

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MCLEAN        )

**CERTIFICATION OF ORDINANCE AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Bloomington and Normal Water Reclamation District, McLean County, Illinois (the "*District*"), and as such official I am the keeper of the records and files of the Board of Trustees of the District (the "*Board*").

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 10th day of June, 2024, insofar as same relates to the adoption of Ordinance No. 2024-15 entitled:

AN ORDINANCE ENACTING A GENERAL WASTE CONTROL PROGRAM REGULATING THE USE OF THE PUBLIC TREATMENT WORKS AND PUBLIC AND PRIVATE SEWERS AND DRAINS IN THE BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board at least 72 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 72-hour period preceding said meeting, that said agenda contained a separate specific item concerning the proposed adoption of said ordinance, that said meeting was called and held in strict compliance with the provisions the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Sanitary District Act of 1917, as amended, and that the Board has complied with all of the applicable provisions of said Acts and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the District, this 10th day of June, 2024.

  
\_\_\_\_\_  
Clerk

[SEAL]

**ORDINANCE NO. 2024-15**

AN ORDINANCE ENACTING A GENERAL WASTE CONTROL PROGRAM  
REGULATING THE USE OF THE PUBLIC TREATMENT WORKS AND PUBLIC AND  
PRIVATE SEWERS AND DRAINS IN THE  
BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT

Bloomington and Normal Water Reclamation District  
2015 West Oakland Avenue  
Bloomington, Illinois 61701  
309-827-4396

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## **ORDINANCE NO. 2024-15**

AN ORDINANCE ENACTING A GENERAL WASTE CONTROL PROGRAM REGULATING USE OF THE TREATMENT WORKS AND PUBLIC AND PRIVATE SEWERS AND DRAINS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT

WHEREAS, the Bloomington and Normal Water Reclamation District has heretofore constructed sewage works for collection and treatment of sanitary sewage and Non-Domestic Wastes produced within the District; and

WHEREAS, the purposes of the sewage work's constructed and operated by the Bloomington and Normal Water Reclamation District are saving and preserving the water supplied to the inhabitants and protecting the natural waters from pollution by the sanitary sewage and Non-Domestic Wastes produced within the District; and these purposes can be accomplished only by proper control of the design, construction and use of the sewers and sewer systems connected into the sewage works of the District; and

WHEREAS, the Board of Trustees of the Bloomington and Normal Water Reclamation District adopted an Ordinance on January 9, 1979 relating to sewers and sewer systems and has amended that Ordinance and other ordinances from time to time; and

WHEREAS, the said Ordinance adopted on January 9, 1979, and other related Ordinances, must be comprehensively amended to meet the requirements of the Federal Water Pollution Control Act of 1972 (P.L. 92-500) and the Clean Water Act of 1977 (P.L. 95-217) and the Water Quality Act Amendments of 1987(P.L. 100-4) and the rules and regulations of the United States Environmental Protection Agency promulgated pursuant thereto; and

WHEREAS, federal requirements for acceptance of a P.L. 92-500 grant for improving the quality of effluent discharges from waste treatment plants require the enactment of regulatory provisions; and

WHEREAS, the Board of Trustees of the Bloomington and Normal Water Reclamation District has determined that the Sections of this Ordinance provide a just regulation of public waste treatment and collection facilities, including Applicable Pretreatment Standards, and comply with applicable Federal Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Bloomington and Normal Water Reclamation District of McLean County, Illinois, as follows:

# ARTICLE I

## GENERAL PROVISIONS

### SECTION 1. AUTHORITY

- A. The Articles of this Ordinance are enacted by the Board of Trustees pursuant to the requirements of Title III of the Clean Water Act Amendments (33 USC, 1311 et seq.) and regulations promulgated there under, and the Illinois Environmental Protection Act (Ch. 1111/2, Ill. Rev. Stat. 1983, Sec. 1001, et seq.), and in accordance with the Sanitary District Act of 1917 (Ch. 42, Ill. Rev. Stat. 1983 Sec. 298.99 et seq.).

### SECTION 2. GENERAL PURPOSES

- A. This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the Bloomington and Normal Water Reclamation District, hereafter referred to interchangeably as the District. This Ordinance provides for the use of public and private sewers and drains, private Sewage disposal, and authorizes the installation and continuation of connections to the Sewage works of the District upon certain conditions, including permission thereof; providing for the installation and maintenance of such connections and enforcements thereto; regulating the use of municipal and private sewers and drains; individual Wastewater disposal, the installation, connection and disconnection of Building Sewers, the Discharge of water and waste in the Public Sewer system providing for penalties for violation therefore; and providing for penalties for violation thereof; and providing for termination of permits issued by the District pursuant to the provisions hereof.

This Ordinance enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and General Pretreatment Regulations of 40 CFR Part 403. Additional objectives of this Ordinance are:

1. To prevent the introduction of Pollutants into the POTW that will Interfere with its operation;
2. To prevent the introduction of Pollutants into the POTW that will Pass Through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
3. To protect both POTW Personnel in the course of their employment, and the general public, who may be affected by air, Wastewater and Biosolids;
4. To promote reuse and recycling of Industrial Wastewater and Biosolids from the POTW;
5. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, Biosolids Use and Disposal Requirements, and any other Federal or State laws to which the POTW is subject;

6. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
7. To provide uniform requirements for Food Service Establishments for the control of grease Discharge to the Sanitary Sewer system; and
8. To regulate private Wastewater disposal systems.

This Ordinance shall apply to all Users of the POTW and provides for the enforcement of general requirements for Users. The Ordinance authorizes the issuance of Wastewater connection and Discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein. The Ordinance authorizes the issuance of Wastewater Discharge Permits that do not allow the Discharge of defined process waste streams but continue to allow the Discharge of domestic or Sanitary Wastewater.

### **SECTION 3. CONFIDENTIAL INFORMATION**

- A. Information and data relating to an Industrial User obtained from reports, questionnaires, permit applications, individual or general Wastewater Discharge Permits and monitoring programs and from inspections and sampling activities shall be available to the public or other governmental agency without restriction unless the User specifically requests, and is able to demonstrate to the satisfaction of the District and District Attorney that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User under applicable State law. Any such request must be asserted at the time of submission of the information or data.
- B. When requested and demonstrated by the Person furnishing a report that such information should be held confidential, and until such time as the District determines that the requested information is not entitled to confidential treatment, the portions of a report which might disclose trade secrets or secret processes as determined by the District shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, and for use by the State or any state agency in judicial review or enforcement proceedings involving the Person furnishing the report.
- C. The Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR §2.302 will not be recognized as confidential information.
- D. Information accepted by the District as confidential shall not be transmitted to the general public by the District until and unless a 30-day notification is given to the User.
- E. The District shall implement measures to prevent the negligent release of confidential information; however, the District, the Board of Trustees, and the Executive Director shall



not be held legally responsible for release of information if they have acted in good faith.

- F. If any of the provisions of this Section 3 are in conflict with the Freedom of Information Act, the provisions of that Act shall prevail.

#### **SECTION 4. RECORDS RETENTION**

- A. Users. Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Article VII, Section 2. Records shall include:

- 1) The date, exact place, method, and time of sampling and the names of the Person or Persons taking the samples;
- 2) The dates the analyses were performed;
- 3) The entity performing the analyses.
- 4) The analytical techniques/methods used; and
- 5) The results of such analyses.

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator or designee.

- B. District. The District will maintain such documentation of any monitoring waiver issued per Article VI, Section 5.D for a period of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the Discharge of Pollutants by the Industrial User or operation of the District pretreatment program or when requested by the Regional Administrator or the Director of IEPA.

## ARTICLE II

### DEFINITIONS

#### SECTION 1. TECHNICAL TERMS

- A. Technical terms used in this Ordinance but not included in the Definition of Terms are used in accordance with the Third Edition of "Glossary, Water and Wastewater Control Engineering", copyright 1981.

#### SECTION 2. ABBREVIATIONS

- A. The following abbreviations shall have the designated meanings:

|         |  |
|---------|--|
| BMP     | Best Management Practices                                  |
| BMR     | Baseline Monitoring Report                                 |
| BOD     | Biochemical Oxygen Demand                                  |
| CFR     | Code of Federal Regulations                                |
| CIU     | Categorical Industrial User                                |
| COD     | Chemical Oxygen Demand                                     |
| CROMERR | Cross-Media Electronic Reporting Regulation                |
| FOG     | Fats, Oils and Grease, interchangeable with Oil and Grease |
| FSE     | Food Service Establishment                                 |
| GI      | Grease Interceptor   |
| GPD     | Gallons per day  |
| IAC     | Illinois Administrative Code                               |
| IEPA    | Illinois Environmental Protection Agency                   |
| IU      | Industrial User  |
| mg/l    | Milligrams per liter                                       |
| NCPS    | National Categorical Pretreatment Standards                |
| NPDES   | National Pollutant Discharge Elimination System            |
| NSCIU   | Non-Significant Categorical Industrial User                |
| NSRU    | Non-Significant Regulated User                             |
| POTW    | Publicly Owned Treatment Works                             |
| RCRA    | Resource Conservation and Recovery Act                     |
| SIU     | Significant Industrial User                                |
| SSO     | Sewer System Overflows                                     |
| SWDA    | Solid Waste Disposal Act, 42 USC 6901 et. seq.             |
| TOSCA   | Toxic Substance Control Act                                |
| TRC     | Technical Review Criteria                                  |
| TSS     | Total Suspended Solids                                     |
| TTO     | Total Toxic Organics                                       |
| USC     | United States Code   |
| USEPA   | United States Environmental Protection Agency              |

### SECTION 3. DEFINITIONS

"**Act**" shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251 et. seq., also known as the "the Act" or "Clean Water Act" or "Federal Act."

"**Accidental Discharge**" shall mean the unplanned release of substances either directly or indirectly in such magnitude to cause substantial effects on receiving systems or treatment processes if the release is the result of accident, acts of nature or operational malfunctions.

"**Administrator**" shall mean the Regional Administrator of Region V of the U.S. Environmental Protection Agency or Director in an NPDES State with an approved state pretreatment program.

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

"**Approval Authority**" shall mean the Regional Administrator of USEPA, Region V, until such time that the State of Illinois has a USEPA approved pretreatment program.

"**Authorized Representative**" shall mean

1. If the User is a corporation:
  - a. By a responsible corporate officer - 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 operation 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 Wastewater permit (or general permit) requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the User is a limited liability company (LLC): any manager or managing member of the company.
4. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or designee.
5. The individuals described in Paragraphs 1 through 4, 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 Bloomington and Normal Water Reclamation District.
6. If an authorization under Paragraph 5 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall environmental matters for the company, a new authorization satisfying the requirements of Paragraph 5 must be submitted to Bloomington and Normal Water Reclamation District within 30 calendar days. If an authorization under Paragraph 5 of this section is no longer accurate because the individual described in Paragraphs 1 through 4 above has changed, a new authorization satisfying the requirements of Paragraph 5 must be submitted to Bloomington and Normal Water Reclamation District within 30 calendar days.

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

**"Best Management Practices (BMPs)"** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, biosolids or waste disposal, or drainage from raw material storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

**"Biochemical Oxygen Demand (BOD) or (BOD<sub>5</sub>)"** shall mean the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures as described in 40 CFR Part 136 for five (5) days at 20 degrees centigrade.

**"Biosolids"** shall mean the anaerobically digested and stabilized organic solids removed from the POTW and disposed of on agricultural land or at a landfill.

**"Board of Trustees"** or **"Board"** shall mean the Board of Trustees of the Bloomington and Normal Water Reclamation District.

**"Building Drain"** shall mean the sewer which transports the Wastewater from a Discharger's

facility to the public Sanitary Sewer system. The Building Drain is part of the lowest piping of a drainage system which receives the Discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer Service Line or other approved point of Discharge, beginning five feet (1.5 meters) outside the inner face of the building wall. Discharge of Stormwater runoff to the Building Drain is prohibited.

"**Bypass**" shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment or Pretreatment facility.

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

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

"**Chemical Oxygen Demand (COD)**" shall mean the quantity of oxygen consumed in the chemical oxidation of all compounds both organic and inorganic in water (standard potassium dichromate solution) under standard laboratory procedures as described in 40 CFR Part 136.

"**Clear Water**" shall mean any Stormwater, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, Sump Pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by State or Federal law. Swimming pool water that is required to be treated in accordance with District, county or state regulations shall not be considered Clear Water.

"**Combined Sewer**" shall mean a pipe or conduit that is designed and constructed to carry Wastewater in addition to Stormwater, surface water and/or ground water drainage.

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

"**Composite Sample**" shall mean a sample of Wastewater based on a flow proportional or time proportional method.

"**Control Authority**" shall mean the Bloomington and Normal Water Reclamation District.

"**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.

"**Cross-Media Electronic Reporting Regulation (CROMERR)**" shall mean an Environmental Protection Agency approved system allowing states, tribes, and local governments that receive

or plan to be receiving electronic documents in lieu of paper documents to satisfy regulations under an authorized program.

**“Daily Average”** shall mean the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

**“Daily Maximum”** shall mean the maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum is expressed in terms of a concentration, the Daily Maximum is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day. Where Daily Maximum is expressed in units of mass, the daily Discharge is the total mass Discharged over the course of a day.

**“Dental Amalgam”** shall mean an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

**“Dental Discharger”** shall mean a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state, or local governments, that Discharges Wastewater to a Publicly Owned Treatment Works (POTW).

**“Discharge or Indirect Discharge”** shall mean the introduction of Pollutants into the District POTW from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act.

**“Discharger”** shall mean any Person, firm, establishment, or institution that Discharges Wastewater, excluding Inflow and Infiltration, into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act and 35 Ill Adm. Code (IAC) 307.

**“Discharge Permit”** shall mean an individual or general permit issued to a User which specifies the requirements for Discharge of Wastewater or the requirements for zero Discharge of Wastewater as appropriate.

**“District”** or **“Sanitary District”** shall mean the Bloomington and Normal Water Reclamation District.

**“District Engineer”** shall mean the Engineer of the District registered as a Professional Engineer by the State of Illinois.

**“Domestic Waste”** shall mean solid waste, composed of Garbage and rubbish, which normally originates from residential, private households, or apartment buildings.

**“Duly Authorized Agent”** shall mean the District Board of Trustees and designated employees and agents of the District.

**“Dwelling”** shall mean a unit designed for occupancy by one family. It may be a house designed for the exclusive use of one family or it may be a portion of a building designed and intended to be used by one family.

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

**“Effluent Criteria”** shall mean those criteria defined in any applicable “NPDES” Permit.

**“Environmental Protection Agency”** shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Division Director, the Regional Administrator, or other duly authorized official of said agency.

**“Existing Dental Discharger Source”** shall mean a Dental Discharger that is not a New Source.

**“Executive Director”** shall mean the Chief Administrator of the District.

**“Existing Source”** shall mean any source of Discharge that is not a “New Source.”

**“Fats, Oil, or Grease (FOG)”** shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by hexane solvent. FOG is used interchangeably with “Oils and Grease.”

**“Floatable Oil”** shall mean oil, fat, or grease in a physical state such that it will separate by gravity from Wastewater by treatment in an approved Pretreatment facility.

**“Flow”** shall mean volume of Wastewater per unit of time.

**“Food Service Establishment (FSE)”** shall mean any User engaged in the activities of manufacturing, preparing, serving, or otherwise making available for consumption foodstuffs that use one or more of the following preparation activities: blending, cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and infrared heating, searing, barbecuing, and any other food preparation or servicing activity that produces a consumable food product in or on a receptacle requiring washing to be reused. A limited food preparation establishment is not considered to be a FSE when only engaged in reheating, hot holding, or assembly of ready to eat food products and as a result, there is no Wastewater Discharge containing significant amounts of FOG.

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

**“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 over a period not to exceed fifteen (15) minutes.

**“General Pretreatment Regulations”** shall mean General Pretreatment Regulations for Existing

and New Sources, 40 CFR part 403, as amended.

**“Grease Disposal Mitigation Fee”** shall mean a fee charged to an owner/operator of a Food Service Establishment when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE under consideration, impossible or impracticable. The Grease Disposal Mitigation Fee is intended to cover the costs of the increased maintenance of the sewer system for inspection and cleaning of FOG and other viscous or solidifying agents that a properly employed grease control device would otherwise prevent from entering the sewer system.

**“Hauled Waste”** shall mean sanitary or process Wastewater transported as a commercial venture.

**“Hot Spot”** shall mean areas Sanitary Sewer lines that have experienced Sanitary Sewer overflows or that must be cleaned and maintained frequently to avoid blockages of the sewer system.

**"Incompatible Pollutant"** shall mean all Pollutants other than compatible Pollutants as defined in Section 20 of this Article.

**"Industrial User (IU)"** or **“User”** shall mean a source of Indirect Discharge from a non-Residential Source.

**“Industrial Waste”** shall mean a combination of liquid and water carried wastes Discharged, permitted to Flow, or escape from any non-Residential Source, including the Wastewater from Pretreatment facilities and polluted Cooling Water.

**“Infiltration”** shall mean water other than Wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, Inflow.

**“Inflow”** shall mean water other than Wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between Storm Sewers and Sanitary Sewers, catch basins, cooling towers, Stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.

**“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 composite sample collected, independent of the industrial Flow rate and the duration of the sampling event.

**"Interference"** or **“Interfere”** shall mean an inhibition which alone or in conjunction with a Discharge or Discharges by other sources, disrupts the POTW, its treatment processes or operations, or its Biosolids processes, use or disposal and therefore, is a cause of or significantly



contributes to a violation of any requirements of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of Wastewater or Biosolids use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State Biosolids Management Plan prepared pursuant to Subtitle D or the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**“Limited Dental Discharger Source”** shall mean a Dental Discharger that does not place Dental Amalgam and does not remove Dental Amalgam except in limited emergency or unplanned, unanticipated circumstances. A New Limited Dental Discharge Source means a limited Dental Discharger whose first discharge to a POTW occurs after July 14, 2017. An Existing Limited Dental Discharge Source means a limited Dental Discharger that is not a new source.

**“Local Limit”** shall mean 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 Section 403.5(a)(1) and (b).

**“Mass Limitation”** shall mean limits imposed upon a Discharger based upon volumes or concentrations that are converted to weight units.

**“Maximum Allowable Headworks Loading”** shall mean the estimated maximum loading of a Pollutant that can be received at a POTW’s headworks without causing Pass Through or Interference.

