

**CODE OF ORDINANCES**

**ROCK RIVER WATER  
RECLAMATION DISTRICT**

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Title 8. [Deleted April 2019 via Ord. 18/19-O-01]

## TITLE 1

### ABBREVIATIONS AND DEFINITIONS

#### ARTICLE I. Abbreviations

The following abbreviations shall have the designated meanings throughout this Code of Ordinances:

AO	Administrative Order
BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CERCLA	Comprehensive Environmental Response. Compensation and Liability Act
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act (33 USC 1251 et. seq.)
FOG	Fats, Oils and Grease
EPA	Environmental Protection Agency
GPD	Gallons Per Day
IEPA	Illinois Environmental Protection Agency
IO	Investigative Order
IU	Industrial User
mg/L	Milligrams per liter
NCPS	National Categorical Pretreatment Standards
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
PSES	Pretreatment Standards for Existing Sources
PSNS	Pretreatment Standards for New Sources
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-Compliance
SWDA	Solid Waste Disposal Act, 42 USC 6901 et. seq.
TOPP	Toxic Organic Priority Pollutants
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency
WDP	Waste Water Discharge Permit

## ARTICLE II. Definitions

The following definitions shall apply throughout this Code of Ordinances:

SECTION 1. "A" AS IN "Cyanide-A" shall mean amenable to alkaline chlorination.

SECTION 2.. "Act" shall mean the Federal Water Pollution Control Act, 33 USC 1251 et. seq.

SECTION 3. "Administrator" shall mean the Regional Administrator of Region 5 of the USEPA.

SECTION 4. "Applicable Pretreatment Standards" shall mean, for any specified pollutant. District prohibitive discharge standards, District's specific limitations on discharge, the State of Illinois Pretreatment Standards or the NCPS (when effective), whichever standard is more stringent.

SECTION 5. "Approval Authority" shall mean the Regional Administrator of Region 5 of the USEPA.

SECTION 6. "Authority" shall mean the Rock River Water Reclamation District.

SECTION 7. "Authorized Representative of Industrial User" shall mean:

(i) If the User is a corporation:

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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual or general wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the User is a partnership or sole proprietorship; a general partner or proprietor, respectively.

(iii) If the User is a Federal, State or local government facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in paragraphs (i) through (iii) above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the District.

SECTION 8. "Baseline Monitoring Report (BMR)" shall mean that report required by 40 CFR Sec. 403.12b (1-7).

SECTION 9. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in Title 2, Article II [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

SECTION 10. "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.

SECTION 11. "Board of Trustees" or "Board" shall mean the Board of Trustees of the Rock River Water Reclamation District.

SECTION 12. "By-Pass" shall mean the intentional diversion of waste streams from any portion of an IU's treatment facility.

SECTION 13. "Capital Expenditures" shall mean expenditures for the purchase or construction of fixed assets.

SECTION 14. "Categorical Industrial User (CIU)" shall mean all IUs subject to Categorical Pretreatment Standards under 40 CFR Sec. 403.6 promulgated by the USEPA under Sections 307(b) and (c) of the CWA and set forth in 40 CFR Ch. I. subchapter N.

SECTION 15. "Categorical Pretreatment Standard or Categorical Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

SECTION 16. "Chemical Oxygen Demand (COD)" shall mean the quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures.



SECTION 17. "Classes of Users" or "Classification" shall mean the division of users of the POTW by wastewater characteristics and process or discharge similarities.

SECTION 18. "Combined Waste Stream Formula" shall mean the formula as found in 40 CFR Sec. 403.6 (e)(1)(i).

SECTION 19. "Compatible Pollutant" shall mean biochemical oxygen demand, chemical oxygen demand, suspended solids, polar FOG and fecal coliform bacteria; plus any additional pollutants identified in the District's POTW NPDES permit, where the POTW treats such pollutants and, in fact, does treat such pollutants to the degrees required by the POTW's NPDES permit.

SECTION 20. "Composite Sample" shall mean a sample of wastewater based on a flow proportional or time proportional method.

SECTION 21. "Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

SECTION 22. "Consistent POTW Treatment Works Removal", "Pollutant Removal" or "Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of a pollutant in the influent of the POTW to a less compatible or harmless state in the effluent. Consistent District removal efficiency shall be the difference between the average concentration of the pollutant in the influent of the treatment plant and the average concentration of the pollutant in the effluent of the treatment plant divided by the average concentration of the pollutant in the influent.

SECTION 23. "Control Authority" shall mean the Rock River Water Reclamation District.

SECTION 24. "Daily Maximum" shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day."

SECTION 25. "Daily Maximum Limit" shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day."

SECTION 26. "Dilution Waters" shall mean unpolluted wastewater from an IU. Such wastewater includes, but is not limited to:

- A. Boiler blow-down streams, non-contact cooling water streams, stormwater streams (where permitted by District) and demineralizer backwash streams.
- B. Sanitary or process waste streams where such streams are not regulated by a categorical pretreatment standard.

SECTION 27. "Discharge" shall mean the discharge of treated or untreated wastewater to the District POTW.

SECTION 28. "District" shall mean the Rock River Water Reclamation District.

SECTION 29. "District Director" or "Director" shall mean the Chief Administrator of the Rock River Water Reclamation District.

SECTION 30. "District Engineer" or "Engineering Manager" shall mean the Chief Engineer of the Rock River Water Reclamation District registered as a Professional Engineer by the State of Illinois.

SECTION 31. "Environmental Protection Agency or EPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency."

SECTION 32. "Existing Source" shall mean any building, structure, facility or installation from which there is or may be a discharge, the operation of which commenced prior to promulgation of the Pretreatment Standards under Section 307(c) of the Act which are applicable to such sources.

SECTION 33. "Fats, Oil, or Grease (FOG)" shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by Freon, hexane, ether or other USEPA approved extraction solvent, including, without limitation, animal and vegetable oils, petroleum oil, biodegradable and non-biodegradable cutting oil and products of mineral oil origin. FOG shall be further categorized as polar FOG and non-polar FOG.

- A. Polar FOG - shall mean the fraction of FOG which contains fatty material that is selectively removed by silica gel absorption.
- B. Non-Polar FOG - shall mean the remaining hydrocarbon FOG fraction that is not removed by silica gel absorption.

SECTION 34. "Fecal Coliform" shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

SECTION 35. "Fiscal Year" for the District shall mean a twelve-month period designated by two-year numbers (e.g. FY 1979-1980) which shall begin on May 1 of the first numbered year and end on April 30 of the second numbered year.

SECTION 36. "Fixed Asset" shall mean any personal or real property belonging to the Rock River Water Reclamation District whose value is greater than \$1,000 and whose estimated useful life is greater than one (1) year.

SECTION 37. "Flow" shall mean volume of wastewater.

SECTION 38. “Fundamentally Different Factors Variance” shall mean the variation granted under the provisions of 40 CFR Part 403.13.

SECTION 39. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooling and dispensing of food, and from the commercial handling, storage and sale of produce.

SECTION 40. “Grab Sample” shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

SECTION 41. “General Pretreatment Regulations” shall mean General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403, as amended.

SECTION 42. “Hazardous Waste” shall mean waste meeting the criteria in RCRA Regulations (40 CFR, Part 261) or regulations of the IEPA. Domestic sewage or any mixture of domestic sewage and other wastes that are introduced to the POTW sewage system are not considered hazardous wastes under RCRA.

SECTION 43. "Incompatible Pollutant" shall mean all pollutants other than "compatible pollutants" as defined in this Article.

SECTION 44. “Indirect Discharge” shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of the CWA.

SECTION 45. "Industrial User (IU)" shall mean a source of indirect discharge.

SECTION 46. “Instantaneous Limit” shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

SECTION 47. “Interference” shall mean a discharge by an IU which, alone or in conjunction with a discharge or discharges by other sources, inhibits or disrupts the District’s POTW, its treatment process or operations, or its sludge process, use or disposal and which is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued hereunder, (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 Station regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

SECTION 48. “Interim Limits” shall mean a temporary pretreatment standard authorized by the Board, which exceeds applicable categorical or non-categorical standards during the time the

permittee is investigating, designing, installing, or designing and installing, appropriate pretreatment equipment or modifications as part of an Investigative Order or Administrative Order issued by the District Board of Trustees.

SECTION 49. "Local Limit" shall mean the specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

SECTION 50. "Monthly Average" shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

SECTION 51. "Monthly Average Limit" shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

SECTION 52. "National Categorical Pretreatment Standard (NCPS)" shall mean any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307 (b) and (c) of the CWA which apply to a specific category of users and which appear in 40 CFR Ch. I. Subchapter N.

SECTION 53. "National Pollutant Discharge Elimination System Permit (NPDES Permit)" shall mean a permit issued under the National Pollutant Discharge Elimination System for Discharge of Wastewaters to the Navigable Waters of the United States pursuant to the Act.

SECTION 54. "New Source" shall mean 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, will be applicable to such source if such standards are thereafter promulgated in accordance with that section. This definition incorporates by reference the provisions of 40 CFR Sec. 403.3(m) as set forth herein in its entirety.

SECTION 55. "1917 Act" shall mean the statute of the State of Illinois under which the District is organized. The 1917 Act is found at 70 ILCS 2405/0.1.

SECTION 56. "Non-contact Cooling Water" shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

SECTION 57. "Operation and Maintenance (O & M) Costs" shall mean all costs, direct and indirect, for the operation and maintenance of the POTW necessary to insure adequate wastewater collection and treatment on a continuing basis and to conform to all applicable local, State and Federal regulations. As used in this Title, Operation and Maintenance costs exclude Replacement Costs defined in Section 17 of Title 3.

SECTION 58. "Pass-Through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit. Cause of a violation shall also include an increase in the magnitude or duration of a violation.

SECTION 59. "Permitted Wastewater Hauler Vehicle" shall mean a vehicle used for hauling wastewater, which has been granted a permit under requirements of this Title.

SECTION 60. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all Federal, State and local governmental entities.

SECTION 61. "Personal Property" shall mean, for the purposes of the user charge system, all tangible property owned by the Rock River Water Reclamation District used in the transport and treatment of sewage which is not real property, together with all intangible property.

SECTION 62. "pH" shall mean the intensity of the acid or base condition of a solution, calculated by taking a logarithm of the reciprocal of the hydrogen ion concentration.

SECTION 63. "Plant Operations Manager" shall mean the professional and administrative position at the District with responsibility for the day-to-day operation of the POTW, the District's pretreatment program and compliance with applicable State and Federal statutes and regulations relating thereto.

SECTION 64. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

SECTION 65. "POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment to wastewater and sludges produced.

SECTION 66. "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

SECTION 67. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than NCPS, imposed on an IU.

SECTION 68. "Pretreatment Standards or Standards" shall mean prohibited discharge standards, categorical Pretreatment Standards and Local Limits.

SECTION 69. "Prohibitive Discharge Standards or Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Title 2 of the District's Code of Ordinances.

SECTION 70. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act, owned by the District. This definition includes any interceptor sewers that convey wastewater to the POTW treatment plant regardless of ownership, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Code, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, IUs of the District's POTW.

SECTION 71. "Qualified Professional" shall mean an individual with working knowledge of facility processes and wastewater discharge.

SECTION 72. "Real Property" shall mean, for the purpose of the user charge, all land and fixed physical facilities, such as buildings, tanks, sewers, structures and the like, which are owned by the Rock River Water Reclamation District, and used in the transport and treatment of sewage.

SECTION 73. "Sanitary Sewer" shall mean a sewer which carries sanitary and industrial wastewater, and to which storm, surface and ground water are not intentionally admitted.

SECTION 74. "Severe Property Damage" shall mean substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. For purposes of this definition, Severe Property Damage does not mean economic loss caused by delays in production.

SECTION 75. "Sewage" shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

SECTION 76. "Shall" is mandatory. "May" is permissive.

SECTION 77. "Significant Industrial User (SIU)" The term Significant Industrial User shall mean (1) all industrial users subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the District (excluding sanitary, non-contact cooling and boiler blow-down wastewater); contributes a process waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the plant; or is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the District's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)).

The District may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never

discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- i. the Industrial User, prior to the District's finding, has consistently complied with all applicable categorical pretreatment standards;
- ii. the Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
- iii. The Industrial User never discharges any untreated concentrated wastewater.

SECTION 78. "Significant Non-Compliance (SNC)" shall mean the violation of applicable pretreatment standards by an SIU where such violations meet one or more of the following criteria:

A. Violation of wastewater discharge limit.

1. Chronic Violations – Violations of applicable pretreatment standards in which sixty-six percent (66%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period equal or exceed (by any magnitude) the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), or
2. Technical Review Criteria (TRC) Violations – Those violations of applicable pretreatment standards in which thirty-three percent (33%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable Technical Review Criteria (TRC) (TRC = 1.4 for FOG, 1.2 for all other incompatible pollutants except pH).
3. Any other violation or violations of a Pretreatment Standard or Requirement, as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard that has or have caused, alone or in combination with other discharges, interference (e.g. slug loads or contamination of sludge) or pass through as defined in this Title; or endangered the health of the District personnel or public, or
4. Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and resulted in the District's exercise of its emergency authority to halt or prevent such discharge.
5. District shall determine SNC for all SIUs on the rolling quarter basis using fixed quarters corresponding to its "pretreatment year" (e.g. March 31, June 30, September 30 and December 31.).

- B. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an Administrative Order or discharge permit for starting construction, completing construction, or attaining final compliance.
- C. Failure to provide within forty-five (45) days after the due date, required reports including, but not limited to, Baseline Monitoring Report, 90-day compliance reports, periodic reports and reports on compliance with compliance schedules.

Where the District returns such reports to a permitted because they are incomplete, inaccurate or improper, failure to resubmit corrected reports within forty-five (45) days of return by the District.

- D. Failure to accurately report non-compliance.
- E. Reporting false information
- F. Failure to install monitoring facilities.
- G. Exceeding variance or interim limits.
- H. Discharging without a permit or approval pursuant to Title 2, Article III of District's Code of Ordinances.
- I. Any violation of permit conditions if evidenced by neglect or intent.
- J. Refusal of an IU to allow access by District personnel to its premises.
- K. Any other violation or group of violations, which may include a violation of Best Management Practices, similar in nature to those set forth in Paragraphs A-J which the District considers to be significant or will adversely affect the operation or implementation of the District's pretreatment program.

When an SIU is in Significant Non-Compliance, the District shall (1) report such information to the EPA, Region 5 as part of the Pretreatment Program Annual Report; (2) list the SIU in a newspaper of general circulation that provides meaningful public notice within the District's jurisdiction in accordance with Title 7, Article I, Section 8 of this Code, as having significant violations; and (3) address the Significant Non-Compliance through appropriate enforcement action.

SECTION 79. "Sludge" shall mean the settleable solids separated from the liquids during the wastewater treatment process.

SECTION 80. "Slug" shall mean any discharge of non-routine, episodic nature, including, but not limited to, an accidental spill of a non-customary batch discharge which interferes with the District's POTW or;



- A. is a concentration of any given pollutant, as measured by a grab sample, exceeding by more than five (5) times the allowable concentration specified in Article II, Sections 2 and 3 of this Title, or
- B. is a violation of the requirements of Article II, Section 1.B.1, 3, 4, 8 or 11 of this Title by::
  - (i) Creating a fire hazard;
  - (ii). Causing obstruction to the flow in a sewer due to the presence of solid or viscous materials; or
  - (iii) Having a pH less than 5.0 or greater than 11.0.
  - (iv) Having a temperature in excess of 65°C. (149° F); or
  - (v) Having a concentration of non-polar fats, oils and grease (FOG) which exceeds 150 mg/L, or polar FOG which exceeds 900 mg/L.

SECTION 81. "T" as in "Cyanide-T" shall mean total.

SECTION 82. "Total Metals" shall mean the sum of the concentration of copper, nickel, total chromium and zinc.

SECTION 83. "Total Solids" shall mean the sum of suspended and dissolved solids.

SECTION 84. "Total Suspended Solids (TSS)" shall mean total suspended matter, expressed in milligrams per liter that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by laboratory filtration.

SECTION 85. "Total Toxic Organics" shall mean the summation of all quantified values greater than 0.01 mg/L for the toxic organics as specified in the applicable regulation of the NCPS.

SECTION 86. "Toxic Pollutant" shall mean those incompatible pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms of their offspring.

SECTION 87. "Toxic-Reactive Organic Pollutant (TROP)" shall mean any pollutant listed in Article II, Section 2B of this Title which has a specific concentration-based discharge limit established to protect the POTW worker from toxic and reactive gases and vapors.

SECTION 88. "United States Environmental Protection Agency" or "USEPA" shall include the Administrator or other duly authorized official of said agency, as appropriate.

SECTION 89. "Unpolluted Water" shall mean water of quality equal to or better than IEPA effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

SECTION 90. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the IU. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

SECTION 91. "User" shall mean any person who contributes wastewater or causes or permits the contribution of wastewater into the District's POTW.

SECTION 92. "Wastewater" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions including polluted cooling water.

- A. Sanitary Wastewater shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
- B. Industrial Wastewater shall mean a combination of liquid and water-carried waste, discharged from any industrial or commercial establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.
- C. Combined Wastewater shall mean wastewater, including sanitary wastewater, industrial wastewater, storm water, infiltration and inflow carried to the POTW treatment facilities by a sewer.

SECTION 93. "Wastewater Discharge Permit (WDP)" shall mean the document or documents issued to an IU by the District in accordance with the terms of this Code.

SECTION 94. "Wastewater Hauler" shall mean any person, partnership or corporation engaged in transporting wastewater as a commercial venture.

SECTION 95. "Wastewater Hauler Permit" shall mean the document and identification numbers issued to wastewater haulers to haul to and discharge wastewater at the designated discharge point(s) located at the Rock River Water Reclamation District treatment plant.

SECTION 96. "Waters of the State of Illinois" shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifer, 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.

SECTION 97. "Zero Regulated Wastewater Discharge Permit" shall mean the document issued to an IU that generates a regulated process waste stream that is subject to a NCPS, but has elected not to discharge this waste stream to sanitary sewer.

Ordinance 08/09-O-04, 2-23-09

## **TITLE 2**

### **PRETREATMENT**

#### **ARTICLE I. GENERAL PROVISIONS**

##### **SECTION 1. Purpose and Policy**

This Title sets forth uniform requirements for Users of the District and enables the District to comply with all applicable State and Federal laws, including the CWA (33 USC section 1251 *et seq.*) and the General Pretreatment Regulations (Title 40 of the CFR Part 403). The objectives of this Title are:

- A. To prevent the introduction of pollutants into the District that will interfere with its operation;
- B. To prevent the introduction of pollutants into the District that will pass through the District inadequately treated, into receiving waters, or otherwise be incompatible with the District;
- C. To protect District personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the District; and
- F. To enable the District to comply with its National Pollutant Elimination System permit conditions, sludge use and disposal requirements and any other local, State and Federal laws to which the District is subject.

This Title shall apply to all Users of the District and particularly IUs. This Title authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and inspection activities; and requires IU reporting.

##### **SECTION 2. Administration**

Except as otherwise provided herein, the Executive Director shall administer, implement and enforce the provisions of this Title. Any powers granted to or duties imposed on the Executive Director may be delegated by the Executive Director to a duly authorized District employee.

#### **ARTICLE II. WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS**

## SECTION 1. Prohibitive Discharge Standards

- A. No person shall discharge, cause to be discharged, or have any unapproved connection allowing or capable of allowing the discharge of any storm water, foundation drain water, ground water, roof runoff, surface drainage, cooling waters, or any other unpolluted water to District sewer, nor shall any person use District trenches or bedding as a french drain for such discharge.

Amended: Ord. 01/02-O-04, 03-25-02

- B. No IU shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which Interferes with or Passes Through the POTW. IUs shall comply with applicable pretreatment standards and requirements whether or not they are subject to National Pretreatment Standards or any other Federal, State or local pretreatment standards or requirements.

An IU shall not contribute the following substances to the District's 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 the waste stream have a closed cup flash point of less than 140° Fahrenheit (60° Centigrade) using the Pensky-Martens Close Cup Test method found in 40 CFR 261.21.
2. Any noxious, malodorous, or toxic liquids, gases, vapors, fumes or solids which either singly or by interaction with other wastewaters are sufficient to cause acute worker health and safety issues, create a public nuisance or hazard to life, or are sufficient to prevent entry into sewers for their maintenance and repair.
3. Solid or viscous substances which may cause obstruction to the flow in the sanitary sewer or other interference with the operation of the wastewater treatment facilities.
4. Any wastewater or pollutants which will cause corrosive structural damage to the POTW, but in no case having a pH less than 5.0 units or greater than 11.0 units. Analysis for pH shall be based on individual grab samples that are analyzed within 15 minutes of collection. Alternatively, continuous monitoring devices may be used for measuring compliance with the pH limits. Any exceedance recorded by a continuous monitoring device is a violation of thisCode.

Amended 12-17-01

5. Any wastewater containing Incompatible Pollutants in sufficient quantity, either singly or by interaction with other pollutants, (i) to injure or interfere with any wastewater treatment process, (ii) constitute a hazard to humans or animals, (iii) create an incompatible effect in the receiving water of the

POTW, (iv) exceed the limitation set forth in a NCPS (when effective) or in Section 2 of this Article, or (v) create a public nuisance. An incompatible pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307(a) of the CWA.

6. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the CWA; any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the CWA, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
7. Any substance which will cause the POTW to violate its NPDES Permit or the water quality standards of the receiving waters.
8. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees Celsius (104 degrees Fahrenheit).
9. Any pollutants, including compatible pollutants released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW. In no case shall a slug measured at the point of discharge to the POTW have a flow rate or contain concentrations of pollutants that exceed more than five (5) times the average twenty-four (24)-hour concentrations, or twenty-four (24)-hour flow during normal operation; provided, however, that an IU subject to NCPS shall comply with such standards in addition to this Subsection B(9).
10. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by local, State or Federal laws or regulations.
11. Any wastewater which contains FOG or any other material that is extracted by freon, hexane, ether or other USEPA approved extraction solvent in the following concentrations:
  - a. Polar FOG . . . . . 900 mg/l
  - b. Non-polar FOG . . . . . 150 mpg/l

Analysis for FOG shall be based on individual grab samples.

Amended 12-17-01

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 POTW; provided however, that an IU may be permitted by specific, written agreement with the District, which agreement to

discharge such BOD or TSS may provide for special charges, payments or provisions for treating and testing equipment.

13. Hazardous waste discharged to the sanitary sewer system by truck, rail, or dedicated pipeline.
14. Any wastewater containing polychlorinated biphenyls (PCB)s, including without limitation PCB-1232, PCB-1260, PCB-1221, PCB-1248 and PCB-1016, as well as Arochlor 1242 (2) and Arochlor 1254 (2).
15. Any wastewater containing new or used antifreeze.
16. Any trucked or hauled pollutants, except at discharge points designated by the District.

Amended by Ordinance 08/09-O-03 Eff. 12/22/08

17. Any medical waste, including pharmaceutical medications, prescription or "over the counter", unused or expired.

Added by Ordinance 12/13-O-05, Eff. 7/24/2012

18. Any water or wastewater from alkaline hydrolysis or other chemical decomposition processes of human or animal tissues, remains, or bodies without prior written approval of the District.
19. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

#### C. Additional Pretreatment Measures

1. Whenever deemed necessary, the District may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams and such other conditions as may be necessary to protect the District and determine the User's compliance with the requirements of this Ordinance.
2. The District may require any User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual or general wastewater discharge permit may be issued solely for flow equalization.

Amended by Ordinance 08/09-O-03 Eff. 12/22/08

## SECTION 2. Specific Limitations on Discharge

- A. Discharges from each separate discharge of an IU as measured under the provisions of this Title shall not contain in excess of the following daily maximum limits based upon a twenty-four (24)-hour composite sample, except

for cyanide, which shall be based on a grab sample. Multiple industrial wastewater discharges from an IU 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. Mass limits may be imposed as deemed necessary by the District. The following pollutant limits are established to protect the POTW from pass-through, interference, or sludge contamination.

Cadmium, total .....	1.3 mg/L
Chromium, total hexavalent, plus	
Total trivalent .....	12.0 mg/L
Chromium, total hexavalent.....	8.0 mg/L
Copper, total.....	0.8 mg/L
Cyanide, total by distillation .....	1.7 mg/L
Nickel, total.....	2 mg/L
Zinc, total .....	4.6 mg/L
Lead, total.....	2.5 mg/L
Arsenic .....	0.6 mg/L
Selenium .....	0.8 mg/L
Silver .....	1.6 mg/L
Manganese .....	50 mg/L
Molybdenum .....	4.0 mg/L
Mercury .....	0.0005mg/L

(If Mercury is not present in the process and all necessary conditions are met the Mercury limit may be .003 mg/L in accordance with State of Illinois regulation Title 35, Subtitle C, Part 07, Subpart A, Section 307.1102, C.

Amended by Ord. 95/96-O-04 eff. 12/18/95  
 Amended by Ord. 96/97-O-03 eff. 11/25/96  
 Amended by Ord. 12/13-O-02 eff. 6/1/2012  
 Amended by Ord. 18/19-O-01 eff. 4/22/19

- B. Wastewater from each separate discharge of an IU, as measured under the provisions of this Title shall not contain in excess of the following pollutant concentrations based upon an instantaneous grab sample. The following TROP limits are established to protect the POTW workers from toxic and reactive gases and vapors in the collection system or treatment plant. In cases where the listed maximum allowable concentration is less than the detection limit, and the sample result is also less than the detection limit, the IU shall report "less than detection limit."



