapter.
- (D) In addition to any fine levied under Part 6, the POTW may, where the circumstances of the particular case so dictate, seek injunctive relief to prohibit the user from discharging into the sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

## **PART 6: PENALTIES AND COSTS**

**ARTICLE 1: PENALTIES AND COSTS:** Any Industrial User who is found to have violated an Order of the POTW or who has failed to comply with any provision of this Chapter and the orders, rules and regulations and Wastewater Discharge Permits issued hereunder, shall be fined in an amount not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day in which any such violations shall occur, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in Part 3 of this Chapter found to exceed the limits established in this Chapter during any such day. In addition to the penalties provided herein, the POTW may recover reasonable attorney's fees, Court costs, Court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter of the orders, rules, regulations and permits issued hereunder.



**ARTICLE 2: FALSIFICATION:** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall be subject to the penalties and costs provided in Part 6 and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

**7-1-2: BUILDING SEWERS AND CONNECTIONS:**

- (A) No unauthorized person shall uncover or make any connection with, or opening into, any public sewer without obtaining a written permit from the Superintendent.
- (B) The sewer permits shall distinguish between residential, commercial and industrial users. The permit application shall be supplemented by any plans and specifications, or other information considered pertinent in the judgment of the Superintendent.
- (C) Permit fees shall be:
  - 1. Twenty-five dollars (\$25.00) for residential connection and an additional ten dollars (\$10.00) per unit for all units in excess of one (1);
  - 2. Fifty dollars (\$50.00) for commercial and industrial connections.Payable on issuance of the permit by the Village.
- (D) All costs incidental to the installation of the building sewer shall be paid by the applicant. The applicant shall indemnify the Village from any loss or damage that may result from the installation with the minimum fee being five hundred dollars (\$500.00) deposit for repair of the adjacent street.
- (E) A separate and independent building sewer shall be provided for every building. Any pre-existing connections that serve two (2) or more buildings shall be separated and made separate and distinct sewer connections within one (1) year from the enactment of this Section.



- (F) Old building sewers may be used in connection with new buildings after approval by the Superintendent.
- (G) Building sewer shall be:
1. Cast iron soil pipe, ASTM Specification A-74 as revised, or
  2. Vitrified clay sewer pipe, ASTM Specification C-13 or C-200 as revised, or
  3. Other suitable material allowed by the National Plumbing Code, except bituminized fiber pipe, but including PVC.
- (H) Joints shall be tight and waterproof.
- (I) Any part of the building sewer that is located within ten feet (10') of a water service pipe shall be constructed of cast iron soil pipe with lead joints. Cast iron pipe may be specified by the Superintendent when adjacent to tree roots.
- (J) The size and slope of the sewer shall be subject to the approval of the Superintendent, but shall not be less than four inches (4") in diameter, and with a slope on one-eighth inch (1/8") per foot.
- (K) The building sewer shall be brought to the building at an elevation below the basement floor, except on approval of the Superintendent, overhead plumbing may be provided.
- (L) The building sewer must be:
1. More than three feet (3') from any bearing wall.
  2. More than three feet (3') deep.
  3. Uniform in alignment except changes in direction may be allowed if centered on a suitable cleanout.
- (M) Excavation work shall be:
1. Open trench work with proper shoring unless otherwise approved by the Superintendent.

2. In compliance with ASTM Specification C 12-58-T for pipe laying and backfill, except no backfill shall be placed until the work has been inspected.
- (N) The connections of building sewers into the public sewer shall conform to the aforesaid requirements or to the standards of Water Pollution Control Federation Manual of Practice 29, whichever standard is more severe. Any deviation from the described procedures and materials must be approved by the Superintendent.

**7-1-3: AUTHORITY OF ADMINISTRATIVE PERSONNEL:**

**ARTICLE 1: INSPECTION:** The Superintendent with proper identification shall be permitted to enter onto all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to the discharge to the public system. The Superintendent may require additional samples or require a sampling control manhole in order to facilitate the sampling process.

**ARTICLE 2: INDUSTRIAL PROCESSES:** The Superintendent is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge. The Superintendent shall require plans and specifications for said private waste system prior to issuing a permit.

