

## **CHAPTER 51: SEWER USE REGULATIONS**

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#### ***Cross-reference:***

*Department of Public Works, see Title III - § 32.15 et seq.*

*For other sewer use provisions pertaining to industrial and nonindustrial users, rates and charges, wastewater and the like, see Title V - Chapter 52*

## Huntley – Public Works

### ***GENERAL PROVISIONS***

#### **§ 51.01 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AUTHORIZED ENFORCEMENT AGENCY.*** Employees or designees of the municipal agency designated to enforce this Section.

***BEST MANAGEMENT PRACTICES (BMPs).*** Schedules of activities, prohibitions of practices, general good housekeeping practices, stormwater pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, and stormwater drainage systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge and wastewater disposal, and drainage from raw materials storage areas.

***BOD or BIOCHEMICAL OXYGEN DEMAND.*** The quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20° C., determined by standard laboratory test procedures and expressed in mg/l.

***BUILDING OFFICIAL.*** The Building Official of the Village or his duly authorized deputy or representative.

***BUILDING DRAIN.*** That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

***BUILDING SEWER.*** The extension from the building drain to the public sewer or other place of disposal.

***CLEAN WATER ACT.*** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

***CONSTRUCTION ACTIVITY.*** Activities subject to an NPDES Construction Site Activities Permit. Currently, these activities include construction projects resulting in a land disturbance of 1 acre or more. Such activities include, but are not limited to, clearing, grubbing, grading, excavating, and demolition.

***CONTROL MANHOLE.*** A structure specifically designed and constructed for sampling and metering industrial wastes discharged to a public sewer.

***DIRECTOR.*** The Director of Public Works of the Village or his duly authorized deputy or representative.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**FEDERAL ACT.** The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Public Law 92-500 and Public Law 93-243).

**HAZARDOUS MATERIALS.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

**ILLEGAL DISCHARGE.** Any direct or indirect non-stormwater discharge to the stormwater drainage system, except as exempted in Section 7 of this Section.

**ILLICIT CONNECTION.** An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the stormwater drainage system, including, but not limited to, any conveyances which allow any non-stormwater discharges such as sewage, process wastewater, and wash water, to enter the stormwater drainage system and any connections to the stormwater drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the stormwater drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**INDUSTRIAL ACTIVITY.** Activities subject to an NPDES Industrial Activities Permit as defined in 40 CFR, Section 122.26 (b)(14).

**INDUSTRIAL USER.** Any user of the sewer system who discharges industrial wastes to the sewer system.

**INDUSTRIAL WASTE.** The wastewater discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource as distinct from employees' wastes or wastewater from sanitary conveyances.

**mg/l.** Milligrams per liter.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** The system of stormwater drainage facilities, including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains, owned and operated by the Village of and used for collecting and/or conveying stormwater. The municipal separate storm sewer system is not used for collecting and/or conveying sewage.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT.** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface water.

**NON-INDUSTRIAL USER.** Any user of the sewer system not classified as an industrial user.

**NON-STORMWATER DISCHARGE.** Any discharge to the stormwater drainage system that is not composed entirely of stormwater.

**PERSON.** Any and all persons, natural or artificial including any individual, firm, company, public or private corporation, association, society, institution, enterprise, governmental agency or other entity recognized by law and acting as either the owner or as the owner's agent.

**pH.** The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in gram molecular weight (moles) per liter.

**POLLUTANT.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, sections, accumulations that may cause or contribute to pollution, floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from construction activity, and noxious or offensive matter of any kind.

**PREMISES.** Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**PRETREATMENT.** The treatment of wastewater from sources before discharge into the public sewer.

**PROPERLY SHREDDED GARBAGE.** Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights of connection and use, and is operated, maintained and controlled by the Village.

**SANITARY SEWER.** A sewer that conveys sewage and polluted industrial wastes, and to which stormwater, surface drainage, groundwater or unpolluted wastewater are not intentionally admitted.

**SEWAGE TREATMENT PLANT.** An arrangement of devices, structures and processes for treating sewage.

**SEWAGE.** A combination of the wastewater from residential, commercial, industrial and institutional buildings together with such groundwater infiltration and surface water inflow that may be in the sewers.

**SEWER.** A pipe or conduit for conveying sewage or any other wastewater, including stormwater, surface water and groundwater drainage.

**SEWERAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage and industrial wastes.

**SLUG.** Any discharge of sewage, industrial waste or other wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

**STATE ACT.** The Illinois Environmental Protection Act effective July 1, 1970 (ILCS Ch. 415, Act 5, §§ 1 through 51).

**STORM SEWER or STORM DRAIN.** A sewer that conveys stormwater runoff and surface water drainage, but excludes sewage and polluted industrial wastes.

**STORMWATER.** Any surface flow, runoff, and drainage consisting entirely of water resulting from any form of natural precipitation.

**STORMWATER DRAINAGE SYSTEM.** The facilities by which stormwater is collected and/or conveyed, including, but not limited to, sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER POLLUTION PREVENTION PLAN.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, receiving waters, and stormwater drainage systems to the maximum extent practicable.

**STORMWATER RUNOFF.** That portion of precipitation which is not absorbed into the ground and which is drained from the ground surface to a natural outlet or watercourse.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage, industrial wastes or other wastewater, the quantity of which is determined by standard laboratory filtering test procedures and referred to as nonfilterable residue expressed in mg/l.

**UNPOLLUTED WASTEWATER.** Wastewater that would not cause any violation of water quality standards of the Water Pollution Regulations of the state when discharged to a natural outlet or watercourse.

**WASTEWATER.** Any water or other liquid, other than uncontaminated stormwater, discharged from any premises.

**WATERCOURSE.** Any stream, creek, brook, branch, natural or artificial depression, slough, gulch, ditch, reservoir, lake, pond, or other natural or man-made drainage way in or into which stormwater runoff and surface water drainage flow either continuously or intermittently.

## **§ 51.02 DEPOSIT OF UNSANITARY SUBSTANCES PROHIBITED**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

Penalty, see § 51.99

## **§ 51.03 DISCHARGE INTO NATURAL OUTLET PROHIBITED**

It shall be unlawful to discharge to any natural outlet or watercourse within any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

Penalty, see § 51.99

## **§ 51.04 PRIVIES AND CESSPOOLS REGULATED**

Except as provided § 51.15 et seq., it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Penalty, see § 51.99

## **§ 51.05 TOILET FACILITIES REQUIRED**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the sewer is within 250 feet of the property line. Penalty, see § 51.99

## **§ 51.06 DISCHARGES PROHIBITED INTO THE DRAINAGE SYSTEM OF ROUTE 47**

The discharge of any sanitary or industrial wastes into any storm drainage system as an appurtenance to Illinois Route 47 or the drainage thereof is prohibited.

Penalty, see § 51.99

## ***PRIVATE SEWAGE DISPOSAL***

### **§ 51.15 PRIVATE SEWAGE DISPOSAL SYSTEM PERMITTED**

Where a public sanitary sewer is not available under the provisions of § 51.05, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

### **§ 51.16 PERMIT REQUIRED**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Official. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Building Official. A permit and inspection fee as required by the Village shall be paid at the time the application is filed.

### **§ 51.17 INSPECTION BY BUILDING OFFICIAL**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Official. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Official when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of written notice by the Building Official.

### **§ 51.18 PRIVATE SYSTEM TO COMPLY WITH STATE REGULATIONS; OTHER RESTRICTIONS IMPOSED**

(A) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state Private Sewage Disposal Licensing Act and Code and with the state Environmental Protection Agency.

(B) No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than the area required by the county health department.

(C) No septic tank or cesspool shall be permitted to discharge to any natural outlet or watercourse.

Penalty, see § 51.99

### **§ 51.19 PRIVATE SYSTEM TO BE SANITARY**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

Penalty, see § 51.99

## **§ 51.20 CONNECTION TO VILLAGE SEWER SYSTEM REQUIRED WHEN AVAILABLE**

At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in § 51.05, the building sewer shall be connected to Village sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with sand or gravel.

Penalty, see § 51.99

## **§ 51.21 ADDITIONAL REQUIREMENTS MAY BE IMPOSED**

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Building Official.

### ***BUILDING SEWERS AND CONNECTIONS***

## **§ 51.30 PERMISSION REQUIRED FOR MAKING SEWER CONNECTION**

No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

Penalty, see § 51.99

## **§ 51.31 DISCHARGES TO BE IN COMPLIANCE**

It shall be unlawful to discharge wastewater to any public sanitary sewer except those wastewaters in compliance with standards promulgated pursuant to the Federal Act, or the State Act, or any applicable rules, regulations set forth in this code or in other ordinances or standards of the Village.