LOCAL LIMIT  
COMPOUND

(MG/L)

Benzene	0.014
Carbon Tetrachloride	0.011
Chlorobenzene	2.290
Chloroethane	5.880
Chloroform	0.060
Dichloroethane, 1.1.-	1.685
Dichloroethane, 1.2.-	0.168
Dichloroethylene, 1.1.-	0.016
Trans-Dichloroethylene, 1.2.-	2.040
Dichloropropane, 1.2	4.289
Ethylbenzene	1.659
Methyl Bromide	0.305
Methyl Chloride	0.557
Methylene Chloride	4.139
Tetrachloroethane, 1.1.2.2.-	1.847
Tetrachloroethylene	0.945
Toluene	2.075
Trichloroethane, 1.1.2.-	1.601
Trichloroethane, 1.1.1	2.759
Trichloroethylene	0.026
Vinyl Chloride	0.012

Amended by Ord. 96/97-O-05 Eff. 12/19/96

Amended by Ord. 01/02-O-03 Eff. 12/17/01

Amended by Ord. 03/04-O-02 Eff. 2/23/04

- C. The District may develop Best Management Practices (BMPs) to implement Sections 1 and 2 of this Article. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Ordinance.

### SECTION 3. Incorporation of National Categorical Pretreatment Standards

- A. National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which shall be discharged to the District by existing or new industrial sources in specific industrial subcategories will be established by separate regulations under the appropriate sub-part of 40 CFR Ch. I, Subchapter N and are hereby incorporated. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth elsewhere in this Title. The Executive Director or Director of Plant Operations shall notify all known affected IUs of the applicable reporting requirements under 40 CFR, Sec. 403.12. Mass limits may be imposed as deemed necessary by the District.
- B. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentrations or mass limits in accordance with 40 CFR Sec. 403.6(c)(2).
- C. When wastewater, subject to a new Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, District shall impose an alternate limit using the combined wastestream formula found in 40 CFR Sec. 403.6(e).
- D. A SIU may obtain a variance from a Categorical Pretreatment Standard if the SIU can prove, pursuant to the procedural and substantive provisions in 40 CFR Sec. 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the USEPA when developing the Categorical Pretreatment Standard. Requests for this variance and supporting information shall be submitted to the Administrator of the USEPA, Region 5.
- E. A SIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR Sec. 403.15.
- F. When the limits in a Categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an IU may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the District. The District may establish equivalent mass limits only if the IU meets all of the conditions found in 40 CFR 403.6(c)(5).
- G. The District may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual IU's under the following conditions: When converting such limits to concentration limits, the District shall use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419 and 455 and document that dilution is not being substituted for treatment as prohibited by Section 5 of this Article and in 40 CFR 403.6(d).

- H. Equivalent limitations calculated in accordance with this Section are deemed Pretreatment Standards for the purposes of the CWA. The District shall document how equivalent limits were derived and make this information publicly available. Once incorporated into its wastewater discharge permit, the IU must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived. See 40 CFR 403.6(c) (7).
- I. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and maximum equivalent limitation. See 40 CFR 403.6(c)(8).
- J. Any SIU operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the District within two (2) business days after the SIU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any IU not notifying the District of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. See 40 CFR 403.6(c)(9).

#### SECTION 4. District's Right of Revision

The District reserves the right to establish, by ordinance, or in individual or general Wastewater Discharge Permits, more stringent standards or requirements on discharges to the District consistent with the purpose of this Title. The specific limitations on discharge listed in Section 2 are derived from the Maximum Allowable Industrial Loading (MAIL). The MAILs are allocated only to those IUs, at the District's discretion, that contribute the regulated pollutant and all remaining IUs are held to either the background concentration or slightly higher than background but lower than the specific discharge limit. In no case shall all allocations exceed the MAIL.

#### SECTION 5. Excessive Discharge

No IU 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 NCPS (when effective), or in any other pollutant-specific limitation developed by the District or local, State or Federal law or regulation..

#### SECTION 6. Variances

- A. Variances to permit conditions or to other provisions of this Title 2 shall only be issued by the Board.

Amended by Ord. 03/04-O-02 eff. 2-23-04

Amended by Ord. 18/19-O-02 eff. 4-22-19

- B. In no case shall the Board grant any variance whose terms might or could cause Interference or Pass Through the POTW or cause the violation of an applicable pretreatment standard, as such terms are defined in this Title.
- C. In granting a variance, the Board may impose such conditions, exceptions, time limitations, duration and other limitations as the policies of this Title, the IEPA and the CWA may require. Except as otherwise provided, any variance granted by the Board shall not exceed five (5) years and shall be granted upon the condition that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown.
- C. Any person seeking a variance shall do so by filing a Petition for Variance with the Executive Director with such petition to include:
  - 1. A clear and complete statement of the precise extent of the relief sought, including specific identification of the particular provisions of the Title from which the variance is sought.
  - 2. Data describing the nature and extent of the present failure to meet the particular provisions from which the variance is sought and a factual statement why compliance with this Title was not or cannot be achieved.
  - 3. A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with this Title, including a time schedule for the implementation of all phases of the control program, from initiation of design to program completion, and the estimated costs involved for each phase, and the total cost to achieve compliance.
  - 4. Past efforts to achieve compliance, including costs incurred, results achieved and permit status.
  - 5. A discussion of the availability of alternate methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of the control program proposed to achieve compliance.
  - 6. A concise factual statement of the reasons the petitioner believes that compliance with the particular provisions of this Title would impose an arbitrary or unreasonable hardship.
  - 7. Such other information as required by the District.
- F. Unless the variance arises as a result of the Executive Director's action, the Executive Director shall investigate such petition, consider the views of persons who might be adversely affected by the granting of a variance and make a report

to the Board of the disposition of the petition. If the Board, in its discretion, concludes that a hearing would be advisable or if the Executive Director or any other person files a written objection to the granting of such variance within fifteen (15) days of the rendering of the report, then a hearing shall be held under the provisions of Title 7, Article II, Section 1.J of this Code, and the burden of proof shall be on the petitioner. If the petition arises as a result of the Executive Director's action, the complete District file, together with the petition, shall be forwarded to the Board in accordance with the provisions of Title 7, Article II, Section 4.A.

- G. If the Board fails to take final action upon a variance request within sixty (60) days after the filing of a petition, the petitioner may deem the petition granted under this Article for a period not to exceed one (1) year. However, the period of sixty (60) days shall not run for any such period of time during which the Board is without sufficient membership to constitute a quorum as set forth in the 1917 Act.
- H. If any terms of a variance are violated by the person granted a variance, a violation of this Code is deemed to have occurred and the variance may be revoked on thirty (30) days notice.

## SECTION 7. Spills, Accidental Discharges and Slug Discharges

### A. Spill Containment

#### 1. Accidental Discharges

Each IU having the ability to cause interference with the POTW treatment plant or to violate the regulatory provisions of this Title shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this Title. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or IU's own cost and expense. All SIUs 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 District showing facilities and operating procedures to provide this protection. Plans shall be approved by the District before construction of any new facility. No IU who begins contributing to, or could contribute such pollutants to, the POTW after the effective date of this Title shall be permitted to introduce such pollutants into the system until accidental discharge facilities and procedures, as appropriate, have been approved by the District and installed by the IU. Review and approval of such plans and operating procedures shall not relieve the IU from the responsibility to modify its facility as necessary to meet the requirements of this Title.

#### 2. Immediate Notification

In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which is a slug or which otherwise causes or may cause interference at the POTW or violate regulatory requirements of this Title, it shall be the responsibility of the IU to immediately telephone and notify the District of the incident. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration and volume.

3. Written Report

Within five (5) days following such an accidental or deliberate discharge, the IU shall submit to the Executive Director a detailed written report describing the cause of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Follow up reports may be required by the District as needed. Such report, or reports, shall not relieve the IU 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 IU of any fines, civil or criminal penalties, or other liability which may be imposed by this Title or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to District, result in the revocation of the IUs WDP.

4. A notice in English and the language of common use shall be permanently posted on the IU's bulletin board or other prominent place advising employees whom to call in the event of a discharge of a prohibitive material. Employers shall ensure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

5. Additional Remedies

In addition to remedies available to District set forth elsewhere in this Title, if the District is fined by the IEPA or USEPA for violation of the District's NPDES Permit or violation of water quality standards as the result of an industrial spill or intentional slug discharge of a compatible or incompatible pollutant, then the fine, including all District legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible IU. Such charge shall be in addition to, and not in lieu of, any other remedies District may have under this Code, statutes, regulations, at law or in equity.

B. Slug Control Plans

1. District shall review the potential for slug discharges from SIUs and determine which, if any, SIUs need a plan or other action to control slug

discharges. SIUs must be evaluated within one (1) year of being designated as a SIU. For purposes of this section, a Slug Discharge is any Discharges of non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch Discharge, which has reasonable potential to cause Interference or Pass Through, or in any other way violate the District's regulations, local limits, or Permit conditions. If a Slug Control Plan (SCP) is required, District will notify the user in writing and require submission of a plan within sixty (60) days of the date notification is sent. The Slug Control Plan shall contain, at a minimum, the following elements:

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

- a. Description of the SIUs discharge practices including non-routine batch discharges.
- b. Description of stored chemicals.
- c. The SIUs procedures for immediately notifying the District of Slug Discharges, including any Discharge that would violate the prohibitive discharge standards found in Section 1B of this Article and/or 403(b) with procedures for follow-up written notification within five days.
- d. If necessary, procedures to prevent adverse impact on District from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or necessary measures and equipment for emergency response.

District will review the plan and if it is unsatisfactory, the user will be required to submit the necessary corrections for District approval. Failure to submit an SCP or to make required corrections shall be a violation of this Code.

2. Any IU required to submit a written SCP to the District shall be required to comply with all conditions contained within that plan.
3. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

## SECTION 8. Separators

A. The user of any property serviced by a sanitary sewer shall install separators as necessary for the proper handling of liquid wastes containing grease, sand, oil or any other matters that may violate the provisions of Section 1 of this Article. Such separators shall be installed by the user and be accessible for maintenance purposes. It shall be the user's responsibility to clean and maintain such separator or separators at a regular frequency so as to ensure efficient operation.

### 1. Grease Interceptor

Any new food service establishment shall install a minimum capacity of 1,000 gallon interceptor located outside of the building. The interceptor shall not be located in a drive lane or parking space and shall be accessible for inspection at all times.

Any existing or altered food service establishment that introduces fats, oil, or grease (FOG) into the drainage and sewage system in quantities large enough to cause line blockages or hinder sewage treatment, shall install a minimum capacity of 1,000 gallons interceptor located outside the building.

Any existing food service establishment that has been found to contribute fats, oil, or grease in quantities sufficient to cause line blockages resulting in sanitary sewer overflows, or necessitating increased maintenance in the collection system, shall install a minimum capacity of 1,000 gallons interceptor located outside the building. The interceptor shall not be located in a drive lane or parking space and shall be accessible for inspection at all times.

### 2. Grease Traps

Small volume food service establishments, which have limited menus, minimum dishwashing, and/or minimal seating, shall provide a grease trap built into the wastewater piping located a short distance from the grease producing fixture(s). The location and capacity of the grease trap(s) shall be approved by the Director of Plant Operations.

### 3. Cleaning Frequency

Grease interceptors shall be pumped out completely at a minimum frequency of once every one hundred twenty (120) days, or more frequently as needed to prevent carry over of oil and grease into the collection system. Under-the-sink grease traps shall be cleaned at a minimum frequency of once per month, or more often, as necessary, to prevent pass through of grease and other food solids to the collection system. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets



and outlets. At no time shall the combined measured level of solids and grease layer exceed 25% of the holding capacity of the interceptor.

Amended by Ordinance 10/11-O-05 Eff. 4/25/2011  
Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

#### 4. Record Keeping

No person shall allow the transportation or acceptance of grease trap waste for rendering, storage, treatment, or disposal away from the site where the waste was generated, unless the grease trap waste is accompanied by a shipping paper containing, at a minimum, the following information:

- a. The name, address, and telephone number of the generator of the grease trap waste, the street address of the grease trap or interceptor, the volume of grease trap waste removed, the legible signature of an authorized representative of the generator, and the date of the grease trap waste removal.
- b. The name, address, and telephone number of the grease trap waste transporter, acknowledgement of the receipt of the waste, the legible signature of an authorized representative of the transporter, and the date of the grease trap waste collection.
- c. The name, address, and telephone number of the facility receiving the grease trap waste, an acknowledgement of such receipt, the legible signature of an authorized representative of the receiving facility, and a date of receipt.

The grease trap waste generator, transporter, and management facility shall each retain a copy of the shipping paper for a minimum of two years. These documents shall be produced upon request of District representatives, or representatives of the Illinois Environmental Protection Agency.

Amended by Ord. 01/02-O-03 Eff. 12-17-01

When grease traps are cleaned in-house by the grease trap waste generator, a log shall be kept of such cleaning(s). These logs shall be retained for a minimum of two years and shall be produced upon request of District representatives or representatives of the Illinois Environmental Protection Agency.

Amended by Ordinance 10/11-O-05 Eff. 4/25/2011

#### 5. Multiple Tenant Commercial (Strip Malls)

Each multiple tenant commercial building shall have a common kitchen grease waste drain sized to collect future potential flows from fixtures that can be expected to introduce fats, oils or grease

from food preparation and/or dishwashing into the sanitary sewer system. These fixtures shall include, but are not limited to, utensil, vat, dish, or floor cleaning and other fixtures of these types. The common kitchen grease waste drain shall be routed to the exterior of the building to a grease interceptor. Sanitary sewage flows will not be allowed into the kitchen grease waste drain.

The grease interceptor shall be constructed in accordance with all applicable local and state plumbing codes. The grease interceptor shall be vented and access covers shall be gas tight with an opening dimension of a minimum of 24".

Sizing criteria for the common grease interceptor will be as follows:

The number of potential seats in any strip mall shall be determined by dividing 25% of the interior building square footage by the occupant load factor (15 SF/person).

$$\frac{.25 \times \text{Total Building Square Footage}}{15} = \text{Potential Restaurant Seating}$$

To size the common grease interceptor, the following formula shall be used:

# Seats x 6 (Waste Flow Rate) x 2.5 (Retention Time) x Storage Factor

The storage factor is as follows:

Hours of Operation	Storage Factor
8	1
16	2
24	3

In no case will any grease interceptor for a strip mall be less than 1,500 gallons.

Any establishment which will produce an overload on this design will be required to make any necessary corrections/alterations to assure compliance with the District Code of Ordinances.

Amended by Ord. 08/09-O-02, Eff. 10-1-08

In lieu of the common grease line and interceptor as described above, the multiple tenant building owner may provide for the installation of an individual grease line and interceptor for each tenant space with food service, and discharge the combined treated kitchen waste and domestic waste flows of all the tenant spaces to the District. The grease interceptor shall be sized pursuant to the provisions of this Section. The combined discharges are subject to all other requirements of the District Code of Ordinances and standard District procedures for service connection permits. If this option is chosen, prior to issuance of the building connection permit, the owner shall demonstrate on drawings the method and space allocated for providing the necessary grease line and interceptor to all tenant spaces.

The owner of a multiple tenant building (strip mall) shall inform any future tenant which engages in food preparation of the grease line and interceptor requirement and shall inform the District in advance in writing of any change in tenant use to a food preparation use. Failure by the Owner to inform the District of a change in use of a tenant space requiring pretreatment is considered a violation of the District Code of Ordinances and can result in the disconnection of the discharge and

a fine up to \$1,000 per day of violation under Title 8, Article I and Article II.  
Amended 6-28-2010, Ord. 10/11-O-01

- B. The construction of separators shall be in strict accordance with applicable State and local plumbing codes.
- C. No person shall intentionally reintroduce into the sewer system of the District, materials which have been removed from the sewer system by catch basins, grease traps and other separator devices. Physical, chemical or biological agents shall not be introduced into catch basins, grease traps or other separator devices for the purpose of re-suspending, dissolving, emulsifying, or rendering soluble any pollutant or other materials removed from a waste stream by such pretreatment devices and reintroducing these materials into the sewer system.

#### SECTION 9. Wastewater Haulers

- A. Wastewater haulers shall discharge all wastes at locations designated by the Director of Plant Operations.
- B. Permits
  1. Wastewater Hauler permits shall be issued by the Director of Plant Operations upon completion of a Wastewater Hauler Permit Application in a form prescribed and furnished by the District, as well as a fee, to be determined by the Board.
  2. Each wastewater hauler shall have a valid discharge permit issued by the Director of Plant Operations before discharging waste at the District. Each permitted wastewater hauling vehicle shall prominently display a number issued by the Director of Plant Operations on the driver's side of the tanker. Such numbers shall be removable only by destruction. Decals for this purpose will be provided by the Director of Plant Operations at the expense of the wastewater hauler.
  3. A Wastewater Hauler Discharge Permit shall be issued for a specified time period, not to exceed three (3) years.
  4. Wastewater Hauler Discharge Permits are issued to the owner of the wastewater hauling company for a specific type of wastewater. These permits are non-transferable without prior approval from the District.
  5. Wastewater haulers discharging waste at the District, under the IEPA Non-Hazardous Special Waste Hauling Permit, shall have a valid wastewater hauler permit.
- C. Each wastewater hauling vehicle shall be equipped with quick disconnecting

couplers.

- D. Representative samples of wastewater from a discharge by a wastewater hauler shall comply with the provisions of Sections 1 and 2 of this Article.
- E. Each load delivered to the wastewater treatment plant must have the District's wastewater hauler manifest properly filled out by the wastewater hauler as necessary and signed by the scale operator on duty.

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

- F. Each load of wastewater delivered to the wastewater treatment plant under a Non-Hazardous Waste Hauler Permit granted by the IEPA must have the District's wastewater hauler manifest and an Illinois Uniform Hazardous Waste Manifest properly completed and signed by the generator and wastewater hauler. Both manifests must also be signed by the scale operator on duty. The District will keep copies of both manifests.

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

- G. All procedures for discharging, for cleanliness and for general sanitary operation on District property as prescribed by the District shall be strictly adhered to.
- H. Wastewater from a domestic level user shall not be mixed with wastewater from an IU. Vehicles hauling wastewater from an IU shall not be used to haul wastewater from a domestic level user for disposal at the POTW.
- I. In addition to remedies available to District set forth elsewhere in this Code, failure of a wastewater hauler to comply with the provisions of this Code or the discharge permit requirements shall be grounds for revocation of the hauler's discharge permit by the Director of Plant Operations.

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

## SECTION 10. Wastewaters From CERCLA Remedial Actions

Treated wastewaters as a result of remedial actions required by CERCLA or other applicable regulations within the boundaries of the District may be discharged into the private sanitary sewer system of the IU. The following conditions apply to such discharges:

- A. The treated wastewater must be discharged from a wastewater treatment facility with a valid construction and/or operation permit from the IEPA.
- B. The IU must have a valid WDP for the location from which the treated wastewater is being discharged into the private sanitary sewer system of the IU. If the location is not currently permitted, the IU must apply for and receive a WDP.
- C. The WDP for the IU's facility shall be modified and subject to limitations and

conditions that may be imposed by the Board on the treated wastewater from the remedial action site. The Board may impose stricter restrictions on discharge than are provided in Federal or State regulations.

- D. IUs shall furnish the District a letter from the IEPA certifying that the wastewater is not classified as a hazardous waste as defined by RCRA.

#### SECTION 11. Discharge of Hazardous Waste

- A. Each IU shall notify the District, the EPA Regional Waste Management Division Director and the Manager, IEPA, Bureau of Land Manager in writing, of any discharge into District's POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

- B. The notification to be given pursuant to Section 11A of this Article, shall include:

Amended by Ord. 03/04-O-02 Eff. 2-23/04

1. Name of the hazardous waste,
  2. EPA hazardous waste number,
  3. Type of discharge (continuous, batch or other).
- C. If the IU discharges more than 100 kilograms (220 lbs.) of any identified waste per calendar month to District's POTW, notification shall contain the following additional information:
    1. Identification of hazardous constituents contained in the wastes.
    2. Estimate of the mass and concentration of such constituents and the waste stream discharged during the calendar month.
    3. Estimation of the mass of constituents in the waste stream expected to be discharged during the succeeding twelve (12) months.
    4. Notification under this paragraph need be submitted only once for each hazardous waste discharged. Any changes to the discharge must be submitted to District in accordance with their WDPs. If pollutants have previously been reported under self-monitoring under the user's self-monitoring requirements, they need not be re-submitted.
  - D. An IU need not notify the agencies set forth in Section 11A for any calendar month in which it discharges no more than a total of fifteen (15) kilograms (33 pounds) if non-acute hazardous wastes. Notification is required if any quantity of acute hazardous waste, as specified in 40 CFR Sec. 261.30(d) and 261.33(e) is discharged.

- E. In case any new Federal or State regulations which identify additional characteristics of hazardous waste or list additional substances as a hazardous waste are issued, an affected IU must notify the District, the EPA Regional Waste Management Waste Division Director and the Manager of the IEPA of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- F. For each notification made under this Section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

#### SECTION 12. Denial or Conditioning of New or Increased Contribution

The District shall deny or condition new or increased contribution of pollutants to its treatment works by IUs, where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the District to violate its NPDES permit.

Any IU which adds to or significantly increases the discharge loading of any regulated pollutant shall notify the District of this change in condition prior to such discharge. Upon receipt of such notification, District shall: 1) Determine the IU's compliance with the applicable pretreatment standard, and 2) Review the applicable local limit for possible revision in light of the increased loadings.

#### SECTION 13. Affirmative Defense

An IU shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitive discharge standards in Section 1A or Section 1B, of this Article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass -Through or Interference, and that either:

Amended by Ord. 03/04-O-02 Eff. 2-23/04

- A. A local limit exists for each pollutant discharged and the IU is in compliance with each limit directly prior to and during the Pass Through or Interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the IU's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### ARTICLE III. DISCHARGE PERMITS

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

#### SECTION 1. Requirement for Discharge Permits

A. SIUs to Have Permits.

It shall be unlawful for any SIU to discharge wastewater to the District without an individual discharge permit issued by the District in accordance with the provisions of this Code and 40 CFR 403.8(f)(1)(iii). At the discretion of the District, SIUs may be controlled through the use of general permits. Facilities covered by general permits shall meet all the criteria given in 40 CFR 403.8(f)(1)(iii)(A)(2).

B. Determination that an IU is Not a SIU.

If an IU, other than a CIU, meets any of the criteria set forth in Article II, Section 77 of Title 1, but has no reasonable potential for adversely affecting District operations or for violating any pretreatment standard or requirement, District may determine that such IU is not a SIU. District may make such determination on its own initiative or in response to a petition from the IU.

Amended by Ord. 03/04-O-02 Eff. 2-23/04

C. IUs to Have Permits

Ord. 08/09-O-04, Effective 02-24-2009

Permits may be issued to an IU that does not meet the definition of a SIU but have processes that could potentially have an adverse affect on the District's operations. Non-Significant Categorical Industrial User (NCSIU) Permits shall be issued to an IU meeting the definition of a NSCIU as found in Title 1, Article II, Section 77. Zero Regulated Wastewater Discharge Permits shall be issued to an IU that conducts processes that are subject to a National Categorical Pretreatment Standard (NCPS) but have no discharge from these processes.

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

## SECTION 2. Permits

A. Discharge Permits

All SIUs proposing to connect to or to contribute to the POTW shall obtain a permit before connecting to or contributing to the POTW.

B. Industrial Wastewater Discharge Permit (WDP) Application

An IU required to obtain a WDP shall complete and file with the District, an application in a form to be prescribed and furnished by the District, and accompanied by a fee to be determined by the Board.

The District Director of Plant Operations will evaluate the data furnished by the IU and may require additional information within ninety (90) days of submission by the IU. After evaluation and acceptance of the data furnished, the Executive Director shall issue a WDP subject to terms and conditions provided herein. Permittee IUs

submitting information required in this Section shall not be deemed to have a permit until the Executive Director issues such a permit. Permits shall be deemed issued one hundred eighty (180) days after application has been made if there have been no additional requests for information by the Executive Director. Executive Director

C. Additional Information Required From IUs Subject to NCPS.

Within one hundred eighty (180) days after the effective date of a NCPS, or one hundred eighty (180) days after a final administrative decision has been made upon a categorical determination submission in accordance with Section 403.6 (a)(4) of the General Pretreatment Regulations, whichever is later, existing IUs, subject to such NCPS and currently discharging to or scheduled to discharge to the District's POTW, shall submit a Baseline Monitoring Report (BMR) to the District on a form to be prescribed and furnished by the District. .

New sources, subject to a NCPS, shall submit the BMR at least ninety (90) days prior to discharging to the POTW. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

D. Permit Modifications

The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in Article II of this Title are modified or other just cause exists. The IU shall be informed of any proposed changes in its permit at least thirty (3) days prior to the effective date of change. Where any changes are made in an IU's permit, a reasonable time, as determined by the District, shall be given to achieve compliance.

E. Permit Conditions

Discharge permits shall be expressly subject to all provisions of this Title and all other applicable regulations, IU charges, and fees established by the Board.

F. Change in Conditions

1. Each IU shall promptly notify the District Director of Plant Operations in advance of any substantial change in the volume or character of pollutants in their discharge.

a. The District Director of Plant Operations may require the IU to submit such additional information as may be deemed necessary to evaluate the changed condition, including the submission of a WDP application pursuant to Section 2B of this Article.



- b. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty per cent (20%) or greater and the discharge of any previously unreported pollutants.

G. Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. The District Director of Plant Operations shall notify an existing permitted IU prior to expiration of the user's current permit of the need to renew the permit. Within ninety (90) days of notification, the IU shall apply for reissuance of the permit on a form to be prescribed and furnished by the District. Executive Director/Director of Plant Operations

H. Transfer

WDPs are issued to a specific IU for the process activity specified in the permit. A WDP shall not be assigned, transferred or sold to a new owner or new IU in different premises or to a new or changed operation in the same or different premises without, at a minimum, prior notification to and approval of the Director of Plant Operations. Upon a change of ownership or operator of permittee, permittee shall, within 10 days of the change of ownership or operator, notify the District in writing of such change. Further, permittee shall provide a copy of this permit to the new owner or operator. 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, and a copy of the existing control mechanism shall be provided by the Executive Director to the new owner as a temporary permit. Temporary permits shall be issued for a period not to exceed ninety (90) days of the date of the permit transfer; The new owner shall immediately apply for a new permit in accordance with this Title District shall have the same remedies for violation of temporary permits as it has for violation of other discharge permits.

I. Applicable Limits

WDPs shall contain discharge limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law.

J. Self-Monitoring, Sampling, Reporting, Notification and Record Keeping.

WDPs shall contain self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include, without limitation, an identification of pollutants to be monitored, the sampling location, sampling frequency and sample type based on Federal, State and local law. WDPs that contain waivers, as described in Section 3D of this Article, shall include

certification statements as prescribed in the General Pretreatment Regulations 40 CFR 403.12(e)(v).

K. Civil and Criminal Penalties

WDPs shall contain a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the compliance date beyond applicable Federal deadlines.

L. Permit Addendum

An addendum to IUs WDP may be issued by the Executive Director at any time to incorporate such additional enforcement measures, including, but not limited to, compliance directives, compliance schedules, and interim discharge limits. Interim limits are described in Title 7, Article I, Section 3D of this Code.

These additional enforcement measures shall be established pursuant to the procedures outlined in Title 7 of this Code and the District's Enforcement Management System/Enforcement Response Guide (EMS/ERG).

M. Permit Revocation

The District may revoke an individual or general wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the District of changed conditions pursuant to Section 2F of this Article;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the District timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines/penalties;

9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Title.

Individual or general wastewater discharge permits shall be voidable upon cessation of operations. All individual or general wastewater discharge permits issued to an IU are void upon issuance of a new individual or general wastewater discharge permit to the IU.

### SECTION 3. Reporting Requirements for Permittee

#### A. Baseline Monitoring Report (BMR)

Within either one hundred eighty (180) days after the effective date of the Categorical Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR Sec. 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the District shall submit to the District Director of Plant Operations a report that contains the information listed in Subparagraphs 1 - 8 below. At least ninety (90) days prior to the commencement of discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the District Director of Plant Operations a report which contains the information listed in Subparagraphs 1 - 5 below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A New Source shall give estimates of its anticipated flow and quantity of pollutants to be discharged. If an IU changes the location of its discharge, a BMR shall be completed within thirty (30) to ninety (90) days of the change of location, at the discretion of the Director of Plant Operations.

Categorical users, as described above shall submit the following information:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner(s);
2. Permits. A list of any environmental control permits held by or for the facility;

3. Descriptions of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classification (SIC), of the operation(s) carried out by such IU. This description shall include a schematic process diagram which indicates points of discharge to the District from the regulated process.
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to District from regulated process streams and other streams as necessary, to allow use of the combined waste stream formula as set forth in Article II, Section 3C of this Title.
5. Measurement of Pollutants
  - a. The Categorical Pretreatment Standards applicable to each regulated process.
  - b. The results of sampling and analysis, both daily maximum and average concentrations, identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 3C(4) of this Article.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 3C(4) of this Article. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the IU shall submit documentation as required by the District or the applicable standards to determine the compliance of the IU;
  - e. The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this Section;
  - f. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the IU should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with

supporting data shall be submitted to the District;

- g. Sampling and analysis shall be performed in accordance with 40 CFR 136. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods of any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the EPA;
  - h. The District may allow the submission of a baseline report which utilizes only historical data or so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
  - i. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
6. Compliance Certification. A statement, reviewed by the IU's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standard and requirements.
7. Compliance Schedule. If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards. A compliance schedule of this Section must meet the requirements as set forth in Article III, Section 3.E. of this Title.
8. Signature and Report Certification. All BMRs must be signed and certified in accordance with Section 3F of this Article and signed by an Authorized Representative as defined in Title 1 of the District's Code of Ordinances.

B. Ninety (90) Day Compliance Report.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any IU subject to Pretreatment Standards and requirements shall submit to the District Director of

Plant Operations a report, on forms provided by the District Director of Plant Operations, indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and requirements and the average and maximum daily flow for these process units in the IU facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) and/or additional pretreatment techniques or installations are necessary to bring the IU into compliance with the applicable pretreatment standards or requirements. Further, the report must demonstrate, at a minimum, thirty (30) days of sampling. This statement shall be signed by an authorized representative of the IU, and certified by a qualified professional as defined in General Pretreatment Regulations. For IUs subject to equivalent mass or concentration limits established by the District Director of Plant Operations in accordance with the procedures in Article II, Sec. 3B of this Title, this report shall contain a reasonable measure of the user's long-term production rate. Where the District performs the required sampling and analysis in lieu of the IU, the user will not be required to submit the compliance certificate required in this Subparagraph.

C. Periodic Compliance Reports

1. All SIUs are required to submit periodic reports under the provisions of this Section. Any IU subject to an applicable pretreatment standard, after the compliance date of such applicable pretreatment standard or, in the case of a New Source, after discharge of wastewater to the POTW begins, shall submit to the District Director of Plant Operations on or before the 20th day of the months of July and January (or on the date specified in the SIU's Wastewater Discharge Permit), a certified report on forms provided by the District Director of Plant Operations indicating the nature and concentration, or production and mass where required by the District Director of Plant Operations, of pollutants in the discharge which are limited by such applicable pretreatment standards. The report shall include a record of all measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the SIU must submit documentation required by the District to determine the compliance status of the SIU.
2. At the discretion of the District Director of Plant Operations, this report may also include concentrations of BOD/COD/TSS or other pollutants specified by the District Director of Plant Operations. Permittee shall sample and analyze its wastewater for BOD/COD/TSS or other pollutants at the discretion of the District Director of Plant Operations as set forth in the permit issued to permittee.
3. At the discretion of the Executive Director and in consideration of such

factors as a local high or low flow rate, holidays, budget cycles, the Director of Plant Operations may agree to alter the months during which the above reports are submitted.

4. All measurements, tests, and analyses of the characteristics of wastewater to which reference is made in Sections 3A, 3B and 3C of this Article, shall be determined in accordance with 40 CFR Section 136. The Director of Plant Operations shall require the frequency of monitoring necessary to assess and assure compliance by SIUs with applicable Pretreatment Standards requirements.

Amended by Ord. 03/04-O-02 Eff. 2-23/04

- a. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.
  - b. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the IU file. Using protocols specified in 40 CFR 136 and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: For cyanide, total phenols and sulfides the samples may be composited in a laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory.
  - c. For sampling required in support of the baseline monitoring and 90-day compliance reports required in Sections 3A and 3B of this Article, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required in Section (Self-monitoring and non-categorical facilities) and shall require the number of grab samples necessary to assess and assure compliance by the IU with applicable Pretreatment Standards and requirements.
5. Where the District performs all the required sampling and analyses in lieu of the IU, the user will not be required to submit the compliance certification required for this report. In addition, where the District itself collects all the information required for the report including flow data, the IU will not be required to submit the periodic compliance report.

6. If sampling performed by an IU indicates a violation, the user shall notify the District Director of Plant Operations within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District Director of Plant Operations within thirty (30) days after becoming aware of the violation. Where the District has performed the sampling and analysis in lieu of the IU, the District shall perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if District performs sampling of the IU at least once a month, or the District performs sampling at the user between the time when the initial sampling was done and the time when the user of the District receives the results of this sampling. If an IU subject to the reporting requirements of this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District Director of Plant Operations using the procedures described in this Title, the results of this monitoring shall be submitted to the District.
7. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
8. The District may reduce the monitoring requirements in this Section to a frequency of no less than once a year, unless required more frequently in the Pretreatment Standard or by the USEPA, where the IU meets the criteria as given in 40 CFR 403.12(e)(3).

D. Pollutant Monitoring Waiver

The District may authorize the SIU subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the SIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the SIU. The District may authorize a waiver to sample for a pollutant if all the conditions found in 40 CFR 403.12 (e)(2) are met.

E. Compliance Schedule Progress Report.

The following conditions shall apply to the compliance schedule required by Section 3A7 of this Article or Title 7, Article I, Section 3C:

1. The schedule shall contain progress increments of progress in the form of dates for the commencement and completion of major events leading to



the construction and operation of additional pretreatment required for the IU to meet the applicable pretreatment standards Such events include, but are not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing and completing, and conducting routine operation.

2. No increment referred to in this Section shall exceed nine (9) months.
3. The IU shall submit a progress report to the Director of Plant Operations no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the IU to construction to the schedule established.

F. Certification

1. SIUs required to submit a WDP Application, BMR, ninety (90)-day compliance report, and/or periodic compliance reports as required in Sections 2 and 3 of this Article, shall make the following certification for each such report:

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

2. Annual Certification by Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant CIU by the District must annually submit the following certification statement, signed in accordance with the signatory requirements in 40 CFR 403.12(l) and Section 7 of Title 1 of the District's Code of Ordinances. This certification must accompany an alternative report to the District.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR, I certify that, to the

best of my knowledge and belief that during the period from \_\_\_\_\_ to \_\_\_\_\_, [months, days, year]:

(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as defined in 40 CFR 403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information:"

3. Certification of Pollutants Not Present – IUs that have an approved monitoring waiver based on Article III, Section 3D of this Article, must certify on each report, with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the IU (40 CFR 403.12(e)(2)(v).

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_[list pollutant(s)] in the wastewater due to the activities at the facility since filing of the last periodic report under Article III, Section 3.C. of this Title.” [40 CFR 403.12(e)(1)]”

#### SECTION 4. Denial of Permit and Appeal Procedure

- A. No discharge permit shall be issued by the Executive Director to any person whose discharge of material to sewers, whether shown upon his application or determined after inspection and testing conducted by the District, is not in conformity with District ordinances and regulations, unless a variance of such nonconformity is granted by the Board in the manner set forth in this Title. The Director of Plant Operations shall state the reason or reasons for denial or requirement for variance in writing, which shall be mailed or personally delivered to the applicant within five (5) days after denial or determination of a need for a variance. Where a variance is required, users shall follow the procedures set forth in Article II, Section 6 of this Title. Such petition for variance shall be filed within fifteen (15) days of the receipt of the Director of Plant Operations requirement for a variance.

Amended by Ord. 03/04-O-02 Eff. 2-23/04

- B. If the application is deemed unsatisfactory by the District Director of Plant Operations, or if the discharge indicated from the permit application or inspection is

not in accordance with the requirements of this Title, the IU may obtain review of the denial by the Executive Director, in accordance with the appeal provisions in Title 7, Article II, Section 4.A, provided that the IU shall give written notice of this request therefore, within thirty (30) days after receipt of such denial.

- C. In the event it is determined by the District Director of Plant Operations that any discharge of wastewater to a sewer materially and substantially differs in type and volume from those characteristics set forth in the application and discharge permit issued based on a said application, the IU shall be subject to revocation of discharge permit, disconnection, fine and other penalties as in the Code and particularly Title 7.

#### SECTION 5. Monitoring Facilities

- A. The District Director of Plant Operations shall require, to be installed and maintained at the IU's expense, monitoring facilities consisting of a large manhole or sampling chamber to allow sampling, inspection and flow measurement of the building sewer discharge. Monitoring facilities shall be installed on each separate discharge in the building sewer, in accordance with plans and specifications approved by the District Director of Plant Operations.

1. The monitoring facilities shall be located on the IU's premises, provided that if such location would be impractical or cause undue hardship to the IU, District Director of Plant Operations may allow the facility to be constructed in a public street or sidewalk area. Such facility shall be so located so that samples may be taken safely and easily and shall not be obstructed by landscaping, parked vehicles or other activity of the IU. IUs wishing to change the location of monitoring facilities must obtain written approval from the District Director of Plant Operations before making such change.
2. There shall be ample room, in and near, such monitoring facilities to allow accurate sampling and monitoring equipment to be installed and to prepare samples for analysis. Such facilities shall be accessible to authorized representatives of the District at all times upon presentation of suitable identification during the facility's normal operating hours.

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

3. The location of flow meters and/or water meters shall be in an area of the property of the IU where they can be safely inspected. Water meters and flow meters shall not be located in confined spaces or in hazardous locations or areas on the property of the IU where hazardous operations are taking place. The District Director of Plant Operations will determine, at his discretion, whether or not flow meters and water meters of the IU are safely located.

- B. Each IU whose wastewater discharges has, by sampling of wastewater or other means of inspection, been found to contain, or have the potential to contain, incompatible priority pollutants in amounts or concentrations which may cause interference with the wastewater treatment works process or operation, shall provide such enhanced monitoring facilities on each building sewer discharge which contains, or has the potential to contain, incompatible priority pollutants.
1. The entrance or manhole to such enhanced monitoring facilities may be secured by a break-away key type locking device installed by the District. District Director of Plant Operations shall have the only key to said locking device and will have complete control of access to the monitoring facility. When required by an IU, District personnel shall be available to open the monitoring facilities upon ninety (90) minute notice when good cause is shown. Alternative means of adequately securing such monitoring facilities may be approved by the Executive Director upon recommendation of the District Director of Plant Operations.
  2. The enhanced monitoring facilities shall contain the following equipment installed in a permanently fixed position by the IU:
    - a. A Palmer Bowlus flume or weir incorporated into the invert of the monitoring manhole.
    - b. A dedicated source of electrical power to the monitoring facilities of sufficient voltage and amperage to operate all equipment in the sampling chamber. An appropriate device shall be installed by the IU to indicate a power failure and length of time of such failure. Such device may be specified by the District and furnished by the IU.
    - c. Automatic composite sampling devices provided by the District will be installed and operated in the monitoring facility on a twenty-four (24) hour basis, seven (7) days per week. Samples will be collected by District personnel five (5) days per week and analyzed on a routine basis. The District will provide a split of each sample taken from said monitoring facility upon written request of the IU.
    - d. All measurements, tests, analyses of the characteristics of water and wastes to which reference is made in this Section shall be determined in accordance with Standard Methods 40 CFR Part 136.

#### SECTION 6. Inspection, Sampling and Records Keeping

- A. The District Director of Plant Operations, or his designee, may inspect the facilities of IUs to ascertain whether the purposes of this Title are being met and if

all requirements of the Title are being complied with. Persons or occupants of premises used by an IU shall allow the District, or its representatives, ready access, upon presentation of credentials, at reasonable times, to all parts of said premises for the purposes of inspection, sampling, examination and copying of records required to be kept by this Title and in the performance of any of their duties. The District, or its authorized representative, shall have the right to set up on the IU's property such devices as are necessary to conduct sampling, monitoring and metering operations. Where requested in writing by the authorized representative of the IU, the District shall leave a representative portion of any sample taken from any sample point on the property of the IU. In cases of disputes arising over shared samples, the portion taken and analyzed by the District shall be presumed to be the valid sample. Where an IU has security measures in force which would require suitable identification, necessary arrangements shall be made with their security guards so that upon presentation of suitable identification, personnel from the District shall be permitted to enter immediately for the purposes of performing their specific responsibilities. Failure of an IU to allow District, or its representatives, ready access, or failure to comply with other provisions of this sub-section shall be a violation of this Title and subject the IU to any remedies the District may have, including without limitation, fines of up to \$1,000 per occurrence.

B. Maintenance of Records

1. IUs and District Director of Plant Operations shall maintain records of all information resulting from any monitoring activities required by this Title, including documentation associated with Best Management Practices.
2. In addition to the requirements of Subsection B1 of this Section, IUs shall retain the following self-monitoring data for all samples:
  - a. Date, exact place, method and time of sampling and the names of person or persons taking the samples.
  - b. The dates analyses were performed.
  - c. Who performed the analyses.
  - d. The analytical techniques/methods used.
  - e. The results of such analyses.
3. Any IU or the District and IUs subject to reporting requirements established in this Title (including documentation associated with Best Management Practices) shall be required to retain such records for a minimum of three (3) years. This period of retention shall be extended during the course of any

unresolved litigation regarding the discharge of pollutants by the IU or operation of District's pretreatment program or when requested by the Executive Director or Regional USEPA Administrator.

#### SECTION 7. Pretreatment

IUs shall provide necessary wastewater pretreatment as required to comply with this Title and shall achieve compliance with all applicable Pretreatment Standards, local limits and the prohibitions set out in Article II of this Title within the time limitations as specified by appropriate statutes, regulations, and ordinances, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the District Director of Plant Operations shall be provided, properly operated and maintained at the IU's expense. Detailed plans showing the pretreatment facilities shall be submitted to the District Director of Plant Operations for review and must be acceptable to the District Director of Plant Operations before construction of the facility. The IU shall obtain all necessary construction/operating permits from the IEPA. Such pretreatment facilities shall be under the control and direction of an IEPA certified Wastewater Treatment Operator. The review of such plans shall in no way relieve the IU from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the District Director of Plant Operations under the provisions of this Title. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the District Director of Plant Operations prior to the IU's initiation of the changes.

#### SECTION 8. Confidential Information

Any information submitted to the District may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential information" on each page containing such information. If no claim is made at the time of submission, the District may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

- A. Effluent data. Information and data provided to the District pursuant to this part which is effluent data shall be available to the public without restriction.
- B. District. All other information which is submitted to the District shall be available to the public at least to the extent provided by 40 CFR 2.302 or the Illinois Freedom of Information Act.

#### SECTION 9. Closure Plans

In the event that a Significant Industrial User (SIU) closes, or if the processes that classify the user as significant are closed, the user shall file a written closure plan with the District. The closure plan shall contain, at a minimum, the following:

- A. A description of each wastewater generating process that will be closed.
- B. A description of how the facility will be closed and the extent of operations during the closure period.
- C. An inventory and estimate of the volume of all process wastewater, chemicals, and hazardous waste on site. A description of the methods for disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste management facilities to be used.
- D. A schedule of the closure activities indicating the time required to complete each closure step.

ARTICLE IV –  
FOOD SERVICE ESTABLISHMENT (FSE)

SECTION 1. Requirement for Discharge Permits

- A. General Food Service Establishment (FSE) permits shall be issued by the District to those establishments required to install separators as set forth in Article II, Section 8 of this Title.
- B. Any FSE required to obtain a discharge permit shall complete and file with the District, a General Industrial/Commercial Wastewater Discharge Permit Application in a form to be prescribed and furnished by the District, as well as a fee, to be determined by the Board.
- C. An FSE permit shall be issued for a specified time period, not to exceed three (3) years.
- D. An FSE permit is issued to a specific FSE and owner. An FSE permit shall not be assigned, transferred, or sold to a new owner without prior approval from District.

Amended by Ordinance 15/16-O-06 Eff. 4/26/2016

E. The District Director of Plant Operations, or his designee, may inspect the facilities of FSE's to ascertain whether the purposes of this Title are being met and if all requirements of the Title are being complied with. Persons or occupants of premises used by an FSE shall allow the District, or its representatives, ready access, upon presentation of credentials, at reasonable times to all parts of said premises for the purposes of inspection. Failure of an FSE to allow the District, or its representatives, ready access or failure to comply with other provisions of this sub-section shall be a violation of this Title and shall subject the FSE to any remedies the District may have, including without limitation, fines of up to \$1,000 per occurrence.

Amended by Ordinance 16/17-O-01 Eff. 3/27/17

## TITLE 3

### USER CHARGE SYSTEM

#### ARTICLE I. Abbreviations

The following abbreviations shall have the designated meanings within this Title:

BOD	Biochemical Oxygen Demand
Ccf	Hundreds of Cubic Feet
cf	Cubic Feet
COD	Chemical Oxygen Demand
NH <sub>4</sub> -N	Ammonia Nitrogen
O & M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
TSS	Total Suspended Solids

#### ARTICLE II. Definitions

The following definitions shall have the designated meanings within this Title:

SECTION 1. "Analysis Charge" shall mean a charge per type of incompatible pollutant analysis determined by multiplying the basic hourly rates for such analysis by the average time required to conduct it.

SECTION 2. "Basic Hourly Rate for Analysis" shall mean the average hourly wage rate for laboratory personnel used to analyze a sample for an incompatible pollutant plus fringe benefits and related overhead costs.

SECTION 3. "Basic Hourly Rate for Sampling" shall mean the average hourly wage rate for sampling personnel used to conduct a sample plus fringe benefits and related overhead costs.

SECTION 4. "Billable BOD" shall, except as otherwise provided in this section, mean a user's loading in pounds of BOD calculated using the Billable Flow and concentration of BOD in the wastewater as determined by the District. Where the product of the COD concentration of the Industrial Discharge and the ratio of BOD to COD in the combined wastewater influent at the treatment plant is greater than the BOD concentration of the Industrial Discharge, then this product shall be used in place of the BOD concentration. For those Industrial Dischargers that have been billed in accordance with this Section for COD the BOD concentration shall not be determined by the District. Those industrial users that are billed on COD shall be periodically sampled for BOD to determine the ratio of BOD to COD. If this sampling of industrial dischargers reveals that COD concentrations should be used for billing purposes, BOD concentrations shall not be determined by the District.



SECTION 5. "Billable Flow" shall mean a user's recorded water usage as metered by the appropriate water utility, or the District, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the District approved percentage factor for wastewater entering the sewer system out of the metered water. Users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other users of the same class.

SECTION 6. "Billable NH4-N" shall mean a user's loading in pounds of NH4-N calculated using the billable flow and concentration of NH4-N in the wastewater as determined by the District.

SECTION 7. "Billable TSS" shall mean a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater as determined by the District.

SECTION 8. "Commercial User", for the purposes of the user charge, shall mean a facility which is engaged in the purchase or sale of goods, transaction of business or which otherwise renders services to the public, or any dwelling of three (3) or more units.

Amended 8-24-2015, Ord. 15/16-O-02

SECTION 9. "Compatible Pollutant Monitoring" shall mean the sampling and analysis of BOD, COD, TSS, and NH4-N in user's wastewater.

SECTION 10. "Cycle or Billing Cycle" shall mean a billable period of usage as established by the Rock River Water Reclamation District.

SECTION 11. "Domestic Level User" shall mean a user discharging normal domestic strength wastewater.

SECTION 12. "Governmental User" shall mean any user established by Federal or State statutes.

SECTION 13. "Industrial Discharge" shall mean industrial wastewater discharged by users resulting from manufacturing or other processes which has characteristics other than normal domestic strength wastewater.

SECTION 14. "Loading" shall mean the volume of wastewater, or pounds of BOD, or pounds of TSS, or pounds of NH4-N discharged to the sanitary sewer.

SECTION 15. "Normal Domestic Strength Wastewater" as defined for the purposes of this Title shall mean the wastewater strength of residential users as determined from time to time by District.

SECTION 16. "Outside Sources" shall mean all sources outside the District whose wastewater is discharged to the District, either by truck, tank car, or pipeline; excluding, however, domestic septage hauled by wastewater haulers permitted under Title 2 of this Code.

SECTION 17. "Permitted Wastewater Hauler Vehicle" shall mean a vehicle used for hauling wastewater, which has been granted a permit under the requirements of Title 2 of this Code.

SECTION 18. "Capital Costs" shall mean all costs, direct and indirect, for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SECTION 19. "Residential User" shall mean a user whose single or two-family dwelling is used primarily as a domicile for one or more persons and whose wastewater originates from normal living activities of its inhabitants.

Amended 8-24-2015, Ord. 15/16-O-02

SECTION 20. "Sampling Charge" shall mean a charge per sample determined by multiplying the basic hourly rate for sampling by the average time required to obtain a sample.

SECTION 21. "Sewer Service Line" shall mean the sewer line from the building drain to the public sewer or other place of disposal which conveys sanitary or industrial wastewater only.

SECTION 22. "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and any other procedures recognized by U.S. EPA and IEPA.

SECTION 23. "Summer Usage Period" shall mean the period from April 1 through September 30 which period shall include the greatest usage of non-returnable water to the District due to summer activities including, but not limited to, lawn watering, garden watering, and car washing.

Amended 10-22-2012, Ord. 12/13-O-06; Amended 8-24-2015, Ord. 15/16-O-02

SECTION 24. "Winter Usage Period" shall mean the period from January 1 through the last day in February.

Added 10-22-2012, Ord. 12/13-O-06

SECTION 25. "Customer Charge" shall mean a charge issued per bill that pays for some of the fixed costs for providing service, even if there is no Billable Flow.

Amended 10-22-2012, Ord. 12/13-O-06

SECTION 26. "Credit Meter" shall mean a meter installed for the purpose of measuring water that does not return to the District. The District shall provide, install, and maintain Credit Meters for a fee. The location of Credit Meters shall be in an area of the property where they can be safely inspected. Credit Meters shall not be located in confined spaces or in hazardous locations or areas on the property where hazardous operations take place. The District Director of Plant Operations will determine, at his discretion, whether or not Credit Meters are safely

located.

Added 8-24-2015, Ord. 15/16-O-02; Amended on 3/28/2016 by Ordinance 15/16-O-05 effective 3/28/2016

SECTION 27. "Automatic Meter Reading (AMR) Head" shall mean a device that is attached to a water meter to allow remote reading of the meter. The District shall provide, install, and maintain AMR heads for a fee.