**“Maximum Allowable Industrial Loading”** shall mean the estimated maximum loading of a Pollutant that can be received at a POTW’s headworks from all permitted Industrial Users and other controlled sources without causing Pass Through or Interference. This is usually calculated by applying a safety factor to the Maximum Allowable Headworks Loading and discounting for uncontrolled sources, Hauled Waste, and growth allowance.

**“May”** is permissive.

**“Medical Wastes”** shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**“Milligrams Per Liter”** shall mean a unit of the concentration of water or Wastewater constituent representing 0.001 g of the constituent in 1,000 ml of water.

**“Mobile Unit”** shall mean a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

**"Monitoring Facility"** shall mean the dedicated location where representative Discharge Flows from a User can be sampled before entering the Public Sewer system.

**"Monthly Average"** shall mean the numerical average of all daily Composite Samples taken during a calendar month. A Monthly Average must be based upon at least four daily Composite Samples and shall mean the sum of all "Daily Discharges" measured during a calendar month divided by the number of "Daily Discharges" measured during that month.

**"Monthly Average Limit"** shall mean the highest allowable average of "Daily Discharges" over a calendar month, calculated as a sum of all the "Daily Discharges" measured during a calendar month divided by the number of "Daily Discharges" measured during that month.

**"Multiple Family Sewer Connection"** shall mean a Sanitary Sewer connecting a Dwelling structure containing two or more Dwelling units or apartments, consisting of any combination of the following:

- (a) One bedroom or efficiency or single room Dwelling units.
- (b) Two-bedroom Dwelling units
- (c) Three or more-bedroom Dwelling units.

**"National Categorical Pretreatment Standard," "Categorical Pretreatment Standard,"** or **"Categorical Standard"** shall mean any regulation containing Pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, (33 USC 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subpart N, Parts 405-471.

**"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. A NPDES Permit shall mean a permit issued pursuant to Section 402 of the CWA. The District operates its Southeast POTW under NPDES Permit No. IL0073504 and its West POTW under NPDES Permit No. IL0027731.

**"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**"New Dental Discharger Source"** shall mean a Dental Discharger whose first Discharge to a POTW occurs after July 14, 2017.

**"New Source"** shall mean:

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

- a) The building, structure, facility, or installation is constructed at a site on which no other source is located;
  - b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
  - c) The production or Wastewater generating processes of the building, structure, facility, or installations are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1.b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
  3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has done one of the following:
    - a) Begun, or caused one of the following to begin as part of a continuous onsite construction program:
      - 1) Any placement, assembly, or installation of facilities or equipment; or
      - 2) Significant site preparation work including, clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
    - b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
  4. New Sources shall install and have in operating condition and shall “start-up” all pollution control equipment required to meet Applicable Pretreatment Standards before beginning to Discharge.

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

“**Non-Domestic Waste**” shall mean all waste not defined as “Domestic Waste.”

**“Non-Significant Regulated User (NSRU)”** shall mean a Non-Residential User that meets the criteria outlined in Article VI, Section 2.C.5.

**“Overhead Sewer”** shall mean a sewer that does not Discharge to a public or private sewer main through the use of gravity. Overhead Sewers utilize a pump to lift the Sewage to an elevation where gravity can then carry away the Wastewater. Non-Residential Wastes Discharged from Overhead Sewers are subject to all the same limits and requirements of Sanitary Sewers.

**“Pass Through”** shall mean a Discharge that exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with Discharge or Discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit, including an increase in the magnitude or duration of a violation.

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

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

**"Pollutant"** shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Wastewater Biosolids, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand cellar dirt and industrial, municipal, and agricultural wastes and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**"Population Equivalent"** shall mean a term used to evaluate the impact of industrial or other waste on a Treatment Works or stream. One Population Equivalent is 100 gallons (380 liters) of Sewage per day, containing 0.17 pounds (77 g) of BOD<sub>5</sub> (five-day Biochemical Oxygen Demand) and 0.20 pounds (91 g) TSS (Total Suspended Solids). The impact on a Treatment Works is evaluated or defined as the highest Population Equivalent of the two parameters.

**“Potential Problem”** shall mean any Discharge which alone or in combination with Discharges from other sources inhibits or disrupts the POTW or any of its processes or operations including plant emissions or any conditions which create public nuisance, causing the POTW to expend additional resources or manpower or take additional steps to protect the POTW processes or receiving stream.

**"Pretreatment"** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentrations of the Pollutants unless allowed by an applicable

Pretreatment Standard.

**“Pretreatment Coordinator”** shall mean the Director of Laboratory Services of the District or designee.

**“Pretreatment Requirements”** means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**“Pretreatment Standards”** or **“Standards”** shall mean for any specified Pollutant, District Prohibitive Discharge Standards as set forth in Article IV Section 2, District specific limitations on Discharge as set forth in Article IV, Section 3, State of Illinois Pretreatment Standards in Ill. Adm. Code Section 307, or the National Categorical Pretreatment Standards.

**“Prohibitive Discharge Standard”** or **“Prohibited Discharges”** shall mean absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Article IV, Section 2.

**“Properly Shredded Garbage”** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the Flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**“Public Sewer”** shall mean a sewer provided by or subject to the jurisdiction of the District. It shall also include sewers within or outside the District limits that serve one or more Persons and, ultimately Discharge into the District Sanitary Sewer, or Combined Sewer system, even though those sewers may not have been constructed with District funds.

**“Publicly Owned Treatment Works (POTW)”** shall mean a “Treatment Works,” as defined by Section 212 of the Act, (33 U.S.C. section 1292) which is owned by the District. This definition includes any devices and systems used in the collection, conveyance, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes, of a liquid nature that are connected to the District POTW, but does not include pipes, sewers and other conveyances not connected to the District POTW Treatment Plant. For the purposes of this Ordinance, POTW shall also include any sewers that convey Wastewaters to the POTW from Persons outside the District who are by contract or agreement with the District, Users of the District’s POTW. Synonymous with the terms POTW Treatment Plant, Wastewater Treatment Works, Water Pollution Control Facility, and Wastewater Facilities.

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

**“Regional Administrator”** shall mean the Regional Administrator for USEPA Region V.

**“Residential User”** or **“Residential Source”** shall mean a single family or multi-family Dwelling unit designed primarily as a place of human habitation which Discharges exclusively domestic Wastewater to the District’s system.

“**RCRA**” shall mean Resource Conservation and Recovery Act, Public Law 94-482 including all subsequent amendments and applicable regulations promulgated thereunder.

“**Sanitary Sewer**” shall mean a pipe of conduit designed and/or intended to carry Wastewater from residences, commercial buildings, industrial plants, and institutions, and to which Stormwater, surface water, ground water, and unpolluted Non-Contact Cooling Water are not intentionally admitted.

“**Septic Tank Waste**” shall mean any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“**Sewage**” shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

“**Sewerage**” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of Sewage and Industrial Wastes.

“**Sewer Extension**” shall mean Sanitary Sewer greater than six inches in diameter which is designed to serve more than one building.

“**Shall**” is mandatory.

“**Significant Industrial User (SIU)**” shall mean a User of the POTW (except as provided in Paragraphs 3 and 4) who is:

1. A User subject to any National Categorical Pretreatment Standards (NCPS); or
2. A User that:
  - a) Has an average process Wastewater Discharge Flow of twenty-five thousand (25,000) gallons or more per Work Day (excluding sanitary, non-contact cooling and blower blowdown Wastewater;
  - b) Has a Discharge Flow of process Wastewater that makes up five percent (5%) or more of the average dry weather hydraulic organic capacity of the POTW Treatment Plant; or
  - c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
3. The District may determine that a User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User (NSCIU) rather than a Significant Industrial User (SIU) on a finding that the User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, Non-Contact Cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and

the following conditions are met:

- a) The User, prior to the District's findings, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - b) The User annually submits the certification statement required in Article VIII, Section 4.C, [see 40 CFR Section 403.12(q)], together with any additional information necessary to support the certification statement; and
  - c) The User never Discharges any untreated concentrated Wastewater.
4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting that POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from a User, determine that such User should not be considered a SIU in accordance with 40 CFR Section 403.8(f)(6).

**"Sludge"** see "Biosolids".

**"Slug"** or **"Slug Load"** means any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge or any Discharge of Flow rate or concentration, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions or a non-customary batch Discharge or any Discharge of Flow rate or concentration that could cause a violation of the Prohibited Discharge Standards in Article IV, Section 2.

**"State Act"** shall mean the Illinois Anti-Pollution Bond Act of 1970.

**"State Grant"** shall mean the state of Illinois participation in the financing of the construction of POTW as provided by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of the State of Illinois.

**"Storm Sewer"** shall mean a sewer that carries rainwater, snow melt and surface drainage but excludes Sewage and Industrial Wastes other than unpolluted Cooling Water.

**"Stormwater"** shall mean any Flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**"Sump Pump"** shall mean any electrical and/or mechanical device designed to raise water from a lower level to a higher level and is designed to remove collected Stormwater from a pit to a Storm Sewer or other approved point of Discharge.

**"Surcharge"** shall mean the assessment in addition to the basic User charge and debt service charge which is levied on those Users whose wastes are greater in strength than the concentration values established in Article IV Section 3.D.

"T" as used in "Cyanide-T," shall mean total.

"TOSCA" shall mean Toxic Substance Control Act referring to Public Law 94-469 including all subsequent amendments and applicable regulations promulgated thereto.

"Total Suspended Solids (TSS)" shall mean total suspended matter, expressed in Milligrams Per Liter, that either floats on the surface of, or is in suspension in water, Wastewater or other liquids and is removable by laboratory filtration using the approved methods in 40 CFR Part 136.

"Total Toxic Organics (TTO)" shall mean the summation of all quantified values greater than 0.01 Milligrams Per Liter for the toxic organics as specified in the applicable Federal, State or Local regulation.

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

"Unpolluted Water" shall mean water of quality equal to or better than the Effluent Criteria in effect, or water that would not cause a violation of receiving Water Quality Standards and would not be benefited by Discharge to the Sanitary Sewers and POTWs provided by the District.

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

"User" shall mean a source of Indirect Discharge. It also includes such Persons or sources that are prohibited from Discharging specific Pollutants or waste streams to the POTW.

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

1. "Sanitary Wastewater" or "Domestic Flow" shall mean the combination of liquid and water-carried wastes Discharged from toilet and other sanitary plumbing fixtures.
2. "Industrial Wastewater" shall mean a combination of liquid and water-carried waste, Discharged from any industrial establishment and resulting from any trade or process carried on in that establishment including the Wastewater from pretreatment facilities and polluted Cooling Water.
3. "Combined Wastewater" shall mean Wastewater including Sanitary Wastewater, Industrial Wastewater, Stormwater, Infiltration, and Inflow carried to the POTW treatment facilities by a sewer.



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

**"Wastewater Discharge Permit"** shall mean the document or documents issued to a User by the District pursuant to Article VII.

**"Water Quality Standards"** shall mean those Standards defined in the Water Pollution Regulations of Illinois, Title 35, Subtitle C, Chapter I.

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

**"Work Day"** shall mean Monday through Friday except any Federal or State holiday.

## ARTICLE III

### USE OF DISTRICT SEWERS

#### SECTION 1. CONDITIONS FOR DISCHARGE TO THE DISTRICT SEWERS

- A. The purpose of this Article is declared to be that all Public Sewers, Building Drains, and building sewers and building tributary sewers to and part of the POTW will in their construction, operation, maintenance, and expansion be conducive to the public health and in accordance with District Standards.
- B. Public Wastewater collection facilities are required to be used for domestic or Non-Domestic Wastes that do not meet IEPA NPDES standards for Discharge to surface waters.
- C. Except as provided in this Ordinance, or per the terms of any approved pre-annexation agreement, no Person 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.
- D. 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.
- E. Any Person owning improved property within the District, which abuts any street, alleyway, or right-of-way in which a Public Sewer is located shall if the improvements are used or are intended to be used for any type of human use or employment and if the sewer is within three hundred (300) feet of the nearest property line of the property, at the property owner's expense, install therein, suitable toilet and waste disposal facilities and within ninety (90) days after such sewer is in service connect such facilities to the sewer in accordance with District ordinances; provided, however, that in the event compliance with this Section causes severe economic hardship to said Person, the property owner may apply to the District for exemption from this Section. Such applications shall state in detail the circumstances which are claimed to cause such economic hardship. Such exemptions shall only be granted to Residential Users, shall not apply to other Users, and shall be granted only for such period of time as the demonstrated hardship exists. Applications for exemptions will be reviewed by the Executive Director or designee.
- F. Such Person as described in this Article III, Section 1.D and 1E shall not avoid connection to such sewer by reason of actual distance from a building or structure to the connection point of such sewer.
- G. It shall be unlawful for any Person to allow Stormwater to drain into the building sewer during construction of the sewer or either before or after the plug has been affixed.

- H. No Person shall make connections of rainwater leaders, roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or Building Drain which in turn is connected directly or indirectly to a public Sanitary Sewer.
- I. The District shall not be held responsible for damages to personal property caused by the construction or repair to the District sewers, by water and Sewage seepage, or for any other reason. The District shall make every reasonable effort to avoid, and when possible, coordinate with the municipality in an effort to minimize any damage to municipal-owned property.
- J. All new Sump Pumps installed to receive and Discharge ground water, Clear Water, or other Stormwater shall be connected to a Storm Sewer. Existing Sump Pumps connected to either a Combined Sewer or Sanitary Sewer are required to connect to a Storm Sewer when repairs or replacement of the existing Sump Pump occurs.
- K. No Person shall Discharge or cause to be Discharged Clear Water into the District's Public Sewer system either directly or through the municipal Sanitary Sewer collection system, or infiltrate into the District's Public Sewer system because of Sump Pump, defective plumbing, a defective sewer lateral or by other means listed in the Clear Water definition.
- L. Upon notice that the Discharge of Clear Water on a property is not in compliance with this Ordinance, the owner or occupant of the property shall cease from discharging Clear Water in violation of this Ordinance and shall make the necessary repairs and corrections to Discharge the Clear Water in accordance with this Ordinance. The District expects each municipality to enforce this requirement if the Clear Water is being Discharged into the municipal Sanitary Sewer collection system.

## **SECTION 2. SEWER CONNECTION PERMIT**

- A. No Person shall construct a new Wastewater source and connect same to the POTW of the District without first making application for the privilege of making said connection to the District.
- B. A connection permit shall be obtained by the User or builder from the District and the affected municipality to uncover or make any connection with or opening into, or alter, disturb or extend any Sanitary Sewer or appurtenances tributary to the facilities of the District except for the municipalities, sanitary districts and public utilities for the purposes of operation, maintenance and repair, except for any connection with or opening into, or alteration, disturbance or extension of any existing Sanitary Sewer or appurtenances tributary to the facilities of the District by a Discharger which does not result in an increased Population Equivalent loading. A connection permit shall be obtained by the User from the District when a change in the use of a facility occurs whereby the Population Equivalent loading is increased, or when such a change in use results in an introduction of Industrial Wastewater, or a change in the characteristics of Wastewater to the POTW.

1. The District's permit review period is ten (10) working days.
  2. A District connection permit shall not be valid until all other permits required by this Section are obtained.
  3. A District connection permit is required to be obtained and submitted to the municipality by the User prior to the issuance of a building permit by the municipality where the work will be performed, namely, the Town of Normal, the Village of Downs, the City of Bloomington, or the Bloomington Township Public Water District, as relevant.
  4. A District connection permit, once issued, is applicable to only the property or site specified in the permit and is not transferrable to any other property or site.
- C. A construction permit from the Illinois Environmental Protection Agency shall be obtained for any Sanitary Sewer connection which will or can serve more than one building, or for one building or building addition within which fifteen (15) or more residents may reside, or which will contribute to a Flow to the sewers of 1,500 or more gallons per day.
- A building producing any amount of Non-Domestic Waste, even though said building generates less than 1,500 gpd (15 PE) of domestic Flows, shall be required to obtain a permit from the IEPA.
- D. A District sewer connection permit to allow a new building sewer service line to be connected to any District sewer or sewer tributary to a District sewer shall not be issued unless it can be demonstrated that the downstream District POTW including sewers, pump stations, and Wastewater Treatment Works, have adequate reserve capacity to transport and treat the additional Wastewater to be Discharged from the building sewer service lines.
- E. A sewer connection permit shall only be issued and a sewer connection allowed providing the plans, specifications and details of construction meet all the requirements of this Ordinance and all other applicable ordinances of the District, and the Town of Normal, the Village of Downs, the Bloomington Township Public Water District and the City of Bloomington, as relevant to the location of the property.
1. Separate building sewer connection permits shall be required for each connection made to a Public Sewer regardless of whether the building sewers serve the same property or structure, or are laid in the same trench.
  2. District sewer permits shall be issued to the property owner or their Authorized Representative and building sewers shall be installed only by a bonded, insured contractor approved by the District.
- F. The District connection permit shall not be issued until the District's Connection Fee as set forth in AN ORDINANCE FOR THE CODIFICATION OF THE FEES AND CHARGES OF THE

BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT has been paid. If a User is found to have a sewer connection without a permit and/or without having paid the appropriate connection fee such User shall be subject to one or more of the following, upon reasonable notice, or a period of ten (10) days exclusive of a Holiday, whichever is lesser, as determined by the District:

1. A fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per day;
2. Disconnection of said sewer connection;
3. All incidental and consequential costs and damages associated with enforcement;
4. Such other remedies as allowed by law or ordinance.

The District assumes no responsibility and will not maintain any portion of the building sewer including the connection to the Public Sewer. The cost of maintaining the building sewer and house plumbing remains the sole responsibility of the property owner.

### **SECTION 3. SEWER CONSTRUCTION PERMIT APPLICATION**

- A. The application for any permit required by Article III, Section 2 above shall be made in the format required by the District. The application shall consist of the following:
  1. Completed District Connection Permit Application Form.
  2. The connection fee shall be paid at the time the residential application is filed. Non-residential, commercial, and industrial facilities will be calculated on a case-by-case basis, measured by anticipated Flow rates.
  3. A copy of the IEPA Permit, if required; and a copy of the permit application from the governing municipality; and
  4. In addition, in the case of Multiple Family Sewer Connection application:
    - a) **A digital copy of the plot plan that can be uploaded and read by District Staff using commercially readily available software, or one hard copy** of plot plan drawn to scale, showing the property lines and dimensions, the street and street name on which the building faces, the nearest cross street and name; the location of the building, the Sanitary Sewer and the proposed sewer service; and an arrow indicating the North direction of the drawing. The digital copy shall have no restrictions to uploading, saving the file(s) to District servers, or sharing between District staff, agents and/or legal representatives.