Penalty, see § 51.99

## **§ 51.32 BUILDING SEWER PERMITS**

(A) There shall be two classes of building sewer permits:

- (1) For nonindustrial service; and
- (2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his agent shall make application on a special form furnished by the Village [see Appendix at the end of this chapter]. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Building Official. A permit and inspection fee as established by the Village for a building sewer permit shall be paid to the Village at the time the application is filed. In addition,

an industrial user as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

### **§ 51.33 SEWER CONNECTION NOT TO OVERLOAD SYSTEM**

A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage works, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Penalty, see § 51.99

### **§ 51.34 CONNECTION REQUIREMENTS; BOND AND INSURANCE**

(A) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.

(B) The person installing the building sewer for said owner shall be a plumber or sewer contractor; and he shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by said installation.

(C) Before a building sewer permit is issued, the plumber or sewer contractor shall file with the Building Official an indemnity bond in the amount of \$10,000, with corporate surety licensed to do business in the state, on a bond form supplied by the Village. In addition thereto, the plumber or sewer contractor shall file with the Village Clerk a certificate of insurance covering public liability insurance in the amount of \$100,000/\$300,000 for bodily injury and \$50,000 covering property damage.

Penalty, see § 51.99

### **§ 51.35 SEPARATE CONNECTION REQUIRED FOR EACH BUILDING; EXCEPTION**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Penalty, see § 51.99

### **§ 51.36 OLD BUILDING SEWER USED FOR CONNECTION**

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Director to meet all requirements of this chapter.

Penalty, see § 51.99

### **§ 51.37 BUILDING SEWER SPECIFICATIONS; INSTALLATION**

(A) *Material*

The building sewer shall be extra strength materials approved by the Director.

*(B) Installation*

(1) The building sewer shall not be less than six-inch diameter size pipe installed at a minimum invert slope of 0.125 (1/8) inch per foot, or not less than four-inch diameter size pipe in length of not less than ten feet installed at a minimum invert slope of 0.25 (1/4) inch per foot. Building sewers shall be constructed in accordance with the requirements of the Director as to trench excavation and backfilling, installation of pipe and fittings and testing.

(2) The building sewer pipe shall be bedded on a layer of gravel or crushed stone conforming to ASTM No. 67 specifications, and shall have a minimum thickness of four inches under the pipe barrel and two inches under bells. It shall be carefully placed and compacted around the pipe to provide uniform support to the bottom quadrant.

*(C) Connection*

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified and installation approved by the Director. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, special fittings may be used for the connection when approved by the Director.

*(D) Other installation requirements*

(1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened.

(2) The depth shall be sufficient to afford protection from frost.

Penalty, see § 51.99

## **§ 51.38 LIFTERS AND PUMPING DEVICES**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drains shall be lifted by approved pumping devices and discharged to the building sewer.

Penalty, see § 51.99

## **§ 51.39 RUNOFF AND GROUNDWATER CONNECTIONS PROHIBITED**

No person shall make connection 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 public sanitary sewer.

Penalty, see § 51.99

## **§ 51.40 INSPECTION REQUIRED**

The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representative.

Penalty, see § 51.99

## **§ 51.41 EXCAVATION REQUIREMENTS**

(A) *Barricades and lights.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(B) *Restoration.* Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

(C) *Notification of utilities.* Prior to any excavation, the plumber or sewer contractor shall notify all public and private utility companies.

Penalty, see § 51.99

## ***USE OF THE PUBLIC SEWERS***

## **§ 51.50 STORMWATER AND OTHER UNPOLLUTED WATER DISCHARGES**

(A) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sanitary sewer.

(B) Stormwater runoff that is discharged to ponds, lakes or streams by means of the Village of Huntley's Municipal separate storm sewer system shall be considered as an unpolluted water discharge as regulated by the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Discharge Program and § 51.50(C) of this Ordinance.