Added 8-24-2015, Ord. 15/16-O-02

### **ARTICLE III. Revenues**

#### **SECTION 1. User Charge System**

##### **A. General**

1. All users of the District shall be billed based on their Flow and industry accepted strength loadings for TSS, BOD, NH4-N and the costs for providing and maintaining service.
2. User charge rates shall be set by ordinance and be effective when the ordinance is passed by the Board of Trustees in accordance with statute and the provisions of this Code.

##### **B. Determination of Wastewater Characteristics**

###### **1. Billable Flow:**

- a. Billable flow for all users, except wastewater haulers, shall be determined in accordance with the definition of billable flow in Article II Section 5 of this Title; provided that users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other users of the same class.
- b. Industrial, commercial and governmental users shall install and maintain, in addition to meters required by the appropriate water utility, such additional water meters or sewage flow meters as the Director of Plant Operations shall specify. For purposes of this section, "commercial user" shall include all multiple family residential buildings that are zoned for three family use or greater. Such meters may be required for allowing credit for billing purposes, for recording of flow from wells or for such other purposes as the Director of Plant Operations shall determine. For meter reading purposes, the readouts for such meters shall be located in a safe and convenient location as specified by the Director of Plant Operations.
- c. The industrial, commercial or governmental user shall perform routine maintenance as required and recalibrate all open channel ultra-sonic sewage flow meters at least semi-annually. Such maintenance and recalibration shall be performed by a factory representative or equivalent third party who shall

submit written certification to the District as to any maintenance performed on the sewage flow meter and the accuracy of the flow measurement as a result of the calibration. Industrial, commercial or governmental users not having sewage flow meters shall perform routine maintenance on water meters owned by such users and recalibrate such meters at least semi-annually.

Amended 2-23-04 Ord. 03/04-O-03

d. Discounts

(1) Certain users may be eligible for discounts on their billable flow for a Summer Usage Period if each of the following criteria is met:

- (a) Bills are for single or duplex dwellings used for residential purposes.
- (b) The dwelling does not have a credit meter installed for purposes of determining quantities of water not discharged to the POTW.
- (c) The dwelling uses metered water.

(2) Users that are eligible for discounts as defined in this subparagraph d. may receive discounts on their wastewater treatment bills for a designated Summer Usage Period (Article II, Section 23.), such discounts being computed as follows:

- (a) The user's water meter readings for at least 75% (45 days is the minimum amount of water meter readings to qualify) of the Winter Usage Period (Article II, Section 24.) shall be used to calculate a daily water usage amount. This daily water usage amount plus 20% will be compared to the Summer Usage Period average daily usage amounts.
- (b) If the Summer Usage Period average daily usage is less than or equal to the calculated Winter Usage Period daily usage amount plus 20%, then the average daily usage shall be used in preparing the user's bill.
- (c) If actual usage is greater than the calculated Winter Usage Period daily usage amount plus 20%, the calculated Winter Usage Period daily usage amount plus 20% shall be used in preparing the user's bill.

Amended 10-22-2012, Ord. 12/13-O-06

(3) Anything in this subsection B.1.d. notwithstanding, such discounts shall not be available for any cycle of the Summer Usage Period if:

- (a) The Winter Usage Period has less than 75% of actual meter readings, shows zero flow, or is a final bill; or
- (b) The billable flow for such cycle of the Summer Usage Period is an estimate, or is a final bill; provided, that in such cases a discount

may be allowed by District on a showing by the user that an average can be accurately determined and use for such cycle of the Summer Usage Period can be computed.

Amended 10-22-2012, Ord. 12/13-O-06

e. Credit Meters

(1) User/property owner may pay a fee for a credit meter and an Automatic Meter Reading (AMR) head. The fee covers the cost, installation, and maintenance of the credit meter and AMR. The property owner is responsible for any damage not caused by normal usage. The fee will be reviewed annually and may change.

(2) If, after installation, the user/property owner does not want a credit meter, upon request to the District, the District will have the meter removed. A one time disconnection fee will be charged to cover original installation, de-installation, and any reconditioning of the credit meter and AMR. The charge will be reduced by the amount of credit meter fee payments made to date.

Added 8-24-2015, Ord. 15/16-O-02; Amended on 3/28/2016 by Ordinance 15/16-O-05 effective 3/28/2016

f. Billable flow for wastewater haulers shall be based on the actual gallonage delivered as determined by using scales located at the District.

g. Billable flow for outside sources shall be based on the actual gallonage as delivered by weight using scales at the District, or by using either a sewage flow meter or water meter, if wastewater is delivered by pipeline.

2. Billable BOD/Billable TSS

a. Domestic Level or Residential Users.

BOD, TSS, and NH<sub>4</sub>-N wastewater strengths of domestic level and residential users shall be determined by District by consideration of information from, *inter alia*, other POTWs, USEPA, NACWA, and surveys.

b. Industrial, Commercial and Governmental Users.

District shall periodically sample and analyze wastewater from industrial users whose wastewater or manufacturing processes contain, or has the potential to contain, incompatible pollutants to determine the BOD, TSS and NH<sub>4</sub>-N strengths of the wastewater. District shall periodically sample and analyze wastewater from selected users in commercial classifications that discharge wastewater at strengths other than domestic strength as determined under paragraph 2.a. of this subsection to determine the BOD, TSS and NH<sub>4</sub>-N strengths of the wastewater. Results so obtained shall be considered to be representative of wastewater for all users of the classification and shall be used for the computation of user charges unless a user's wastewater is classified by the Director of Plant Operations as having special wastewater

characteristics.

c. Wastewater Haulers.

Billable BOD, TSS, and NH<sub>4</sub>-N for wastewater haulers shall be determined by periodically obtaining random samples from permitted wastewater hauler vehicles at the District or by analyzing the wastewater discharged by a permitted wastewater hauler vehicle from a specific load which may have unusual wastewater characteristics. The results so obtained shall be used in the computation of user charges for the permitted wastewater hauler vehicle.

d. Outside Sources

(1) For wastewater delivered by truck or tank car, billable BOD, TSS and NH<sub>4</sub>-N shall be determined by periodically obtaining random samples from the vehicles or tank cars at the District.

(2) Billable BOD, TSS and NH<sub>4</sub>-N for pipeline deliveries shall be determined by periodic sampling from the source of such wastewater.

3. Incompatible Pollutants

a. Determination of the Presence of Incompatible Pollutants.

Industrial Users whose wastewater or manufacturing processes contain incompatible pollutants, or have the potential to contain incompatible pollutants, as determined by the Director of Plant Operations, shall be monitored periodically by the District to determine the number of incompatible pollutants present in the industry's wastewater. The number of incompatible pollutants being monitored shall be used in the calculation of the User Charges for incompatible pollutants.

b. Sampling/analysis for Incompatible Pollutants.

Industrial Users whose manufacturing processes or wastewater contain or have the potential to contain pollutants shall be sampled periodically by the District. The number of samples taken and the type and number of analyses conducted shall be used in the calculation of the user charges for incompatible pollutants.

c. Outside Sources

Determination of the presence of incompatible pollutants in wastewater delivered from outside sources shall be determined by periodic monitoring by the Director of Plant Operations. The number of incompatible pollutants being monitored shall be used in the calculation of the user charges for incompatible pollutants. Outside sources whose wastewater contains, or has the capacity to contain, pollutants shall be sampled periodically by the District. The number

of samples taken and the type and number of analyses conducted shall be used in the calculation of the user charges for incompatible pollutants.

### C. Calculation of User Charges

#### 1. Operations and Maintenance (O & M)

a. Budget and Allocation - The Executive Director will annually develop a budget for O & M costs for the next fiscal year. Said budget, as revised or amended by the Board of Trustees, shall be adopted by the Board. The O & M expense budget, equipment needs, capital projects, debt service, non user fee revenues, required reserves and current cash balance determine the total District cash flow, user rates and need for borrowing, if any.

#### b. Charges for Incompatible Pollutants

##### (1) Sampling/Analysis Charge

The quarterly charge for sampling/analysis shall be calculated for each industrial user by multiplying the number of samples obtained times the sampling charge and adding the result to the product of the analysis charge and the number of analyses conducted during said quarter. The resulting charges shall be added to the user's wastewater treatment bill.

##### (2) Base Charge

Quarterly O & M incompatible pollutant charges shall be calculated as follows:

Quarterly O & M incompatible pollutant costs not recaptured from individual sample/analysis charges set forth in b1 above shall be divided by the number of incompatible pollutants being monitored as set forth in Section 3a hereof. The result shall be the "Quarterly toxic base charge per incompatible pollutant monitored." Such charge shall, for each industrial user, be multiplied by the number of incompatible pollutant(s) monitored. The resulting charges shall be added to that industrial user's wastewater treatment bill.

##### (3) Differential Charges

Any user or class of users discharging incompatible pollutant(s), fats, oil or grease (FOG), BOD, TSS, or NH4-N to the District POTW which cause the District to alter its method of wastewater treatment to a more costly method may be assessed up to the differential cost between such more costly method of treatment and the method of treatment which would provide the lesser cost to the District. The users or class of users causing such alteration in method of treatment shall be identified by the Board by separate ordinance, which ordinance shall identify the compatible or incompatible pollutant involved. The separate ordinance or ordinances shall set forth the rates and charges

applicable to such users or class of users for the identified compatible or incompatible pollutant.

c. Charges for Compatible Pollutants Monitoring

(1) Sampling/Analysis Charge for Industrial User.

The quarterly charge for sampling/analysis shall be calculated for each industrial user by multiplying the number of samples obtained times the sampling charge and adding the result of the product of the analysis charge and the number of analyses conducted during said quarter. The resulting charges shall be added to the user's wastewater treatment bill.

(2) Sampling/Analysis Charge for Classes of Users.

The quarterly charge for sampling/analysis shall be calculated for each member of a class of users by multiplying the number of samples obtained, times the sampling charge, and adding the result to the product of the analysis charge, and the number of analyses conducted during said quarter. The resulting charge shall be divided by the number of members of the class and the result added to their wastewater treatment bills.

(3) Sampling/Analysis Charges Allocated to All Users

Compatible Pollutant Wastewater monitoring costs not recaptured under 1 and 2 hereof, shall be added to other costs allocated to BOD, TSS, and NH4-N under this Article.

2. Capital Costs

a. Budget and Allocation – The Executive Director will develop a ten-year program to provide for projected capital costs of the District as that term is defined in Article II, Section 18 herein. Said costs, as revised or amended by the Board of Trustees shall be adopted by the Board. Said ten-year program shall be reviewed at least annually, both to confirm the next year's capital costs and to extend the ten-year program an additional year.

b. Any user or class of users discharging incompatible pollutant(s), fats, oil or grease (FOG), BOD, TSS, or NH4-N to the District POTW which cause equipment, accouterments or appurtenances qualifying for capital expenditures to wear out or fail at an accelerated rate when compared to their normal wear-out or failure rate, may be assessed the cost or a portion of the cost of such accelerated failure or wear-out. Such assessment shall be made by separate ordinance in the manner set forth in Section 1C1b(3) of this Article.

D. Additional Charges

Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010



Users may be billed as required for the following additional District costs:

1. Fees for initial wastewater discharge permits and renewals of same.
2. Costs incurred on behalf of users requesting sampling and analysis or for required industrial sampling and analysis specified by the District and not set forth elsewhere in District ordinances.
3. Costs incurred for water meter inspection requested by the user or required because of improper maintenance or malfunction of the water meter.
4. Costs incurred by District in collection of delinquent accounts, including but not limited to:
  - a. Costs of preparing and filing liens.
  - b. Costs and attorney's fees for collection.
  - c. Disconnection and reconnection fees for sewer and water service, if appropriate.
  - d. Administrative collection costs.

Except for court costs and attorney's fees, collection costs set forth in this subparagraph shall be established by the Board by separate ordinance.

5. Costs incurred by the District to repair damage to manholes and lines caused by pH corrosion or damage due to wastewater characteristics or user actions or negligence.
6. Costs incurred by the District for cleaning clogged sewer lines due to FOG or high-suspended solids concentration.
7. Costs incurred for handling a user's check returned to District for insufficient funds.
8. Costs incurred for special handling not provided for elsewhere in this Title.
9. Payment in Lieu of Taxes. Where an agreement exists between a user outside the District and the District.
10. Costs, including District administration and related engineering costs, incurred by the District for sanitary sewer system adjustments, replacements or relocations resulting from municipal or other government entity improvements which are paid, or to be paid, by the District to the municipality or other government entity. Such costs that result from the municipality or other government agency improvements shall be chargeable to the users located in the subject municipality or government entity. Such costs shall not include enhancements to the District sewer system requested by the District.
  - a. Adjustment is defined as a vertical change in a manhole and may involve significant structural work.

b. Replacement is defined as a removal and replacement of the sewer main or service and associated appurtenances in the original location and of the same size pipe.

c. Relocation is defined as a vertical or horizontal change in the location of the sewer main or service and associated appurtenances of the same size pipe.

d. Enhancement is defined as an increase in pipe size, abandonment of an existing facility, complete reconstruction of a sewer main or manhole due to existing structural defects, or installation of new sewer main or services.

Paragraph 10 added on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

11. Costs incurred by District in collection of permit fees, enforcement actions, fines, and/or penalties, including but not limited to:

- a. Costs and attorney's fees.
- b. Costs incurred for serving notices.
- c. Disconnection and reconnection fees for sewer and water service, if appropriate.
- d. Administrative costs.

Except for court costs and attorney's fees, administrative costs set forth in this subparagraph may be established by the Board by separate ordinance.

Paragraph 11 added on 12/28/2012 by Ordinance 12/13-O-07 effective 12/29/2012

## E. Wastewater Treatment Bill

Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

1. The basic wastewater treatment bill for all users shall consist of user charges for Flow, BOD, TSS and NH4-N applied to the user's billable flow, billable BOD, billable TSS and billable NH4-N.

2. Wastewater treatment bills for non-residential users shall consist of the basic wastewater treatment bill described in Section 1 above plus 1) incompatible pollutant wastewater sampling and analysis charges as described in Section 1C(1)b(1) of this Article, and 2) base charges for incompatible pollutants for each user discharging incompatible pollutants as described in Section 1C(1)b(2) of this Article.

Amended on 3/28/2016 by Ordinance 15/16-O-05 effective 3/28/2016

3. Wastewater treatment bills for outside sources shall be calculated using the user fee rates for BOD, TSS, flow and NH4-N multiplied by a factor (see paragraph 14.), plus any other charges as set forth in paragraph (4); provided, however, that for good and sufficient reason, the Board may, on a case-by-case basis, and in its sole discretion, adjust the multiplier up or down; provided further that such multiplier shall never be less than 1.0.

4. Other charges, as developed in Sections 2.D of this Article, shall be added to the wastewater treatment bill as required. The charges, including District administration and related engineering costs, developed under Section 2.D.10 shall be applied to the wastewater treatment bills within the specific municipality.

Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

5. Users whose user charge bills are not paid within 20 days of the date of billing shall be charged a penalty of 10% of such bill. Delinquent accounts shall be subject to collection procedures as outlined in Title 7, Article II of this Code.

6. A bill shall be produced for each user on a billing cycle established by the District.

7. A final bill shall be produced for each user after notification to the District of change of ownership or occupancy of the property, at the request of the user, or when District receives service of summons as set forth in Title 7, Article II, Section 1D of this Code. Such final bill shall include charges for usage through the date of the final bill, or if such information is not available, an estimate of usage as determined by the District.

8. A bill shall be issued each month to wastewater haulers who are permitted to dump wastewater loads at the District Treatment Plant for all loads dumped for the previous month.

. If a bill is rendered to a customer who is not the property owner, and the bill becomes unpaid or delinquent, then the property owner shall bear the responsibility of payment.

11. Non-receipt of any bill described in this Article shall not release the user from liability for the charges contained therein. In any case where the user is responsible for the non-receipt of bill, the conditions herein described for late payment and penalties shall apply. In any case where the District is responsible for the non-receipt of bill, the District may, at its discretion, grant the user an extension of the late payment conditions described herein.

#### 12 Account Responsibilities.

a. The responsibilities for an account for the direct or indirect discharge of wastewater to any District wastewater collection facilities shall be established, transferred or changed subject to District approval and in compliance with this paragraph. The owner of property serviced by District sewer shall be responsible for promptly notifying the District of any change in: (1) the ownership of property serviced by District sewer, (2) the type of use of property serviced by District sewer, (3) the responsibility for payment of the user charge, or (4) any billing information. Prior to any new account establishment or transfer a current certification of compliance with Title 2, Article II, Section 1 of this Code shall be on file for the property with the District. In the event such certification of compliance is not on file when the District is notified of a new account establishment or transfer, a temporary account shall be provided for the lesser of

thirty days or the time when such certification of compliance is deposited with the District. An account “transfer” shall be required when a change in ownership of property serviced by District sewer results in the responsibility for payment of the user charge changing to the new owner or representative thereof.

Any person or entity holding an account for property serviced by District sewer may be requested by the District in writing to provide a certification of compliance with Title 2, Article II, Section 1 of this Code on the basis of: (1) identification by the District that the specific premises or area in which the premises is located has experienced sewer back-ups or sewer main flows exceeding usual and anticipated flows based on water consumption, flow metering or other quantifiable methods, (2) identification by the District of probable noncompliance with Title 2, Article II, Section 1 of this Code based on televising, smoke testing, dye testing or any reliable method of testing or inspecting the sewer system, or (3) receipt by the District of a documentary statement of an owner or tenant of the premises or licensed plumber of the existence of an illegal connection that is not certified as having been corrected. Property serviced by District sewer for which any person or entity fails to comply with such request within thirty days of receiving notice thereof shall be subject to sewer disconnection in accordance with show cause procedures as outlined in Title 7, Article II of this Code.

Amended: 03-25-02, Ord. 01/02-O-05

b. Bills shall be sent in the manner set forth herein to each property owner of record unless the District approves a change.

c. Property owners must advise District prior to any hookups of the following:

- (1) Location of property.
- (2) Water service account number.
- (3) Billed party name and address.
- (4) Type of use.

d. Bills rendered for user charges shall be deemed notice to all parties, whether or not the person sent the bill is the owner of the property served.

e. District shall not be required to accept payments from users, either in person or by mail, where such payments, including envelopes, cash, checks, and bill stubs are marred, mutilated or smeared with blood, fecal material or other offensive material. Where payments are received in which documents or payments are mutilated, marred or contain such offensive matter, District may return such material to the sender or at its option, turn it over to appropriate authorities, including, without limitation police agencies or the United States Post Office. Any costs related to the handling of such material shall be added to the user's account, and any payment included shall not be credited to the user's account if the documents are turned over to a police agency or returned to the sender.

13. Bills may be adjusted when a user clearly demonstrates that their bill is in error. The reasons for such adjustments may include, but are not necessarily limited to:

a. water passing through a water meter but not reaching District sewer;

b. failure of District to give a summer usage period adjustment for a residence when such adjustment should have been given;

Amended 8-24-2015, Ord. 15/16-O-02

c. when actual readings are furnished after a bill was issued based on estimated readings;

d. where actual wastewater characteristics vary from estimates;

e. when water meters are broken or inoperative; or

f. when credit meters are not read for a lengthy period.

Amended 8-24-2015, Ord. 15/16-O-02

Unless otherwise provided in this Title, any claim for adjustment of a bill must be made not later than 180 days after the bill is issued.

Amended 08-27-01, Ord. 01/02-O-02

14 Bills shall be adjusted by the District, with or without a request for adjustment by the owner, where the District has identified a billing error resulting from the District assignment of wastewater characteristics (WWCs) or billable flow. In such cases, adjustments may be made for a period in excess of 180 days, but not longer than the period from the date of assignment of incorrect WWCs or flow by the District to the date the correct WWCs or flow are determined or confirmed by the District.

15 Bills for wastewater haulers shall be computed using the provisions of this Section, times the following multipliers:

a. For wastewater, including septage, collected from property within the Winnebago, Boone, Ogle economic development region: 1.4

b. For wastewater, including septage, collected from property lying outside the Winnebago, Boone, Ogle economic development region: 3

c. Non-septic hauled industrial waste sources shall be charged a one time Plant Equity Fee calculated pursuant to Title 5, Article II of the Code of Ordinances.

Amended 6-28-10, Ordinance 10/11-O-02

16. Provided District is given adequate prior notice, in cases in which wastewater is hauled to the treatment works by a hauler from locations that are known to lie within the District, such hauler will be charged based on the provisions of this Section without the use of multipliers.

## SECTION 2. Ad Valorem Taxes

Ad valorem taxes shall continue to be collected for the public benefit fund and for any other purpose provided by law and not preempted by the Act.

**ARTICLE IV.** User Charge Accounting

District shall account for all monies collected under the user charge system in accordance with generally accepted accounting principles and applicable statutes and regulations.

## TITLE 4

### SERVICE TO OUTLYING TERRITORIES, PERMITS DISCHARGE STANDARDS, SERVICE CONNECTIONS AND SEWER EXTENSIONS

Repealed and replaced in its entirety on 8/28/2000 by Ordinance 00/01-O-04 effective 8/28/2000; Amended Article III on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002; Amended Articles IV and V on 7/22/2004 by Ordinance 04/05-O-01 effective 8/1/2004; Added Article VII on 12/16/2004 by Ordinance 04/05-O-03 effective 1/1/2005; Amended Articles V and VI on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Article IV on 4/11/2005 by Ordinance 04/05-O-06 effective 5/1/2005; Amended Articles IV, V and VI on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Articles IV and VI on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended Article VII on 12/20/2007 by Ordinance 07/08-O-01 effective 1/1/2008; Amended Articles III, IV and VI on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010; Amended Articles I and II on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014; amended Article II on 11/23/2015 by Ordinance 15/16-O-03 effective 11/24/2015.

#### ARTICLE I. Definitions.

The following definitions shall have the designated meanings within this Title 4:

SECTION 1. "Building Drain" shall mean that part of the sewer service connecting the system of drains within the perimeter of a building as defined in the State Plumbing Code to the private property sewer service.

SECTION 2. "District Sewer", "District Sewers" or "Public Sewer" shall mean any sanitary sewer in the District's service area within Winnebago County owned and maintained by the District and includes all manholes, intercepting chambers, pump stations and forcemains, and appurtenances thereof. Sewers under construction by the District shall be considered District sewer upon acceptance of the project by the District Board of Trustees. Sewers under construction by private parties or other governmental agencies shall be considered District sewer upon satisfactory completion and acceptance by the District Engineering Manager in accordance with the provisions of the Dedication Agreement. "Public Sewer" shall also refer to sanitary sewer within a contract service area, but outside Winnebago County, that ultimately discharges into a District sewer and is owned and maintained by a local government agency other than the District.

Amended on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

SECTION 3. "Easement" shall mean a grant by a property owner of a right to the District for access by District personnel or authorized agents to a District sewer in Grantor's property for purposes of construction, maintenance, repair, restoration, replacement or other purposes specified in the easement grant, or access to special service features.

SECTION 4. "Private Property Sewer Service" or "Building Service" shall mean that part of the sewer service which begins at the building drain and ends at the property line, or in the case of sewers in easements, at the public sewer easement line.

SECTION 5. "Served" shall mean that public sewer is available to the subject parcel and has been extended to the upstream boundary of said parcel; should the parcel be located at the crest of a basin, public sewer may not be required to the furthest boundary of the property at the discretion of the District Engineering Manager.

SECTION 6. "Service Connection Point" shall refer to the location where a private property sewer service and a public sewer service come together. This location is usually at the property or public sewer easement line. In the case of new subdivision improvements this point is typically three (3) feet beyond the property or public sewer easement line. The point of connection may be modified with the approval of the District Engineering Manager.

SECTION 7. "Sewage" shall mean the combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such infiltrated ground, surface, and storm waters as may be present.

SECTION 8. "Sewer Cut-In" shall mean a sewer service installation into an existing public sewer at a point where there is no existing service fitting.

SECTION 9. "Special Service Feature" shall mean a service manhole, sampling manhole, monitoring manhole, grease trap, oil separator or sand trap/filter/catchbasin. Special service features are installed on the private property sewer service or may be part of the building drain. Some special service features require access easements.

SECTION 10. "Street Connection" or "Public Sewer Service Extension" shall mean a sewer service installation within a public right-of-way or public easement that extends the service from a fitting or existing service to the property or easement line.

SECTION 11. "Street Sewer Service" or "Public Sewer Service" shall mean that part of the sewer service which begins at the public sewer and ends at the property line or easement line.

## **ARTICLE II. Service to Outlying Territories.**

### **SECTION 1. Contracts for Service.**

District may, by written contract, allow a user owning property wholly or partially outside the District corporate limit to hook up to and use the District collection system and treatment works. In the event a contract is made pursuant to this Article, the user shall be subject to all terms and provisions of District ordinances and be required to pay all costs, charges, payments in lieu of real estate taxes (PILOT), and expenses paid by users situated within the corporate limits of the District. In cases in which Intergovernmental Agreements are executed between the District and any municipal government to provide services to and acquire an existing sewerage system, with or without the inclusion of the municipality's treatment works, such Intergovernmental Agreement shall constitute the contract specified in this section and the remaining sections of this Article.