- b) **One** set of floor plans and the plumbing plans.
5. Or, in addition, in the case of non-residential application:
- a) **A digital copy of the plot plan that can be uploaded and read by District Staff using commercially readily available software, or one hard copy** of the plot plan drawn to scale, showing the property lines and dimensions; the street and street name on which the building faces; the nearest cross street and name; the location of the building, the Sanitary Sewer, the proposed sewer service, the sampling manhole, the water main, the proposed water service, Storm Sewers, inlets, catch basins, proposed storm drains and appurtenances and an arrow indicating the North direction of the drawing. If the building for which application is being made is part of a development involving several buildings, the applicant shall furnish two copies of the total development plan showing the information required above. The digital copy shall have no restrictions to uploading, saving the file(s) to District servers, or sharing between District staff, agents and/or legal representatives.
  - b) **One** set of the floor plans and the plumbing plans.
  - c) Industrial Waste information as may be required by the Executive Director, Pretreatment Coordinator, or designee.

#### **SECTION 4. CONSTRUCTION STANDARDS**

- A. The size, slope, alignment, materials of construction of a sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirement of the District and of the municipality in which the work is to be done. The materials and procedures set forth in the latest editions of Illinois Plumbing Code, appropriate sections of the specifications of the American Society of Testing Materials, Water Pollution Control Federal Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply. In cases of conflict between standards, the most stringent shall be controlling.
- 1. Connections with any District Sewer shall be made only at manholes, or such other junctions as may be provided or designated by the District and then only in such manner as directed by the Executive Director or designee and no such connection shall be made or connecting sewers constructed, except by skilled and responsible sewer builders and drain layers.
  - 2. No connections shall be made of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or Building Drain which, in turn, is connected directly or indirectly to a District Sewer.

3. All excavation shall remain open until the work has been inspected and approved, at which time the excavations shall be backfilled and the site of the work restored to a condition equal to or better than that which existed prior to the commencement of said work.
4. Sewer connections from buildings having holding tanks such as septic tanks, cesspools, and grease traps in residential buildings shall be made in such a manner that these devices are isolated from the line of waste Flow and upon completion of construction shall be pumped out by a septic hauler, and filled with compacted granular material as per the McLean County Health Department.
5. Grease, oil and sand interceptors shall be provided when, in the opinion of the Executive Director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or Dwelling units. All interceptors shall be of a type and capacity approved by the Executive Director or designee and the municipality in which the work is being performed, and shall be readily and easily accessible for cleaning and inspection.

#### **SECTION 5. REQUIRED INSPECTIONS**

- A. Upon receiving a connection permit from the District, together with a permit from IEPA (if required) and, where applicable, from the municipality within whose bounds the connection is to be made, the applicant may proceed to make the connection to the Sanitary Sewer.
- B. The municipality within whose boundaries the work is being done shall be responsible for the inspection and approval of the work. The District reserves the right to also inspect any such work.
- C. When the proposed work does not fall within the boundaries of a municipality, the District shall inspect and, when the work is satisfactorily completed, approve the said work. Where the District has sole responsibility, the contractor or other entity performing the work shall post a bond with the District in the amount of \$25,000.00 guaranteeing that all of the work shall be in compliance with the requirements of the District. Each contractor shall carry such insurance as is deemed necessary from time to time by the District to protect it against claims, causes of actions, or any act of any permittee.
- D. The applicant shall notify the District for any required inspections at least twenty-four (24) hours prior to the commencement of the work. The municipality in which the work is being performed shall perform inspections within the timeframes established in their ordinances and/or policies.
- E. Any sewer builder or drain layer who shall neglect, refuse or fail to correct any defect or fault in any of their work done under any permit from the District, shall not be permitted

to do any further or additional work upon any sewer or appurtenance connecting with or designed to connect with or directly or indirectly Discharge into any District Sewer, excepting sewers built or being built by the City of Bloomington, Village of Downs, the Bloomington Township Public Water District, or the Town of Normal, until such defects or faults have been corrected in a manner satisfactory to the District Engineer or designee; and any and all then existing District permits in favor of such sewer builder or drain layer shall be suspended until any such defects or faults are so corrected.

## **SECTION 6. MONITORING FACILITIES**

- A. **Sampling Manhole Requirements.** All Non-Residential Users are required to install a monitoring manhole for each separate Discharge in the Building Drain in accordance with the plans and specifications approved by the District Engineer or designee. Each manhole shall be situated on the User's premises in a location approved by the District.

The sampling manhole shall be located on the sewer connection pipe at a point where there are no changes in grade or alignment for at least 10 pipe diameters upstream and downstream from the manhole. The grade (slope) of the pipe shall not exceed 2% (2 foot per 100 feet) through the manhole and for a distance of 15 pipe diameters upstream and downstream from the manhole.

There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The manhole shall be installed and maintained by the owner/User at their sole expense so as to be safe and accessible to the District at all times. The failure of a User to keep its Monitoring Facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

1. Where such a manhole location would be impractical or cause extreme hardship on the User, the District Engineer may concur with the manhole being constructed in the public street or sidewalk area provided that the manhole is located so that it shall not be obstructed by landscaping or parked vehicles. In those cases where a sampling manhole must be in a parking lot, a permanent barricade, such as a vertical pipe shall be placed around the manhole to prevent vehicles from driving or parking over the manhole cover.
2. The District Engineer may postpone the installation of the sampling manhole when specific circumstances prevent the installation of a manhole, as determined in the discretion of the District Engineer or designee.
3. When a postponement for a sampling manhole installation is granted by the District Engineer, an affidavit will be signed by the property owner to install the manhole at a later date should business practices change at the location where the manhole installation was postponed, or should the specific circumstances triggering the delay by resolved or changed such that installation is no longer impeded.



- B. **Liquid Quantity Measurements.** The District may, at its option, based upon the water usage and/or waste characteristics, require the User to install a device with a recording and totalizing register for measurement of the liquid quantity. The equipment required to indicate, record, and totalize the Flow shall be located in a warm dry location and be accessible to the District for reading. This equipment shall be installed and maintained by the User at the User's sole expense. Should the requirement be made, the User shall complete installation of the flume and secondary Flow measuring device based upon the installation schedule approved for such device by the District.

The User shall be required to calibrate and maintain the Flow metering equipment in accordance with the manufacturer's recommended procedures and frequencies. Users who operate Flow measuring devices will submit the procedure for operation and maintenance (O&M) to the District. The User shall further document O&M in a log which shall be available for inspection by District personnel. At a minimum, the User shall submit an annual calibration report by the deadline identified in the User's Discharge Permit. The User may be required to submit Flow records to the Pretreatment Coordinator or designee.

- C. **Sampling Equipment.** The District may, at its option, based on water usage and/or waste loadings or when the waste loads cannot be accurately evaluated by time Composite Samples, require the User to install Flow proportional sampling equipment. This equipment shall be installed and maintained by the User at the User's sole expense.

Users shall submit the procedure for operation and maintenance to the District. The User shall further document O&M in a log which shall be available for inspection by District personnel. At minimum, the User shall submit an annual report confirming the accurate operation of the equipment performed by an outside representative by the deadline identified in the Discharge permit.

- D. **Garbage Grinders.** Garbage is required to be properly shredded in order to be approved to be Discharged to the Public Sewer. Wastes classified as Properly Shredded Garbage contain all particles being carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. The installation and operation of any Garbage grinder equipped, with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval of the District. Discharge of grinders is prohibited to be connected to a grease interceptor.

- E. **Grease, Oil, and Sand Interceptors for Non-FSE.** Interceptors shall be provided in services connected to the District where it is determined that they are necessary for the proper handling of the Wastewater containing excessive amounts of grease, oil, and sand except that such interceptors shall not be required for private living quarters or Dwelling units. All interception units shall be of type and capacity approved by the District and shall be so located to be easily accessible for cleaning and inspection. Oil and sand interceptors used for petroleum grease and oils may be located inside the building. Such interceptors

shall be inspected, cleaned, and repaired regularly, as needed, by the owner at the owner's sole expense.

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

## SECTION 7. FOOD SERVICE ESTABLISHMENTS

- A. Grease and Interceptors – Food Service Establishments (individually, an “FSE”). Hydro-mechanical grease interceptors and gravity grease interceptors (collectively referred to as “grease interceptors” or “GI”) are required to be installed in all new FSE. All GI shall be of a type and capacity approved by the governing municipality based on their established criteria. The governing municipality and/or District may require GI to be installed or modified in an existing FSE where the FSE has caused or contributed to overflows and/or blockages.
1. Permitting Requirements. Engineering plans and GI sizing calculations shall be submitted to the District for review and approval.
  2. Installation Requirements. All newly constructed FSEs shall install an exterior GI prior to operation of the facility and comply with the governing municipality's requirements.
  3. Location. All GIs shall be so located to be easily accessible for cleaning and inspection. All GIs will be installed on the exterior to the building for all new construction and when feasible at an existing FSE. The GI shall not be located in drive-through lanes.
  4. Maintenance. GIs shall be cleaned, inspected, and repaired regularly, as needed, by the owner at the owner's sole expense. Cleaning shall be performed at frequencies based upon the design of the GI and so that Discharges are in compliance with Article IV, Section 3.
    - a) It shall be the responsibility of the FSE to inspect its GI during the pumping procedure to ensure the GI is properly cleaned out and that all fittings and fixtures inside the GI are in working condition and functioning properly.
    - b) Logs and manifests of inspection and cleaning are to be posted in a readily accessible location at the facility.
    - c) In the event that actual operations of the GI fail to produce results that consistently prevent prohibitive Discharges, as defined in Article IV, Section 2, or fail to meet Local Limits, as defined in Article IV, Section 3, the owner of the FSE will be required by the governing municipality and/or

Executive Director or designee to have the GI cleaned at a more frequent rate or install additional Pretreatment as necessary.

5. Modifications. The governing municipality and/or District may make determinations of GI need, modification(s), and conditional usage based on review of all relevant information regarding GI performance, and may require repairs to, or modification or replacement of the GI.
  6. FSEs may be required to obtain a general Discharge Permit as provided by Articles VI & VII.
- B. Grease Interceptor Criteria. GI installed at new and existing FSE must meet the following criteria:
1. Capacity Sizing. A licensed plumber or Illinois Licensed Design Professional shall calculate and document the GI capacity using a formula approved by the governing municipality. The sizing of the GI must be approved by the governing municipality.
  2. Twenty-five Percent Requirement. The GI must provide for a minimum hydraulic retention time of 24 minutes at actual peak Flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the GI being allowed for any food derived solids to settle or accumulate and floatable grease-derived materials to rise and accumulate, identified as a solids blanket and grease cap respectively.
  3. Access Manholes. Access manholes shall be provided over each exterior GI chamber and each sanitary tee. The access manholes shall extend at least to finished grade and be designed to and maintained to prevent Inflow and/or Infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and Wastewater sampling activities.

## **SECTION 8. SEWER LINE MAINTENANCE/REPLACEMENT**

- A. The property owner is responsible for the maintenance and repair of the private sewer line from their structure to the main sewer or Public Sewer including the tap into the main/Public Sewer. Refer to Municipal or Water District Codes for specific requirements.
- B. In the event the property owner finds it necessary to excavate the private sewer line for maintenance or replacement, that shall be the property owner's sole responsibility.
- C. All work, as it is related to the replacement and/or repair of the private sewer line, shall be in conformance with the governing Municipal or Water District Codes and Standards and will be inspected by a Duly Authorized Agent of the governing Municipal or Water District during the repair and replacement.

## SECTION 9. AUTOMOBILE SERVICE, REPAIR AND FUEL DISPENSING PROPERTIES

- A. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, all Discharges shall have installed a sampling manhole consistent with the requirements of Article III, Section 6. Additionally, any property involved in the repair or servicing of automobiles, trucks, or engine-powered equipment shall install a triple basin oil separator in the sanitary line (per State of Illinois Plumbing Codes) servicing the repair area of the building. This system shall be cleaned, serviced, and inspected at least four times per year by the owner at the owner's sole expense. The property owner may petition the Pretreatment Coordinator or designee to reduce the cleaning and servicing of the triple basin oil separator to two times per year upon demonstration that the amount removed quarterly is significantly less than 25% rule for the basin capacity and the Discharge does not exceed the Oil and Grease Local Limit. Conversely, the system may be required by the Pretreatment Coordinator or designee to be cleaned at a more frequent rate if the property cannot meet the requirements.
- B. When property use involves automotive repair or handling, sale and dispensing of petroleum products and/or automotive fluids, there shall be a separate drainage system constructed to collect all fluids from the areas associated with pump islands and under pump canopies. This separate drainage system shall collect these fluids and hold them in a separate sealed tank for testing and removal by approved special waste handling methods. All fuel dispensing equipment, piping and venting shall be installed in accordance with the standards listed below and be in accordance and in compliance with the current adopted building, electrical and fire codes:
1. *Guidance Manual for LUST Cleanups in Illinois*, September 1989; and *Leaking Underground Storage Tank Manual*, September 1991; both published by IEPA, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276.
  2. *Recommended Practices for Installation of Underground Liquid Storage Systems, PEI/RP 100*, 1994; published by Petroleum Equipment Institute, P.O. Box 2380, Tulsa, OK 74101.
  3. *Flammable and Combustible Liquid Code*, NFPA/30; *Automotive and Marine Services Station Code*, NFPA/30A; *National Electric Code*, NFPA/70; and *Underground Leakage of Flammable and Combustible Liquids*, NFPA/329; latest editions all published by National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.
  4. *Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules*, 40 CFR Parts 280 and 281, Part II, Federal Register, Friday, September 23, 1988; and *Musts for UST's: A Summary of the New Regulations for Underground Storage Tank Systems, and Hazardous Waste Management Standards*, Federal Register, July 14, 1986, both published by USEPA, Office of Underground Storage Tanks, 401 M Street, S.W., Washington, DC 20460.

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

C. Jurisdiction:

1. These requirements shall be met for any property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, where any water main, Wastewater or Stormwater facility is within the District limits.
2. The requirements of this Section shall not be applied to existing property uses except that whenever a permit shall be required for new construction or reconstruction of a property use associated with automotive repair or the handling, sale or dispensing of petroleum products and/or automotive fluids, involving placement, replacement, reconfiguration, removal or modification of any fueling area, or a Discharge has occurred that does not meet the Local Limits, or a blockage has been caused or contributed to, compliance with the provisions of Article III, Section 8 shall be required.

## **SECTION 10. AMALGAM MANAGEMENT AT DENTAL OFFICES**

A. Applicability.

1. Except as provided in Paragraphs 3, 4, and 5 of this Section, this Section applies to Dental Dischargers as defined in Article II, Section 3.
2. Dental Dischargers subject to this Section 10 of the Ordinance, are not SIUs as defined in 40 CFR Part 403, and are not CIUs or Industrial Users subject to Categorical Pretreatment Standards as those terms and variations are used in 40 CFR Part 403, as a result of applicability of 40 CFR Part 441.
3. This Section 10 does not apply to Dental Dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
4. This Section 10 does not apply to Wastewater Discharges from Mobile Units as defined in Article II; Section 3 operated by a Dental Discharger.
5. This Section 10 does not apply to Dental Dischargers that do not Discharge any Amalgam Process Wastewater as defined in Article II, Section 3 to a POTW, such as Dental Dischargers that collect all Dental Amalgam Process Wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.

6. Dental Dischargers that do not place Dental Amalgam as defined in Article II, Section 3, and do not remove amalgam except in limited emergency unplanned, and/or unanticipated circumstances, and that certify such to the Control Authority as required in 40 CFR Section 441.50 are exempt from any further requirements of this Section 10.
- B. Existing Dental Discharger Compliance. Existing Dental Discharger as defined in Article II, Section 3 were required to comply with the requirements of 40 CFR Section 441.30(a) that defines removal of amalgam solids and (b) implementation of two BMPs by July 14, 2020 and submit a One-Time Compliance Report per 40 CFR Section 441.50(a) by October 12, 2020 to the District and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
1. If a transfer of an Existing Source occurs after July 14, 2020, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.
- C. New Dental Discharger Compliance. As of July 14, 2017, any New Dental Discharger Source as defined in Article II, Section 3 subject to this Section 10.C must comply with the requirements of 40 CFR Section 441.40 which states that Discharges must comply with the requirements of 441.30(a) that defines removal of amalgam solids and (b) implementation of two BMPs. Dental Dischargers must file a One-Time Compliance Report per 40 CFR Section 441.50(a) no later than ninety (90) calendar days following the introduction of Wastewater into the POTW and maintain and make available for inspection defined records per 40 CFR Section 441.50(b).
1. If a transfer of a New Source occurs after July 14, 2017, the new owner must submit a new One-Time Compliance Report no later than ninety (90) calendar days after the transfer.
- D. Limited Dental Dischargers. Limited Dental Dischargers were required to file a One-Time Compliance Report with certification that they do not remove Dental Amalgam except in limited emergency or unplanned, unanticipated circumstances by October 12, 2020, to the District.
1. New Source Limited Dental Dischargers are required to submit this One-Time Compliance Report to the District within ninety (9) calendar days following the introduction of Wastewater for New Sources.
- E. Signatory Requirements. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the Dental Discharger is a partnership or sole proprietorship, or a duly Authorized Representative in accordance with the requirements of 40 CFR Section 403.12(l) and Article II, Section 3 under Authorized Representative (5) and (6).

## **ARTICLE IV**

### **GENERAL DISCHARGE REGULATIONS**

#### **SECTION 1. DISCHARGES SUBJECT TO GENERAL REGULATIONS**

- A. It shall be unlawful to Discharge or cause to be Discharged to any facility served by the District, without having first complied with the terms of this Ordinance.
- B. All non-residential waste Discharges to District sewers must meet the most stringent applicable requirements and limitations at all times either as set forth in this Ordinance, or in individual Wastewater Discharge Permits, Federal Pretreatment Standards as established by 40 CFR Part 403, or State of Illinois Standards as codified in 35 IAC 307. Said Users shall provide the necessary Wastewater treatment to achieve compliance with all NCPS and requirements within the time limitations as specified by the Federal Pretreatment Regulations, and with any other Pretreatment Standards including Local Limits and requirements, by applicable deadlines.
- C. The District shall develop and enforce specific limits to implement the prohibitions listed in Article IV, Section 2 of this Ordinance. These specific discharge limitations are listed in Article IV, Section 3 of this Ordinance. The District may develop BMPs to implement specific discharge limitations. Such BMPs and the specific discharge limitations are to be considered Local Limits and Pretreatment Standards.
- D. Each FSE shall install a GI and implement BMPs as necessary to comply with this Article IV and shall achieve compliance with all Local Limits and the prohibitions set out in Article IV, Sections 2 and 3 of this Ordinance, within the time limitations specified by the Pretreatment Coordinator or designee.