(C) Illicit Discharge and Connection

### **1. PURPOSE/INTENT**

The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of the Village through the regulation of non-stormwater discharges to the stormwater drainage system to the maximum extent practicable, as required by federal and state law. This Section establishes methods for controlling the introduction of pollutants into the Village's municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. The objectives of this Section are:

- 1) To regulate the discharge of pollutants to the municipal separate storm sewer system
- 2) To prohibit illicit connections and discharges to the municipal separate storm sewer system
- 3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Section

## **2. DISCHARGE PROHIBITIONS**

### **I. Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the stormwater drainage system or waters of the United States any materials, pollutants, or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

The commencement, conduct, or continuance of any illegal discharge to the stormwater drainage system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this Section: water line flushing, fire hydrant flushing, discharges from potable water sources, landscape irrigation, lawn watering, rising groundwater, groundwater infiltration, uncontaminated pumped groundwater, diverted stream flows, natural riparian habitat and wetland flows, springs, storm sewer cleaning water, street wash water from streets where spills or leaks of pollutants or toxic or hazardous materials has not occurred (unless the pollutants or toxic or hazardous materials have been removed), foundation drains, footing drains, crawl space pumps, air conditioning condensation, non-commercial vehicle washing, routine external building washing that does not use detergents, dechlorinated swimming pool discharges (discharges must contain less than one part per million chlorine), fire fighting activities, and any other water source not containing pollutants or toxic or hazardous materials.
- (b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and all other applicable laws and regulations, and provided that written approval has been granted by the authorized enforcement agency for the discharge to the stormwater drainage system.

### **II. Prohibition of Illicit Connections**

The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this Section if the person connects a line conveying sewage or any other non-stormwater discharge to the MS4, or allows such a connection to continue.

## **3. SUSPENSION OF MS4 ACCESS**

### **I. Suspension Due to Illicit Discharges in Emergency Situations**

The Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized

enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States and to minimize danger to persons.

## II. Suspension Due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this Section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator, in writing, of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person violates this Section if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior written approval of the authorized enforcement agency.

## 4. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an NPDES Construction Site Activities Permit or NPDES Industrial Activities Permit shall comply with all provisions of such permit. Said person shall submit to the Village a copy of the Notice of Intent (NOI) that was provided to the Illinois Environmental Protection Agency (IEPA). Additional proof of compliance with an NPDES Construction Site Activities Permit or NPDES Industrial Activities Permit may be required, in a form acceptable to the Village, prior to the allowing of discharges to the MS4.

## 5. MONITORING OF DISCHARGES

- (a) The authorized enforcement agency shall be permitted to enter and inspect premises subject to regulation under this Section as often as may be necessary to determine compliance with this Section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (b) Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination, copying of records that must be kept under the conditions of an NPDES permit, and the performance of any additional duties as required by state and federal law.
- (c) The authorized enforcement agency shall have the right to set up on any premises such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the premises' stormwater discharge.
- (d) The authorized enforcement agency has the right to require the discharger 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 discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (f) Unreasonable delays in allowing the authorized enforcement agency access to a premises is a violation of this Section. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits a violation of this Section if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Section.
- (g) If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this Section, 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 Section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

## **6. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The authorized enforcement agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the stormwater drainage system, or waters of the United States. The owner, or operator of a commercial or industrial establishment, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal stormwater drainage system or waters of the United States through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

## **7. WATERCOURSE PROTECTION**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **8. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or any person responsible for emergency response for a facility or operation, has information regarding any known or suspected release of materials which are resulting or may result in illegal discharges or in pollutants entering stormwater, the stormwater drainage system, or waters of the United States, said person shall take all necessary steps to ensure the

discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person, by phone, or by facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village within three business days of the phone call or personal notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **9. NOTICE OF VIOLATION**

Whenever the Village finds that a person has violated a prohibition or failed to meet a requirement of this Section, the authorized enforcement agency may order compliance by written Notice of Violation to the responsible person. Such notice may require, without limitation:

- a) The performance of monitoring, analyses, and reporting;
- b) The elimination of illicit connections or discharges;
- c) That violating discharges, practices, or operations shall cease and desist;
- d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e) Payment of a fine to cover administrative and remediation costs; and
- f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be performed by the authorized enforcement agency and the expense thereof shall be charged to the violator.

## **10. APPEAL OF NOTICE OF VIOLATION**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before a hearing officer of the Village, or other designated administrative body, shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the designated hearing officer shall be final.

## **11. ENFORCEMENT**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the designated hearing officer, then the authorized enforcement agency reserves the right to enter upon the subject private property and to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authorized enforcement agency or designee to enter upon the premises for the purposes set forth above.

The authorized enforcement agency may extend the period for corrective action upon a showing of good cause for extension of the corrective action period.