## SECTION 2. Annexation.

If the property sought to be served is contiguous to the District, and within the County of Winnebago, the property shall be annexed to the District after service is extended to it. If the property sought to be served is contiguous but outside the County of Winnebago, the property may be served by contract but shall not be annexed

Amended on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

## SECTION 3. Requirements for Service.

If any property of a person desiring to become a user is situated outside the corporate limits of the District and not contiguous thereto so that it may not properly be annexed to the District or lies outside Winnebago County, District, in its sole discretion, may permit such connection, provided that a contract shall be entered into between District and user which shall provide essentially as follows:

Amended on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

A. User may connect buildings situated only on the fully-described tract set forth in the Agreement, and in accordance with all applicable laws, ordinances and regulations of the District, local, State and Federal governments.

B. The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connection, user, capital and treatment or service charges which are applicable to all property and users uniformly.

C. The user, his successors, and assigns, shall, in addition to costs noted in this Article, annually pay an amount equivalent to District taxes (PILOT) computed as follows:

1. The equalized assessed value of the user's taxable property or any subdivided part or separate tract thereof, as determined by the proper authority of Winnebago or Boone County, Illinois, whichever is appropriate, shall be multiplied by the District's rate of tax upon real estate and personal property situated within its 2corporate area for said year, when the same is determined.

2. Said amount, when computed by the District, shall be charged to the user, its successors or assigns, and said statement shall be paid within thirty (30) days thereafter.

Amended on 11/23/2015 by Ordinance 15/16-O-03 effective 11/24/2015

3. Such amount, for partial years, shall be prorated from the date of the contract.

D. Each user, in consideration of services provided by the District, shall grant District an irrevocable easement on and upon its property for the purpose of disconnection of any sewer

if the user, his successors, or assigns, fail to so disconnect when such is required under the provisions of Section 4 herein.

E. Such agreement shall be recorded in the Office of the Recorder of Deeds of Winnebago County, Illinois, or other county, as appropriate, whichever is applicable. The recording shall constitute notice to any successors or assigns of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

Amended on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014 deleting E and renumbering F

#### SECTION 4. Disconnection for Non-payment.

If the user, his successors, or assigns, fails to pay amounts specified in Section 3 above when due, each and every sewer on his property or any subdivided tract thereof, for which payment is not made, shall be disconnected at the owner's expense from any other sewer which ultimately discharges to the District POTW. The user shall construct its sewer system within its property in order to allow disconnection of separate tracts.

#### SECTION 5. Remedies.

A. In addition to the right of disconnection, District shall have a lien upon said property or subdivided portion in the amount of any unpaid charges due therefrom. Upon the filing of notice thereof, said lien shall be deemed perfected, and the same may be charged and redeemed, or foreclosed and the property sold to satisfy the same in accordance with statutes made and provided.

B. District shall have the additional right to file a civil suit to recover:

1. the amount of said lien,
2. the full cost incurred in disconnection,
3. all its reasonable legal expenses and attorney's fees incurred as a result of such suit.

C. District shall not, without its prior written consent and acceptance, have dedicated to it, or own any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its sole cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

### **ARTICLE III. Discharge Standards.**

Amended Section 1 and added Section 3 on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002; Amended Sections 1 and 3 on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

## SECTION 1. Conditions for Discharge to the District System.

Amended on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002; Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

A. Public wastewater collection facilities are required to be used for deposit of human waste, garbage or wastes that do not meet IEPA NPDES standards.

B. Except as provided in Articles II and IV of this Title, no person or entity shall connect or cause to be connected any building or facility on property or any part thereof to any sewer unless the entire property shall first be situated within the corporate limits of the District and be directly served by District sewer.

Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

C. It shall be unlawful for any person to deposit or discharge, or to cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid or gaseous waste unless through a connection approved by the District.

D. Such person as described in Sections 1.B. and 1.C. above shall not avoid connection to such sewer by reason of actual distance from a building or structure to the connection point of such sewer.

E. Property served by District sewer shall at all times have a valid user account as a condition precedent to discharging from such premises to District sewer. Property in violation of this Paragraph shall be subject to disconnection in accordance with the procedures outlined in Title 7, Article II, Section 3, Paragraphs A and B of this Code and shall be subject to the penalties set forth in Title 8 of this Code.

Paragraph E added on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002; Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

## SECTION 2. Private Sewage Treatment and Disposal.

District shall not operate or maintain a private sewer or disposal system or facility. No provision of this Title shall be construed to provide lesser requirements for such private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local government body, the State and Federal government.

## SECTION 3. Certification of Compliance with Discharge Standards

Section added on 3/25/2002 by Ordinance 01/02-O-06 effective 10/1/2002; Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

A. Except as otherwise provided in this Section, no person or entity shall sell, transfer or convey ownership of a building serviced by District sewer until such time as a current certification of compliance with Title 2, Article II, Section 1 of this Code has been obtained by the property owner and deposited with the District. Transferring ownership in violation

of this Paragraph shall constitute a violation of this Code and shall be subject to the penalties set forth in Title 8 of this Code.

B. Any sale, transfer or conveyance of a building serviced by District sewer which will not result in any new account establishment or transfer shall be exempt from the requirements of this Section.

C. Certification of compliance with Title 2, Article II, Section 1 of this Code shall be evidenced on a form provided by the District. A certification form shall be completed and certified by an Illinois-licensed plumber and shall require at least the following information: (1) the use of the building, (2) the discharge location of any roof or foundation drain or sump pump, and (3) confirmation of compliance or noncompliance with Title 2, Article II, Section 1 of this Code. No certification of compliance with Title 2, Article II, Section 1 of this Code shall be considered current after one year from the date of certification.

D. In the event a certification of compliance form deposited with the District indicates noncompliance with Title 2, Article II, Section 1 of this Code, the District shall notify the property owner of the noncompliance and shall order the property owner to bring the building into compliance.

1. Orders applicable to buildings where a roof or foundation drain, sump pump, or diverter valve installation is illegal shall have a 30-day compliance period.

2. Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the-basement floor connection shall have a 60-day compliance period.

The owner of a building found in violation of Title 2, Article II, Section 1 of this Code shall be required, prior to any sale, transfer or conveyance and within the applicable compliance period, to provide the District with a certification of compliance form certifying that any building found in violation of this Code has been brought into compliance. Failure by any person or entity required to comply with this Section shall constitute a violation of this Code and shall be subject to sewer disconnection in accordance with Title 7, Article II, Section 3, Paragraphs A and B of this Code and to the penalties as set forth in Title 8 of this Code.

E. Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of noncompliance may appeal by following the procedure outlined in Title 7, Article II, Section 2 of this Code.

F. In the event a certification of compliance with Title 2, Article II, Section 1 of this Code is required to be deposited on account of any sale, transfer or conveyance of a building serviced by District sewer within one year from a prior property owner filing a certification of compliance with Title 2, Article II, Section 1 of this Code, and the current owner verifies no change or alteration to the premises has occurred since the time of sale, transfer or

conveyance which renders the premises out of compliance with Title 2, Article II, Section 1 of this Code, said verification shall satisfy any certification of compliance requirement imposed by this Section or as a condition to an account transfer.

G. In order not to delay or prevent a pending sale of a property affected by this Section, a buyer or other transferee may deposit with the District evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of Title 2, Article II, Section 1 of this Code within any applicable compliance period, along with evidence that adequate funds have been paid or escrowed to complete said work, and a stipulation agreeing to bring the property into compliance with the provisions of Title 2, Article II, Section 1 of this Code within the applicable compliance period. Said evidence and stipulation may only be filed after depositing a certification of compliance form that indicates noncompliance with Title 2, Article II, Section 1 of this Code. No seller or transferor otherwise subject to the penalties set forth in Title 8 of this Code shall be subject to the same upon compliance with this Paragraph. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this Code and shall be subject to sewer disconnection in accordance with Title 7, Article II, Section 3, Paragraphs A and B of this Code and to the penalties as set forth in Title 8 of this Code.

H. A certification of compliance indicates so far as can be reasonably determined by an Illinois-licensed plumber during a limited visual inspection of the premises, only that the premises meets the requirements of Title 2, Article II, Section 1 of this Code. The District assumes no liability in any property inspection or certification of compliance required under this Code. Any person or entity required to provide a certification of compliance with Title 2, Article II, Section 1 of this Code shall bear the full cost and responsibility of selecting an Illinois-licensed plumber to inspect their building and to determine compliance with this Article.

#### **ARTICLE IV. Service Extensions and Connections.**

Article repealed and replaced in its entirety on 7/22/2004 by Ordinance 04/05-O-01 effective 8/1/2004; Amended Section 4 Paragraph A and Section 5 Paragraph B on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Section 4 Paragraph A on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

##### **SECTION 1. Construction of Sewer Services and Sewer Connections.**

No person other than an authorized employee, contractor or agent of the District shall make any connection with, uncover, alter or disturb a District sewer, public sewer service, or sewers maintained by the District, or open any manhole, septic chamber or any appurtenance thereof, or make any connection to or opening into any sewer having flow which directly or indirectly discharges into any District sewer unless in compliance with this Title and other applicable ordinances.

Registration and bonding as a Private Property Plumbing Contractor allows the contractor to perform permitted sewer service connections and service extension work, including special

service features such as grease traps, sand filters/catchbasins, oil separators, sampling, monitoring and private service manholes, private pump and lift stations with their associated service forcemains. Private Property Plumbing Contractors may also perform permitted service disconnections associated with building demolition. All work must be on private property and not within public right-of-way or public sanitary sewer easements. A State of Illinois licensed plumber shall be in responsible charge and on the site while the work is being performed.

Registration and bonding as a Public Property Plumbing Contractor allows the contractor to perform permitted street connections and service extension work, including special service features such as private service manholes, and to perform public manhole core-ins and public sewer main service cut-ins. Public Property Plumbing Contractors may also perform permitted service disconnections associated with building demolition. All work must be within public right-of-way and public sanitary sewer easements. A State of Illinois licensed plumber shall be in responsible charge and on the site while the work is being performed.

Registration and bonding as a Sewer Contractor allows the contractor to perform permitted street connections and service extension work, public manhole core-ins and public sewer main cut-ins and install public manholes. Sewer Contractors may also perform permitted service disconnections associated with building demolition. All work must be within public right-of-way and public sanitary sewer easements.

## SECTION 2. Registration

Any person or firm desiring to perform sanitary sewer service construction or connection to, or disconnection from, public sewer, whether the discharge is direct or indirect, except District employees, or authorized governmental personnel, must be licensed by the State of Illinois as a plumbing contractor with the work performed by a State of Illinois licensed plumber, must register at the District and pay a registration fee, except that Sewer Contractors are not required to be licensed plumbers or plumbing contractors. Registration may be as a Private Property Plumbing Contractor, Public Property Plumbing Contractor or Sewer Contractor or any combination of the three classifications. Each classification requires a separate registration. Registration shall be made upon proper application and payment of fees set by the Board by separate ordinance and shall expire at midnight the following May 31. Registration shall not be valid for a period in excess of one year, and the fee shall not be prorated for periods of less than a year. Application for registration and payment of the applicable fees shall be made with the District on forms provided by the District. Registration with the District shall not authorize construction of sewer service or cut-ins or disconnection, but is a precondition to obtaining permits to do so.

## SECTION 3. Bonds

Prior to applying for a permit as set forth in Section 4 herein, each applicant must furnish a bond to the District Engineering Manager in an amount established by the Board by separate ordinance on a form provided by the District. Each bond shall be signed by an acceptable

bonding company. Such bond shall be conditioned on the performance of said work in conformity with all ordinances and regulations of the District then in force and in such manner as to leave all sewers, appurtenances, landscaping, streets, alleys, sidewalks and pavement undisturbed, in as good state and condition as prior to the doings of said work, and to indemnify and save harmless the District from all loss, damage and expense on account of doing such work and any accidents and damages caused by reason thereof. District may establish different forms and require additional information for different types or location of work. Each classification requires a separate bond. Each bond shall expire at midnight on May 31 of the then current registration period.

#### SECTION 4. Permits and Inspections.

##### A. Permits.

Paragraph A repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 5/1/2005; Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

Prior to performing any sanitary sewer service construction, including but not limited to service connections, laying services and sewer cut-ins or service disconnections, the person or firm desiring to perform the sanitary sewer service construction or disconnection shall, in addition to the requirements of Sections 2 and 3 of this Article:

1. Obtain the necessary permit or permits from District in accordance with District procedures.
2. Pay all applicable service connection permit fees.
3. Pay or obtain payment of all applicable connection fees as established under Title 5.
4. Obtain and present permits from appropriate governmental agencies having jurisdiction of the area in which the work is being performed or which have other requirements for connection, disconnection or construction.
5. Provide an appropriate Industrial/Commercial Questionnaire (I/C) if the construction work involves an industrial user, a commercial user, or a residential user of five (5) or more units within a structure.
6. Obtain the appropriate District or Illinois Environmental Protection Agency Construction and Operating Permit if the expected wastewater flow equals or exceeds 1500 gallons per day average flow.
7. If the construction work involves private sewer and service construction in mobile home parks, or similar facilities, prior approval for construction from the State of Illinois Department of Public Health must be obtained, including obtaining an Illinois Environmental Protection Agency Operating Permit.

8. Make such investigations or site visits as necessary to be familiar with the site conditions and available record information regarding the existing service size and location.

Subparagraph 8 added on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

Permits shall only be issued for individual lots or parcels of record that are directly served by District sewer. Issuance of a single permit for multiple lots of record requires that the lots be legally combined by re-plat into a single lot, with said re-plat meeting the document provisions of the Plat Act. A single tax code identification number is not considered a legal combination of the underlying lots or parcels of record.

Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

**EXCEPTION:** If the existing permanent primary building structure extends across all interior lot or parcel lines of the lots or parcels involved, this requirement shall be waived provided proof of such encumbrance is provided by means of a survey prepared by a licensed surveyor. The existing primary structure must be all or part of the proposed structure that will be connected, reconnected or the subject of a change of use for sanitary sewer service permit purposes, without an expansion of the proposed primary structure encroaching on other lots or parcels not presently encumbered by the existing primary structure. The re-plat shall be required if an expansion of the primary structure encumbers previously unencumbered lots or parcels.

Added on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

Permits shall only be issued to enclosed structures. Structures with open basements or uncovered slabs-on-grade shall not be issued permits.

Permits shall not be issued to any Public or Private Property Plumbing Contractor or Sewer Contractor who has an outstanding balance of any service connection permit charges or who is not properly registered and bonded with the District or whose payment by check is returned for insufficient funds. A Plumbing or Sewer Contractor must pay all current due fees prior to the issuance of any new permits. Receipt of payment of all current due fees made by cash, certified check, cashiers check, money order or credit card will allow for the issuance of new permits without a waiting period. Receipt of payment by check shall have a ten (10) day waiting period for new permit issuance.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

Any registered and bonded Public Property or Private Property Plumbing Contractor or registered and bonded Sewer Contractor who shall neglect, refuse or fail to make good any defect or faults in any of his work done under any permit from the District shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until such defects or faults have been made good in a manner satisfactory to the District Engineering Manager. Other valid, open permits issued in favor of such Plumbing or Sewer Contractor may be closed out.



Permits issued to a Public or Private Property Plumbing Contractor or Sewer Contractor whose bond or registration expires shall be closed out and no further work shall be allowed until the Plumbing or Sewer Contractor comes into compliance with this Title.

A permit shall be valid for a period of thirty (30) days after issuance, except for permits involving special service features provided the service connection work has commenced and is ongoing. After 30 days of inactivity the permit shall expire and be closed out. All service connection permit fees paid on a closed permit are forfeited.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

#### B. Inspections.

Notice must be given to the Engineering Department office prior to beginning work on sanitary sewer service construction or disconnection, and no material shall be used or work covered until inspection and approval has been obtained from the District. District will inspect all construction of public sewer service extensions, special service features and disconnections.

The inspection request, except for a same day request, must be received in the office of the District Engineering Manager prior to 4:15 p.m. on the day prior to the requested inspection. Requests received outside of normal District business hours and on District holidays are considered received at 8:00 a.m. of the next business day. District business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Inspections must be scheduled through the District Engineering Department office. A minimum of two (2) hours notice is required for a same day inspection request. Same day inspection requests shall be charged an additional fee as established by the Board of Trustees by separate ordinance.

If by reason of noncompliance with this Title, through the use of defective materials or methods, or if the work is not ready for inspection at the scheduled time, a subsequent inspection becomes necessary, an additional fee shall be charged. The person doing the construction must notify the District Engineering Department office to cancel or reschedule an inspection at least two (2) hours before the originally scheduled inspection to avoid an additional inspection charge. For second and subsequent inspections, a fee shall be paid to the District in an amount to be established by the Board of Trustees by separate ordinance.

Any service connection or disconnection work done prior to the issuance of a service connection permit or after the expiration of a permit shall be considered as a same day inspection when the inspection is performed. The Plumbing or Sewer Contractor must apply for and be issued a valid permit prior to said inspection.

#### C. Authority of Inspectors.

The District Engineering Manager and other duly authorized employees of the District bearing proper credentials and identifications shall, within a reasonable time after notice of intent has been given, be permitted to enter upon all properties serviced by the District or which contain

District property, for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Title.

## SECTION 5. Fees.

### A. Establishment of Fees.

The Board shall establish, by separate ordinance, the various fees to be paid by applicants as set forth herein. At a minimum, the Board shall establish fees for obtaining permits, registering with the District, obtaining same day, initial and subsequent and special service feature inspections, penalties, overtime and holiday inspection rates and establishing the amount of performance bonds to be provided to District.

### B. Payment of Fees.

Paragraph B repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 5/1/2005; Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

Service connection permit fees shall be paid prior to the issuance of a service connection permit. Supplemental service connection permit fees not paid under the original permit shall be billed to the permit holder. Supplemental bills shall be paid within 30 days of issuance or before issuance of a new service connection permit, whichever occurs first. Failure to pay within the 30-day period may result in revocation of registration and other remedies as provided within this Code.

### C. Revocation of Registration.

Any registered and bonded Public Property or Private Property Plumbing Contractor or registered and bonded Sewer Contractor who shall neglect, refuse or fail to make good any defect or faults in any of his work done under any permit from the District may have his registration revoked by the District Director. Except for correction work, the Plumbing or Sewer Contractor shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until such defects or faults have been made good in a manner satisfactory to the District Engineering Manager. Any and all valid, open permits issued in favor of such Plumbing or Sewer Contractor may be closed out and his bond may be enforced as to past defaults and then canceled. Registration shall be reinstated for the remainder of that current registration period upon satisfactory correction of defects.

Any registered and bonded Plumbing or Sewer Contractor who performs work without a valid permit shall have his registration revoked by the District Director. If the registration is revoked, any other valid, open permits issued to said Plumbing or Sewer Contractor shall be closed out. The Plumbing or Sewer Contractor shall make immediate correction of such illegal connection satisfactory to the District Engineering Manager.

Any unregistered or unbonded person or firm making a connection to the public sewer shall cause to be made immediate correction satisfactory to the District Engineering Manager. The District may also seek any other remedies provided for under law.

Registration for a registered and bonded Plumbing or Sewer Contractor performing an illegal connection shall be revoked for a period not less than fourteen (14) days or exceeding thirty (30) days for the first infraction. A second infraction within a twelve (12) month period shall result in a revocation not less than thirty (30) days or exceeding sixty (60) days. A third infraction within a twelve (12) month period shall result in permanent revocation of registration. Revocation shall begin after satisfactory correction, including inspection, of the illegal connection. The District may also seek any other remedies provided for under law.

## **ARTICLE V. Sewer Extensions.**

Article repealed and replaced in its entirety on 7/22/2004 by Ordinance 04/05-O-01 effective 8/1/2004; Amended Section 5 on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Section 5 on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

### **SECTION 1. Construction of Public or Private Sewer.**

No person, other than an authorized employee, contractor or agent of the District, shall make any sewer extension from, alter the cover over or disturb a District sewer, appurtenance, or open any manhole, chamber, or any appurtenance thereof of any sewer or appurtenance that discharges directly or indirectly into the District collection system and treatment works, unless in compliance with the provisions of this Code and all other applicable ordinances.

Registration and bonding as a Sewer Contractor allows the contractor to install public manholes, install new public sewer mains and associated services, install public pump and lift stations with associated forcemains and perform reconstruction work on public sewers. All work must be within public right-of-way and public sewer easements. In the case of new public sewer system construction, the right-of-way or easements must be dedicated to the public as a condition of and upon completion of the permitted work.

Sewer Contractors may also install private sewer manholes, private sewer mains and associated services, private sewer main pump and lift stations with associated private sewer forcemains and private sewer reconstructions that are designed in accordance with all applicable IEPA regulations and District policies, permitted for construction and operation by IEPA as a private sanitary sewer and constructed as if the sewer were to be public. In the case of mobile home or modular home parks the permission for construction shall be from the State of Illinois Department of Public Health in addition to receiving an Illinois Environmental Protection Agency Operating Permit.

### **SECTION 2. Registration.**

Any person or firm desiring to perform any sewer extension from, alter the cover over or disturb a District sewer, appurtenance, or open any manhole, chamber, or any appurtenance thereof of any sewer or appurtenance that discharges directly or indirectly into the District collection system and treatment works, whether the sewer extension or reconstruction is intended to be public or private, except District employees, or authorized governmental personnel, must register at the District and pay a registration fee. Registration shall be made upon proper application and payment of fees set by the Board by separate ordinance and shall expire at midnight the following May 31. Registration shall not be valid for a period in excess of one year, and the fee shall not be prorated for periods of less than a year. Application for registration and payment of the applicable fees shall be made with the District on forms provided by the District. Registration with the District shall not authorize the construction of sewer extensions or reconstruction of the District or private sewer system, but is a precondition for obtaining permission to do so.

### SECTION 3. Bonding.

Any person or firm desiring to perform public or private sanitary sewer construction or reconstruction, except District employees and authorized governmental personnel, must furnish a bond to the District Engineering Manager in an amount established by the Board by separate ordinance on a form provided by the District. Each bond must be signed by an acceptable bonding company. Such bonds shall be conditioned on the performance of said work in conformity with all ordinances and regulations of the District, IEPA and other governmental bodies then in force, and in such manner as to leave all sewers, appurtenances, landscaping, streets, alleys, sidewalks, pavement and storm drainage facilities undisturbed, in as good state and condition as prior to the performance of said work. District may establish different forms and require additional information for different types or location of work. The bond shall expire at midnight on May 31 of the then current registration period.

### SECTION 4. Revocation of Registration.

Any registered and bonded Sewer Contractor who shall neglect, refuse or fail to make good any defect or faults in any of his work done on a public or private sewer system that discharges directly or indirectly to District sewer may have his registration revoked by the District Engineering Manager. Except for correction work, the Sewer Contractor shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until such defects or faults have been made good in a manner satisfactory to the District Engineering Manager. Registration shall be reinstated for the remainder of that current registration period upon satisfactory correction of defects.

Any registered and bonded Sewer Contractor who performs sewer extension or reconstruction work without a valid permit or permission from the District shall have his registration revoked by the District Engineering Manager. The Sewer Contractor shall not be permitted to do any further or additional work upon any sewer or appurtenances connecting with or designed to connect with, or directly or indirectly discharge into any District sewer, until a valid

permit has been provided to or permission has been obtained from the District Engineering Manager. Registration shall be reinstated for the remainder of that current registration period upon satisfactory receipt of a valid permit or grant of permission made.

Registration for a registered and bonded Sewer Contractor performing any illegal work shall be revoked for a period not less than fourteen (14) days or exceeding thirty (30) days for the first infraction. A second infraction within a twelve (12) month period shall result in a revocation not less than thirty (30) days or exceeding sixty (60) days. A third infraction within a twelve (12) month period shall result in permanent revocation of registration. The District may also seek any other remedies provided for under law.

Any unregistered or unbonded person or firm who performs sewer extension or reconstruction work, whether public or private, that discharges directly or indirectly to the District sewer system shall cease all work and cause to be made immediate correction satisfactory to the District Engineering Manager. The District may also seek any other remedies provided for under law.

## SECTION 5. Permit and Plan Approval.

Amended Paragraphs A and B on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Paragraph B on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

### A. Plan and Permit Review.

Paragraph A repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005

Detailed plans and all necessary District and IEPA permit applications shall be submitted to the District Engineering Manager for review and approval. Fees shall be paid to the District for these reviews in an amount to be established by the Board by separate ordinance.

A Design Engineering Firm that is determined by the District not to be responsive or responsible in regard to the submittal and conformance of detailed plans to Articles V and VI of Title 4 of this Code shall be suspended from further detailed plan review until all previous detailed plans submitted for review have been brought into compliance with Articles V and VI of this Title or the permit application has been withdrawn by the Applicant in writing. A Firm shall be deemed not to be responsive or responsible in the event of the Firm's failure to comply with the requirements of Articles V and VI of this Title or the Firm's failure to comply with the requirements of one or more permit application Notice of Incompleteness within forty-five (45) days of issuance of said Notice by the Firm's specific action or inaction.

### B. Plan and Permit Approval.

Paragraph B repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

Prior to performing any sanitary sewer construction, the applicant, the Permittee to Construct, or the Sewer Contractor, shall:

1. Obtain District plan and District or IEPA permit application approval as necessary.
2. Obtain the necessary District or IEPA permit(s) as applicable. In the case of mobile home or modular home parks a letter authorizing construction must be received from the State of Illinois Department of Public Health.
3. Obtain and present all permits from the appropriate governmental agencies having jurisdictions of the area in which the work is being performed including but not limited to permits related to right-of-way access, street-cuts, dewatering, and blasting.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

4. Make payment of all applicable connection fees due from the specified properties.
5. Obtain and present all executed easement documents where applicable for the required sanitary sewer easements.
6. Where applicable, obtain and present the IEPA Notification of Intent for a General Storm Water Permit or provide documentation that said General Storm Water Permit application has been logged into the IEPA database for a period of at least thirty (30) days.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

7. Obtain and present the necessary Illinois Historical Preservation Agency approval.
8. Obtain and present the necessary Illinois Department of Natural Resources approval.
9. Obtain and present the necessary United States Army Corps of Engineers permit(s) where applicable.
10. Make payment of all applicable plan and permit application and review fees.