#### **SECTION 2. GENERAL PROHIBITIONS**

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

- A. Where conflicting requirements of applicable federal, state, or local governments governing waste discharges exist, the most stringent shall apply.
- B. No User shall increase the use of potable or process water in any way, nor mix separate waste streams for the sole purpose of diluting a discharge as partial or complete substitute for adequate treatment, in order to achieve compliance with a Pretreatment Standard or Requirement except where expressly authorized to do so by an applicable Pretreatment Standard or Requirements and in a Wastewater Discharge Permit. The Executive Director may impose Mass Limitations on Users who are using dilution to meet Applicable Pretreatment Standards or Requirements, or in other cases when the

imposition of Mass Limitations is appropriate.

- C. No Person shall discharge or cause to be discharged any Stormwater, foundation drain water, groundwater, roof runoff, surface drainage, Non-Contact Cooling Waters, Clear Water, or any other Unpolluted Water to any Sanitary Sewer.
- D. No User shall contribute or cause to be contributed, directly or indirectly to the District POTW, any Pollutant or Wastewater contaminant which will Pass Through, cause Interference with, inhibition of, or cause a Potential Problem to the operation or performance of the POTW. The following general prohibitions shall apply to all Users of District's POTW whether or not a User is subject to National Categorical Pretreatment Standards or requirements. A User may not contribute the following substances to District's POTW:
  - 1. Pollutants that create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21, or any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in conjunction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the POTW or the operation of the POTW. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the point of discharge of the building's sewer line to the municipal sewer, or at the point of discharge into the POTW, interceptor sewer, or at any point in the POTW treatment works be more than five percent (5%) nor any single reading greater than ten percent (10%). Materials in this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, carbides, hydrides, Stoddard solvents, and sulfides.
  - 2. Any solid waste or viscous substance that will cause obstruction to the Flow in a sewer or the POTW, or other Interference to the operation of the POTW are prohibited. Prohibited materials include but are not limited to: waste cooking oil, grease, grease interceptor waste, Garbage with particles greater than one-half inch (1/2-inch) in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, paper, wood, plastics, residues from gas, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, fatty acids or esters of fatty acids, any material which can be disposed of as trash, or tumbling and de-burring stones.
  - 3. Any Wastewater having a pH less than 6.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures equipment, or personnel in the POTW. The pH limits are Instantaneous Limits that shall be met at all times and are not subject to averaging.



4. Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or in conjunction with other Pollutants, to injure, Interfere with or cause a Potential Problem to any POTW treatment processes or facilities, constitute a hazard to humans or animals, or to exceed limitation as set forth in the existing Act, or the Act as it may be amended. An Incompatible Pollutant shall include, but not be limited to, any Pollutant identified pursuant to Section 307(a) of the Act.
5. Any noxious or malodorous solids, liquids, or gasses which either singly or by their interaction are capable of creating a public nuisance or hazard to life, or to Interfere with, inhibit or cause a Potential Problem to any operation of POTW, including but not limited to, prevention of entry into sewers for their maintenance and repair, or which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
6. Any substance which may cause the District's POTW effluent or Biosolids to be unsuitable for reclamation and re-use, or Interfere with the reclamation process. In no case shall a substance discharged to the District's POTW cause the District to be in non-compliance with any Biosolids use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria guidelines or regulations affecting Biosolids use or disposal developed pursuant to the Resource Conservation and Recovery Act (RCRA), Solids Waste Disposal Act (SWDA), Toxic Substances Control Act (TOSCA), or any State, or local Standards applicable to any Biosolids management methods either being used or considered by the District.
7. Any substance or combination of substances which shall cause the POTW facilities to be in violation of its NPDES Permit, or to cause the District's POTW to violate receiving stream quality and/or general effluent Discharge Standards.
8. Any Wastewater having a temperature at the point of Discharge to the POTW which will inhibit biological activity in the POTW treatment plant or cause Interference in the District's POTW facilities; but in no case shall Wastewater be introduced to the POTW which exceeds 65°C (157°F) at the point of Discharge or which exceeds 40°C (104°F) at the POTW treatment plant or be below 4°C (40°F) at the point of Discharge.
9. Any Pollutant, including oxygen demanding Pollutants, released in a Discharge at a Flow rate and/or Pollutant concentration (including any Slug Load), either singly or by interaction with other Pollutants which may cause Interference with, inhibit, or cause a Potential Problem at 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 24-hour Flow during normal operation; provided, however, that a User subject to National Categorical Pretreatment Standards shall comply with such standards in addition to this Subsection D.9.

10. Any Wastewater containing any radioactive wastes or isotopes, except in compliance with District, State, and Federal rules governing such Discharges.
11. Any Wastewater containing BOD, total solids, or Total Suspended Solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW; provided, however, that a User 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.
12. Ammonia nitrogen in amounts that would cause the District to fail to comply with State of Illinois effluent or water quality standards of the receiving waters of the POTW.
13. Mercury in amounts that would exceed the requirements of Section 304.126 of Title 35: Environmental Pollution, Subtitle C, Water Pollution, Chapter 1, Pollution Control Board, as amended.
14. Any Wastewater containing concentrations of fats, oil, grease, (FOG), including, but not limited to, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, or trichlorotrifluoroethane extractable material which is sufficient to cause Interference or Pass Through at the POTW.
15. Any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or other applicable state or local hazardous waste disposal laws, without written permission of the Executive Director granted pursuant to Article IV, Section 9 of this Ordinance.
16. All trucked or Hauled Waste, except at discharge points designated by the District. All such wastes are to be individually approved and permitted by the District as set forth in Article VI, Section 8 prior to Discharge.
17. Any Unpolluted Water including, but not limited to, uncontaminated Non-Contact Cooling Water, Stormwater, surface and ground-waters, subsurface drainage, roof run-off, spill contaminant area run-off, footing drains, or construction drainage except as specifically permitted by the Pretreatment Coordinator or designee;
18. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems, or which necessitate the District taking special measures to counteract and/or alleviate the impact of the Pollutant(s);
19. Any Wastewater containing substances in sufficient quantity to Interfere with the POTW.

20. Any wastes containing detergents, surface active agents, aqueous firefighting foam or other substances which may cause excessive foaming in the collection system or the treatment process that result in POTW Interferences and/or Pass Through and/or is shown to inhibit the nitrification process. Wastes prohibited in this Section shall not be processed or stored in such a manner that they could be Discharged to the POTW.
21. Additives for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to Interceptor maintenance that have a content of enzymes, surfactants or solvents that is greater than ten percent (10%) of the volume without the written consent of the Pretreatment Coordinator or designee.
22. Any Wastewater containing any organism, including viruses, is considered pathogenic and/or detrimental to POTW organisms other than by direct excrement and any other wastes defined as Medical Wastes.
23. Wastewater or wastes containing iron pickling wastes, concentrated plating solutions or coating solutions whether neutralized or not.
24. Any leachate, groundwater remediation Wastewater or waste material, originating within the POTW service area, which does not meet Discharge limitations as set forth in this Article or determined by this Article except at Discharge points designated by the Pretreatment Coordinator or designee.
25. Any Biosolid, screenings or other residues from the Pretreatment of Non-Residential wastes.
26. Any solid, solid waste or viscous substances that have caused an obstruction to the Flow in a sewer that is eliminated by a professional service or contractor.
27. Inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) that will cause a Potential Problem or Interfere with POTW operations.
28. Any substance with color which is not removed in the treatment processes, such as, but not limited to: dye waste, ink waste and vegetable tanning solutions.
29. Any substances that inhibit the use of UV for disinfection purposes.
30. Wastewater or wastes containing substances which are not amenable to treatment or reduction by the POTW treatment processes employed or are amenable to treatment only to such degree that the POTW effluent cannot meet the requirements of agencies having jurisdiction over Discharge to the receiving waters.

31. Any Wastewater causing the POTW effluent to fail a toxicity test.
  32. Any waste containing items that could clog or damage the District's Sanitary Sewers, pump stations or POTW operation including but not limited to the following items: disposable wipes, personal care wipes and products, antibacterial wipes, feminine care products, diapers, baby wipes, wet/dry cleaning cloths, rags, paper towels, napkins, string, zip ties, laundry dryer sheets, and any plastic products.
- E. Wastes prohibited in this Section shall not be processed or stored in such manner that they could be Discharged or introduced to the POTW. All Users with prohibited wastes described in this Section or those that have Hazardous Wastes as defined in 40 CFR Part 261 shall develop and implement a Spill Prevention/Slug Control Containment and Countermeasures Plan consistent with the requirements in Article IV, Section 5.E. The Pretreatment Coordinator or designee may also determine Spill Prevention/Slug Control is required of liquids and solids not previously described on either list based on an evaluation of a site potential to cause spills or Slug Loads to be introduced to the POTW. Notice Requirements shall be permanently posted as provided in Article IV, Section 5.E and Article VIII, Section 10. Note that spill planning applies to all Users not just classified SIU or regulated NSRU.
- F. Requirements of Polluted Discharges – Discharge Locations:
1. Discharge of Polluting Substances from Fixtures into Storm Sewers Prohibited. It shall be unlawful for any Person or User to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, Industrial Waste, or any fixture or device Discharging polluting substances, to any Storm Sewer or Stormwater drainage system within the corporate limits of the District.
  2. Discharge of Sanitary and Industrial Waste into Storm Drainage Systems Prohibited, Nuisance Declared. For the protection of the health, safety and welfare of the inhabitants of the District, it is the declared policy of the District to prohibit sanitary and Industrial Waste from entering into the Stormwater drainage system, and any such connection to the Stormwater drainage system is determined to be injurious to the public health and welfare and is hereby declared a public nuisance.
  3. Prohibited Discharges into Natural Outlets. It shall be unlawful to Discharge into any Natural Outlet within the District or in any area under the jurisdiction of the District, any sanitary Sewage, Industrial Wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article and the required permits have been obtained and is in compliance with the Clean Water Act.

- G. Compliance with the provisions of Section 2 shall be required on the effective date of this Ordinance.

**SECTION 3. SPECIFIC DISCHARGE LIMITATIONS**

The following Pollutant limits are established to protect against Pass Through and Interference.

- A. Non-Toxic Pollutants

| <u>POLLUTANT (total unless otherwise listed)</u> | <u>CONCENTRATION (mg/l)</u><br><u>Instantaneous Daily Maximum</u> |
|--|---|
| Oil and Grease                                   | 100   |

- B. Toxic Pollutants

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

| <u>POLLUTANT (total unless otherwise listed)</u> | <u>Concentration Limit, mg/L</u> |               |
|--|----------------------------------|---------------|
|  | Daily Maximum                    | Instantaneous |
| Arsenic  | 0.2                              |               |
| Cadmium  | 0.3                              |               |
| Chromium (total)                                 | 9.0                              |               |
| Chromium (hexavalent)                            |                                  | 1.0           |
| Copper   | 2.8                              |               |
| Cyanide  |                                  | 0.9           |
| Iron   | 72                               |               |
| Iron (dissolved)                                 | 18                               |               |
| Lead   | 1.9                              |               |
| Manganese  | 18.8                             |               |
| Mercury (see Article IV, Section 3.C.1)          | 0.0005                           |               |
| Molybdenum                                       | 0.3                              |               |
| Nickel   | 0.9                              |               |
| Selenium   | 0.5                              |               |
| Silver   | 1.6                              |               |
| Zinc   | 4.4                              |               |

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

- C. State Limits

All User are subject to State Standards and requirements as defined in 35 Ill Adm Code (IAC) 307. Specifically, the Standard for Discharge of mercury is as follows:

1. Mercury (35 IAC 307.1102)

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

| CONSTITUENT | STORET NUMBER | CONCENTRATION<br>(mg/L) |
|-------------|---------------|-------------------------|
| Mercury     | 71900         | 0.0005                  |

- b) It shall be an exception to Subsection a) above that if the Discharge is to a publicly owned or publicly regulated Sewer System which is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the Discharge limitation shall be the same as that applicable to the publicly owned or regulated Sewer System to which it Discharges.
- c) It shall be an exception to subsection a) if all the following conditions are met:
- (i) The Discharger does not use mercury; or the Discharger uses mercury and this use cannot be eliminated; or, the Discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of Wastewater; and,
  - (ii) The Discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 IAC 304.104(a); and,
  - (iii) The Discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and,
  - (iv) The Discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury Discharges.
- d) The Discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of subsection a) if all the following conditions are met:
- (i) The total Discharge is less than 227 g (one half pound) of mercury (Hg) in any year;

- (ii) The Discharge is to a Public Sewer system; and
    - (iii) The Discharge does not, alone or in conjunction with other sources, causes the effluent from the Sewer System or POTW to exceed 0.0005 mg/l of mercury.
  - e) No Person shall cause or allow any Discharge of mercury to a publicly owned or publicly regulated Sewer System which, alone or in combination with other sources, causes a violation by the sewer treatment plant Discharge of the Water Quality Standard of 35 IAC 302 for mercury applicable in the receiving stream.
  - f) For purposes of permit issuance, the IEPA may consider application of the exception of subsection (b) or (c) to determine compliance with this Section. The IEPA may impose permit conditions necessary or required to assure continued application of the exception. When subsection (b) or (c) applies, the IEPA may impose an effluent limitation in the permit which allows the Discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.
- D. Wastes containing BOD levels in excess of 200 mg/l and TSS in excess of 250 mg/l will be subject to Surcharge according to the provisions of AN ORDINANCE FOR CODIFICATION OF THE FEES AND CHARGES OF THE BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT. The District reserves the right to reject or require Pretreatment for any wastes high in BOD and TSS.
- E. FSE Twenty-five Percent (25%) Requirement. The District reserves the right to apply a Twenty-five Percent (25%) Requirement at the discharge side of the external Grease Interceptor prior to mixing with any other Wastewater from the contributing FSE's property in lieu of the limits listed in Article IV, Section 3.A above. The last section of an external GI at an FSE shall be measured to determine that the total volume of the GI being used for any food-derived solids to settle or accumulate plus the floatable grease-derived materials that rise and accumulate, identified as a solids blanket and grease cap respectively, is less than twenty-five percent (25%) of the total design hydraulic depth as measured from the effluent discharge pipe to the bottom ("Twenty-five Percent (25%) Requirement"). The District may also apply the Twenty-five Percent (25 %) Requirement for external GI that are used in non-FSE locations such as an automobile service, repair, and dispensing properties.
- F. The District will apply the Local Limits found in Article IV, Sections 3.A and 3.B above normally at the end-of-pipe point where the Non-Residential waste is Discharged to the municipal Sewer System.
- G. The District reserves the right to establish requirements, by ordinance or in a Wastewater Discharge Permit or general permit, to require control over the quantities and rates of

Discharge from any User.

- H. The District reserves the right to establish, by ordinance or in a Wastewater Discharge Permit, Mass Limitations rather than concentration limitations on Discharges particularly if Users are using dilution to meet Applicable Pretreatment Standards or Requirements, or in other cases when the imposition of Mass Limitations is appropriate.
- I. The District reserves the right to set specific limits for those Pollutants not identified in Article IV, Sections 3.A or 3.B on a case-by-case basis for impacts caused to the POTW including but not limited to Interference, Potential Problem, Pass Through and prevention of beneficial Biosolids re-use. Those limits shall be set forth in a Wastewater Discharge Permit per Article 8.
  - 1. Local Limits for additional Pollutants not identified in Article IV, Sections 3.A or 3.B will be noticed to the permit holder a minimum of thirty (30) calendar days prior to the effective date of the Wastewater Discharge Permit. In the event that the District receives written comment on said limit during the comment period, the limit will take effect within sixty (60) calendar days of the public notice date to allow review and comment by the District.
- J. The District may develop BMPs, by ordinance or in individual Wastewater Discharge Permits or general permits, to implement Local Limits and to meet the requirements of Article IV, Section 2.
- K. Any User Discharging Pollutants such as but not limited to: Oils and Grease, BOD or TSS to the District's facilities that cause the District to alter its method of Wastewater treatment or Biosolid disposal to a more costly method shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the District's Board.
- L. Any User, whose Discharge is pretreated by the District pursuant to the District's determination that such Pretreatment is more effective and which Discharges Pollutants into the District's facilities so as to necessitate the District's alteration of its method of Wastewater treatment or Biosolid disposal to a more costly method, shall be assessed the differential cost between the more costly method of treatment and the less costly method of treatment. Such costs shall only be assessed upon approval of the District's Board.
- M. Right of Revision
  - 1. The District reserves the right to establish, by ordinance or in Wastewater Discharge Permits or general permits, more stringent limitations, or requirements on Discharges to the POTW consistent with the purpose of this Ordinance. The specific limitations on Discharge listed in Article IV, Section 3 are derived from the Maximum Allowable Industrial Loading (MAIL) calculation. The MAILs are allocated only to those IUs, at the District's discretion, which contribute the



regulated Pollutant and all remaining IUs are held to either the background concentration or slightly higher than background but lower than the specific Discharge limit. In no case shall the total of all allocations exceed the MAIL.

2. The District will maintain a reserve of the maximum allowable headworks Pollutant loading for each Pollutant for new industries or increase with existing industries. The District will recalculate the maximum concentrations from time to time using site specific data taking into consideration revisions to State and Federal regulations that may impact the calculations.

#### N. National Categorical Pretreatment Standards

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

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

1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Pretreatment Coordinator or designee may impose equivalent concentration or mass limits in accordance with Paragraphs B and F below and 40 CFR Section 403.6(c) unless specifically restricted by the Categorical Pretreatment Standard. These equivalent limitations calculated in accordance with the following requirements are deemed Pretreatment Standards. Users shall be required to comply with the equivalent limitations instead of the promulgated Categorical Standards from which the equivalent limitations were derived. An alternative Pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated Pollutants.
2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Pretreatment Coordinator or designee may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users.