**ARTICLE 3: EASEMENTS:** The Superintendent, with proper identification, shall be permitted to enter all private properties through which the Village holds an easement. Under the terms of pre-existing conditions, should the Village discover sewer lines lying under private property without duly negotiated easements, the Village may authorize the Superintendent to enter upon and conduct such activities as necessary to maintain the collection system. The Village hereby assumes any contingent liability for damage to private property as may result from said actions as determined by the actual status of the physical condition of the surface land.

**ARTICLE 4: PROTECTION OF SEWER SYSTEM:** Pursuant to its authority to make, enact and enforce ordinances for improvement, care and protection of the Village and its waste treatment system, and of its public water supply outside the Village, and of standards for control of

subdivisions within one and one-half (1 ½) miles of the Village limits, the officers and employees of the Village are hereby authorized to enforce this ordinance and other amendable laws and ordinances or other agencies which are conducive to the preservation of public health, comfort and welfare and which may render the waste discharges harmless insofar as reasonably possible to do so.

**7-1-4: PENALTY:** Failure to comply with provisions of this ordinance shall constitute a violation of a general ordinance of the Village with such minimum penalty as may be the discontinuance of service and/or a fine determined by a Court of competent jurisdiction in an amount not to exceed five hundred dollars (\$500.00) per day plus Court costs incurred in securing compliance, which may include any expense, loss or damage occasioned by reason of such violation.

**7-1-5: TESTING:**

- (A) Testing shall be performed as determined by the Superintendent to adequately ascertain the waste discharge levels of flow, BOD, and SS in order to comply with applicable provisions of the act.
- (B) The Village shall revise the sewer charges periodically, in accordance with the flow and strength of waste determined in Section 7-1-5(A).

**7-1-6: IMPLEMENTATION:** The rates enacted in Sections 7-1-2 and 7-1-3 above shall become effective on and after the due passage of this ordinance; provided further that billing shall begin when notice of same rates implementation is given by resolution established by the Board of Trustees.

## CHAPTER 2

### SEWER CHARGE; INDUSTRIAL COST RECOVERY SYSTEM

#### SECTION:

- 7-2-1: Authority
- 7-2-2: Definitions
- 7-2-3: Sewer Bill
- 7-2-4: Industrial Cost Recovery System Charges
- 7-2-5: Funding System
- 7-2-6: Authority of Administrative Personnel
- 7-2-7: Testing
- 7-2-8: Penalty
- 7-2-9: Implementation

**7-2-1: AUTHORITY:** Pursuant to the requirements of Title II of the Federal Water Pollution Control Act Amendment of 1972 (Public Law 92-500, 33 USC 1251 et seq), as promulgated in the February 11, 1974 Federal Register, Volume 39, No. 29, Part III as regulations of the United States Environmental Protection Agency, as created by the National Environmental Protection Act and the Environmental Protection Act of 1972 as enacted by the 76<sup>th</sup> General Assembly of the State of Illinois, the sections of the following ordinance are hereby enacted by the Village Board of the Village of Arthur.

#### **7-2-2: DEFINITIONS:**

**ACCRUED RESERVES** – A method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going-on-line waste treatment facility.

**ACT** means the Federal Water Pollution Control Act, as amended, Public Law 92-500, 33 USC 1251 et seq.

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

**ANY OTHER USER** shall mean for the purpose of the user charge and in determining the surcharge point, any user whose waste is above the

average daily concentration of 310 MG/Liter BOD and an average daily concentration of 399 MG/Liter SS.

AUDIT shall mean an audit by the Village Auditor as a separate report from other funds in accordance with General Services Administration Policy Circular, FMC73-2, as published on 9/27/73, and shall cover the following: (1) Financial operations are properly conducted; (2) Financial reports are presented fairly; (3) Applicable laws and regulations have been complied with (see Section 2); (4) Resources are managed and used in an economical and efficient manner; (5) Desired results and objectives are being achieved in an effective manner; and (6) Records of audit of the I.C.R.S. charges and expenditures are being retained for the useful life of the improvement.