#### C. Inspections.

Unless waived by the District Engineering Manager, notice shall be given two (2) District business days prior to starting work on a sanitary sewer. The District must inspect all construction of public and private sewers. Inspection fees shall be paid to the District in an amount to be established by the District Board of Trustees by separate ordinance.

## **ARTICLE VI. Sewer and Service Design and Construction Requirements.**

Re-titled on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Section 1 on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Section 1 Paragraph B Subparagraphs 5 and 6 on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended Section 1 Paragraph B on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

### **SECTION 1. Standards and Specifications.**

Repealed and replaced in its entirety on 4/11/2005 by Ordinance 04/05-O-06 effective 4/12/2005; Amended Paragraphs B and D on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Paragraph B on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended Paragraph B on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

#### **A. General Standards and Specifications.**

All sanitary sewer and sewer service construction shall be in accordance with the most current version of:

1. District "General Provisions and Technical Specifications for Sanitary Sewer Construction."
2. Illinois Administrative Code, Title 35, Part 370 "Illinois Recommended Standards for Sewage Works."
3. Illinois Administrative Code, Title 35, Part 374 "Design Criteria for Pressure Sewer Systems."
4. "Standard Specifications for Water and Sewer Main Construction in Illinois."
5. Illinois Department of Public Health "Plumbing Code."
6. District Standard Detail Sheet.
7. District Sampling/Monitoring Manhole Details.
8. Requirements of other governmental bodies.

The "General Provisions and Technical Specifications for Sanitary Sewer Construction," District Standard Detail Sheet and District Sampling/Monitoring Manhole Details are on file with the District Engineering Manager. The District Engineering Manager may, from time to time, amend these standards and specifications. The District Engineering Manager shall provide notice to the Board of amendments to the "General Provisions and Technical Specifications."

#### **B. Design Standards.**

Amended Subparagraphs 6, 11, 23, 31 and 32 on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended Subparagraphs 5 and 6 on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007; Amended by adding Subparagraph 31, Renumbering and Amending Subparagraphs 32 and 33 on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

In addition to the requirements of the State of Illinois Rules and Regulations (Administrative Code), Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter II: Environmental Protection Agency, Part 370 "Illinois Recommended Standards for Sewage Works" and Part 374 "Design Criteria for Pressure Sewer Systems", the following requirements shall be met:

1. Public sewer must be extended to the upstream property line or lines of each parcel or lot of record and each new subdivision development.
2. All public sewer shall be a minimum of eight inches (8") in nominal inside pipe diameter.
3. All public sewer and sewer services shall have no less than 5 feet of cover at any point, except as approved for public sewer under stream or river crossings. In no case shall a public sewer have less than 3 feet of cover under a stream or river crossing. Public sewer with less than 5 feet of cover under a stream or river crossing shall be ductile iron pipe. Public sewers having less than 5 feet of cover will require buoyancy calculations that demonstrate the sewer will not float.
4. All public sewer, manholes and sewer services shall have at least 10 feet of clear horizontal separation (outside to outside) from any storm drainage structure, any parallel storm sewer pipe, any parallel water system pipe, any water system appurtenance, any parallel utility line, any utility appurtenance, or any building.
5. All public lateral sewer to be constructed in side or rear yard areas, except as noted in Subparagraph 3 above, shall be polyvinyl chloride plastic pipe having a minimum Standard Dimension Ratio of 26.

Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007

6. All public sewer and sewer services shall be below the water or storm sewer system and have at least 18 inches of clear vertical separation between the crown of the public sewer or sewer service pipe and the invert any water system or storm drainage pipe. Where it is not physically possible to provide the minimum 18 inches of clear vertical separation, the public sewer or sewer service shall be an approved water-main quality pipe. In cases where it is not physically possible to have 12 inches of clear vertical separation the sewer main or service shall have an approved steel or ductile iron pipe casing that shall extend a minimum of five (5) feet beyond the outside face of the water system or storm sewer system feature. No joint will be allowed in the casing pipe. For sewers and services of eight (8) inches or greater in diameter, the casing shall be filled with pea gravel and the ends grouted. For services of four (4) or six (6) inches in diameter the casing does not need to be filled with pea gravel unless there is a carrier pipe joint within the casing and the ends of the casing shall be capped using an approved eccentric rubber connector between the casing and carrier pipe. This does not preclude the requirement of a casing being required to meet other considerations.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Amended on 2/20/2007 by Ordinance 06/07-O-01 effective 4/1/2007



7. Where it is not physically possible for the public sewer system to be below an existing water or storm sewer system there must be at least 18 inches of clear vertical separation between the crown of the water or storm sewer system pipe and the invert of the public sewer or sewer service.

8. All public sewer shall be terminated with a manhole.

9. No public sewer manhole shall be less than 5 feet in depth.

10. Public sewer shall be designed with sufficient depth to provide for gravity service to the lowest level of all structures directly served.

11. Public sewer shall be designed with sufficient depth to provide for gravity service to the lowest level of all structures in the ultimate service area. This shall be based upon information available to the design engineer, to include topographic maps of the ultimate service area.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

12. Public sewer shall be designed to convey the peak flow from the Ultimate Service Area. The calculations shall be based on the most current zoning and land use approvals and plans.

13. Public lateral sewer manholes more than 4 feet from a roadway require a paved access having a minimum width of 12 feet and minimum cross section of 2 inches of bituminous surface and 6 inches of aggregate base.

EXCEPTION: The paved access is not required within the Village of Cherry Valley corporate limits or Cherry Valley Township roadways for lateral sewer manholes located in the public right-of-way that are more than 4 feet from a roadway surface.

14. The length of the public sewer shall be the distance from the center of the downstream manhole to the center of the upstream manhole. The slope of the public sewer and inverts of the sewer at the manholes shall be based on the distance between the outside faces of the manholes.

15. Private sewer shall be designed and constructed to public sewer standards, except all-weather manhole access and public easements or right-of-way are not required.

16. All public sewer services shall have a slope of not less than one percent (1.0%) regardless of diameter.

17. Each parcel or lot of record and each proposed lot or separate ownership unit in a multiple unit structure shall have a separate sewer service.

18. No public sewer service may exceed one hundred (100) feet in length.

19. No public sewer service shall be connected directly to a District manhole.
20. No public sewer service shall connect directly to a public sewer having a diameter of 18 inches or larger, except where the sewer service has a sewer service riser at the public sewer.
21. The wye or riser fitting at the public sewer for any public sewer service shall be a minimum of 7 feet from the outside face of a sewer manhole.
22. All public sewer services shall have a sewer service riser at the public sewer when the public sewer will be 13 feet or deeper at the sewer service fitting at the public sewer.
23. Public sewer service risers serving more than one lot shall be six inch (6") nominal inside pipe diameter. No more than two lots shall be allowed per riser.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

24. All public sewer services shall be installed with a sewer service clean-out riser at the right-of-way or sewer easement line as applicable.
25. Public sewer services for individual residential users shall be a minimum of 4 inches in nominal inside pipe diameter.
26. Public sewer services for a commercial or industrial user shall be a minimum of six inches (6") in nominal inside pipe diameter.
27. Public sewer services serving multiple buildings or units on a single lot shall be a minimum of six inches (6") in nominal inside pipe diameter.
28. Private sewer service extensions to be installed with new private sewers shall initially be extended no more than 10 feet beyond the private sewer. This point will be considered the Point of Connection. Sewer service clean-out risers will not be required on private sewer services.
29. Public pump stations shall be wet well/dry well, flooded suction pump stations. Public pump stations shall be equipped with stand-by generation.
30. Public forcemains shall be ductile iron pipe.
31. Public manholes into which a forcemain, whether public or private, discharges shall be manufactured from a District approved non-corrosive material and design.

Subparagraph added on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

32. The detailed plans shall be submitted with a certification statement by the responsible licensed engineer that, that in his professional opinion based upon available information, the public sewer was designed with sufficient depth to provide for gravity service to the lowest level of all structures directly served and designed with sufficient depth to provide for gravity service at a minimum of nine (9) feet deep to all structures in the ultimate service area. The certification statement should be accompanied by the professional assumptions made in arriving at said opinion.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Renumbered and Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

33. Any deviations, exceptions or variances to the above subparagraphs requires the submittal of a report by the responsible licensed engineer. The report must include, at a minimum, the specific reason(s) why the standard cannot be physically met and the technical basis to support the deviation, exception or variance.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005; Renumbered and Amended on 12/20/2010 by Ordinance 10/11-O-04 effective 12/21/2010

#### C. Easements.

Public sewer shall be installed in exclusive sanitary sewer easements when the sewer is outside an existing public right-of-way and when a proposed development will be constructed without full public improvements. Full public improvements include, but are not limited to, a public water system, storm sewer facilities, curb and gutter and paved public roadways. The executed sanitary sewer easements shall be provided as part of the plan and permit approval.

In general, sanitary sewer easements shall have a minimum width of 20 feet, centered on the public sewer when the sewer is 12 feet or shallower in depth at any point between sewer manholes. For each foot of additional depth, or part thereof, the easement width shall be increased 1 foot to each side, up to a maximum sanitary sewer easement width of 40 feet.

#### D. Plan Standards.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

In addition to the requirements of the State of Illinois Rules and Regulations (Administrative Code), Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter II: Environmental Protection Agency, Part 370 "Illinois Recommended Standards for Sewage Works" and Part 374 "Design Criteria for Pressure Sewer Systems", the following requirements shall be met:

1. Plans shall be prepared using the WinGIS (Winnebago County Geographic Information System) control network system. The WinGIS control network is established horizontally on the Illinois State Plane Coordinate System, North American Datum (NAD) 1983, West Zone and vertically on North American Vertical Datum (NAVD) 1988. Each plan/profile sheet shall carry a statement certifying that the WinGIS control network was used to

establish the vertical project benchmark system and indicate the specific monument(s) used and the published vertical value(s).

The vertical project benchmark system shall provide a network of benchmarks that are no more than 500 feet apart and provide for a benchmark no more than 300 feet from any point of the proposed sanitary sewer system. The project benchmarks shall be established such that they will not be disturbed by the proposed construction. The nearest project benchmark(s) shall be noted on the individual plan and plan/profile sheets. Lot pins and manhole rims will not be acceptable as benchmarks.

2. Sewer extension and connection plans shall be submitted on standard plan/profile sheets. The plan/profile sheets, pump station plan sheets and special detail plan sheets shall be either a standard 24-inch by 36-inch sheet or 22-inch by 34-inch sheet. The profile shall have horizontal and vertical gridding.

The plan/profile sheets for proposed developments and sewer extensions or connections in developed areas shall have a horizontal scale of 20 feet to the inch. An alternate scale of 40 feet to the inch may be submitted in cases where the existing and proposed topographic and site features are limited and where all features depicted in the plans can be readily distinguished. The District Engineering Manager shall make this determination.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

The profile shall have a vertical scale of 5 feet to the inch. In cases of vertical relief exceeding 40 feet a vertical scale of 10 feet to the inch may be submitted.

3. The detailed plans shall show and identify all physical features that could impact construction activities. At a minimum all existing and proposed sanitary sewer system facilities, storm drainage facilities, water system facilities, wells, septic systems, underground and overhead utilities, roadways, driveways, parking lots, fencing, landscaping features, individual trees 4 inches or greater in diameter, boundaries of trees and shrubs in dense areas, buildings, right-of-way lines, property lines, easements lines, property identification numbers, addresses, first floor or lowest level elevations of all existing structures.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

4. Each line of sanitary sewer from manhole to manhole shall be shown in its entirety on at least one plan/profile sheet. The length, diameter, slope and pipe material of each sanitary sewer segment shall be labeled on or near the sanitary sewer in both the plan and profile view. A separate table or chart may be provided on the sheet but the record plans must comply with the previous sentence as an added supplement. The length, diameter, slope and pipe material of the upstream and downstream sewer lines shall be identified in the plan view.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

5. Proposed sanitary sewer manholes shall be numbered consecutively from downstream to upstream. The manhole number and diameter shall be labeled in both the plan and profile views. The proposed rim elevation and inverts shall be labeled on or near the manhole in the profile view. The inverts shall indicate the elevation, direction of flow (in or out), and compass ordinate direction (N, NE, E, etc.). Both the upper and lower inverts of outside drops shall be shown and labeled.

6. Existing sanitary sewer manholes shall be identified by the District manhole identification number. The manhole number and diameter shall be labeled in both the plan and profile views. The existing and proposed rim elevations and inverts shall be labeled on or near the manhole in the profile view. The inverts shall indicate the elevation, direction of flow (in or out), and compass ordinate direction (N, NE, E, etc.). Both the upper and lower inverts of outside drops shall be shown and labeled. The method of connection to the manhole shall be noted. Any modification required to the manhole bench shall be noted.

7. The invert elevation of each service having a conventional design service riser shall be labeled at the point where the sewer service is extended horizontally from the service riser. The horizontal component of the conventional design service riser shall be constructed at one percent slope. With the alternate riser design the invert at the property line must be noted.

Amended on 9/26/2005 by Ordinance 05/06-O-03 effective 11/1/2005

8. A District assigned record drawing number shall be shown in the lower right-hand corner of each plan or plan/profile sheet. The record drawing number shall be in a single line with the lettering a minimum of ½ inch in height.

9. Each sheet of the detailed plans shall identify the subdivision or project name.

#### E. Record Drawings.

Record drawings are required for all public and private sewer extensions and all public pump stations and forcemains. The record drawing shall show the actual installed location of each sewer manhole including inverts, sewer, and sewer services and accurately depict the lot or parcel lines, lot numbers, right-of-way, easements, and site improvements. The sewer service information shall be shown in tabular form on the specific lot or parcel it is related to. The format shall be as follows:

Lot or Parcel Number  
Wye Location  
Riser Data (when applicable)  
End of Service Location  
Length, Diameter and Material  
Depth at End of Service

Each sheet assigned a record drawing number shall be labeled as follows:

Record Drawing  
Constructed by (name of contractor)  
Month (by name), Year (YYYY)

The month and year listed shall be when the work was completed.

## SECTION 2. Multiple Buildings or Units on a Single Lot of Record.

In cases of multiple buildings or units on a single lot of record:

A. Each building or unit with a separate water meter shall have a separate sewer service.

B. If the buildings are on a single water meter, the buildings may share a common sewer service, but shall have a manhole on the private sewer service that will permit the disconnection of any individual building by District personnel. Access easements shall be provided to the District to allow access to said manhole.

C. Every townhouse or condominium unit must have a separate sewer service or an agreement, in a form acceptable to the District, entered into before issuance of a connection permit whereby the owners of all other units agree to pay delinquent user bills for all other units, unless that property is served by a public water system that has a contract with the District for water shut off in the case of non-payment of user charge bills.

## SECTION 3. Exception to Section 2 in Certain Cases.

In certain cases, District may waive the requirement for an access manhole. Those conditions are:

A. That the property is served by a public water system that has a contract with the District for water shut off in the case of non-payment of user charge bills.

B. The use of the property must be for residential use only.

C. All buildings on the lot must have a common owner and one water meter per lot.

## SECTION 4. Multiple Lots of Record on a Single Public Sewer Service.

In cases where more than one lot of record of current users shares a common public sewer service, the District shall, upon receipt of a request from an affected lot owner, provide a new public sewer service within the frontage of said lot. Public sewer must directly serve said lot for the District to extend such new public sewer service. The lot owner shall be responsible for proper disconnection from the existing common sewer service and connection to the new public sewer

service in accordance with this Title. The District shall not provide a new public sewer service in cases where a previous owner requested and received District approval for a common public sewer service.

## **Article VII. Special Assessment and Special Service Area Projects.**

Article added on 12/16/2004 by Ordinance 04/05-O-03 effective 1/1/2005; Amended by adding Section 4 on 12/20/2007 by Ordinance 07/08-O-01 effective 1/1/2008

### Section 1. Criteria for Determination of Project.

A. Any portion of the proposed project area may be within 1,000 feet of the then current District corporate boundary. If not already annexed, the project area must be able to be annexed.

B. The maximum estimated total cost to receive consideration for a sewer extension project shall be \$18,000.00 per lot or parcel for the estimated on-site costs, plus \$2,000.00 per lot or parcel for the estimated off-site portion of the sewers, with the estimated off-site costs being spread over the entire ultimate service basin area that would be benefited by the off-site sewer. This may extend beyond the limits of the project area, both upstream and downstream.

### Section 2. Determination of Type of Project.

A. If the proposed project meets the criteria in Section 1 above, the estimated District contribution must not exceed sixty-five (65%) percent of the total estimated gross on-site project costs for the project to proceed as a Special Assessment project. An appraisal of each property in the proposed project area will be obtained by the District to calculate the estimated property benefit for determination of the sixty-five (65%) percent maximum District contribution. If the estimated District contribution does not exceed sixty-five (65%) percent of the total estimated gross on-site project costs, the project qualifies as a Special Assessment project.

B. If the proposed project meets the criteria in Section 1 above, but the estimated District contribution exceeds sixty-five (65%) percent of the total estimated gross on-site project costs, the project qualifies as a Special Service Area project. In a Special Service Area project, the property owners shall pay sixty (60%) percent of the total estimated on-site costs. The District will pay the balance of the total on-site costs and one hundred (100%) percent of the total off-site costs.

C. Regardless of a proposed project meeting the above criteria, the final decision on proceeding with a project as either a Special Assessment or Special Service Area requires approval by the District's Board of Trustees and the availability of District funds.

### Section 3. Associated Connection Fees.

A. The District may recover all or part of the total off-site costs through a fair and reasonable Payback Connection Fee imposed on properties not on the Special Assessment Roll or Special Tax Roll that may connect or discharge to the off-site sewer constructed in a Special Assessment or Special Service Area project.

B. Under either a Special Assessment or Special Service Area project, the property owner shall be responsible for all connection fees as established under Section 3(A) above and Title 5 of the Code of Ordinances.

### Section 4. Withdrawing Lots of Record from the Confirmation or Special Tax Roll.

Section added on 12/20/2007 by Ordinance 07/08-O-01 effective 1/1/2008

A. In cases where a property owner of a single lot of record, whether occupied or vacant, requests the District Board of Trustees to withdraw the lot from the Confirmation or Special Tax Roll the Board shall exercise their sole discretion in determining whether the lot will remain on the Roll or be withdrawn from the Roll, absent a ruling by the Circuit Court to the contrary.

B. In cases where a property owner owning multiple contiguous lots of record, whether all vacant or vacant and contiguous to the occupied lot, requests the Board of Trustees to withdraw one or more of the lots from the Confirmation or Special Tax Roll that owner shall be required to legally combine the lots into one or more lots by Plat with said Plat meeting the document provisions of the Plat Act as a condition of the Board withdrawing the Special Assessment or Special Tax associated with each lot. The number of Special Assessments or Special Taxes imposed shall match the number of lots in the Plat. A single tax code identification number is not considered a legal combination of the underlying lots or parcels of record.

**EXCEPTION:** If the existing permanent primary building structure extends across one or more interior lot lines of the multiple contiguous lots involved, this requirement shall be waived for the lots so encumbered provided proof of such encumbrance is provided by means of a written certification prepared by a licensed surveyor. A Plat would be required in the event the existing primary structure does not encumber all contiguous lots and the property owner desires a single assessment. The existing primary structure is considered the structure at the time of the project establishment that will be connected for sanitary sewer service permit purposes, without an expansion of the primary structure that may encroach on other lots not then presently encumbered.



## TITLE 5

### CONNECTION CHARGES

Amended by Ordinance 00/01-O-02 effective 7/24/2000; Amended Article V Section 1 on 2/26/2001 by Ordinance 00/01-O-05 effective 2/26/2001; Amended Article VII Section 2 on 10/27/2003 by Ordinance 03/04-O-01 effective 10/27/2003; Amended Article II Section 3 Paragraph A on 4/25/2005 by Ordinance 04/05-O-07 effective 5/1/2005; Repealed Article II Section 7 on 4/25/2005 by Ordinance 04/05-O-07 effective 5/1/2005; Amended Article II Section 8 on 4/25/2005 by Ordinance 04/05-O-07 effective 5/1/2005; Amended Article II Section 5 on 6/27/2005 by Ordinance 05/06-O-01 effective 7/1/2005; Amended Article II Section 3 on 10/24/2005 by Ordinance 05/06-O-02 effective 11/14/2005; Amended Article VIII on 5/27/2008 by Ordinance 08/09-O-01 effective 6/1/2008; Amended Article I Section 6, Article II Section 1, 3 and 8, Article III Section 2, Article VII, Article VIII on 1/25/2010 by Ordinance 09/10-O-01 effective 1/25/2010; Amended Article I Section 7, 8 and 9, Article II Section 5 Paragraph C and Section 8 Paragraph C on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012; Amended Articles I and II on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

#### ARTICLE I. Definitions.

Amended Section 5 on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

The following definitions shall have the designated meanings within this Title 5:

SECTION 1. “Basin Connection Charge” or “Basin Fee” shall mean the composite of the cost per unit to construct a trunk sewer system and the carrying charges per unit associated with the construction of a trunk sewer system.

SECTION 2. “Commercial or Industrial User” shall mean all users of the District sewer system except single family and duplex residential properties.

SECTION 3. “Composite Connection Charge” or “Connection Charge” shall mean the connection charge paid by persons seeking to connect to District's sewer system and shall consist of three components. The first component represents a buy-in of excess plant capacity by new users (plant buy-in), the second being the cost to connect to new trunk sewers (basin connection fee), and the third being any other established connection charge, including a payback connection charge, a frontage connection charge, a special assessment connection charge or a special service area connection charge. For purposes of this Title “charge” shall be synonymous with “fee”.

SECTION 4. “Construction Cost Index (CCI)” shall mean the index of construction costs prepared by F.W. Dodge and printed in the Engineering News Record, or equivalent index if the CCI is no longer prepared when the determinations required by Article II Section 4 or Section 9, or Article IV or Article V are made.

SECTION 5. “Drainage Basin” or “Trunk Basin” shall mean an area whose surface water flows are tributary to a common point. Such basins are determined using ridge lines containing the boundary of such area. Drainage Basin, for purposes of this Title, shall be determined by the District Engineering Manager for all areas, as a minimum, within the District's planned future service area and shall be designated on a map maintained by the Engineering Manager. In cases where a drainage basin cannot be determined as described above, the Engineering Manager shall determine the appropriate basin based on recognized engineering principles.

Amended on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

SECTION 6. "Equivalent Residential Unit (ERU)" shall mean the flow and contaminant load per average residential unit as determined by the Illinois Environmental Protection Agency for planning purposes. One ERU equals an average flow of 350 gallons per day. ERU determination for all permits for plant-buy-in and basin connection charges shall be based solely on flow.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

SECTION 7. "Lateral Sewer" shall mean a sewer that is generally eight (8") inch or ten (10") inch in diameter, but may be of larger diameter under special conditions based on District design criteria.

Added on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012

SECTION 8. "Trunk Sewer" shall mean a sewer that receives flow from many tributary branches and serves as an outlet for a large territory. A sewer shall be considered a trunk sewer when the sewer has minimum diameter of twelve (12") inches and has an average per day flow exceeding 210,000 gallons (600 ERU) based on District design criteria as established by the District Engineering Manager.

Renumbered on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012

SECTION 9. "Unit" shall mean the smallest component of residential, commercial or industrial structure which may be individually sold or rented.

Renumbered on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012

## **ARTICLE II. Connection Charge.**

Amended Section 5 on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

### **SECTION 1. Calculation of Composite Connection Charge.**

Except as provided in Articles III, IV, and V, the composite connection charge shall be calculated based on a user's ERU using the plant-buy-in rate as set forth in the Rate Ordinance as established by the District's Board of Trustees and the basin connection charge rates established by the District Engineering Manager. The composite connection charge shall consist of the sum of three components: 1) plant buy-in, 2) basin connection charge computed for each basin, 3) established connection charges under Article III, IV or V. The minimum charge for all connections subject to plant-buy-in or basin connection charges shall be for one ERU. Plant-buy-in and basin connection charges shall be based on whole numbers. Partial ERUs shall be rounded up to the next whole number.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

## SECTION 2. Collection of Connection Charge.

The appropriate charge for each connection, as calculated pursuant to this Title, shall be collected by District before a permit is issued authorizing the connection to District sewer.

## SECTION 3. Amount of Connection Charge.

Amended Paragraph A on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

A. The plant-buy-in connection charge shall be the rate per ERU established by the District Board of Trustees as determined under this Article and set forth in the rate ordinance.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

B. The basin connection charge shall be the rate per ERU established by the District Engineering Manager as determined under this Article.

C. A payback connection charge shall be determined based on the Agreement under which it was established. A frontage connection charge shall be determined per Article III, Section 4. A special assessment connection charge shall be determined per Article IV. A special service area connection charge shall be determined per Article V. Any other connection charge components shall be determined based on Article III.

## SECTION 4. Increase or Decrease in Basin and Plant-buy-in Connection Charge.

A. The basin connection charge shall be reviewed annually and when a portion of the trunk system has been constructed and accepted by the District. The increase or decrease in the basin connection charge shall be determined based on the actual construction costs as portions of the trunk system are completed, estimated construction costs of the trunk system not yet completed and zoning factors which may influence ERUs in a basin, and for such other reasons as are deemed appropriate by the Board of Trustees and as supported by calculations and opinions of its staff. The CCI may be used to periodically adjust the cost of completed trunk system, but the cost shall not be adjusted to be less than the actual cost. Such increases or decreases in the basin connection charge shall be determined and published by the District Engineering Manager annually, or more frequently, as circumstances require. Changes shall not be retroactive.