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

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

3. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Pretreatment Coordinator or designee shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR Section 403.6(e) provided that the regulation allows the Wastewaters to be mixed and the User can supply the information necessary to allow issuance of an alternative limit.
4. A User may request and obtain a variance from Categorical Pretreatment Standards from USEPA based on fundamentally different factors. The request must comply with the procedural and substantive provisions in 40 CFR Section 403.13.
5. A User may request a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR Section 403.15.
6. When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, a User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Pretreatment Coordinator or designee. The District may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 1(a) through 1(e) below.
  - a) To be eligible for equivalent mass limits, the User must:
    - i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water during the term of its individual Wastewater Discharge Permit;
    - ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - iii. Provide sufficient information to establish the facility's actual average daily Flow rate for all wastestreams, based on data from a continuous effluent Flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily Flow rate and the long-term average production rate must be representative of current operating conditions;

- iv. Not have daily Flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - v. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
- b) A User subject to equivalent mass limits must:
- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - ii. Continue to record the facility's Flow rates through the use of a continuous effluent Flow monitoring device;
  - iii. Continue to record the facility's production rates and notify the Pretreatment Coordinator or designee whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Paragraph 1(c) of this Section. Upon notification of a revised production rate, the Pretreatment Coordinator or designee will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Paragraph 1(a) of this Section so long as it Discharges under an equivalent mass limit.
- c) When developing equivalent mass limits, the Pretreatment Coordinator or designee:
- i. Will calculate the equivalent mass limit by multiplying the actual average daily Flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - ii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - iii. May retain the same equivalent mass limit in subsequent individual Wastewater Discharge Permit terms if the User's actual average

daily Flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily Flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Article IV, Section 3.B. The User must be in compliance with Article XV, Section 3 regarding the prohibition of Bypass.

7. The Pretreatment Coordinator or designee may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the Pretreatment Coordinator or designee.
8. Once included in its Wastewater Discharge Permit, the User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived. Note: see 40 CFR Section 403.6(c)(7).
9. Many Categorical Pretreatment Standards specify one limit for calculating Maximum Daily Discharge limitations and a second limit for calculating Maximum Monthly Average, or 4-day Average, limitations. Where such Standards are being applied, the same production or Flow figure shall be used in calculating both the average and the maximum equivalent limitations. See 40 CFR Section 403.6(c)(8).
10. Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Pretreatment Coordinator or designee within two (2) working days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Pretreatment Coordinator or designee 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 Section 403.6(c)(9).

All Users that are subject to National Categorical Pretreatment Standards are required to file reports as required in this Ordinance, signed by an Authorized Representative per Article VIII, Sections 3 and 4. These reports shall include all information that the District deems necessary to make compliance determinations.

## SECTION 4. MONITORING FACILITIES AND REQUIREMENTS

### A. Monitoring Facilities

#### 1. Sampling Manhole Applicability.

- a) All Non-Residential Users are required to install a sampling manhole for each separate Discharge in the Building Sewer in accordance with the plans and specifications approved by the District and Article III, Section 6.
  - i. When required by the District, a SIU or NSRU, that does not have a sampling manhole or other approved sampling chamber, shall install a District approved sampling manhole or sampling chamber for use as the regulation location of Local Limits in the Building Sewer.
  - ii. When required by the District, a CIU shall install a District approved sampling manhole or sampling chamber for use as the regulation location of the categorically regulated Discharge in the Building Sewer. This sampling chamber may be required to be installed within the building and may be in addition to an end-of-pipe manhole.
- b) The District reserves the right to apply said Local Limits in Article IV, Section 3.A and B at an end-of process Discharge location that connects to the POTW Sewer System in the event that:
  - i. A unique sampling manhole at end-of-pipe is not available;
  - ii. A more representative sample can be taken of a process batch Discharge even though an end-of-pipe manhole exists;
  - iii. A more representative sample can be taken at the end-of-process location than the end-of-pipe location as a result of impacts from dilute waste streams;
  - iv. An end-of process location is used because the IU is unable to provide adequate Flow documentation to use a combined wastestream formula.
- c) In the event that a suitable sampling manhole does not exist as per this Section and no end-of-process discharge sampling location exists, the “sampling facility” shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

#### 2. Wastewater Monitoring and/or Flow Measurement Facility Operation and Maintenance

- a) Such facilities will be installed and maintained at all times at the User's sole expense. The failure of a User to keep its Monitoring Facility in good working order shall not be grounds for the User to claim that the sample results are unrepresentative of its Discharge. Installation will be consistent with the requirements of Article III, Section 6.
- b) The manhole or chamber located on a Building Sewer Discharge located in dedicated Easements shall be easily accessible to representatives of the District twenty-four (24) hours per day, seven (7) days per week.
- c) The manhole or chamber at a Discharge location within the building shall be accessible to representatives of the District during normal User operating hours.
- d) Metered water supply may be used to determine Wastewater Flow if it is substantiated to the District that the metered water supply and Wastewater quantities are approximately the same, or where an adjustment agreed to by the District is made in the metered water supply to determine Wastewater Flow which is documented through the use of sub-meters and/or production records. In the event that the Wastewater Flow cannot be substantiated at any regulated location, the User will be required to install Flow monitoring consistent with Article III, Section 6.B.
- e) The sampling chamber, Flow metering device, sampling equipment and documentation of the frequency of sampling, sampling methods and analysis of samples shall be subject, at any reasonable time, to inspection by the District.

## B. Monitoring Requirements

### 1. Applicability

At minimum, all SIU including CIU as well as Non-Significant Regulated Users (NSRU) are required to sample based on the District Monitoring Frequency as stated in the Wastewater Discharge Permit. Other Users are required to sample upon the request of the District. The Users shall pay the costs of sampling of its Discharge and the costs of analyses of its samples, whether or not the sampling and analyses are done by the User or by the POTW.

### 2. Frequency

- a) All SIUs including CIUs with Wastewater Discharge Permits must sample their effluent consistent with the permit requirements and report the results to the POTW at least twice yearly. The District may specify more frequent reporting, quarterly or monthly, dependent of the frequency for those parameters specified in the User's Permit and the District

Monitoring Frequency defined in the District's Enforcement Response Plan. The SIU may have the District conduct routine monitoring using an independent laboratory. Sampling visits of this type will normally be unannounced.

- b) Any NSRU with an individual or general Wastewater Discharge Permit shall sample their effluent and report the results to the POTW consistent with the requirements of the Wastewater Discharge Permit and the District Monitoring Frequency.
- c) Hauled Waste or batch Discharges that have been approved by the Executive Director or designee will have sampling and analysis defined in an individual Wastewater Discharge permit.
- d) The District shall have the right to perform its own sampling at any time at any location. District data will be used for all Surcharge evaluations.
- e) The District may resample a FSE within thirty (30) calendar days when a violation of the twenty-five percent (25%) requirement as defined in Article IV, Section 3.E is identified.
- f) The District may initiate sampling and analyses at a greater frequency as a result of a violation of any Discharge Permit limit, including cases where Hot Spot maintenance issues or blockage to the Sanitary Sewer System has occurred.

### 3. Sample Collection

- a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the entire sampling and reporting period as defined in the Wastewater Discharge Permit.
- b) Except as indicated in Subsections 3(c) and 3(e) below, the User must collect Wastewater samples using Flow proportional composite collection techniques.
- c) In the event Flow proportional sampling is infeasible, the Pretreatment Coordinator or designee may authorize the use of time proportional sampling at minimum collecting samples every 15 minutes during a 24-hour workday; or a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being Discharged. A proportional number of samples shall be collected for Wastewater Discharges less than 24 hours.

- d) Single Grab Samples may be required in the event of an infrequent batch Discharge or to show compliance with instantaneous Discharge limits.
- e) Samples for Fats, Oil and Grease, temperature, pH, cyanide, hexavalent chromium, phenols, sulfides, and volatile organic compounds must be obtained using the number of Grab Samples necessary to assess and assure compliance with Applicable Pretreatment Standards and Requirements. Multiple Grab Samples that are individually preserved as specified in 40 CFR Part 136 and appropriate USEPA guidance that are collected during a 24-hour period may be composited prior to the analysis, as follows:
  - i. For, cyanide, hexavalent chromium, phenols, and sulfides: multiple Grab Samples may be composited in the laboratory or in the field;
  - ii. For volatile organics and fats, oil, and grease: multiple Grab Samples may only be composited in the laboratory.
- f) Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

#### 4. Cost

- a) The cost of District sampling and analyses for any monitoring will be invoiced to the applicable User.

#### C. Analytical Requirements

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

#### D. Protection of District Sampling and Flow Monitoring Equipment from Damage

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is owned or contracted by the District. Any Person violating this provision of the Ordinance shall be subject to any remedies under Article XII.



## SECTION 5. GENERAL DISCHARGE COMPLIANCE

### A. Applicability

Each User that Discharges Non-Residential Source waste shall provide Wastewater treatment and BMPs as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Article IV, Sections 2 and 3 within the time limitations specified by USEPA, the State, or the Pretreatment Coordinator or designee, whichever is more stringent.

### B. Pretreatment Facilities

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

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

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

### C. Additional Pretreatment Measures

At minimum, the District may require the additional Pretreatment measures defined below. The District reserves the right to make unannounced inspections of any additional Pretreatment measures during normal business hours whether the User has been issued an individual or general Wastewater Discharge Permit or not.

1. Whenever deemed necessary, the Pretreatment Coordinator or designee may require Users to restrict their Discharge during peak Flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial

Waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

2. The Pretreatment Coordinator or designee may require any Person or User Discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and Flow-control facility to ensure equalization of Flow. The District may issue an individual or general Wastewater Discharge Permit solely for Flow equalization.
3. Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

D. Best Management Practices (BMP) Plan

1. FSEs are required to develop, implement, and maintain BMP plans that include, but are not limited to:
  - a) Proper storage of unused cooking oil;
  - b) Segregation, collection, and proper storage of waste cooking oil;
  - c) Disposal of food waste into the trash or Garbage disposal;
  - d) Installation of drain screens;
  - e) Wipe-up grease spills before using water;
  - f) Employee training within ninety (90) calendar days of initiation and twice each calendar year thereafter;
  - g) Grease Interceptor maintenance;
  - h) Kitchen exhaust filter maintenance;
  - i) Record keeping requirements;
  - j) Notifications required for spills or Slug Loads changes; and
  - k) Notices and signage advising employees in the language(s) used in the kitchen.

All FSEs that meet the criteria defined in Article IV, Section 5.A are required to develop and implement a BMP Plan regardless of whether such FSEs are regulated by a Wastewater Discharge Permit.

2. Each FSE meeting the criteria in Article IV, Section 5.A is to provide ready documentation as follows confirming that the provisions of the BMP Plan are being implemented:
  - a) Specifics of documentation:
    - (i) Site diagram showing location of all containers holding unused or spent yellow grease;
    - (ii) Procedures to prevent adverse impact from any Accidental Discharge to Storm or Sanitary Sewers. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training and building of containment structures or equipment;
    - (iii) Location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use whom to call in the event of a spill, Accidental Discharge of prohibited materials, Slug Discharge, or a Bypass of any part of a Pretreatment system; and
    - (iv) Off-site emergency (24-hour) telephone number belonging to the User's Authorized Representative or designee, and backup telephone number.
  - b) Notification Procedure. The BMP Plan shall contain procedures for immediately notifying the Pretreatment Coordinator or designee of any accidental or Slug Discharge of any raw materials or recycled oil to either the Sanitary or Storm Sewer consistent with the requirements in Article VIII, Section 8.
3. The District may require the submittal of BMP Plans and documentation of procedures required in this Section. Review of such plans and documentation of procedures by the District shall not relieve the User from the responsibility to modify the User's facility or BMP Plan and procedures as necessary to meet all requirements of this Ordinance. Review by the District does not constitute an approval of a BMP Plan and procedures, and the District and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Discharge.

E. Accidental Discharge & Slug Control Plan

1. All permitted Non-Residential Users are required to develop, implement and maintain BMPs in the form of an Accidental Discharge & Slug Control Plan hereafter referred to as Spill Plan. All Non-Residential Users that meet the below

criteria are required to develop and implement a Spill Plan regardless of whether that User is regulated by a Discharge Permit.

- a) Chemicals (raw materials, chemical intermediates, wastes to be recycled, final products, or utility chemicals) that total or exceed 250 gallons at or on its site;
  - b) Prohibited Discharge Materials as defined in Article IV, Section 2 at or on its site; or
  - c) Hazardous Waste as defined in 40 CFR Part 261 at or on its site; or
  - d) Been defined by the Pretreatment Coordinator or designee to have a need to control Slug Discharges.
2. The Spill Plan which is required to be submitted to the District for review if the User's Discharge is regulated, shall address, at a minimum, the following:
- a) Specifics of Spill Plan:
    - (i) Description of Discharge practices, including non-routine batch Discharges;
    - (ii) Description of stored chemicals, including quantity of chemicals and type and number of storage containers;
    - (iii) Site diagram showing location of all tanks holding greater than or equal to 250 gallons or areas containing 8 drums or more of raw materials, prohibited wastes, wastes to be recycled, hazardous wastes or final product. Identification and location of all liquid materials is mandatory;
    - (iv) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response. Building containment structures or production equipment changes are considered procedures to prevent adverse spills. If containment structures are connected to the Sanitary Sewer, a valve normally left in a closed position is required;
    - (v) Location of Notice/Signs posted in conspicuous places advising employees in English and the language of common use whom to

call in the event of a spill, Accidental Discharge of prohibited materials, Slug Discharge, or a Bypass of any part of a Pretreatment system; and

- (vi) Emergency telephone number (24-hour) off-site and backup telephone number belonging to the Authorized Representative or designee. If the Spill Plan has been submitted to the District, any change in the telephone numbers should be submitted to the District within five (5) working days of being revised.
- b) Notification Procedure. The Spill Plan shall contain procedures for immediately notifying the Pretreatment Coordinator or designee of any accidental or Slug Discharge, as required by Article VIII, Section 8;
  - c) Documentation. The Spill Plan shall contain a sample of the documentation maintained at the site that:
    - (i) Ensures that all employees who are in a position to cause, discover, or observe such Discharge are advised of the emergency notification procedures; and
    - (ii) Such logs to verify inspection and maintenance procedures to prevent adverse impacts and confirm that said procedures are being performed on a regular basis. At minimum, logs are required to verify valves in containment structures, if present, are closed.
3. Review of such plans and operating procedures by the District shall not relieve the User from the responsibility to modify the User's facility or Spill Plan as necessary to meet all requirements of this Ordinance. Review by the District does not constitute an approval of a spill plan and the District, and its designee(s) are not to be construed as responsible for the actions of the User and any impacts the User may cause as a result of a spill or Slug Load.
4. At least once every two (2) years the Pretreatment Coordinator or designee shall evaluate whether each SIU needs a revision to its Spill Plan. The Pretreatment Coordinator or designee may require any User to submit at a frequency less than every two (2) years, such Spill Plan or require modification of an existing Spill Plan based on changes that have occurred at the site or in response to an incident that had the potential to impact the POTW.

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

#### F. Closure Plan

1. Any Non-Residential User meeting the requirements of Article IV, Section 5.E including but not limited to those with Wastewater Discharge Permits that determines it will cease operations permanently, or if some of the processes that classify the User as significant are closed, the User shall file a written closure plan with the District. The closure plan shall be submitted ten (10) working days prior to the initiation of the plan and shall contain, at a minimum, the following:
  - a) A description of each Wastewater generating process that will be closed;
  - b) A description of how the facility will be closed and the extent of operations during the closure period;
  - c) An inventory and estimate of the volume of all process Wastewater, chemicals, and hazardous waste on site. A description of the methods for disposal, including procedures for removing, transporting, treating, storing, or disposing of all waste and identifying all off-site waste management facilities to be used;
  - d) A schedule of the closure activities indicating the time required to complete each closure step; and
  - e) Additional monitoring scheduled that will identify compliance with Pretreatment Standards during the closure operations.

## **SECTION 6. VARIANCE**

- A. To the extent consistent with the applicable provisions of the Act and the Illinois Environmental Protection Act (Ch. 111 2, Ill. Rev. Stat., Secs. 1001, et seq.), the Board may grant individual variances beyond the limitations prescribed in Article IV, Section 3 of this Ordinance, provided that the petitioner has demonstrated that failure to receive a variance would work an arbitrary or unreasonable hardship on the petitioner and provided further that petitioner has demonstrated that Petitioner will be in compliance by the end of the variance period granted. The burden of showing such arbitrary and unreasonable hardship shall be on the petitioner who shall, before such variance is granted, show such arbitrary and unreasonable hardship to the Board by clear and convincing proof. In no case shall the Board grant any variance whose terms might or could cause "Interference" or "Pass Through" as such terms are defined in this Ordinance.
- B. In granting a variance, the Board may impose such conditions, exceptions, time limitations, duration, and other limitations as the policies of this Ordinance, and the Illinois Environmental Protection Act may require, including limitations that will assure that petitioner will be in compliance by the end of the variance period. Any variance granted by the Board shall not exceed two (2) 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 twice for up to two

years each time by affirmative action of the Board, but only if satisfactory progress has been shown. However, no petitioner shall receive any variances, including any extension, exceeding a combined total of five years for any specific Pollutant.

- C. Any person seeking a variance shall do so by filing a petition for variance with the District Director in a format required by the District. Within 21 days of receipt of the petition, notice of the petition shall be published in a newspaper of local circulation once a week for three weeks.
- D. The District shall specify information required to be submitted by the petitioner. To enable the District to rule on the petition for variance, the following information where applicable, shall be included in the petition:
  - 1. A clear and complete statement of the precise extent of the relief sought, including specific identification of the particular provisions of the ordinance from which the variance is sought.
  - 2. Data describing the nature and extent of the present failure to meet the numerical standards or particular provisions from which the variance is sought and a factual statement why compliance with the ordinances was not or cannot be achieved by the required compliance date.
  - 3. A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the ordinance, 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 the ordinance would impose an arbitrary or unreasonable hardship; and
  - 7. Such other information as required by the District
- E. The District Executive Director or designee 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 regarding the petition filed and variance sought. If the Board in its discretion concludes that a hearing would be advisable or if the District Executive Director or any other person files a written objection to the granting of such variance within fifteen

(15) days from the date of publication of the petition in the newspaper, then a hearing shall be held and the burden of proof shall be on the petitioner. Such hearing shall be conducted in the same manner specified in Article XI Sections B.3.

- F. If the limits of a variance are exceeded or if any terms of a variance are violated by the Person granted a variance, a violation of this Ordinance is deemed to have occurred and the variance may be revoked on thirty (30) days' prior notice.