## **12. COST OF ABATEMENT OF THE VIOLATION**

Within 30 days after abatement of the violation by the authorized enforcement agency, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the designated management agency or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this Section shall become liable to the Village by reason of such violation. The liability shall be paid in not more than 12 equal monthly payments. Interest at the rate of prime plus 2 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

## **13. INJUNCTIVE RELIEF**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. If a person has violated or continues to violate the provisions of this Section, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

## **14. COMPENSATORY ACTION**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Section, the authorized enforcement agency may impose upon a violator alternative compensatory actions including, but not limited to, storm drain stenciling, attendance at compliance workshops and cleanup activities.

## **15. VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

## **16. CRIMINAL PROSECUTION**

Any person that has violated or continues to violate this Section shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of not less than \$50.00 and not more than \$500.00 per violation per day.

Each violation and each day upon which an individual violation occurs shall constitute a separate offense.

## **17. REMEDIES NOT EXCLUSIVE**

The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this Section, including sampling and monitoring expenses.

Penalty, see § 51.99

## **§ 51.52 GENERAL PRE-TREATMENT REGULATIONS**

### **Section I - GENERAL PROVISIONS**

**A. Purpose and Policy.** These regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the Village of Huntley. The objectives of these regulations are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To enable the Village to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

**B. Administration.** Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of these regulations. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized Village employee or professional consultant retained by the Village for said purpose.

**C. Abbreviations.** The following abbreviations, when used in these regulations, shall have the designated meanings:

- BOD – Biochemical Oxygen Demand
- BMP – Best Management Practice
- BMR – Baseline Monitoring Report
- CFR – Code of Federal Regulations
- CIU – Categorical Industrial User
- COD – Chemical Oxygen Demand
- EPA – U.S. Environmental Protection Agency

gpd – gallons per day  
IU – Industrial User  
mg/l – milligrams per liter  
NPDES – National Pollutant Discharge Elimination System  
NSCIU – Non-Significant Categorical Industrial User  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
TSS – Total Suspended Solids  
U.S.C. – United States Code

**D. Definitions.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in these regulations, shall have the meanings hereinafter designated.

A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq., as currently in effect, and specifically including any amendments, modifications, or additions thereto after the effective date of these regulations. Reference to any specific section or provision of the Act shall mean any such section or provision as newly designated, re-numbered, or otherwise included in any such amendment, modification, or addition.

B. Approval Authority. The Illinois Environmental Protection Agency.

C. Authorized or Duly Authorized Representative of the User.

(1) For any private entity:

(a) The officer, member, general partner, manager or director in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the entity, including a manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the duty of making major capital investment recommendations, and initiating and directing other comprehensive measures, to assure long-term compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been duly assigned or delegated to the manager in accordance.

(2) For a proprietorship: The proprietor.

(3) If the User is a Federal, State, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his designee.

(4) The individuals described in paragraphs 1 through 3 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 Village.

- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 8-4-2 (A). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- F. Bypass. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
- F. Categorical Pre-Treatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. Categorical Industrial User. An Industrial User subject to a Categorical Pre-Treatment Standard or Categorical Standard.
- H. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- I. Control Authority. The Village of Huntley.
- J. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- K. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- K. Existing Source. Any source of discharge that is not a "New Source."
- L. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- M. Hazardous Waste. Hazardous Waste means any waste so defined by the Act.
- N. Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source. Sometimes also referred to herein as "discharge."
- O. Industrial User. A source of indirect discharge. Sometimes also referred to herein as a "User."

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

Q. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Village's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

R. Local Limit. Specific discharge limits developed and enforced by the Village upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

S. Medical Waste. 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.

T. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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

V. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commences after the publication of proposed Pre-Treatment Standards that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(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 installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located which results in a modification of an Existing 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:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) 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.

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

X. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Village's NPDES permit, including an increase in the magnitude or duration of a violation.

Y. Person. 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.

Z. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

AA. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

BB. Pre-Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pre-Treatment Standard.

CC. Pre-Treatment Requirements. Any substantive or procedural requirement related to Pre-Treatment imposed on a User, other than a Pre-Treatment Standard.

DD. Pre-Treatment Standards or Standards. Pre-Treatment Standards shall mean prohibited discharge standards, Categorical Pre-Treatment Standards, and Local Limits.

EE. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section II. (A.)(2.) of these regulations.