AUTHORIZED EXPENDITURES shall mean those authorized by the Village Board made payable by the Village Treasurer from the accounts kept for the expenditures of the user charge and industrial cost recovery systems. Expenditures from reserves shall be limited to those for which the reserve was created.

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen, expressed in MG/L, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade.

BUILDING DRAIN – SANITARY shall mean that part of the lowest horizontal piping of a drainage system which receives the sanitary or industrial sewage only, except for intentionally admitted infiltration inside the walls of a building and conveys it to the building sewer beginning three feet (3') outside the building wall.

BUILDING DRAIN – STORM shall mean that part of the lowest horizontal piping of a drainage system which receives the drainage other than soil or wastewater inside the walls of a building and conveys it to the storm sewer.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal (Also called house connection).

BUILDING SEWER – SANITARY – a building sewer which conveys sanitary or industrial sewage only.

**BUILDING SEWER – STORM** – a building sewer which conveys stormwater or other clear water drainage, but no sanitary or industrial sewage.

**CLASSES OF USERS:** The division of wastewater treatment customers by waste characteristics, and process or discharge similarities – a) Industrial User, b) Domestic Level User, c) Any Other User, (as defined in this Section), d) Commercial – shall mean other than Domestic Level Users, or Industrial Users, or Governmental Users, e) Governmental Users – shall mean those Federal, State, or local units of Government or Quasi-Governmental Community Project Units.

**COMBINED SEWAGE** shall mean a combination of both wastewater and storm or surface water.

**COMBINED SEWER** shall mean a sewer intended to receive both wastewater and storm or surface water.

**CONTROL MANHOLE** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. Said manhole shall be for the purpose of providing access for a Village representative to sample and/or measure discharges.

**DEBT SERVICE CHARGE** shall be the charge and amount paid each billing period for payments of the current year's principal and interest as coverage of the reserve requirements of the bonds outstanding as included in the debt service part of the sewer bill as distinguished from the user charge system and/or industrial cost recovery system.

**DEPOSITED** shall mean funds placed in the control of the Comptroller of the Village of Arthur, and of said deposit is in the form of a bank check, it shall not be deemed collected within this definition until the applicable rules of the Bank's collection procedures are fulfilled.

**DEPRECIATION** – An annual operating cost reflecting capital consumption and obsolescence of real or permanent properties, generally between fifteen (15) and fifty (50) years of useful life.

**DEPRECIATION RESERVE** shall mean an account for the segregation of resources to meet longer term renewal of facilities to accommodate wear or obsolescence or real or permanent properties, to the extent of physical and/or functional obsolescence; which also may result in an indirect functional betterment.



**DIRECTOR** shall mean the Chief Administrator Officer of the State of Illinois Environmental Protection Agency.

**DOMESTIC LEVEL USER** shall mean, for the purpose of the user charge system and in determining the surcharge point, a user whose waste is at or below an average daily concentration of 319 MG/Liter BOD and an average daily concentration of 399 MG/Liter SS, i.e. normal domestic waste.

**DOMESTIC WASTE** shall mean the wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

**EASEMENT** shall mean an acquired legal right for the specific use of land owned by others.

**FECAL COLIFORM** shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

**FEDERAL GRANT** shall mean the U.S. Government participation in the financing of the construction of treatment works as provided for by Title II – Grants for Construction of Treatment Works of the Act.

**FLOATABLE OIL** shall mean oil, fat, or grease in a physical state such that it will separate by gravity for wastewater by treatment in an approved pretreatment facility. Wastewater shall be defined as being free of floatable oil if it does not, after pretreatment or otherwise, interfere with the flow of sewage in the sewer, which is to impede the flow by a rate of not less than the equivalent of the lowest flow in the specific lateral.

**FUNCTIONAL BETTERMENT** shall mean an improvement in process in increased facilities or an improvement in process in existing facilities which is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

**FUNCTIONAL OBSOLESCENCE** shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventative maintenance program such that a new process device or piece of equipment would be more cost effective.

**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.

**INCOMPATIBLE POLLUTANT** shall mean any non-treatable waste product, including non-biodegradable dissolved solids.

**INDUSTRIAL COST RECOVERY FUND** shall mean that the Village Comptroller shall create within the Village accounts, a fund for the accounting of revenue received and expenditures made from the industrial cost recovery system.