## **ARTICLE V**

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

#### **SECTION 1. INITIAL SURVEY (QUESTIONNAIRE)**

- A. The Initial Survey shall be completed in order to ensure that said Non-Residential Users of the POTW of the District adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the POTW of the District set forth in Article IV, spill control of raw materials, intermediates and waste as set forth in Article IV, Section 5.E, and to facilitate the District's investigation of apparent or suspected violations thereof. The requirements are as follows:
1. All existing or new Non-Residential Users, in areas receiving Sewer Service from the District, shall complete and submit an Initial Survey on a form provided by the District when requested by the District.
  2. All Users defined in Article V, Section 1.A.1 seeking to establish a new account for Sanitary Sewer service from the District or to establish a new connection to the POTW of the District, shall file a completed Initial Survey with the District as a condition to the establishment of such new Sanitary Sewer service account or connection to the POTW of the District.
  3. All Users defined above that fail to complete and submit to the District an Initial Survey shall be in violation of the provisions of this Article and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the District.
- B. Food Service Establishment (FSE) Survey
1. The Initial FSE Survey shall ensure that FSEs discharging to the POTW of the District adhere to and comply with the restrictions and prohibitions pertaining to Pretreatment Standards of wastes Discharged into the POTW of the District set forth in Article IV, Sections 2 and 3 and to control spills of raw materials, intermediates and waste as set forth in Article IV, Section 5.E, and shall facilitate the District's investigation of apparent or suspected violations thereof. The requirements for the Initial FSE Survey are as follows:
    - a) All existing or new FSEs, including those areas receiving Sewer Service from the District, shall complete and submit an Initial FSE Survey on a form provided by the District when requested by the District.

- b) The Initial FSE Survey shall cover at a minimum information that includes a description of processes, kitchen fixtures, water usage and Wastewater characteristics, plus grease usage and management for the facility. This information will be required to be submitted and will be evaluated by the District for determination of the requirement to issue a General FSE Discharge Permit or FSEP per Article VII, Section 2.D.
- c) All new FSEs shall file a completed Initial FSE Survey with the governing municipality, namely the Town of Normal, the Village of Downs, City of Bloomington, or Bloomington Township).
- d) The Initial Survey shall contain a statement affirming the truth, completeness and correctness of information submitted signed by an Authorized Representative of the User as defined in Article II, Section 3. In the event that the District obtains the information through a site inspection(s), but the Initial Survey is not signed by an Authorized Representative, the District may proceed to determine classification and permit as appropriate based on the information obtained at the site.
- e) All Users defined above that fail to complete and submit to the District an Initial Survey within thirty (30) calendar days of notice by the District, or who shall contain inaccurate and/or information that User knows is inaccurate or untruthful, shall be in violation of the provisions of this Article and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation of all permits and approvals previously granted to the User for the Discharge of Sewage or Wastewater into the POTW of the District.

## **SECTION 2. AFFIRMATION TO INITIAL SURVEY**

- A. The District will determine the frequency an affirmation to the Industrial User or FSE Survey needs to be submitted.
- B. Any User, defined in Article V, Section 1, having filed an Initial Survey of FSE Survey where the information remains true, complete, and correct in all respects may be allowed to submit a statement that the information remains current in lieu of submitting a new survey. The statement is required to be signed by an Authorized Representative of the User.
- C. All Users defined above that fail to file an Affirmation with the District, or shall file a false affirmation, shall be in violation of the provisions of this Article and shall be subject to all of the applicable penalties thereof, including but expressly not limited to the revocation

of all permits and approvals previously granted to the commercial or Industrial User in question for the Discharge of Sewage or Wastewater into the POTW of the District.

### **SECTION 3. REPORTS OF CHANGED CONDITIONS**

- A. Any User, defined in Article V, Section 1, that makes any changes determined to be substantial as defined in Article VIII, Section 7 shall report said changes as required in Article VIII, Section 7. Reports of changed conditions are required to be made prior to the anticipated change. The User may be required to file an updated survey as a result of changed conditions.

### **SECTION 4. ADDITIONAL SURVEY INFORMATION**

- A. After review of the Initial Survey completed per Article V, Section 1, all Non-Residential Users that the District has identified as a potential SIU or a NSRU shall be required to complete and file a more detailed Wastewater Survey on a form provided by the District. At a minimum, a description of processes, water usage and Wastewater characteristics for the facility must be submitted. This information will be evaluated by the District for evaluation, and the District will use that information to determine whether an Individual Wastewater Discharge Permit per Articles VI and VII, or a General Wastewater Discharge Permit, is required for the User.
- B. Periodic Updates of Wastewater Survey Information. The District reserves the right to require revised and/or updated Wastewater Survey information under the following conditions:
  - 1. A Report of Changed Conditions is filed as required in Article VIII, Section 7,
  - 2. An application for a Wastewater Discharge Permit is required to be filed per Articles VI and VII, or
  - 3. A re-issuance of a Wastewater Discharge Permit occurs per Article VII, Section 7.
- C. In addition to the Wastewater Survey defined in this Section, CIUs may be required to complete a category specific survey that identifies sub-processes and processes performed at the site in order to define which sub-processes and processes are regulated by an USEPA Effluent Guideline category.

## **ARTICLE VI**

### **WASTEWATER DISCHARGE PERMIT REQUIREMENTS AND APPLICATION**

#### **SECTION 1. WASTEWATER INFORMATION AND ANALYSIS**

When requested by the Pretreatment Coordinator or designee, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) calendar days of the request. The Pretreatment Coordinator or designee is authorized to prepare a form for this purpose and may periodically require Users to update this information. The Pretreatment Coordinator or designee may also prepare specialized forms for various business types and functions. Information that may be required will be consistent with that identified in Article V and Article VI, Section 5. Hauled Waste is permitted under the provisions of Article VI, Sections 2 and 8.

#### **SECTION 2. WASTEWATER DISCHARGE PERMIT AUTHORITY AND REQUIREMENTS**

- A. Individual Wastewater Discharge Permit issued to SIUs which includes CIUs. No SIU, including any CIU, shall Discharge Wastewater to the POTW without first obtaining an individual Wastewater Discharge Permit from the Pretreatment Coordinator except that a SIU, including any CIU, that has filed a timely application pursuant to this Ordinance may continue to Discharge for the time period specified therein.
  
- B. General Wastewater Discharge Permit issued to SIU and CIU. At the discretion of the Pretreatment Coordinator, the District may use general Wastewater Discharge Permits to control SIU or CIU Discharges to the POTW if the following conditions are met:
  - 1. Involve the same or substantially similar types of operations;
  - 2. Discharge the same types of waste;
  - 3. Require the same effluent limitations or BMPs;
  - 4. Require the same or similar monitoring and/or reporting requirements; and
  - 5. In the opinion of the Pretreatment Coordinator, are more appropriately controlled under a general permit than under individual Wastewater Discharge Permits.
  
- C. Other Wastewater Discharge Permits. The Pretreatment Coordinator may require other Non-Residential Users to obtain either individual or general Wastewater Discharge Permits as necessary to carry out the purposes of this Ordinance. The Wastewater Discharge Permit will define that holders of permits issued under this Section shall not be classified as SIUs. Non-Residential Users with Wastewater Discharge Permits in this class

may include but are not limited to:

1. Any User that has been determined to be a NSCIU as defined in Article II, Section 3;
2. Any User that has been determined not to be a SIU as defined in Article II, Section 3 that the Pretreatment Coordinator requires to be regulated by Wastewater Discharge Permit;
3. Any User subject to National Categorical Pretreatment Standards that opts not to Discharge Pollutants shall obtain a Zero Process Wastewater Discharge Permit;
4. Any User that is a non-Categorical Zero Process Wastewater Discharger that the Pretreatment Coordinator determines shall be permitted;
5. Non-Significant Regulated Users (NSRU) as defined below. In the event that the District operates more than one POTW, the percentage shall be determined based on the plant to which the User Discharges rather than the total capacity of all of the District plants:
  - a) NSRU that Discharge a process Wastewater Flow greater than or equal to one half (0.5) percent of the POTW's design dry-weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller;
  - b) NSRU that Discharge more than or equal to one half (0.5) percent of the design dry-weather organic treatment capacity of the POTW;
  - c) NSRU that Discharge one half (0.5) percent of the Maximum Allowable Headworks Loading for any Pollutant regulated by a Local Limit developed in accordance with Article IV, Section 3; or
  - d) NSRU that intermittently Discharge any individual batch or batches that would meet the criteria in a, b, or c above when Discharged or otherwise has the potential to Discharge a Slug Load to the POTW;
6. Non-Residential Users that have devices installed to remove oils, grease, and sand;
7. Food Service Establishments (FSE);
8. Trucked waste, and
9. Non-Residential Users are required to eliminate or control specified Pollutants from their waste stream through the development and implementation of a BMP

Plan.

- D. Any violation of the terms and conditions of an individual or general Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subject the Wastewater Discharge permittee to the sanctions set out in Articles XI through XIII. Obtaining an individual or general Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

**SECTION 3. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS**

- A. Any SIU or CIU required to obtain an individual or general Wastewater Discharge Permit who was Discharging Wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such Discharges in the future, shall, within ninety (90) calendar days after said date, apply to the Pretreatment Coordinator for the appropriate Wastewater Discharge Permit in accordance with Article VI, Section 5, and shall not cause or allow Discharges to the POTW to continue after one hundred eighty (180) calendar days of the effective date of this Ordinance except in accordance with a Wastewater Discharge Permit issued by the Pretreatment Coordinator.
- B. Any non-SIU or non-CIU that is required to obtain individual or general Wastewater Discharge Permits shall file an application not less than ninety (90) calendar days or within the time frame required in a notification sent by the Pretreatment Coordinator.
- C. General Permits for Food Service Establishments. An existing FSE may be required to obtain a general FSE Discharge Permit in accordance with Article VI, Section 5.

**SECTION 4. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS**

- A. Any SIU or CIU, who proposes to begin or recommence Discharging into the POTW must obtain an individual or general Wastewater Discharge Permit prior to the beginning or recommencing of such Discharge. An application for this individual or general Wastewater Discharge Permit, in accordance with Article VI, Section 5, must be filed at least ninety (90) calendar days prior to the date upon which any Discharge will begin or recommence pending review by the Pretreatment Coordinator or designee.
- B. Any non-SIU or non-CIU who proposes to begin or recommence Discharging into the POTW that is required to obtain an individual or general Wastewater Discharge Permit must obtain such permit prior to the beginning or recommencing of such Discharge or operations in the case of a zero process Discharger, in accordance with Article VI, Section 5. An application for this individual or general Wastewater Discharge Permit must be filed

at least thirty (30) calendar days prior to the date upon which any Discharge or operations will begin or recommence pending review by the Pretreatment Coordinator or designee.

- C. A FSE that proposes a new connection may be required to obtain a general FSE Discharge Permit in accordance with Article VI, Section 5.

## **SECTION 5. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS**

- A. Individual Application Requirement. All Users required to obtain an Individual Wastewater Discharge Permit or Zero Process Wastewater Discharge Permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- B. Individual Application Contents. The Pretreatment Coordinator or designee may require all Users to submit as part of an application all or some of the following information:
  - 1. All information required by Article V, Sections 1, 3 and 4.
  - 2. Identifying and contact information for the site including name and address of the facility, the name of the operator and owner as well as contact information for the Authorized Representative and daily on-site contact.
  - 3. Description of Operations.
    - a) A brief description of the nature of the activities, services, production, and plant processes on the premises. Include each product produced by type, amount, process or processes, and a general rate of production.
    - b) Number and type of employees, hours of operation, and proposed or actual hours of operation.
    - c) Type and amount of raw materials processed (average and maximum per day) including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, Discharged to the POTW.
  - 4. Time and duration of Discharges with an estimate of the average daily and maximum Flow.
  - 5. Waste Characteristics. Information showing the nature and concentration of the Discharge in relation to Applicable Pretreatment Standards and Local Limits.

6. Requests for a monitoring waiver for a Pollutant regulated as a Categorical Pretreatment neither present nor expected to be present in the Discharge based on 40 CFR Section 403.12(e)(2). Representative sampling and analysis will be required to substantiate the request.
  7. Plans and Diagrams
    - a) Site plans/floor plans that show the footprint of the building with an outline of major equipment similar to an emergency exit plan;
    - b) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of Discharge; and
    - c) A diagram showing the location for monitoring the Discharge of all wastes covered by the permit.
  8. Environmental Permits. A list of any environmental control permits held by or for the facility.
  9. Any other information as may be deemed necessary by the Pretreatment Coordinator or designee to evaluate the Wastewater Discharge Permit application.
- C. General Application Requirement. The Pretreatment Coordinator may require all Users that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the District which is specific to the category regulated by the general Wastewater Discharge Permit. The form may require but is not limited to contact information, production processes, the types of wastes generated, and the location for monitoring all wastes if regulated by the general permit. Where the Standard will require compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator.
- D. General Application Requirement for Food Service Establishments (FSE). The Pretreatment Coordinator may require all FSE that are required to obtain a general Wastewater Discharge Permit to submit an application on a form provided by the District which is specific to FSE. The form may require but is not limited to contact information, general business information; facility operation; kitchen fixtures; fats, oil, and grease handling; kitchen clean-up and water usage; grease interceptor or alternatives used; and sampling locations. The District requires FSE to comply with a BMP and the FSE shall submit documentation as required by the Pretreatment Coordinator.
- E. General Application for Waste Haulers. All Wastewater Haulers are required to obtain a



Wastewater Discharge Permit and submit an application on a form provided by the District. The form may require but is not limited to contact information, truck identification, names, and addresses of sources of waste, volume and characteristics of the waste, type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

F. Categorical Monitoring Waivers

1. Authority. Pursuant to 40 CFR Section 403.12(e)(2)(v) and (vi), the District may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the User. This waiver is not available to Users whose concentration Standards are derived from mass Standards or production-based Standards. This authorization is subject to the following conditions:
  - a) The waiver may be authorized where a Pollutant is determined to be present solely due to Sanitary Wastewater Discharged from the facility provided that the Sanitary Wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process Wastewater.
  - b) The monitoring waiver is valid only for the duration of the effective period of the individual Wastewater Discharge Permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Wastewater Discharge Permit.
  - c) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
2. Application Requirements
  - a) In making a demonstration that a Pollutant is not present, the User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.
  - b) The request for a monitoring waiver must be signed in accordance with Article VI, Section 6 and include the certification statement in Article VI,

## Section 6.

- c) Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

### 3. Documentation and Record Retention for CIU Monitoring Waivers

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

## **SECTION 6. INDIVIDUAL AND GENERAL APPLICATION SIGNATORIES AND CERTIFICATION**

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

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

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

## **SECTION 7. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT DECISIONS**

The Pretreatment Coordinator or designee will evaluate the data furnished by the User and may require additional information. Within thirty (30) calendar days of receipt of a complete Wastewater Discharge Permit application, the Pretreatment Coordinator will

determine whether to issue a Wastewater Discharge Permit. The Pretreatment Coordinator may deny any application for a Wastewater Discharge Permit. If the Pretreatment Coordinator fails to act within ninety (90) calendar days, a request for permit application shall be deemed to be denied.

## **SECTION 8. TRUCKED DISCHARGES**

### **A. Permits**

No person, firm or corporation shall Discharge Septic Tank Wastes, holding tank wastes, portable toilet wastes, or other wastes from a tanker truck into the designated discharge facilities of the District without first obtaining a written permit or permission from the District. The District does not accept industrial process Wastewater and landfill leachate. No trucked wastes are to be Discharged by any entity except at the Discharge points designated by the District. Any violation of this Ordinance by a Wastewater Hauler shall be justification for the Executive Director to immediately bar the Wastewater Hauler from dumping wastes into the District POTW for a period of time as may be determined by the Executive Director.

1. Application for permits shall be filed with the District on forms so provided. The application shall be signed as required by Article VI, Section 6.
2. The permit will list all trucks that are included in the permit. A District approved identification tag shall be required on each truck when on District property.
3. Each permit shall designate the location of disposing of trucked wastes.
4. No permit shall be valid for a period of more than three (3) years, and each permit shall expire on January 31st of the expiration year.
5. No permit shall be transferable. A permit becomes void under any of the following conditions:
  - a) Change in ownership of the permittee;
  - b) Change in vehicle for which the permit is issued; or
  - c) Change in the name and address of the permittee.

### **B. Administration and Fees**

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

Fees for dumping wastes are contained in "AN ORDINANCE PROVIDING FOR THE CURRENT RATES FOR FEES, CHARGES, PERMITS AND PENALTIES OF THE BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT."

C. Rules and Regulations

No person, firm or corporation shall dispose of any trucked wastes upon any property of the District other than at the designated discharge point established by the District. In its discretion the District may accept waste subject to the following:

1. Septic tank disposal shall be limited to wastes from a septic toilet, chemical closet, or any other water-tight enclosure used for storage and decomposition of human excrement and/or Domestic Wastes. Other non-residential wastes may be approved on a case-by-case basis by the District. The District will not accept Hauled Waste containing RCRA hazardous waste.
2. Disposal shall be limited to wastes generated within McLean County.
3. Routine disposal shall be permitted daily at the POTW indicated in the permit between the hours of 7:00 a.m. and 3:30 p.m. Emergency dumping requires District approval. These hours may be adjusted from time to time by the Executive Director or designee.
4. All trucks which are permitted by the District shall be identified with the following:
  - a) Owner's name, address, and phone number;
  - b) Liquid capacity; and
  - c) The District Permit No. and year covered.
5. For each trucked load disposed of at the District's POTW, the truck driver shall deliver to the District office building designated on the permit, a signed, numbered ticket showing the permit identification number, liquid capacity of the truck, time of arrival and departure, origin of every pickup point comprising the load, along with the telephone number of each originating source. The ticket shall contain a signed certification that all septic tank and portable toilet wastes identifying where the load has originated and that they are domestic in origin. The ticket shall also contain a certification that the load does not contain RCRA hazardous waste. The driver shall not unload until obtaining approval by the Operator at the District.
6. The driver is required to take a sample of every load Discharged in accordance

with District procedures. A sample may also be taken by the District of each truckload of waste delivered to the District's POTW.