B. As District's capital assets are modified due to construction, demolition or modification of components of the treatment plant, the Board shall review such changes and increase or decrease the plant buy-in connection charge as required. Such revised plant buy-in charge shall be applicable to connections made after its effective date.

## SECTION 5. Computation of Basin Connection Charge.

Amended Paragraph C on 6/27/2005 by Ordinance 05/06-O-01 effective 7/1/2005; Amended Paragraph C on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012; Amended Paragraph A on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

A. District shall compute the basin connection charge for each drainage basin in District's planned future service area for basins for which trunk sewers are needed and have not been installed or require upgrade to meet changed conditions such as rezoning or an approved higher intensity use by another government agency. Failure of District to complete computations for any basin or basins shall not preclude collection of a connection charge for connections made in basins for which costs to connect have been determined.

Amended on 11/24/2014 by Ordinance 14/15-O-01 effective 11/25/2014

B. In computing the cost to construct for a basin, the District Engineering Manager shall consider the planned use or uses for the basin, the developable property in the basin, the expected ERUs for such property, the actual costs to extend trunk sewer and the estimated cost to extend the trunk sewer to the upper reaches of the basin. The cost to construct includes, but is not limited to, survey and engineering design fees, easement costs, construction costs, construction administration, construction inspection and plan review and permit fees. The cost to construct for the basin shall be the combination of actual and estimated costs to extend the trunk sewer to the upper reaches of the basin divided by the number of total expected ERUs for the basin. As the District's planned future service area is revised to include additional basins, the cost to construct for such basins shall be computed in the above manner.

C. In computing the basin carrying cost, the District Engineering Manager shall assume a uniform fifty-year build out of the basin for basin reimbursement and cost participation agreements or understandings including all basins in which the District is the sole cost participant, using the number of ERUs for the basin as determined above. The annual carrying cost shall be calculated on the total cost to install the trunk sewer system, less the anticipated previous straight-line accumulated sum of basin connection charges and net present value of lost interest assumed received during each year of the fifty-year build out. Total carrying cost shall be the net present value of the sum of the annual carrying costs discounted at a percentage to be determined by the Board by separate ordinance.

Until modified by the Board, the rate shall be 5%. The basin carrying cost is the total carrying cost divided by the number of ERUs in the basin. The carrying cost is subject to adjustment as provided in Article II, Section 4.

Amended on 6/27/2005 by Ordinance 05/06-O-01 effective 7/1/2005; Amended on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012

## SECTION 6. Installation of Trunk Sewer by Private Parties.

If a trunk sewer or portion thereof, is installed by a private party (installer), a credit or rebate toward the basin connection charge may, at the installer's election, be given to the installer for each ERU connected in property owned or controlled by the installer within the drainage basin at the

time of execution of a reimbursement agreement with District up to the basin connection charge. The plant buy-in cost shall be payable to District for each ERU connected in such property.

For purposes of this section, “lots to be served” shall be defined as any lot or unit within the trunk basin as defined by the District.

The lots to be served by the trunk sewer system that are not owned by the installer shall be assessed a basin connection charge and plant-buy-in connection charge as established by this Title.

The installer shall be entitled to a rebate up to the basin connection charge for each such lot or unit (ERU) in the basin when the basin connection charge is collected by District. Any such rebate by the District is strictly limited to basin connection charges actually collected by the District. In no case shall any installer receive credits or credits and rebates totaling more than his contribution to the cost to install a trunk sewer, or portion thereof.

If the installer contributed less than the full cost of the basin trunk sewer system installation, the credit or rebate for each ERU connected shall be computed using the installer's pro-rata contribution to the total estimated or actual basin trunk system cost. In all cases, the plant buy-in fee shall be collected in full for each ERU connected.

#### SECTION 7. Credit for Taxes Paid.

Repealed on 4/25/2005 by Ordinance 04/05-O-07 effective 5/1/2005

#### SECTION 8. Agreements with Developers or Units of Local Government.

Amended on 4/25/2005 by Ordinance 04/05-O-07 effective 5/1/2005; Added Paragraph C on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012

A. Except as provided in this Section, in cases where, prior to August 24, 1992, District has entered into agreements with private parties or other units of local government to collect payback charges, frontage charges or the like from specified properties at time of hookup, District shall continue to collect such charges as a minimum and remit amounts to the other parties to such agreements as those agreements require. For each such connection the District shall collect: (1) the plant-buy-in connection charge established by this Title, and (2) the payback or frontage charge established by the respective agreement, and remit the appropriate amounts to the parties specified in the respective agreements. The foregoing provisions shall not apply to the Mud Creek Trunk No. 6 Basin and the Milwaukee Land Company Payback Agreement executed on August 5, 1969. In that case, connection charges for the basin shall consist of the basin connection charges and plant-buy-in connection charges established by this Title, plus payback charges established in the Milwaukee Land Company Payback Agreement.

B. Nothing in this Title shall prevent the District from entering into agreements with developers or other units of local government which provide for contribution by such developers or any other units of local government towards the cost to install a trunk sewer

and the collection of charges from future hookups, provided that each amount collected shall be the computed basin and plant-buy-in connection charge per ERU for the trunk basin in which the property lies.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

C. Payback agreements executed between November 26, 1990, and May 22, 2006, have a term not greater than twenty-five (25) years. Adjustment for inflation is based on the terms of the individual agreement. The fee is based on the actual cost of installation based on the terms of the agreement. In no case shall the payback connection fee be less than the actual cost of the sewer system installation.

Payback agreements executed after May 22, 2006, shall have a term not greater than ten (10) years and shall be adjusted for inflation using the CCI. The adjustment shall be annually in the anniversary month of the District acceptance of the sewer for connections using the CCI for that month and year as the base. The annual adjustment shall be made for no more than a period of ten (10) years at which time the charge will remain constant. The initial payback connection fee amount shall be limited to the value of the sewer to the individual lot(s) being directly served by the sewer installation, as determined by appraisal or other acceptable means.

In all cases, the District shall continue to collect the payback connection fee until all properties subject to the fee are connected or paid.

Paragraph added on 6/25/2012 by Ordinance 12/13-O-01 effective 6/26/2012

#### **SECTION 9. Acceptance of Industrial Waste of Unusual Strength or Characteristics.**

Nothing contained in this section shall be construed to prevent any special agreement or arrangement between the District and any person whereby any industrial waste of unusual strength or characteristic may be accepted by the District for treatment subject to payment therefore by the person as prescribed by the District.

#### **SECTION 10. Connections by Units of Local Government or Other Governmental Bodies.**

Local government and other governmental bodies shall be assessed the connection charges established under this Title.

### **ARTICLE III. Connection Charges in Certain Cases.**

**SECTION 1. Connection Charges for Governmentally Installed Sewer or Sewers Subject to Payback Agreements.**

Connection charges in amounts to be established by the Board by separate ordinance may be collected on a per-foot basis or other method approved by the Board of Trustees, from all properties connecting to sewers constructed and owned by, or conveyed to, District which:

- A. Were installed by District in whole or in part, or
- B. Were installed by other units of government prior to their conveyance to District and for which arrangements were made with District to collect payment of connection charges, or
- C. Were installed as part of a payback agreement, and the property to be connected is subject to the agreement, or
- D. Were installed as part of a District Special Assessment project, and the property connecting to the sewer was served by the Special Assessment sewer, was not on the Special Assessment Roll as defined in the Petition to Levy Special Assessment or equivalent document filed with the Court and was not afforded the opportunity to be on the Assessment Roll, or
- E. Were installed as part of a Special Service Area project, the property connecting to the sewer was served by the Special Service Area sewer and the property connecting to the sewer was not on the Special Service Area tax roll or did not prepay the special tax and was not afforded the opportunity to be on the special tax roll, or
- F. Are not excluded from connection fees by this Code or specific agreements with affected parties or agencies.

#### SECTION 2. Connection Charges for Special Assessment Projects.

Connection charges shall be collected from properties assessed for sewers as part of a Special Assessment project and shall be in addition to the special assessment against the property. Composite connection charges, which includes a Special Assessment component, shall be paid by property served by a Special Assessment project that was not on the Assessment Roll. The Special Assessment component shall be calculated based on Article IV of this Title.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

#### SECTION 3. Connection Charges for Special Service Area Projects.

Connection charges shall be collected from properties assessed for sewers as part of a Special Service Area project by District and shall be in addition to the special tax assessed against the property as part of the Special Service Area project. The Special Service Area connection charge for property served by a Special Service Area project and not subject to the special tax assessment or not having prepaid the special tax assessment shall be calculated based on Article V of this Title.

#### SECTION 4. Determining Connection Charges by Lot Frontage.

Connection charges may be calculated using the lot or tract frontage at the street right-of-way line. Frontages for corner lots shall be computed using the short side of the lot or tract at the street. Anything in this sub-section to the contrary notwithstanding, when irregular parcels or large tracts are to be connected or multiple connections on one parcel are required, the connection charge may be reviewed by the District Engineering Manager and charged in a manner similar to other connections of the same type.

#### SECTION 5. Alternative Method of Determining Connection Charges.

In the alternative, connection charges may be based on area, flow, ERUs, appraisals or any other method approved by the Board.

#### SECTION 6. Rules in Cases of Multiple Improvement with Single Development.

In the event one or more properties are improved with a single development, the following rules shall apply:

- A. If the development is subject to a payback agreement, payback fees established in the agreement shall be due and payable prior to initiation of construction by the developer.
- B. If the development is not subject to a payback agreement but is subject to connection charges, such charges for each property in the improvement must be paid prior to any connection to District sewer. In areas of redevelopment, including without limitation, expansion of existing facilities into previously unsewered lots the same rules shall apply.

### ARTICLE IV. Special Assessment Connection Charges.

#### SECTION 1. Establishment of Special Assessment Charge.

A. For lots included within a Special Assessment Area and contained in the assessment roll confirmed by the court, the Special Assessment charge for any lot or lots shall be established by the Assessing Officer appointed by the Committee of Local Improvements and shall be confirmed by the Court. Connection charges shall be paid by the public benefit fund for lots that are included in the Assessment Roll except as otherwise provided for.

For lots lying within a Special Assessment area or served by a Special Assessment sewer but not contained in the assessment roll confirmed by the court, or in cases where additional service is required after the Assessment Roll has been confirmed in court, to serve lots platted, or created by a parcel split without platting, after confirmation, connections to District sewer will be charged any applicable connection charge plus the Special Assessment connection charge. The Special Assessment connection charge shall be the actual cost to construct the Special Assessment sewer per lot, which includes the public and



private benefit, adjusted for inflation by the use of the CCI annually on the anniversary date of District acceptance of the sewer.

For lots served by a Special Assessment sewer but not contained in the Assessment Roll confirmed by the court or afforded the opportunity to be assessed at the time the project was constructed, the Special Assessment connection charge shall be at the then current per front foot Special Assessment rate established by ordinance.

Payment of such Special Assessment connection charge shall be required prior to the issuance of a permit to connect to District sewer.

B. The Special Assessment charge shall be a per lot or tract charge and shall be determined for the sewerage of each project area requesting sanitary sewer service, upon acceptance of the area request by the District. This charge, combined with public benefit funds, shall be used to provide the funds needed for sanitary sewer service to the property line of each lot or tract of the service area. The charge per lot shall be determined by the Assessing Officer in accordance with §§22a.13 and 22a.14 of the 1917 Act. The Board shall establish a Special Assessment rate per front foot by separate ordinance, which may be considered by the Assessing Officer in determining the charge per lot.

C. Lots or parcels which are confirmed on the Special Assessment Roll and which add one or more detached buildings on said lot to the public sewer may do so at no additional Special Assessment connection charge, providing the additional building(s) connect to the existing service provided to the lot and that all building(s) flows are measured by a single water meter. The connection to the existing service must be made at a service manhole conforming to District standards which shall be located on private property, with a public access easement provided to said manhole. All applicable connection fees will be due and payable prior to issuance of a service connection permit for the additional building(s). Should the added building(s) require an additional water meter or a separate sanitary service, or should the parcel be subdivided into more than one lot at any time, the building(s) and/or parcel shall be subject to connection fees, as well as Special Assessment connection charges as calculated in Section 1 above. The entire charge will be due at time of connection.

D. In cases in which a property owner has elected not to participate in a Special Assessment project and whose property has not been included on the Assessment Roll, sells the property to another without disclosing the on-going Special Assessment project, and due to such failure to provide notice, the new owner is unable to participate in the project, the Board, upon proof by the purchaser of the lack of knowledge, may, for good cause shown, waive the collection of the public benefit portion of the connection charge as well as any basin charges or other charges due and owing and allow the property to hook up to District sewer upon payment of the private benefit amount in full. The provisions of this sub-paragraph shall only apply for 18 months after confirmation of the Assessment Roll in a particular case.

## SECTION 2. Replatting of Lots

Owners of properties in a Special Assessment Area may replat properties in advance of the confirmation of the Assessment Roll, subject to all restrictions imposed by statute and local ordinance with respect to plats. Only one connection to each lot of such replatted property will be permitted. If re-subdivision of such a replatted lot occurs prior to confirmation of the Assessment Roll, District shall charge the property owners for each of the re-subdivided lots the established Special Assessment charge. District shall impose such restrictions on replatting as it deems appropriate. Each lot of record after replat but prior to confirmation will be provided a separate sewer service to the property or easement line, and would be subject to the Special Assessment fees established for the project. Replats which add lots within the Special Assessment area after confirmation of the Assessment Roll shall be subject to all applicable connection fees. The entire connection charge is due at time of connection.

## SECTION 3. Easements.

Owners of property who grant easements to the District across such property shall, in consideration of the granting of such easement, receive one (1) ERU plant-buy-in connection charge credit for the parcel burdened with the easement. This does not apply to Special Assessments, payback fees or other connection fee components. Multiple easements on the same parcel do not qualify for additional ERU connection credits. The credit runs with the property for the original granting owner and next subsequent owner; transfer by estate is considered as the original owner.

## ARTICLE V. Special Service Area Connection Charges.

### SECTION 1. Establishment of Special Service Area Charge.

A. For lots included within a Special Service Area and on the special tax roll or those lot owners that prepay the special tax, the Special Service Area charge shall be established by multiplying the estimated cost per lot to construct the sewer within the boundaries of the Special Service Area by sixty percent (60%). The District will bear all costs of sewers outside the Special Service Area, as well as any necessary sewer upsizing, pump station and forcemain costs.

Amended on 2/26/2001 by Ordinance 00/01-O-05 effective 2/26/2001

For lots served by a sewer in a Special Service Area but not assessed for the costs of the project, or in cases where additional services are required after the sewer is installed, connections to District sewer will be charged any applicable connection charge plus the Special Service Area connection charge. The Special Service Area connection charge shall be the actual cost to construct the Special Service Area sewer per lot, which includes the amount assessed plus the cost to the District to provide the sewer to the parcel, adjusted for inflation by the use of the CCI annually on the anniversary date of District acceptance of the

sewer. Payment of such Special Service Area connection charge shall be required prior to the issuance of a permit to connect to District sewer.

B. The Special Service Area charge shall be a per lot or tract charge and shall be determined for the sewerage of each project area requesting sanitary sewer service upon acceptance of the area request by the District. This charge, combined with monies provided by the District, shall be used to provide the funds needed for sanitary service to the property line of each lot or tract of the Special Service Area. The charge per lot shall be determined by multiplying the estimated cost to construct sewer within the proposed Special Service Area by sixty percent (60%), divided by the total number of lots included in the area.

Amended on 2/26/2001 by Ordinance 00/01-O-05 effective 2/26/2001

C. Lots or parcels which are part of a Special Service Area Project and which add one or more detached buildings on said lot to the public sewer may do so at no additional assessment if the additional building(s) connect to the existing service provided the lot and all building(s) flows are measured by a single water meter; the connection to the existing service must be made at a service manhole conforming to District standards which shall be located on private property, with a public access easement provided to said manhole. All applicable payback and connection fees will be due and payable prior to issuance of a service connection permit for the additional building(s). Should the added building(s) require an additional water meter or a separate sanitary service, or should the parcel be subdivided into more than one lot at any time, the building(s) and/or parcel shall be subject to connection fees, as well as pro rata public costs and costs equal to sixty percent (60%) of the actual cost to provide the additional special services, adjusted for inflation. The entire charge will be due at time of connection.

Amended on 2/26/2001 by Ordinance 00/01-O-05 effective 2/26/2001

## SECTION 2. Replatting of Lots

Owners of properties in a Special Service Area project may replat properties in advance of the establishment of the special tax financing, subject to all restrictions imposed by statute and local ordinance with respect to plats. Project financing occurs at the time of bond sale or loan acquisition for the special tax. Only one connection to each lot of such replatted property will be permitted. If re-subdivision of such a replatted lot occurs prior to the establishment of financing, District shall charge the property owner for each of the re-subdivided lots based upon the established Special Service Area charge. District shall impose such restrictions on replatting as it deems appropriate. Each lot of record after replat done prior to establishing financing will be provided a separate sewer service to the property or easement line, and would be subject to Special Service Area charges established for the project. Replats which add lots within the Special Service area after establishment of the special tax financing shall be subject to all applicable connection fees. The entire connection charge is due at time of connection.

### SECTION 3. Easements

Owners of property who grant easements to the District across such property shall, in consideration of the granting of such easement, receive one (1) ERU plant-buy-in connection charge credit for the parcel burdened with the easement. This does not apply to Special Service Area taxes, payback fees or other connection fee components. Multiple easements on the same parcel do not qualify for additional ERU plant-buy-in connection credits. The credit runs with the property for the original granting owner and next subsequent owner; transfer by estate is considered as the original owner.

### ARTICLE VI. Determination of Expected Flows and Uses.

To calculate the anticipated sewage flow from a building or other structure, the Engineering Manager may consult District statistics, "Illinois Recommended Standards for Sewage Works", plans and specifications submitted by the applicant and information contained on the permit application. If any amendments are made to drawings or to the permit application which would affect the flow, said amendments shall be delivered promptly to the District by the applicant and flow determination shall be amended and any increase or reduction of charges shall be invoiced or refunded to the applicant as the case may be. The anticipated use of a building shall be determined from plans and any other information submitted by the applicant and from data available from any other unit of government.

### ARTICLE VII. Changes of Flow or Wastewater Characteristics.

#### SECTION 1. Recalculation of Billable Flow for Permittees.

Billable flow for all permittees having completed an Industrial/Commercial Application (I/C) and connected directly or indirectly to District sewer shall be reviewed by the Plant Operations Manager and Engineering Manager after three (3) full years of discharge to determine if the billable flows have exceeded the estimated values used in the I/C. If the billable flows exceed the estimated value by one or more ERUs the user shall be required to pay the difference between the connection charge paid at the time of connection and the composite connection charge as determined at the end of the three year period. The fee due shall be calculated at the then current rates. No refunds shall be issued in the event the three year average discharge is less than the original estimated discharge.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

#### SECTION 2. Billing and Collection.

Billing for additional connection fees due under Section 1 of this Article shall be payable by the user upon receipt and shall be delinquent thirty (30) days after issuance. Users shall be notified of the additional connection fee by letter. The additional amount shall be added to the next quarterly user fee bill. Delinquent bills shall be referred to the District's Collection Department and shall be processed in accordance with Title 3 of this Code.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

**ARTICLE VIII. Change of Use of Parcel or Removal of Building or Structure.**

In the event that the use of the parcel changes and increases the burden on the District, or if any structure or building for which previously applicable charges have been paid or attributed is razed and a new building constructed on the same parcel, the changed use or new building, as the case may be, shall be permitted to connect the equivalent burden upon the District system with no additional charge except the applicable District service connection permit charges and I/C requirements. In the event that an additional burden is imposed on the District system through increased flow a connection fee for such additional burden shall be paid. Such charge will be based on the difference between the previously paid or attributed ERU and the ERU for the proposed use with the minimum fee of one ERU. No connection fee will be collected if the proposed use is less intensive, except as otherwise established by the District's Board of Trustees.

Amended on 1/25/2010 by Ordinance 09/10-O-07 effective 1/25/2010

**TITLE 6**  
**CAPITAL CHARGES**

**ARTICLE I.** Definitions

The following definitions shall have the designated meanings within this Title:

SECTION 1. "Capital Needs" shall mean the funds needed to purchase fixed assets.

SECTION 2. "Wastewater Treatment Bill" shall mean the bill developed in accordance with Title 3 of this Code.

**ARTICLE II.** Determination of Capital Requirements and Funding

SECTION 1. Capital Program Development

Within sixty (60) days following January 7, 1982, the Director shall prepare and submit to the Board a Capital Needs Program for a minimum period of five years beginning on the first day of the next fiscal year. Such needs shall exclude O & M and Replacement Cost requirements as established under Title 3 of this Code. The District Director shall recommend the method of funding for each identified project or group of projects, in accordance with the methods set forth in Section 2 of this Article.

SECTION 2. Funding Alternatives

Projects may be funded by one or more of the following means:

- A. A charge added to wastewater treatment bills. Such charges may be computed in a like manner as the charge for Replacement Costs in Title 3 of this Code, or may be a flat sum per user or group of users, as established by the Board of Trustees.
- B. Separate billing as directed by the Board; provided, however, that such separate billings, if not for repayment of revenue bonds, shall be used for such expenditures as may be necessary from time to time for the continued effective and efficient operation of the wastewater treatment system and not for extensions to the system.
- C. Issuance of Revenue Bonds and retirement of such bonds by charges added to the wastewater treatment bill or by separate billing.

- D. Issuance of General Obligation Bonds and retirement of the bond by ad valorem taxes.
- E. Ad valorem taxes.
- F. Borrowing from the State of Illinois Revolving Loan Fund.
- G. Such other method of funding authorized by the Board.

### SECTION 3. Board Action

The Board shall consider the Capital Needs Program, including the classification of projects and the proposed funding for each, and may increase, decrease, reallocate or otherwise modify the proposed program; provided, however, that amounts raised by the capital charge on the user charge bill shall not be used for extensions to the wastewater treatment system.

### SECTION 4. Development of the First Year Program

Following adoption of the Capital Needs Program, the Director shall determine the capital needs for the first year of the plan, including classification of projects and method of funding and submit a one-year plan to the Board. Upon Board consideration and modification as necessary, the plan shall be adopted by the Board by resolution.

### SECTION 5. Annual Review and Development of Annual Plans

At least annually, the Capital Needs Plan shall be reviewed and modified by the Board as required to extend the plan for not less than an additional year. Upon completion of the review and extension, the revised and extended Capital Needs Plan shall be adopted by the Board by resolution. Following such adoption, the Director shall prepare a Capital Needs plan for the next year, in the manner set forth in Section 4 of this Article, and submit it to the Board for review and approval.

## **TITLE 7**

### **ENFORCEMENT PROCEDURES AND PENALTIES**

#### **ARTICLE I. GENERAL.**

If any User is found to be in Violation of this Code, as defined below, the User is subject to the provisions of this Title 7.

As used in this Title 7, the term “Violation” or phrase “Violation of this Code” shall mean a violation of any provision of this Code, any permit condition, any Pretreatment Standard or Requirement, the Illinois Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under either act. Further, a Violation shall include (a) violating an order of the Board of Trustees, (b) tampering with, disrupting, or destroying District equipment, (c) failure to report a Slug discharge as defined in Title II of this Code, (d) failure to report an accidental discharge of a Pollutant, (e) failure to report an Upset or Bypass of the User’s Pretreatment facilities, and (f) failure to communicate with the District in a reasonable manner.

The District will determine the appropriate enforcement action to be taken in each case, based on its consideration of factors relative to a Violation, including, but not limited to, the type of Violation, the intensity of the Violation, whether the Violation was intentional or unintentional, and the history of Violations for a given User.

The Board of Trustees may adopt an Enforcement Management System/Enforcement Response Guide (EMS/ERG) to supplement this Title 7. *See* 40 CFR 403.8(f)(5). Following adoption, the EMS/ERG will be made available to the public. Enforcement steps, as set forth in this Title 7 and in the EMS/ERG will be followed, at the District’s discretion. The District may, based on specific facts, elect to omit any or all administrative actions short of a Show Cause Hearing, or may elect to proceed with administrative proceedings set forth in this Title 7 at any level while simultaneously pursuing other remedies it may have available under the provisions of this Title 7, the Code, at law or in equity.

#### **ARTICLE II. ADMINISTRATIVE ENFORCEMENT.**

##### **Section 1. Administrative Actions**

The following administrative enforcement actions are meant to encourage “conference, conciliation and persuasion” as provided for by 70 ILCS § 2405/26.

##### **A. Informal Notice**

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.



Informal Notice consists of personal contact, telephone calls or reminder letters to a User. District staff may use such a call or letter to notify the User of a Violation and to seek an explanation, suggest the exercise of more due care, or notify the User that subsequent Violations of the same type may be dealt with more severely. Such informal notice may be used to correct minor, inadvertent Violations such as late or incomplete reporting and to demonstrate that District staff will note and follow up on all known Violations.

B. Letter of Violation (LOV)

A LOV is a written communication from the District to a User notifying the User of a Violation. The LOV requires the User to evaluate and explain the cause of the Violation, state actions to be taken to achieve compliance, and required steps to be taken to ensure the Violation will not re-occur. The LOV requires the User to return to compliance and may state conditions or requirements for achieving compliance. The LOV may also state deadlines for a response demonstrating compliance has been achieved.