**INDUSTRIAL COST RECOVERY SYSTEM** shall mean the system of charges levied, as distinguished from the sewer bill whose constituent elements are the User Charge System and the Debt Service Charge, to recover from the aggregate of industrial users of a wastewater treatment works that portion of the grant amount allocable to treatment of wastes from such users proportionate to the use of the design of such facilities by each individual industrial user.

**INDUSTRIAL USER** – For the purpose of industrial cost recovery system, shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (A) Division A – Agriculture, Forestry and Fishing;
- (B) Division B – Mining;
- (C) Division D – Manufacturing;
- (D) Division E – Transportation, Communications, Electric, Gas and Sanitary Services;
- (E) Division I – Services.

A user in the divisions listed may be excluded if it is determined by the Superintendent that the industry will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

**INDUSTRIAL WASTE** shall mean the wastewaters from a combination of liquid and water-carried wastes discharged from any industrial establishment resulting from any process carried on in that establishment

inclusive of effluents from pretreatment facilities and/or discharges of polluted cooling waters.

**INFILTRATION** shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

**INFILTRATION/INFLOW** shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

**INFLOW** shall mean the water discharge into the public sewage system, including, building storm drains, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage.

**MAY** is permissive.

**METHOD** shall mean the method of depreciation or replacement in terms of governmental fund accounting procedure, the inverse of which shall be the method of accruing the offsetting reserve which shall be exactly equal to the expense involved, and shall be individually applied to each functional element of a treatment process in terms of annual reserve requirements for the user charge and the annual re-evaluation of useful life.

**NATURAL OUTLET** shall mean any outlet, including storm sewers and combined sewer overflows, into a water course; pond, ditch, lake, or other body of surface or groundwater.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT (NPDES)** shall mean a permit issued under the National Pollutant Discharge Elimination System for Discharge of Wastewaters to the Navigable Waters of the United States pursuant to Section 402 of PL 92-500.

**OPERATION AND MAINTENANCE COSTS:** All costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, treatment, and collection of waste waters necessary to insure adequate wastewater treatment on a continuing basis, conform to applicable regulations, and assure optimal long term facility management.

**PERSON** shall mean any individual, firm, company, association, society, or corporation discharging any wastewater to the receiving facility.

**pH** shall mean the reciprocal of the logarithm of the hydrogen concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven (7), and a hydrogen ion concentration of  $10^{-7}$ .

**PHYSICAL BETTERMENT** shall mean the expansion of a physical facility to increase capacity of the treatment works.

**PHYSICAL OBSOLESCENCE** shall mean the material deficiency of a functional element of a plant to a point that repair as normal or preventative maintenance is not cost benefit effective.

**PRETREATMENT** shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction of the waste effluent into a public treatment works, in accordance with 40 CFR 128.

**PRETREATMENT FACILITY:** Any privately owned and operated waste treatment facility capable of limiting the strength of discharges to the public sewer to 300 MG/L BOD and 350 MG/L SS.

**PREVENTATIVE MAINTENANCE** shall mean normal equipment maintenance that would maintain the anticipated useful life of the element of a wastewater treatment works.

**PRIVATE SEWER** shall mean a sewer which is not owned by the Village of Arthur.

**PUBLIC SEWER** shall mean a sewer which is owned and controlled by the Village of Arthur which shall include the elements of the collection system.

**RECOVERY PERIOD** shall mean thirty (30) years, pertaining to the wastewater treatment facility constructed under a Federal Grant pursuant to PL 92-500, 33 USC 1251 et seq.

**RECOVERY UNIT CHARGES** shall mean the unit charges in parts of dollars that can be applied to the flow in one thousand (1,000) gallons, lbs. of BOD and lbs. of SS.

**RENEWAL** shall mean the expenditure of reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or

function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

REPLACEMENT shall mean an annual operating cost reflecting capital consumption and physical and/or functional obsolescence of personal or limited useful life equipment or appurtenances.

RETAINED AMOUNT shall be the amount of money held in trust and deposit for the expansion of the facilities together with the interest earned thereon for the proration of the Industrial Cost Recovery System Fund according to PL 92-500, 33 USC 1251 et seq.