7. Persons disposing of waste at the District shall be responsible for cleaning up all the spills and replacing the manhole covers at the end of the unloading process.
8. The permittee shall furnish a list of authorized drivers to the District covered by the permit and keep this list current.
9. The District will implement procedures to randomly confirm the source and type of waste hauled and to analyze Hauled Waste samples for compliance with this Ordinance.
10. The District reserves the right to reject any wastes delivered to the facilities of the District, which the District believes may have an adverse effect on the POTW and/or District processes.
11. District operating personnel may require the load be dumped over a period of a half-hour or more, depending upon the Flow and characteristics of the incoming Sewage at the POTW.

#### D. Insurance Requirements

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

1. A Certificate of Insurance shall be filed with the District. After approval of the Certificate and upon issuance of a permit, the septic tank Wastewater Hauler shall be permitted to Discharge at the designated location. No one shall be allowed on the site without a valid Certificate of Insurance. The District shall be a named insured on any such policies. The Certificate of Insurance shall conform to the types and amounts of insurance as listed in the insurance requirements on file with the District. The Certificate of Insurance shall include the coverage for general liability, automobile liability and Worker's Compensation in amounts specified from time to time by the Executive Director or designee.

#### E. Revocation of Permits

Any violation of the conditions stated above shall be justification for the District to immediately revoke any or all permits issued in addition to the reasons stated in Article VII, Section 6. The District reserves the right to revoke any and all permits at any time if it determines the revocation of said permits is in the best interests of the District.

## **SECTION 9. INTERMITTENT DISCHARGES AND CLEAN-UPS**

- A. No person, firm or corporation shall Discharge atypical waste, contaminated waters from any non-domestic source or special waste on an intermittent or one-time basis without first obtaining a connection permit and Wastewater Discharge Permit as provided in Article III, Section 2 and Article VI, Section 2, respectively. The request to Discharge and project description shall be submitted on a form provided by the District. In the event that such waste will be hauled to a discharge point designated by the District, the Discharger shall also comply with the provisions of Article VI, Section 7.
- B. An evaluation by the District shall be made to determine provisions necessary to prevent the introduction of Pollutants to the POTW which could:
1. Cause injury, Interference or otherwise be incompatible with the system or the use or disposal of Biosolids;
  2. Constitute a hazard to humans, animals and/or the environment; and/or
  3. Cause Pass-Through of Pollutants into the receiving waters or the atmosphere.

Provisions may include site specific Discharge rates, unique standards – either concentration or mass based or both, special monitoring and/or Pretreatment requirements. The Discharge water from these special projects may be subject to one or more Surcharge fees as defined in “AN ORDINANCE PROVIDING FOR THE CURRENT RATES FOR FEES, CHARGES, PERMITS AND PENALTIES OF THE BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT.”

## **ARTICLE VII**

### **WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

#### **SECTION 1. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT DURATION**

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

#### **SECTION 2. WASTEWATER DISCHARGE PERMIT CONTENTS**

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

- A. Individual and General Wastewater Discharge Permits must contain:
  - 1. A statement that indicates Wastewater Discharge Permit issuance date, expiration date and effective date;
  - 2. A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the District in accordance with Article VII, Section 5, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
  - 3. Effluent limits, including BMPs, based on Applicable Pretreatment Standards;

4. Requirements to control Accidental Spills and Slug Discharges, if determined by the Pretreatment Coordinator or designee to be necessary;
  5. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants or BMPs to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- B. An individual Wastewater Discharge Permit must contain the process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with Article VI, Section 5.F. Any grant of the monitoring waiver by the Pretreatment Coordinator shall be included as a condition of the User's permit.
- C. Individual and General Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for Flow regulation and equalization;
  2. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to equalize, reduce, eliminate, or prevent the introduction of Pollutants into the POTW;
  3. Requirements that allow the use of Bypass of the Pretreatment system conditions consistent with 40 CFR Section 403.17 and Article XIV, Section 3;
  4. Requirements for the development and implementation of Spill Prevention Containment and Countermeasures / Slug Control Plan or other special conditions including BMPs necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
  5. Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;
  6. Development and implementation of BMP Plans to reduce the amount of Pollutants Discharged to the POTW if the categorical standards do not already require the implementation of a BMP Plan;



7. The unit charge and/or schedule of Surcharge fees for the management of the Wastewater Discharged to the POTW;
  8. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  9. Requirements for the zero Discharge of process waste regulated by a National Categorical Pretreatment Standard or local Standard;
  10. Documentation of any monitoring waiver approved by the Pretreatment Coordinator for categorically regulated Pollutants found not to be present and requirements to re-institute monitoring in the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operation;
  11. A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and
  12. Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.
- D. General Permits for Food Service Establishments. The general permit for FSE will include grease interceptor requirements with operation and maintenance requirements. All FSE shall implement a BMP Plan in its operation to minimize the Discharge of FOG to the Sewer System. Detailed requirements for BMP Plans shall be specified in the permit. This may include but is not limited to:
1. Installation of drain screens;
  2. Segregation and collection of waste cooking oil;
  3. Disposal of food waste into the trash or Garbage;
  4. Employee training;
  5. Record keeping requirements;
  6. Notifications required, and
  7. Kitchen signage.

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

### **SECTION 3. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT APPEALS**

No Discharge or facility connection permit shall be issued by the Executive Director or designee to any Person whose Discharge of material to sewers, whether shown upon the User's application or determined after inspection and testing conducted by the District, is not in conformity with all applicable ordinances, and regulations or whose application is incomplete or does not comply with the requirements of this Ordinance. The Executive Director shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within five (5) days after denial.

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

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.
- C. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
- D. If the Pretreatment Coordinator fails to act within thirty (30) calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Circuit Court for McLean County within sixty (60) calendar days.

### **SECTION 4. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT MODIFICATION**

- A. The Pretreatment Coordinator may modify an individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
  - 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

2. To address substantial alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;
  3. To address introduction of a Pollutant for which a monitoring waiver had been obtained;
  4. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
  5. Information indicating that the permitted Discharge poses a threat to the District's POTW, District personnel, or the receiving waters;
  6. Violation of any terms or condition of the Wastewater Discharge Permit;
  7. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
  8. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR Section 403.13;
  9. To correct typographical or other errors in the Wastewater Discharge Permit;
  10. To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Article VII, Section 5; or
  11. To reflect the issuance of a monitoring waiver.
- B. The Pretreatment Coordinator may modify a general Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
  3. To correct typographical or other errors in the Wastewater Discharge Permit; or
  4. To reflect a transfer of either the facility ownership or operation to either a new owner or operator as provided by Article VII, Section 5.

## **SECTION 5. INDIVIDUAL AND GENERAL WASTEWATER PERMIT TRANSFER**

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

- A. The new owner and/or operator notified the District at least thirty (30) calendar days in advance of the transaction, and
- B. The new owner and/or operator confirmed to the District, within five (5) working days of the transaction, completion of the date of sale or execution of an operating contract, and
- C. The new owner and/or operator shall apply for a new permit within ninety (90) calendar days of the date of sale/transfer.

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

## **SECTION 6. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT REVOCATION**

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

- A. Failure to notify the Pretreatment Coordinator or designee of significant changes to the Wastewater prior to the changed Discharge;
- B. Failure to provide prior notification to the Pretreatment Coordinator or designee of changed conditions pursuant to Article VIII, Sections 6 and 7;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;

- F. Refusing to allow the Pretreatment Coordinator or designee(s) timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
- L. Failure to provide advance notice of the transfer of business or operation ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

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

#### **SECTION 7. INDIVIDUAL AND GENERAL WASTEWATER DISCHARGE PERMIT RE-ISSUANCE**

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit re-issuance by submitting a complete Wastewater Discharge Permit application, in accordance with Article VI, Section 5, a minimum of ninety (90) calendar days prior to the expiration of the User's existing Wastewater Discharge Permit.

#### **SECTION 8. REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS**

- A. If another municipality, or User located within another municipality, contributes Wastewater to the POTW, the District shall enter into an intergovernmental agreement with the contributing municipality.
- B. The District shall request the following information from the contributing municipality at a frequency determined by the District:
  - 1. A description of the quality and volume of Wastewater Discharged to the POTW by the contributing municipality;

2. An inventory of all Users located within the contributing municipality that are Discharging to the POTW; and
  3. Such other information as the Pretreatment Coordinator or designee may deem necessary.
- C. An intergovernmental agreement, as required by paragraph A, above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and Local Limits which are at least as stringent as those set out in Article IV, Sections 2 and 3 for the area to be served by the District. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's Ordinance or Local Limits.
  2. A requirement for the contributing municipality to submit a revised Non-Residential User inventory at a frequency determined by the District but at least annually;
  3. A provision specifying that Pretreatment implementation activities, including Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the Pretreatment Coordinator or designee;
  4. A requirement for the contributing municipality to provide the Pretreatment Coordinator or designee with access to all information that the contributing municipality obtains as part of its Pretreatment activities;
  5. Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the POTW;
  6. Requirements for monitoring the contributing municipality's Discharge;
  7. A provision ensuring the Pretreatment Coordinator or designee access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Pretreatment Coordinator or designee; and
  8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **ARTICLE VIII**

### **REPORTING REQUIREMENTS**

#### **SECTION 1. GENERAL REPORTING REQUIREMENTS**

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

#### **SECTION 2. PRETREATMENT REQUIREMENTS FOR NON-RESIDENTIAL USERS**

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

- A. Pretreatment Review: The Pretreatment Coordinator will require the User to initiate a Pretreatment review through a telephone call, letter, or certified letter to the Authorized Representative of the User.
- B. Pretreatment Initiation Meeting. A Pretreatment Initiation Meeting will be held between the Pretreatment Coordinator or designee and the User to discuss the problem and the solution to said problem. If it is determined that changes in operation and maintenance, plant modifications, and/or the installation of Pretreatment equipment shall occur to resolve noncompliance, a schedule shall be established with events and completion deadlines agreeable to both parties to resolve the noncompliance. If appropriate, a Compliance Agreement defining the agreed upon schedule will be sent from the District to the User shortly after the meeting. If a schedule for compliance acceptable to the Pretreatment Coordinator or designee cannot be established, the matter will be referred for further enforcement action consistent with the provisions of Article XI as appropriate.
- C. Progress Reports. Progress Reports will be filed by the User on a schedule agreed to by the Pretreatment Coordinator or designee and the User concerning the completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the Applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans,

executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). The User shall identify whether it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.

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

### **SECTION 3. ADDITIONAL PRETREATMENT REQUIREMENTS FOR CATEGORICAL INDUSTRIAL USERS**

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

- A. Baseline Monitoring Reports (BMR)

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

Users described above shall submit the information set forth below.

1. Identifying Information. Name and address of the facility including the name of the operator and owners.
2. Environmental Permits. List of any environmental control permits held by or for the facility.
3. Description of Operations. Brief description of the nature, average rate of production, (including each product produced by type, amount, processes, and rate of production), and Standard Industrial Classification of the operation(s)



carried out by such User. This description shall include a schematic process diagram indicating points of Discharge to the POTW from the regulated processes.

4. Flow Measurement. Information showing the measured average daily and maximum daily Flow, in gallons per day, to the POTW from each of the following:
  - a) Regulated process streams, and
  - b) Other streams as necessary to allow use of the Combined Waste Stream Formula set out in 40 CFR Section 403.6(e).

The District may allow for verifiable estimates of these Flows when it is justifiable for cost or feasibility considerations.

5. Measurements of Pollutants
  - a) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, Daily Maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires a BMP or pollution prevention alternative, the User shall submit such documentation as required by the Pretreatment Coordinator or designee or the applicable Standards to determine compliance with the Standard;
  - c) The User shall take a minimum of one representative sample to complete that data necessary to comply with the requirements of this Paragraph. 24-hour Composite Samples must be obtained through flow-proportioned composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being Discharged;
  - d) Samples should be taken immediately downstream from Pretreatment

facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the Flows and concentrations necessary to allow the use of the Combined Wastestream Formula of 40 CFR Section 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- e) Sampling and analysis must be performed in accordance with procedures set out in Article IV, Section 4. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the Administrator;
  - f) The Pretreatment Coordinator or designee may allow the submission of a Baseline Report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial Pretreatment measures.
  - g) The Baseline Report shall indicate the time, date, and place of sampling and methods of analysis and certification that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the District.
6. Compliance Certification. A statement, reviewed by the User's Authorized Representative of the User (as defined in Article II, Section 3), and certified by a Qualified Professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the User to meet the Pretreatment Standards and Requirements.
7. Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Article VIII, Section 3.B.

8. Signature and Report Certification. All BMRs must be signed and certified in accordance with Article VI, Section 6.

B. Compliance Schedule Progress Reports

If additional Pretreatment or proper O&M will be required to meet the National Categorical Pretreatment Standards; the User will provide the shortest schedule which will provide such additional Pretreatment or proper O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standards. The following conditions shall apply to the compliance schedule required by Article VIII, Section 3.A.7.

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the Applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations);
2. No time increment in the schedule shall exceed nine (9) months;
3. The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;
4. In no event shall more than nine (9) calendar months elapse between such progress reports to the Pretreatment Coordinator; and
5. All compliance schedule progress reports must be signed and certified in accordance with Article VI, Section 6;

C. Reports On Compliance with Categorical Pretreatment Standard Deadlines

Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information described in Article VIII Section 3.A. For Users subject to equivalent mass or concentration limits established in accordance with

the procedures in 40 CFR Section 403.6(c) and Article IV, Section 3, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Article VI, Section 6.

#### **SECTION 4. PERIODIC COMPLIANCE REPORTS/SELF-MONITORING REPORTS**

##### **A. Significant Non-Categorical Industrial Users**

1. Significant Non-Categorical Industrial Users shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year (on dates specified by the District), submit a report to the District with a description of the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period.
2. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of Article IV, Section 4.
3. All sampling and analysis may be performed by the District, at the sole cost of the User, in lieu of being performed by the Significant Non-Categorical Industrial User. In such cases, the District will issue an Attachment to the Wastewater Discharge Permit that specifies the District will perform sampling and analysis semi-annually at minimum.

##### **B. Categorical Industrial Users (CIU)**

1. All Industrial Users subject to Categorical Pretreatment Standard shall, at a frequency determined by the Pretreatment Coordinator but in no case less than twice per year on dates specified by the District (normally in July and January), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily Flows for the reporting period. In the cases where the Pretreatment Standard requires compliance with a BMP (or pollution prevention alternative), the User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User. All of the Wastewater samples collected and analyzed for the periodic compliance report must be representative of the Industrial User's daily

operational Discharge. At the discretion of the District and in consideration of such factors as local high or low Flow rates, holidays, budget cycles, etc., the District may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with Article VI, Section 6.

2. These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. All Wastewater samples must be representative of the User's Discharge and comply with the requirements of Article IV, Section 4.
3. This sampling and analysis may be performed by the District, at the sole cost of the User, in lieu of CIU. In such cases, the District will issue an attachment to the Wastewater Discharge Permit that specifies the District will perform sampling and analysis semi-annually at minimum.
4. If a User subject to the reporting requirement in this Section monitors any Pollutant more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Article IV, Section 4, the results of this monitoring shall be included in the report.
5. Where the District has imposed Mass Limitations on Users as provided for by 40 CFR Section 403.6(c), the report required by Paragraph B.1. of this Section shall indicate the mass of Pollutants regulated by the Pretreatment Standards in the Discharge from the Industrial User.
6. For Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in Article IV, Section 4, the report required by Paragraph B.1. shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report required by Paragraph B.1. shall include the User's actual average production rate for the reporting period.
7. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
8. Upon approval of a monitoring waiver for Pollutants found to be not present and revision of the User's permit by the Pretreatment Coordinator, the User must certify on each periodic report with the statement in Article VI, Section 6, that

there has been no increase in the Pollutant in its wastestream due to activities of the User with the following statement:

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

- 9. In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User’s operations, the User must immediately comply with the monitoring requirements of Paragraph B.1 of this Section or other more frequent monitoring requirements imposed by the Pretreatment Coordinator, and notify the Pretreatment Coordinator.

C. Non-Significant Categorical Users (NSCIU)

- 1. NSCIUs as defined in Article II, Section 3 shall, at a frequency determined by the Pretreatment Coordinator but no less frequently than annually (on dates specified by the District) submit a report which contains the certification statement contained in Article VIII, Section 4.C.2 below.

2. Certification Statement

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

- a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described by Article II, Section 3;
- b) The facility complied with all Applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

\_\_\_\_\_

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

D. Other Non-Significant Regulated Users

1. Categorical Zero Process Dischargers, Non-Categorical Zero Process Dischargers, Batch Dischargers, Food Service Establishments, and any firms regulated by individual or general permit requirements including but not limited to BMPs shall, at a frequency determined by the Pretreatment Coordinator, submit a periodic report at a frequency defined in their Wastewater Discharge Permit.
2. The reports may require sampling and analyses or some other measure to determine compliance with permit Pretreatment Standards and Requirements. The User must submit documentation including BMP documentation necessary to determine the compliance status of User as defined by the Pretreatment Coordinator and identified in the Wastewater Discharge Permit.
3. All FSEs with GIs must maintain cleaning logs. These logs shall be immediately available at the time of an inspection and are required to contain the following information:
  - a) Person and company that performed the cleaning;
  - b) Measurement of the depth of solids blanket and grease cap prior to cleaning in each interceptor;
  - c) Volume of material removed from each interceptor; and
  - d) Location where waste will be disposed.

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

## **SECTION 5. REPORTS FROM NON-PERMITTED USERS**

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

## **SECTION 6. AUTHORIZED REPRESENTATIVE CHANGE NOTIFICATION**

Any SIU that changes the Authorized Representative of its company as defined in Article II, Section 3 shall file a change notice with the District within thirty (30) calendar days.

## **SECTION 7. REPORTS OF CHANGED CONDITIONS**

Each User must notify the Pretreatment Coordinator or designee of any planned substantial changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least thirty (30) calendar days before the change that, for example, results in an increase or addition or planned shutdown or deletion of products. User must provide notice to the Executive Director, or designee, of immediate shutdowns or deletion of products within five (5) working days of determination.

- A. The Pretreatment Coordinator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Article VI, Section 5.
- B. The Pretreatment Coordinator may issue or modify an existing individual or general Wastewater Discharge Permit under Article VII, Sections 2 and 4 in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, substantial changes include, but are not limited to, Flow increases of twenty percent (20 percent) or greater, the addition or deletion of a shift, the Discharge of any previously unreported Pollutants including changes to the listed or characteristic hazardous wastes for which the User has submitted initial notification under Article VIII, Section 10, introduction of a Pollutant for which a monitoring waiver had been obtained, the addition of a new process regardless of waste Discharge or lack of Discharge, shutdown of a process, or addition or deletion of a product.
- D. SIUs and CIUs are required to notify the Pretreatment Coordinator or designee immediately of any changes at its facility affecting the potential for a Slug Discharge.