FF. POTW. A Publicly Owned Treatment Works or POTW is a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by a municipality such as the Village. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

GG. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

HH. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.

## II. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to Categorical Pre-Treatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Village on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pre-Treatment Standard or Requirement.

(3) The Village may determine that an Industrial User subject to Categorical Pre-Treatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the Pre-Treatment Standard) and the following conditions are met:

(a) The Industrial User, prior to the Village's finding, has consistently complied with all applicable Categorical Pre-Treatment Standards and Requirements;

(b) The Industrial User annually submits the certified report(s) required by this Article, together with any additional information necessary to support the report(s); and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pre-Treatment Standard or Requirement, the Village may at any time, on its own initiative or in response to a petition received from such User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

JJ. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of these regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, 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.

KK. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

LL. Director. The Director of Public Works for the Village of Huntley. The person designated by the Village to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these regulations. The term also means a Duly Authorized Representative of the Director.

MM. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

NN. User. See "Industrial User," above.

OO. Village. The Village of Huntley, Kane and McHenry Counties, Illinois.

PP. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

QQ. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

## **Section II - GENERAL REQUIREMENTS**

### **A. Prohibited Discharge Standards**

#### **1. General Prohibitions.**

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

b. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes any Pass Through or Interference.

2. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW, or shall process or store in a manner that would or could allow for discharge to the POTW, the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(b) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(c) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the POTW, or other interference with the proper operation of the sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(e) Wastewater having a temperature greater than 157 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(h) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with these regulations;

(i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Village's NPDES permit;

(k) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Non-

contact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director;

(l) Sludges, screenings, or other residues from the Pre-Treatment of industrial wastes;

(m) Medical Wastes, except as specifically authorized by the Director in a wastewater discharge permit;

(n) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(o) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(p) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5 percent (5%) or any single reading over 10 percent (10%)] of the Lower Explosive Limit of the meter. Materials for which discharge is prohibited under this subsection include, but are not limited to, gasoline, kerosene, naptha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, polychlorinated biphenyls, carbides, hydrides, standard solvents and sulfides.

(q) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state or federal regulations.

(r) Materials which exert or cause excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

**B. Categorical Pre-Treatment Standards.** Users must comply with the Categorical Pre-Treatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, as now stated and as hereinafter amended or modified.

1. Where a Categorical Pre-Treatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with sub-sections 5 and 6 below.

2. When the limits in a Categorical Pre-Treatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

3. When wastewater subject to a Categorical Pre-Treatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

4. A CIU may obtain a net/gross adjustment to a Categorical Pre-Treatment Standard in accordance with the following paragraphs of this Section.

a) Categorical Pre-Treatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Village. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

b) Criteria.

i. Either (a) the applicable Categorical Pre-Treatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (b) the Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pre-Treatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

ii. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

iii. Credit shall be granted only to the extent necessary to meet the applicable Categorical Pre-Treatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

iv. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Village may waive this requirement if it finds that no environmental degradation will result.

5. When a Categorical Pre-Treatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Village convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The Village may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in this sub-section, paragraphs (a) (i) through (v) below.

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

i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pre-Treatment 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 Pre-Treatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

b) An Industrial 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 Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in sub-section (a)(iii) of this sub-section. Upon notification of a revised production rate, the Director 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 sub-section (a)(i) of this Section so long as it discharges under an equivalent mass limit.

c) When developing equivalent mass limits, the Director:

- i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pre-Treatment 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 discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with the provisions of these regulations regarding Bypass.

6. The Director may convert the mass limits of the Categorical Pre-Treatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

7. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

8. Many Categorical Pre-Treatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

9. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director 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.

**C. State Pre-Treatment Standards.** Users must comply with Illinois Environmental Protection Agency Pre-Treatment Standards.

**D. Local Pre-Treatment Standards – Local Limits.**

1. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

2. The following local pre-treatment standards are established as Local Limits on pollutants, in order to protect against Pass Through and Interference in relation to the East and West POTW. No User shall discharge wastewater to the East or West POTW containing in excess of the following Daily Maximum Limit:

0.50	mg/l arsenic
4.0	mg/l barium
0.30	mg/l cadmium
2.0	mg/l chromium (total)
1.0	mg/l copper
0.20	mg/l cyanide
0.40	mg/l lead
0.001	mg/l mercury
2.0	mg/l nickel
30	mg/l fats, oil and/or grease, non-polar (non-polar FOG)
0.20	mg/l silver
0.60	mg/l total phenols
2.0	mg/l zinc

In addition, no User shall discharge wastewater to the East POTW containing in excess of the following Daily Maximum Limit:

20	mg/l ammonia
211	mg/l BOD <sub>5</sub>
240	mg/l total suspended solids

3. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations above.