REPLACEMENT RESERVE shall mean an account for the segregation of resources to meet capital consumption of personal or limited useful life equipment or appurtenances.

SAMPLING PROCESS shall mean the securing of wastewater samples by single grab method and/or composite sampling of five (5) grab samples in eight (8) hours and/or the samples secured by a twenty-four (24) hour composite method.

SANITARY SEWER shall mean the means of conveyance of the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water, domestic and/or industrial wastes.

SHALL is mandatory.

SHREDDED GARBAGE shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.25 centimeters) in any dimension.

SIGNIFICANT INDUSTRY shall mean any industry that will contribute greater than ten percent (10%) of the design flow and/or design pollutant loading of the treatment works.

SLUG shall mean any discharge of water or wastewater which in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

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 Waterworks Association, and the Water Pollution Control Federation, and 40 CFR Part 136, 3, 4 and 5, and/or other recognized procedures by USEPA and Illinois Environmental Protection Agency.

STORM SEWER shall mean a sewer for conveying water, groundwater, or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

SUPERINTENDENT shall mean the Superintendent of the Arthur Sewage Collection and Treatment Department, or his properly authorized Deputy, Agent, or Representative acting in a proper and lawful capacity.

SURCHARGE shall mean the assessment in addition to the basic user charge for the load of BOD and SS which is levied on those persons whose waters are greater in strength than normal.

SUSPENDED SOLIDS (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquid and is removable by laboratory filtration as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

TOTAL SOLIDS shall mean the sum of suspended and dissolved solids.

UNPOLLUTED WATER shall mean water of quality equal to or better than the effluent criteria of an applicable NPDES Permit, or water that would not cause violation of receiving water quality standards of a receiving stream, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE shall mean the anticipated term in years of physical and/or functional productivity of elements of and/or the whole wastewater treatment process, which can be re-evaluated as a result of preventative maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments either direct or indirect.



**USER CHARGE SYSTEM** shall mean the system of charges that include the charges derived from estimated annual operation and maintenance requirements for the following fiscal year, the depreciation and replacement reserve requirements on new and old facilities as fixed assets, pursuant to Section 204(B) of PL 92-500; and 40 CFR 35.935-13 (February 11, 1974 Federal Register).

**VILLAGE** shall mean the Village of Arthur or its officers acting in a lawful and duly prescribed way.

**VOLATILE ORGANIC MATTER** shall mean the material in the sewage solids transformed to gases or vapors when heated at fifty (50) degrees Centigrade for fifteen (15) minutes.

**WASTEWATER** shall mean the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including unintentionally admitted infiltration (i.e. Sewage).

**WASTEWATER TREATMENT WORKS** shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

**WATER COURSE** shall mean a natural or artificial channel for the passage of waste either continuously or intermittently including the primary discharge of the waste treatment plant effluent to an intermittent stream.

**WATER SYSTEM** shall mean collectively all facilities for the potable water supply.

**7-2-3: SEWER BILL:**

- (A) The Village Comptroller shall annually estimate the funds required for the next fiscal year operation and maintenance requirements and billing and collection expenses. The applicable amounts of monies for depreciation and replacement reserves shall be included in the estimate as well as the applicable debt service requirements. This estimate shall be made in a form of a recommendation to the Village Board as an annual revision of the sewer charge rates consisting of the user charge, debt service charge, and billing and collection charge.