## **SECTION 8. REPORTS OF POTENTIAL PROBLEMS**

- A. Initial Notification. In the case of any Discharge, including, but not limited to, Accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug Load, that may cause Potential Problems for the POTW, the User shall immediately telephone (within fifteen (15) minutes), and notify the Pretreatment Coordinator or designee of the incident. If this notification cannot be made to the POTW staff during routine business hours, the User shall notify the governing municipality's police department. This notification shall include the name of the caller, location of the Discharge, physical state of Discharge, chemical composition, concentration, and volume,



if known, and date and time of Discharge as well as duration of the Discharge, and corrective actions taken by the User. The notification shall include what Federal, State, and local entities have also been notified by the User.

- B. The User shall control production of all Discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- C. Written Notification: Within fifteen (15) calendar days following such Discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences
- D. Such notifications shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- E. A notice or sign shall be permanently posted on the User's bulletin board or other prominent place advising employees in English and the language of common use at the facility whom to call in the event of a Discharge described in Paragraph A above. Employers shall ensure through documentation that all employees, who may cause such a Discharge to occur, are advised of the emergency notification procedure.

## **SECTION 9. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator or designee within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator or designee within thirty (30) calendar days after becoming aware of the violation. The User may not required to resample if the District monitors at the User's facility at least once a month, or if the District samples between the User's initial sampling and when the User receives the results of this sampling. If the District performed the sampling and analysis in lieu of the User, the District will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

## **SECTION 10. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE**

- A. Pursuant to 40 CFR Section 403.12 (p) any User who commences the Discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream Discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) calendar days after the Discharge commences. Any notification under this Paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Article VIII, Section 7. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Article VIII, Sections 3.A, 3.C, and 4.B.
- B. Dischargers are exempt from the requirements of Paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Pretreatment Coordinator or designee, the USEPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the Discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

- E. This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### **SECTION 11. REPORT SUBMITTAL DUE DATES**

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

#### **SECTION 12. ELECTRONIC REPORTING**

The District may develop procedures for receipt of electronic reports through a CROMERR compliant system for any reporting requirements of this ordinance. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under Articles XI and XII of this ordinance.

Each User shall submit such CROMERR reports as the District identifies in an individual or general Wastewater Discharge Permit to the User within the time frame set forth, which shall provide the User at least ninety (90) calendar days to become CROMERR compliant. The User may request additional time for good cause, but such request does not automatically extend the deadline for becoming CROMERR compliant.

## ARTICLE IX

### COMPLIANCE MONITORING

#### SECTION 1. RIGHT OF ENTRY: INSPECTION AND SAMPLING

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

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

CURRENT RATES FOR FEES, CHARGES, PERMITS AND PENALTIES OF THE BLOOMINGTON AND NORMAL WATER RECLAMATION DISTRICT.”

**SECTION 2. RECORD KEEPING**

- A. Users: Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Article VII, Section 2. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator.
  
- B. District: The District will maintain documentation of any monitoring waiver issued per Article VI, Section 5.D for a period of three (3) years after the expiration of the waiver. The documentation will include the reasons supporting the waiver and any information submitted by the User in its request for the waiver.

**SECTION 3. SEARCH WARRANTS**

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

## ARTICLE X

### PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance with Applicable Pretreatment Standards and Requirements. The notification shall also summarize any enforcement action taken against Users during the same 12 months. The term Significant Non-Compliance shall be applicable to all SIUs and CIUs (or any other User that violates paragraphs C, D or H) of this Section and shall mean:

- A. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66 percent) or more of all the measurements taken for the same Pollutant parameter during a six-(6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined in Article IV;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33 percent) or more of Wastewater measurements taken for each Pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article IV multiplied by the applicable criteria (1.4 for BOD; TSS; Fats, Oil and Grease; and 1.2 for all other Pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Article IV (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) that the Pretreatment Coordinator has determined caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any Discharge of Pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator exercise of the District's emergency authority to halt or prevent such a Discharge;
- E. Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in an individual or general Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) calendar days after the due date, any required reports, including BMRs, reports on compliance with Categorical Pretreatment Standard

deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of BMPs, that the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local Pretreatment program.

## ARTICLE XI

### ADMINISTRATIVE ENFORCEMENT REMEDIES

#### SECTION 1. NOTIFICATION OF VIOLATION

- A. When the Pretreatment Coordinator or designee finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement including Instantaneous Limits, the Pretreatment Coordinator may serve upon that User a written Notice of Violation (NOV). Within ten (10) working days of the receipt of this NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Pretreatment Coordinator. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV.
- B. The Pretreatment Coordinator may initiate a Pretreatment Compliance Review meeting for any violation issued under Article XI, Section 1.A but most likely for the first violation of any parameter. The District shall schedule a Pretreatment Review meeting, normally within thirty (30) calendar days of the determination that a meeting is required.

As a result of a Pretreatment Review meeting, the District may issue a compliance directive stating that the User is in a “corrective action” status. A plan for correction and compliance schedule illustrating milestones may be issued by the District to the User. This plan for correction and compliance schedule may become part of the User’s permit. The User is responsible for meeting the permit limits at all times. The plan for correction, compliance schedule and revised permit does not relieve the User of meeting the permit limits and/or ordinance requirements. The User shall take whatever actions are necessary to meet the permit limits and permit conditions.

- C. As a result of a violation, the District may continue to sample the User and inspect the User’s progress towards meeting milestones as needed to determine if the User is complying with the conditions of the plan of action, compliance schedule and/or permit. In the event the District detects and documents any violation, a NOV will be issued to the User.
- D. Each detected violation of the plan of action, compliance schedule, and permit, will result in a NOV being issued to the User.
- E. When the User has met the conditions of the compliance directive, compliance schedule, and permit, the District will notify the User in writing that the conditions have been satisfied and they are no longer under a “corrective action” status if such a status was formally issued.



- F. Nothing in this Section shall limit the authority of the Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

## **SECTION 2. COMPLIANCE AGREEMENTS**

The Pretreatment Coordinator may enter into Compliance Agreements, i.e., Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Article XI Sections 4 and 5 and shall be judicially enforceable.

## **SECTION 3. SHOW CAUSE ORDER**

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

## **SECTION 4. COMPLIANCE ORDERS**

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

## **SECTION 5. CEASE AND DESIST ORDERS**

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

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

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

## **SECTION 6. EMERGENCY SUSPENSIONS**

The Pretreatment Coordinator may immediately suspend a User's Discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of Persons. The Pretreatment Coordinator shall obtain the concurrence of the District's attorney before initiating action. The Pretreatment Coordinator may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to Interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. Methods of informal notice shall include, but not be limited to, personal telephone calls, letters, hand delivered messages, or notices posted at the User's premises or point of discharge.

- A. Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Pretreatment Coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Pretreatment Coordinator may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Pretreatment Coordinator that the period of endangerment has passed, unless the termination proceedings in Article XI, Section 7 are initiated against the User.
- B. A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the

Pretreatment Coordinator prior to the date of any show cause or termination hearing under Article XI, Sections 3 or 7.

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

#### **SECTION 7. TERMINATION OF DISCHARGE**

In addition to the provisions in Article VII, Section 6, any User who violates the following conditions is subject to Discharge termination:

- A. Violation of Wastewater Discharge Permit conditions;
- B. Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- C. Failure to report substantial changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Article IV.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Article XI, Section 3 why the proposed action should not be taken. Exercise of this option by the Pretreatment Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the User.

## ARTICLE XII

### PENALTIES AND JUDICIAL ENFORCEMENT REMEDIES

#### SECTION 1. RECOVERY OF COSTS INCURRED

- A. Any entity or User violating any of the provisions of this Ordinance, who causes the District to be fined by the State of Illinois or USEPA for violation of the District's NPDES Permit, who causes the District to violate water quality standards as the result of a Discharge of Pollutants, or who causes damage to or impairs the District's POTW shall be liable to the District for any expense, loss or damage caused by such violation or Discharge. The District may invoice, to the User, the costs, including but not limited to, sampling and analyses associated with the investigation, costs of mitigating impact to the POTW, costs of preparing the administrative enforcement actions such as notices and orders investigative and/or correction actions, and review of response(s) from the User. In the event of damage, losses or impairments, the District shall bill the User for the costs incurred by the District for any cleaning, repair, replacement or other investigative and/or corrective action(s) as a response to the violation or Discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable under the provisions of Article XI.

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

1. Grease Disposal Mitigation Fee. FSE that operate without a grease interceptor (GI) may be required to pay an annual Grease Disposal Mitigation Fee to equitably cover the costs of increase maintenance of the sewer system as a result of the FSE's inability to adequately remove FOG from its Wastewater Discharge. This Section shall not be interpreted to allow the new construction of, or existing FSE undergoing remodeling to operate without an approved GI.
  - a) The Grease Disposal Mitigation Fee shall be established in the District's Rate Ordinance and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or grease control device.
  - b) Sewer System Overflows, Public Nuisance, Abatement and Cleanup Costs. Notwithstanding the waiver of grease interceptor installation for existing FSE established in Article III, Section 7, FSE found to have contributed to a sewer blockage, SSOs or any sewer system Interferences resulting from the Discharge of Wastewater or waste containing FOG may be subject to costs incurred by the District, established in the District's Rate Ordinance. SSOs

may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSE alone or collectively, are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the District must act immediately to contain and clean up an SSO caused by blockage of a private or Public Sewer lateral or system serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the District's costs for such abatement may be entirely borne by the property owner or operator of the FSE, and the individual(s) as a responsible officer or owner of the FSE(s) and may constitute a debt to the District and become due and payable upon the District's request for reimbursement of such costs.

## **SECTION 2. ADMINISTRATIVE FINES**

- A. When the Pretreatment Coordinator or designee finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may fine such User in an amount not to exceed two thousand dollars (\$2,000) per-violation, per-day basis, nor more than ten thousand dollars (\$10,000) per-violation, per-day. In the case of monthly or other long-term average Discharge limits, fines shall be assessed for each day during the period of violation. Fines shall be issued that, at a minimum, remove the economic benefit to a User by its non-compliance, include an additional monetary amount reflecting the seriousness or gravity of the violation(s), and ensures that the User has a strong economic incentive to fully comply in a timely manner. The Pretreatment Coordinator shall consider any corrective actions taken by the User and the compliance history of the User prior to issuance of the fine.
- B. Unpaid charges, fines, and penalties shall, after (30) calendar days, be assessed and additional penalty of (10 percent (10%)) of the unpaid balance, and interest shall accrue thereafter at a rate on (10percent (10%)) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring reconsideration of such fines must file a written request for the Pretreatment Coordinator to reconsider the fine along with full payment of the fine amount within thirty (30) calendar days of being notified of the fine. Where a request has merit, the Pretreatment Coordinator may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereon, shall be returned to the User.

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.
- E. The District may recover its reasonable attorneys' fees, court costs, court reporter fees, and any other expenses associated with enforcement activities, including sampling and monitoring expenses, and the costs of any actual damages incurred by the District.

### **SECTION 3. INJUNCTIVE RELIEF**

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

### **SECTION 4. CIVIL PENALTIES**

When the Pretreatment Coordinator or designee finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual or general Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may petition the Circuit Court of McLean County through the District's attorney for civil penalties as follows:

- A. Any User shall be subject to the imposition of a civil penalty in at least the amount of not less than one thousand dollars (\$1,000.00) per day, nor more than ten thousand (\$10,000) per day, plus any actual damages incurred by the District, for each violation in accordance with the terms and provisions of the Sanitary District Act of 1917 (Ill. Rev. Stat. Ch. 42, Sec 305.1) for as long as the non-compliance continues. In the case of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of the violation. For the purpose of this Section, each day in which any such violation shall occur, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in this Ordinance found to exceed the limits established in this Ordinance during any such day.
- B. In addition to the foregoing, the District may recover costs, including but not limited to, filing fees, witness fees, attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any

actual damages incurred by the District.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Any Person who fails to submit reports or information required by this Ordinance or who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or a Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be subject to the penalties and costs provided in Section 4.A of this Article and shall, in addition, be guilty of a misdemeanor and upon conviction, may be punished by (1) a fine of not more than \$1,000.00, or (2) incarceration in a penal institution other than a penitentiary for a period not to exceed three (3) months, or both.
- E. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

## **SECTION 5. CRIMINAL PROSECUTION**

If a User engages in activity or conduct in apparent violation of the statute of Illinois or a federal regulation, the District may refer such matters to the Office of the State's Attorney, the IEPA, the USEPA or any other appropriate agency for investigation and criminal enforcement action. Any such referral will be made in addition to an appropriate enforcement action taken pursuant to the District's Enforcement Response Plan and will not reduce the District's responsibility to aggressively pursue such enforcement.

The District will seek, through the appropriate agency, the maximum criminal penalty assessable under statute or regulation and will supply evidence and testimony as deemed necessary by the agency in the prosecution of any such matters.

## **SECTION 6. REMEDIES NONEXCLUSIVE**

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

## **SECTION 7. ADDITIONAL REMEDIES**

- A. In addition to remedies available to the District set forth elsewhere in this Ordinance, if the POTW is fined by the state, IEPA or USEPA for violation of the POTW NPDES permit or violation of Water Quality Standards as the result of Discharge of Pollutants by a User or group of Users, then the fine, including all legal, sampling, analytical testing costs and any other related costs incurred by the District shall be charged to the responsible User or group of Users. Such charges shall be in addition to, and not in lieu of, any other remedies the District may have under this Ordinance, statutes, regulations, at law or in equity.
  
- B. If the discharge from any User causes a deposit, obstruction, or damage to any portion of the District's collection system or wastewater treatment plant, the Pretreatment Coordinator or Executive Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person(s) causing such deposit, obstruction, or damage.
  
- C. The remedies provided in this Ordinance shall not be exclusive and the District may seek whatever other remedies are authorized by statute, at law, or in equity, against any person(s) violating the provisions of this Ordinance, including Illinois Revised Statutes 1983, Chapter 42, Section 305.1, which Section is hereby made a part of this Ordinance as though fully set forth herein. The District is hereby empowered to take more than one enforcement action (remedy) against any non-compliant User.



## ARTICLE XIII

### SUPPLEMENTAL ENFORCEMENT ACTION

#### SECTION 1. FAILURE TO REPORT OR NOTIFY

##### A. Sewer Extension and Connection Permits

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

|    |   |                              |
|----|---|------------------------------|
| 1. | First Notice  | Issuance of Warning/Citation |
| 2. | Second Notice   | \$250.00                     |
| 3. | Cost per day per Population Equivalent (PE) for each additional day past second notice deadline | \$100.00                     |

##### B. District Reports or Notifications

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

|    |  |                     |
|----|--|---------------------|
| 1. | First Offense – less than 30 calendar days past due                      | Issuance of Warning |
| 2. | Recurring reporting violations or 30 or more calendar days past due      | \$100.00            |
|    | NOV response noncompliance   | \$250.00            |
|    | Cost per additional day past final request deadline                      | \$50.00             |
| 3. | Substantial Change Notification  |                     |
|    | No written notification of substantial change whether Discharged or not: |                     |
|    | At start-up or shutdown  | \$500.00            |
|    | Per each additional 15 days in excess of 30 calendar days                | \$100.00            |

##### C. Reports or Notifications required by SIUs or CIUs

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

|    |   |                     |
|----|---|---------------------|
| 1. | First Offense – less than 30 calendar days past due                 | Issuance of Warning |
| 2. | Recurring reporting violations or 30 or more calendar days past due | \$250.00            |
|    | NOV response noncompliance  | \$500.00            |

|    |  |            |
|----|--|------------|
|    | Cost per additional day past final request deadline  | \$100.00   |
| 3. | Substantial Change Notification  |            |
|    | No written notification of substantial change whether Discharged or not:   |            |
|    | At start-up or shutdown  | \$1,000.00 |
|    | Per each additional 15 days in excess of 30 calendar days  | \$200.00   |
| D. | Ownership Notification Specific to Entities with Wastewater Discharge Permits  |            |
| 1. | No written notification of change in ownership and/or operation of facility, or any portion thereof with an individual permit. | \$1,000.00 |
| 2. | No written notification of change in ownership and/or operation of facility, or any portion thereof with a general permit      | \$500.00   |

**SECTION 2. PERFORMANCE BONDS**

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

**SECTION 3. LIABILITY INSURANCE**

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

**SECTION 4. PAYMENT FOR OUTSTANDING FEES AND PENALTIES**

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

## **SECTION 5. PUBLIC NUISANCES**

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

## **SECTION 6. CONTRACTOR LISTING**

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

## ARTICLE XIV

### AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

#### SECTION 1. UPSET

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

compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## **SECTION 2. PROHIBITED DISCHARGE STANDARDS**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article IV, Sections A-C or the specific prohibitions in Article IV, Sections 2 C.1-32 (excluding Paragraphs C.1, C.9 and C.16 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 or that either:

- A. A Local Limit exists for each Pollutant Discharged and the User was in compliance with each Local 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 User'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 Biosolids use or disposal requirements.

## **SECTION 3. BYPASS**

- A. For the purpose of this Section,
  - 1. "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment or Pretreatment facility.
  - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of Subsections C and D of this section.
- C. Bypass Notifications
  - 1. Anticipated: If a User knows in advance of the need for a Bypass, it shall submit prior notice to the Pretreatment Coordinator or designee, at least ten (10) working

days before the date of the Bypass, if possible.

2. Unanticipated: A User shall submit oral notice to the Pretreatment Coordinator or designee of an unanticipated Bypass that exceeds Applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) calendar days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The Pretreatment Coordinator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. POTW Actions

1. Bypass is prohibited, and the Pretreatment Coordinator may take an enforcement action against a User for a Bypass, unless:
  - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c) The User submitted notices as required under Paragraph C of this Section.
2. The Pretreatment Coordinator may approve an anticipated Bypass, after considering its adverse effects, if the Pretreatment Coordinator determines that it will meet the three conditions listed in Paragraph D.1 of this Section.

## **ARTICLE XV**

### **MISCELLANEOUS PROVISIONS**

#### **SECTION 1. SEVERABILITY**

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

#### **SECTION 2. CONFLICT**

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

#### **SECTION 3. OFFENSES UNDER PREVIOUS ORDINANCES**

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