C. Review Meeting

Where Violations have occurred, the District may notify the User in writing as to the particulars of the Violations and request that the User attend a voluntary meeting at the District with the Plant Operations Manager or his or her designee. The meeting is intended to provide a voluntary means of preventing future Violations.

D. Standards Meeting

Where Violations have occurred, the District may notify the offending User, in writing, through a "Notice of Standards Meeting" as to the particulars of such Violation(s) and set a time and place for a Standards Meeting to be attended by representatives of the User and the District. The Plant Operations Manager, or his or her designee, shall conduct the meeting. The purpose of such a meeting shall be to establish procedures, investigations, and studies as the District deems necessary and desirable for the determination of actions the District may require of the User to prevent further Violations and, particularly, discharges in violation of the limitations on discharge.

E. Investigative Order (IO)

Following a Standards Meeting, the District may direct the User to take such actions as may be necessary to prevent further Violations and control and prevent discharges in violation of the limitations on discharge, including furnishing a schedule and providing a final date of compliance. To accomplish this, the District may issue an Investigative Order requiring the User to make such investigations and studies as the District deems necessary to determine actions the User may be required to take to control and prevent further Violations. The User shall acknowledge that any violation of an IO will result in fines for each violation, in

addition to any other remedies or causes of action District may have. The amount of the fines shall be established in the IO which shall be accepted in writing by the User. An IO issued by the District may include an Interim Limit, as defined below in Section 1.G of this Article II, for the duration of the IO.

F. Administrative Order (AO)

Following the completion of the investigations and studies required in an Investigative Order, the District may direct the User to take such action as may be required to prevent further Violations. Such direction and requirements shall be incorporated in an Administrative Order issued at the completion of the actions required under the Investigative Order. The User shall acknowledge that any violation of an AO will result in fines for each violation, in addition to any other remedies or causes of action District may have. The amount of the fines shall be established in the AO which shall be accepted in writing by the User. An AO may contain an Interim Limit, as defined in Section 1.G of this Article II, for the duration of the AO.

G. Interim Limits

Any Investigative Order or Administrative Order issued to a User under provisions of this Article may include Interim Limits for the duration of such order. Interim limits shall be determined at or following a Standards Meeting and adherence to those limits shall be a condition of the Investigative Order or Administrative Order. Interim Limits established for categorical or local limits shall not exceed three times the applicable categorical limit or local limit for the User. If the pollutant for which Interim Limits are issued has both local and categorical limits, the Interim Limit shall not exceed three times the most restrictive limit. The User shall acknowledge that any violation of such limits will, in addition to any other remedies or causes of action District may have, result in fines for each violation. The amount of the fines shall be established in the Investigative Order or Administrative Order which shall be accepted in writing by the User. Failure of a User to so agree shall be cause for denial of the Interim Limits and enforcement of the categorical or local limits against the User as well as any other remedies the District may have. Compliance with Interim Limits shall not relieve the User from liability under any provisions of this Code, Federal or State Regulations or statute except as specifically provided in the Investigative Order or Administrative Order in which it is incorporated.

H. Cease & Desist Order

A Cease and Desist Order directs a User to immediately cease discharges found to be in violation of this Code, pretreatment standards, or the provisions of a User's permit. The Cease and Desist Order shall be used where a discharge could cause interference or pass through, or otherwise create an emergency situation.

I. Public Notice of Significant Non-Compliance

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the District, a list of the Users, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users and Industrial Users in violation of Title I, Article II, Sections 78.A.3 and 4 and 78.G, J and K of this Code.

J. Show Cause Hearing

1. A Notice of a Show Cause Hearing is an order directing a User to appear before the District's Board of Trustees to explain its Violations and "show cause" why more severe enforcement actions against the User should not be taken. A Show Cause Hearing will most often be used where previous enforcement actions have failed to resolve the Violations. A Show Cause Hearing serves as an evidentiary hearing as to whether a Violation has occurred.
2. The Board of Trustees may itself conduct a Show Cause Hearing or may designate any of its members to conduct a Show Cause Hearing. The President of the Board of Trustees or the Board of Trustee's designee shall be the "hearing officer."
3. Upon initiation of the Show Cause Hearing, District staff shall prepare a Notice of Show Cause Hearing which shall include the User's service address, the time and place of a Show Cause Hearing, the name of the hearing officer, and the Violations at issue. The Notice of Show Cause Hearing shall provide some detail as to the Violation(s) and require the User to appear at the hearing.
4. The Notice to Show Cause shall be served by certified or registered mail to the User's service address. If there is more than one User, the Notice shall be mailed to the last known service address of each User. If the User is not the property owner, notice will also be sent to the property owner as determined from a search of public records by registered or certified mail. The mailing of the Notice to Show Cause shall be construed as service. The Notice to Show Cause may also be personally served upon the User and property owner. The District may also notify any other person with an interest in the subject premises whose rights may be affected by continued enforcement proceedings.
5. If service cannot be obtained on the User, as evidenced by a return of certified or registered mail unclaimed or a report from the Sheriff's office or process server that the User cannot be found, the provisions of this Title shall apply to the property

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.

owner as if he or she was the User, in regard to the Show Cause Hearing process and potential enforcement remedies and penalties.

6. The Show Cause Hearing shall be scheduled neither less than ten (10) nor more than thirty (30) calendar days from the date the Notice to Show Cause is sent. Any request for a continuance must be made in writing at least 48 hours prior to the hearing to the hearing officer setting forth in detail the reasons for the request. The hearing officer shall grant or deny continuances in writing upon said written requests.
7. District staff may issue, in the name and on behalf of the Board of Trustees or hearing officer, subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to such hearing in accordance with Section 26(11) of the 1917 Act (70 ILCS 2405/26(11)).
8. Upon written request prior to the hearing by either party, the other party shall provide the following: (a) a list of all witnesses expected to testify at the Show Cause Hearing; and (b) copies of any documents expected to be used at the Show Cause Hearing.
9. The District shall make its employees available for examination at the Show Cause hearing upon written request.
10. The Director, or the District's legal counsel, may enter into stipulations of fact or law on behalf of the District.
11. The procedures detailed below are in place to ensure a fair forum for the resolution of disputes between the District and a User. While the procedures should be followed, a failure to follow a particular procedure is not fatal to the validity or fairness of the hearing. Further, the hearing officer may deviate from these procedures where fairness or common sense dictate. The procedures are as follows:
  - a. Testimony shall be taken under oath and either recorded by a recording device or by a court reporter. The recording or transcript will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The use of a court reporter or production of a written transcript are not required but may be provided for at the discretion of the District or upon request of the User at the User's expense.
  - b. The hearing officer shall open the hearing by stating his or her name and authority for holding the hearing with such authority being the provisions of this Code and the Sanitary District Act of 1917. The hearing officer shall also state the User's name and the service address involved.

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.

- c. The hearing officer shall ask for the appearances of the parties and in responding thereto, any persons representing the parties shall state for the record their names and whom they represent.
  - d. The hearing officer shall determine, for the record, whether due notice was given.
  - e. Following the determination of notice, the hearing office may solicit an opening statement from the District and then from the User. Opening statements shall be no more than five minutes.
  - f. The District shall examine its witnesses and present its documents. The User shall be afforded an opportunity to question the witnesses and object to any documents presented as evidence.
  - g. The User may then examine its witnesses and present its documents. The District shall be afforded an opportunity to question the witnesses and object to any documents presented as evidence.
  - h. The hearing officer may accept or reject documents offered as evidence. Such acceptance or rejection shall be noted for the record. No formal rules of evidence shall apply.
  - i. Following presentation of witnesses and documents, the hearing officer may solicit closing statements from the parties. Closing statements shall be no more than five minutes.
  - j. The hearing officer may suspend the hearing and set a date on which the hearing is to continue.
12. At the Show Cause Hearing the District shall have the burden of showing, by a preponderance of the evidence, the following elements: (a) that notice was proper; and (b) that the alleged Violation occurred. At the conclusion of the Show Cause Hearing, the hearing office shall render a Decision and Order in writing with specific findings as to the required elements within thirty (30) days of the hearing, or within such longer period as the hearing officer deems necessary, so long as notice is given to the parties of the longer period. The Decision and Order may include any of the remedies and penalties detailed in this Title 7.
13. In all cases where the hearing officer finds that the User or property owner is in Violation of the Code, the hearing officer may assess the costs of enforcement as part of the Decision and Order. These costs shall include hearing officer fees, service fees, reasonable attorney's fees, other direct District costs necessary to provide notice

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.

or obtain service and disconnection charges. Disconnection charges may include the costs incurred by District in preparing for disconnection of the property, even if disconnection does not take place.

14. Only upon majority vote of a quorum of the Board of Trustees shall the Decision and Order be binding upon the User.

## **Section 2. Administrative Remedies and Penalties**

The primary purpose of the District's enforcement activities is compliance. Nevertheless, certain Violations may warrant a punitive response.

The Board shall have the responsibility for reviewing all requests for revocation of discharge permits, disconnection of Users from the District POTW, revocation of variances granted under provisions of this Code, and appeals under the procedures established in Section 3.A of this Article. Only the Board shall have the authority to approve such revocation of permits, variances, and disconnection of sanitary sewers, and only the Board shall be empowered to take final action on appeals.

### **A. Fines**

Any person who is found to be in Violation of this Code may be fined in an amount not to exceed one thousand dollars (\$1,000) for each Violation in accordance with the terms and provisions of Section 6.1 of the Sanitary District Act of 1917 (70 ILCS 2405/6.1). For the purposes of this Section, each day in which any such Violation shall occur shall be deemed a separate violation.

### **B. Attorney's Fees and Other Expenses**

The District may recover reasonable attorney's fees, court costs, and other expenses of enforcement, including Show Cause Hearings and litigation, against the person found to be in Violation of the Code.

### **C. Increased Monitoring**

The District, at its discretion, may increase the frequency of User self-monitoring and reporting to the District.

### **D. Cleaning and Repair Cost Recovery**

When a discharge of wastes by any use causes an obstruction of, damage to, or any other impairment to a wastewater treatment work or facility, the District may levy a charge

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.

against the User for the cost of the work required to clean and/or repair the affected wastewater treatment work or facility.

#### E. Amended Permit Terms

The District may amend a User's permit as necessary in its discretion, including shortening the duration of a User's permit.

#### F. Permit Revocation

The District may revoke a IU's permit for Violations of this Code or for the following:

1. Failure of an IU to factually report the wastewater constituents and characteristics of its discharge as determined by the IU's or District's analysis;
2. Failure of an IU to report significant changes in process activity or wastewater constituents and characteristics;
3. Refusal of reasonable access to the IU's premises by District representatives for the purpose of inspection or monitoring;
4. Tampering with, disrupting, or destroying District equipment;
5. Failure to report an accidental discharge of a pollutant in a reportable quantity;
6. Failure to report an upset of an IU's treatment facilities; and
7. Violations of the conditions of a IU's permit.

A revocation of a User's permit is sufficient grounds for disconnection of a User's sewer connection or public water supply.

#### G. Disconnection

##### 1. Public Water Supply

When a User is delinquent in its payment to the District for its sanitary sewer service, the District may undertake disconnection of a User's public water service pursuant to this Section without first having to take any other enforcement action set forth in this Code, including a Show Cause Hearing. In all other cases, a User's public water supply may not be disconnected without a finding of a Violation by the Board of Trustees after a Show Cause Hearing.

##### 2. Sewer

Except for Users whose property has previously been scheduled for a disconnection hearing, and who have, within two years of such a scheduled hearing, incurred delinquency for such property in an amount of \$100.00 or more, the Board of Trustees shall authorize disconnection of sewer service for non-payment User charges only after a

Show Cause Hearing has been provided and the recommendation of the hearing officer has been approved by the Board of Trustees. For properties previously scheduled for Show Cause Hearing whose delinquent balance has reached or exceeded \$100.00 within two years of the prior scheduled hearing, neither a Show Cause Hearing nor Order approved by the Board shall be required prior to issuance of an Order of Disconnection.

### 3. Notice

Upon initiation of public water supply disconnection or sewer disconnection, a Notice of Disconnection shall be sent by certified or registered mail to the User's last known address, at least ten (10) days prior to the date of disconnection. The Notice of Disconnection may also be personally served upon the User(s). Notice shall also be sent to the property owner as determined from a search of public records by mail if the owner is other than the User. The District may also notify any other person with an interest in the subject premises. The mailing of the Notice of Disconnection shall be construed as service unless returned as undeliverable. In the cases where the Notice of Disconnection cannot be delivered by certified or registered mail, the Notice of Disconnection shall be posted on the premises. The person making the posting shall certify to the District of the date and time of the posting. The Notice of Disconnection shall state the service address, reason for disconnection, and the earliest date at which disconnection shall occur.

### 4. Costs of Disconnection

The User must pay any costs incurred by the District in preparing for disconnection. These costs shall include service fees, reasonable attorney's fees and other direct District costs necessary to provide notice or obtain service. Disconnection charges may also include the costs incurred by the District in dispatching personnel to the site of disconnection and may include any costs incurred by the District for termination of water service under the provisions of an Intergovernmental Agreement between the District and a water utility. Disconnection charges may include the costs incurred by the District in preparing for disconnection of the property, even if disconnection does not take place.

### 5. Reconnection

#### a. Water Supply.

Water service shall be restored to a property which has had its water shut off upon (a) payment of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the District in performing the water shut off and any deposits required by the District, or (b) approval of an acceptable payment schedule. If a payment is made by check and the check is returned for insufficient



funds, water service to the property shall be immediately shut off and remain shut off until all costs incurred by District are paid in cash, certified check or money order and all other requirements of this Title 7 are complied with. If the District determines that a water utility has shut off water service to a property and the property also has a delinquent User charge bill, the water service to the property shall remain shut off until District's User charges are paid in full.

b. Sewer.

Sewer service may be reconnected to any property which is disconnected pursuant to the terms of this Title 7 upon payment of all outstanding charges, interest and penalties and payment of all costs and fees incurred by the District in performing the disconnection, as well as costs assessed by the hearing officer at the show cause hearing and any deposits required by the hearing officer's order. If a payment is made by check, and the check is returned for insufficient funds, sewer service to the property shall be immediately disconnected and remain disconnected until all costs incurred by the District are paid in cash, certified check or money order and all other requirements of this Title are complied with.

If District personnel and equipment have been marshalled and dispatched to disconnect a property from sewer service, and an offer of payment is made prior to the disconnection, the disconnection shall be stayed if all past delinquent charges, interest, penalties and other fees assessed by the Board are paid and if District's costs in marshalling and dispatching its personnel and equipment are paid.

### **Section 3. Civil Suit for Injunctive Relief or Penalties**

Any User who is found to have Violated this Code, violated an order of the Board of Trustees or District Director or who has failed to comply with the pretreatment standards after the District has enacted enforcement response(s) may be subject to the filing of a civil suit by the District seeking either injunctive relief or penalties, as deemed appropriate.

Such actions may be ordered by the Board as a result of a Show Cause Hearing or in cases of non-compliance where the Board believes such action is necessary to achieve and maintain compliance, or when the violation is serious enough to warrant court action to deter future similar violations, or when the danger presented by the User's Violation does not permit lengthy negotiation of a settlement. The District may seek civil penalties of an amount not to exceed One Thousand Dollars (\$1000) per day for each violation.

### **Section 4. Appeals, Upsets and Bypass**

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.

## **A. Appeal Procedures**

In the event an IU is dissatisfied with enforcement or sampling procedure used by the District as it applies to its discharge to the sanitary sewer and desires to object to such enforcement or sampling procedure, the IU shall seek relief exclusively through the use of the following administrative procedures. The procedure outlined herein is voluntary, and shall not act as a bar or condition precedent to the District's use of any remedies provided herein.

So that problems or disputes may be resolved on the lowest practicable level, the procedures outlined below shall be followed in order. The appeal process is only available in this limited circumstance and is not available with respect to other administrative actions or remedies, including a Decision of Order issued pursuant to a Show Cause Hearing.

1. The IU shall contact the District with his complaint or questions, and such complaint shall be referred to the appropriate department for initial screening. Where the problem is routine in nature or requires only explanation, no further action will be taken.
2. Where an IU is not satisfied with the response given by the appropriate department, the complaint for question shall be reduced to writing and referred to management personnel. The management personnel shall review the file and consult with the IU in an effort to resolve the problem. If the matter can be resolved to the IU's satisfaction at this level, no further action will be required.
3. If the review and discussion between the management personnel and the IU do not resolve the matter, a report on the complaint, together with the manager's recommendations, will be forwarded to the District Director for his consideration and decision. If the District Director resolves the matter, no further action will be required.
4. If the findings and actions by the District Director do not satisfy the IU, the entire file, together with recommendations from the District Director, shall be given to the Board of Trustees. Following their review, the Board of Trustees shall make a final decision on the matter.

## **B. Upsets**

An Upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the IU can demonstrate that it has been in consistent compliance with all applicable pretreatment standards and if the requirements of subsections 1, 2, and 3 of this Section are met.

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

- a. An Upset occurred and the IU can identify the cause(s) of the Upset;
- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- c. The IU has submitted the following information to the District immediately upon becoming aware of the Upset (if this information is provided orally, a written submission must be provided within fifteen (15) days):
  - i. a description of the indirect discharge and cause of noncompliance;
  - ii. the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - iii. steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

## 2. Burden of Proof

In any enforcement proceeding, the IU seeking to establish the occurrence of an Upset shall have the burden of proof, by preponderance of the evidence.

## 3. IU Responsibility in Case of Upset

The IU 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 applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

## C. Bypass

1. An IU may allow any Bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also necessary for essential maintenance to assure efficient operations. Such Bypasses are not subject to the provisions of subsections 1 and 2 of this Section. If any Bypass violates applicable pretreatment standards or requirements, regardless of cause, such Bypass shall be governed by the remainder of this Section.
2. Notice of Impending Bypass.
  - a. If an IU knows in advance of the need for a Bypass, it shall submit prior notice to the District at least ten days before the date of the expected Bypass.
  - b. An IU shall submit oral notice of an unanticipated Bypass that exceeds applicable pretreatment standards to the District within twenty-four (24) hours from the time the IU becomes aware of the Bypass. The IU shall submit a written report within five (5) days

of the time it became aware of the Bypass. Such written submission shall contain a description of the Bypass, its cause, the duration of the Bypass, including exact dates and times, and if the Bypass has not been corrected, the anticipated time it is expected to continue and steps taken by the IU to reduce, eliminate and prevent recurrence. The Plant Operations Manager may waive the written report on a case-by-case basis if he receives the oral report within twenty-four (24) hours.

3. Prohibition of Bypass.

- a. Bypass is prohibited and District shall take enforcement action against an IU for a Bypass unless (a) the Bypass was unavoidable to prevent loss of life, personal injury or severe property damage, (b) there were no feasible alternatives to the Bypass limited to the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass occurring during normal periods of equipment downtime or preventive maintenance, and (c) the IU submitted notices as required under paragraph 2 of this Section.
- b. The District may approve an anticipated Bypass after considering its adverse effects if it determines that the Bypass will meet the (3) three conditions listed above.

## **ARTICLE III. COLLECTION OF DISTRICT INVOICES.**

### **Section 1. Collection Procedures**

- A. Whenever wastewater treatment bills become delinquent, as set forth in Title 3, Article III, Section 1E(9), the same shall become and constitute a lien upon the real estate to which wastewater treatment service is supplied pursuant to the terms and provisions of Section 11 of the "Sanitary District Act of 1941" (70 ILCS 3010/7 and 3010/1). The claim for lien shall be made in the form of a sworn statement setting out (1) a description of the real estate, sufficient for identification thereof, upon or for which such service was supplied, (2) the amount or amounts of money due for such service, and (3) the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording as provided by law, District may foreclose such lien in like manner and with like effect as in the foreclosure of mortgages on real estate. In addition to penalties and costs attributable and chargeable to the recording of such notice of lien, User and owner shall be liable for interest upon all unpaid balances.

The District may also, at its discretion, file a suit against the owner, occupier, User of the real estate, or any person receiving any direct or indirect benefit from District services in a

civil action to recover money due for wastewater treatment service, plus reasonable attorney's fees, the same to be fixed by order of the court.

In addition to or in lieu of the remedies provided in this subsection, District may pursue any other remedy it may have, as set forth in this Code or provided by law, without first meeting the requirements of this subsection, including public water shut off.

- B. In all cases where the wastewater treatment charges have become delinquent and District elects to file a statement thereof in the Office of the Recorder of Deeds as hereinabove set forth, there shall be added, in addition to the amount due District, such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the Board as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Director or duly appointed employee of the District shall be authorized and directed to include such additional costs in the amount claimed due to the District in the notice of lien. Liens may be filed before or after disconnection of the property, filing of suit or District's undertaking any other remedy that it may have under law or the provisions of this Code or other District ordinances.
- C. Anything in this Code to the contrary notwithstanding, the District Board of Trustees shall have the right to revoke discharge permits for a delinquent wastewater treatment bill subject to the provisions of this Code or other District ordinances.
- D. In the event that a customer moves out of a premises and has a delinquent account balance, this balance shall be applied to the customer's new account, if it is within the District's service area.
- E. Where summons is served on the District in connection with a mortgage foreclosure or a procedure in the manner of, or with like effect as a mortgage foreclosure, and a lien has been filed, or there is a balance owing for the account for said property that is delinquent within the meaning of this Code, District may, in addition to any other remedies it may have, take the following actions:
  - 1. Issue a final bill as described in Title 3, Article III, Section 2F(7).
  - 2. Advise the owner and any other interested party:
    - a. That bills for services to the property are delinquent.
    - b. Of the amount of the final bill for the property and the date it will become delinquent.
    - c. That the owner must, within fifteen (15) days of the date of final bill, pay the outstanding balance of the account in full, including all past due amounts whether liened or unliened, plus the amount of the final bill, and must further deposit with the District an amount equal to six (6) times his average quarterly bill computed using his bills for the preceding three (3) quarters, to

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ensure payment of future bills incurred during the pendency of the foreclosure and period of redemption.

Failure to make such payments may be grounds for disconnection of the User's property in accordance with Section 2.G.1 of this Article II.

If the payments and deposits as described herein are made by the User or by another person on the User's behalf, and if payments of User charge bills incurred during the pendency of the mortgage foreclosure or other legal action as described herein are made in a timely manner, the deposit or any remaining portion of it shall be remitted to the said person making the deposit within thirty (30) days of the termination of said proceeding. In the event payments of User charges for the premises are not made during the pendency of said proceeding, the District may use part or all of the deposit to pay delinquent User charge bills, including final bills, and may disconnect the property upon delinquency of any bill pursuant to Section 2.G.1 of this Article II.

If an owner has no delinquent User charge bill when a mortgage foreclosure proceeding is commenced against his property but thereafter becomes delinquent in the payment of his User charge bills, the District Director may cause a final bill to be issued following the procedures outlined in this Section, as if the User had a delinquent User charge bill on the date that service was made on the District of a complaint to foreclose mortgage or similar action.

- F. No transfer of real property within the corporate limits of the District may be complete unless the District has been notified of the impending transfer and has given its statement of final fees and charges for wastewater treatment service to the property to be paid at the time of closing, or has given its written statement that there are no outstanding charges relative to the said property.

The final invoice for the property shall be estimated based on the past consumption history of the User and the length of time between the last meter reading and the expected date of closing.

- G. All issuers of policies of title insurance must, in accordance with the terms of this Ordinance, include the following language in their reports of title:

**“THE LAND IS LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF THE ROCK RIVER WATER RECLAMATION DISTRICT, WHICH HAS ENACTED AN ORDINANCE, EFFECTIVE \_\_\_\_\_, 2019, AS DOCUMENT \_\_\_\_\_. SAID ORDINANCE PROVIDES THAT NO TRANSFER OF REAL PROPERTY MAY BE COMPLETED UNLESS THAT DISTRICT HAS BEEN NOTIFIED OF THE IMPENDING TRANSFER AND HAS GIVEN ITS STATEMENT OF LIENS, FINAL**

FEES AND CHARGES FOR SANITARY SEWAGE SERVICE TO THE PROPERTY TO BE PAID AT THE TIME OF CLOSING, OR HAS GIVEN ITS WRITTEN STATEMENT THAT THERE ARE NO OUTSTANDING CHARGES RELATIVE TO THE SAID PROPERTY.”

- H. All amounts charged under this Code are due and shall continue to be due hereunder, whether or not said sewer is disconnected or water service is shut off. No sewer shall be reconnected or water service be restored until the terms pursuant to Section 2.6 of Article II, or any applicable order of a Court of competent jurisdiction, including costs and deposits specified therein, have been paid.
- I. Except as otherwise specified in this Code, all notices required to be made by the provisions of this Code may be made by United States mail. Liens set forth in Section 1.A of this Article III may be filed without notice.
- J. Enforcement Procedures set forth in Articles I and II are not applicable to the collection procedures established in this Article III.

## **Section 2. Special Invoices.**

District may issue special invoices for certain services provided by the District that are not related to the User fee. Examples of special invoices include, but are not limited to, fees pursuant to this Code; wastewater discharge permit fees; penalties for violations of the Code of Ordinances; special laboratory analytical services; and sewer repair costs not applied to the User fee bill as set forth in Title 3, Article III, Section 2E.5. The collection procedures for special invoices shall follow the procedures as outlined in Article II of this Title.

Title 7 and Title 8 of the Code replaced with this Title 7 via Ordinance 18/19-O-01. See prior versions for amendment history.