- (B) User Charge: The User Charge shall be levied according to the following elements, or unit charges:
1. (Deleted)
  2. \$0.1299 per Pound BOD
  3. \$0.1132 per Pound SS
  4. A surcharge of \$0.2656 per pound shall be levied on all strengths (#BOD and #SS) of waste above domestic sewage, as defined in Section 7-2-2, "ANY OTHER USER".
  5. A basic charge of four dollars eighteen cents (\$4.18) per one thousand (1,000) gallons shall be billed as the minimum residential bill, which includes the domestic level waste in terms of the pounds charge in Sections 7-2-3(B)(2) and 7-2-3(B)(3) above.
  6. (a) A basic charge of six dollars (\$6.00) per person per month shall be billed and payable for sewer usage without water hook-up, if the owner or resident provides a verified number of residents regularly residing on the premises, to the Village Clerk prior to the billing date. If no verified number of residents is provided, a minimum basic charge of thirty dollars (\$30.00) per month shall be billed and payable. (b) Liability for payment, nonpayment and lien provisions for sewer usage as described in Village Code 8-2-1 et. seq., shall also apply to sewer usage without water hook-up.
- (C) Debt Service Charge: The charge for debt service shall be included in the above listed charges.
- (D) Expenditures may be made by the Village Comptroller upon authorization by the Village Board from the accounts kept for the user charge system, debt service charge and billing and collection charge. Such expenditures shall be from a general revenue account although costed to specific revenue elements of the cumulative charges of the sewer bill.
- (E) Expenditures from the accrued depreciation reserve on facilities shall be limited to renewals to accommodate physical and/or functional wear and obsolescence of real or permanent properties, to the extent such is necessary over and above an ongoing

maintenance program to maintain the anticipated useful life. Such expenditures might indirectly result in physical and/or functional betterments.

- (F) Expenditures from the accrued replacement reserve on facilities shall be limited to renewals to accommodate wear of physical elements of limited life elements or part thereof (fifteen (15) years or less) and/or movable property, which would result in an extended useful life or meet the anticipated useful life. Such expenditures might indirectly result in limited physical and/or functional betterments.
- (G) Such renewals shall be capital expenditures which shall cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventative maintenance programs, or such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and costed to the fixed assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the depreciation and replacement reserve requirements.
- (H) An audit shall be performed annually as a separate report from the general Village audit in terms of Federal Management Circular 73-2. Such audit shall be performed by a qualified auditor selected by and separate from the executive management of the sewer utility.

**7-2-4: INDUSTRIAL COST RECOVERY SYSTEM CHARGES:**

Recovered amounts shall be collected from industrial users during the cost recovery period which are the charges recovered from the aggregate of industrial users of a wastewater treatment works that portion of the grant amount allocable to treatment of wastes from such users proportionate to the use of the design of such facilities by each individual user.

The industrial cost recovery period shall be thirty (30) years with payments due at least annually or more frequently as determined by the Village Board.

An industrial user's share shall be based on all factors which significantly influence the cost of the treatment work. Periodic testing shall determine the factors such as strength, volume and delivery flow rate characteristics

in order that the changes in such characteristics are reflected during the recovery period in revised bills to an individual industrial user based on flow and loading compared to recovery unit charges for each Federal grant.

Additional I.C.R.S. charges may be enacted when there is an upgrading or expansion of facilities that would utilize funds that require I.C.R.S. charges such as under the act.

The industrial user's share shall relate only to that portion of the grant assistance allocable to the design capacity committed for its use.

The industrial user's share shall not include an interest component, except as elsewhere provided under penalty.

Retained amounts shall be monies held from recovery unit charges of the industrial user's; fifty percent (50%) of which shall be retained with the remainder including interest earned thereon shall be returned to the U.S. Treasury on an annual basis. A minimum of eighty percent (80%) of the retained amount (forty percent (40%) of total) shall be, together with any interest earned thereon, used solely for the eligible costs of the expansion or reconstruction of treatment associated with the project.

Any transfer to construction accounts and/or expenditure of such retained amounts must have an authorizing document for audit purposes of the written approval of the Regional Administrator prior to commitment (solicitation for, receipt of, and/or acceptance by contract of bids) of the retained amounts for any expansion and reconstruction. Such expenditures shall be for physical and/or functional betterments.

The remainder of the retained amounts twenty percent (20%) (ten percent (10%) of the total) shall be used as the Village sees fit.

These recovery unit charges are applicable to all industrial users of the wastewater collection system and wastewater treatment works contributing industrial wastes to said system and shall be deposited with the Village Comptroller. All charges shall be collectable and paid to the Village Comptroller or authorized agent within fifteen (15) days of the billing date. I.C.R.S. charges shall be billed and collected monthly.

Expenditures, as defined above, may be made by the Village Comptroller upon authorization by the Village Board from the accounts of the I.C.R.S. Fund. Pending such disbursement, the Village Comptroller shall invest the retained amounts for reconstruction and expansion in:

- (A) Obligations of the U.S. Government, or
- (B) Obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof, or
- (C) Accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

The revenue received from said charges shall be prorated on the following basis and invested and expended accordingly together with interest earned thereon:

- (A) Fifty percent (50%) to the trust and deposit account for retention and annual return with accrued interest to the U.S. Treasury, as specified by the Regional Administrator, Region V, U.S. Environmental Protection Agency.
- (B) Forty percent (40%) for retention and investment for future sewerage construction.
- (C) Ten percent (10%) held for periodic transfer to the general fund and/or to abate a portion of the debt service charge and/or tax.

A separate audit report shall be made annually from the sewer utility and from other funds by an Auditor selected by the Village Board and removed from the executive management of such fund.

- (A) The Industrial Cost Recovery System charge shall be levied for the industrial cost recovery period according to the following recovery unit charges:
  1. \$0.0377796 per 1,000 Gallons Flow
  2. \$0.0150436 per Pound BOD
  3. \$0.0082595 per Pound SS

**7-2-5: FUNDING SYSTEM (Including Bond Reserve Coverage):**

The Village shall annually in its budgeting process, determine the amount of revenue to be raised with the other charges in order to adequately fund the sewer utility and comply with the applicable provisions

of the bond ordinance for the series of 1964. These bond reserve requirements are concurrent and are not limiting on the reserves of the user charge system created by Federal law.

Standard fund accounting procedures shall be followed with entries made to record revenues and expenditures from the foregoing accounts, with the most stringent requirements of Federal, State or local law applying and/or the more severe requirements of professional accounting practice.

The Village Comptroller shall deposit all revenues from the user charge and debt service charge into the sewer utility fund account. These monies shall also be credited to the bond reserve accounts required by the bond ordinance in order specified in those ordinances. The general requirement of maintaining an on-line, on-going sewerage enterprise shall be the common goal of the charge and account system.

**7-2-6: AUTHORITY OF ADMINISTRATIVE PERSONNEL:**

**ARTICLE 1: INSPECTION:** The Superintendent with proper identification shall be permitted to enter onto all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to the discharge to the public system. The Superintendent may require additional samples or require a sampling control manhole in order to facilitate the sampling process.

**ARTICLE 2: INDUSTRIAL PROCESSES:** The Superintendent is authorized to obtain information concerning industrial processes which have direct bearing on the kind and source of discharge. The Superintendent shall require plans and specifications for said private waste system prior to issuing a permit.

**ARTICLE 3: EASEMENTS:** The Superintendent, with proper identification, shall be permitted to enter all private properties through which the Village holds an easement. Under the terms of pre-existing conditions, should the Village discover sewer lines lying under private property without duly negotiated easements, the Village may authorize the Superintendent to enter upon and conduct such activities as necessary to maintain the collection system. The Village hereby assumes any contingent liability for damage to private property as may result from said actions as determined by the actual status of the physical condition of the surface land.



**7-2-7: TESTING:**

- (A) Testing shall be performed as determined by the Superintendent to adequately ascertain the waste discharge levels of flow, BOD, and SS in order to comply with applicable provisions of the act.
- (B) The Village shall revise the sewer charges quarterly, in accordance with the flow and strength of waste determined in Section 7-2-7(A).

**7-2-8: PENALTY:** Failure to comply with the provisions of this ordinance shall constitute a violation of a general ordinance of the Village of Arthur, Illinois, with such minimum penalty as may be the discontinuance of service to said facility and/or a fine to be determined by a Court of competent jurisdiction in an amount not to exceed five hundred dollars (\$500.00) per day in addition to the Village's costs and fees and Court costs incurred in securing compliance, which may include any expense, loss or damage occasioned by reason of such violation.

**7-2-9: IMPLEMENTATION:** The rates enacted in Sections 7-2-3 and 7-2-4 above shall become effective on and after the due passage of this ordinance; provided further that billing shall begin when the sewage treatment facility is accepted from the Contractor and notice of same rates implementation is given by resolution, or at an earlier date established by the Village Board.