4. The Director may develop Best Management Practices (BMPs), by ordinance or in a wastewater discharge permit, to implement Local Limits and the requirements of this Section.

**E. Village's Right of Revision.** The Village reserves the right at any time to establish, by ordinance or in an individual wastewater discharge permit, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of these regulations.

**F. Dilution.** No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pre-Treatment Standard or Requirement. The Director may impose mass limitations on Users who are using or attempting to use dilution to meet applicable Pre-Treatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

### **Section III - PRE-TREATMENT OF WASTEWATER**

**A. Pre-Treatment Facilities.** Users shall provide wastewater treatment as necessary to comply with these regulations and shall achieve compliance with all Categorical Pre-Treatment Standards, Local Limits, and the prohibitions set out in Section II. of these regulations within the time limitations specified by EPA, the State, or the Director, whichever is more stringent.

1. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.
2. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be approved by the Director before such facilities are constructed.
3. Review of such plans and operating procedures by the Village or by any other regulatory entity shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Village under the provisions of these regulations.

#### **B. Additional Pre-Treatment Measures**

1. Whenever deemed necessary, the Director may require any User to restrict its discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and may impose such other conditions as may be necessary to protect the POTW and to determine and monitor the User's compliance with the requirements of these regulations.
2. The Director may require any person discharging into the POTW to install and maintain, on his property and at his expense, a suitable storage and flow-control facility to

ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, any or all are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at its expense.

4. A User with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **C. Accidental Discharge/Slug Discharge Control Plans**

1. The Director shall evaluate whether each User needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User.

2. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- a) Description of discharge practices, including non-routine batch discharges;
- b) Description of stored chemicals;
- c) Procedures for immediately notifying the Director of any accidental or Slug Discharge in compliance with the requirements of this Article; and
- d) Procedures to prevent adverse impact from any accidental or Slug Discharge, including but 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.

### **D. Hauled Wastewater Discharges Prohibited**

1. Discharge of hauled waste is strictly prohibited at Village of Huntley Wastewater Treatment Facilities.

## **Section IV - WASTEWATER DISCHARGE PERMITS**

### **A. Requirements**

1. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, provided, any Significant Industrial User that has filed a timely and complete application for such permit may continue to discharge as specified in this Section.

2. The Director may require any other User to obtain a wastewater discharge permit as necessary to carry out the purposes of these regulations.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these regulations and subjects the wastewater discharge permittee to the sanctions set out in this Article.
4. Obtaining a wastewater discharge permit does not relieve a User of its obligation to comply with all Federal and State Pre-Treatment Standards or Requirements or with any other requirements of Federal, State, and local law.

**B. Existing Connections.** Any User who was discharging wastewater into the POTW prior to the effective date of these regulations, and who is required by these regulations to obtain a wastewater discharge permit, and who wishes to continue such discharge in the future, shall promptly apply to the Director for a wastewater discharge permit.

1. No such User shall cause or allow any discharge to the POTW after ninety (90) days after the effective date of these regulations, except in accordance with a wastewater discharge permit issued by the Director.
2. For good cause shown, a permit issued by the Director may allow a reasonable period of time, in excess of the ninety (90) day period after the effective date of these regulations, for the User to achieve full compliance with the requirements of these regulations. For purposes of this Section, “good cause” shall include the need to acquire and install specialized equipment for Pre-Treatment of any such discharge.

**C. New Connections.** Any User who proposes to begin or re-commence discharging into the POTW, and who is required by these regulations to obtain a wastewater discharge permit, must obtain such permit prior to beginning or re-commencing such discharge. An application for wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or re-commence.

**D. Application.** Any User required to obtain a wastewater discharge permit must submit a permit application. The application shall include the following information:

1. Identifying Information.
  - a. The name and address of the facility, including the name(s) of the owner(s).
  - b. The name and address of any and all licensed operators employed by applicant.
  - c. Contact information, including telephone and e-mail (if available)
  - d. Description of activities, facilities, and plant production processes on the premises;
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such Use, specifically including a schematic process diagram which indicates the point(s) of discharge to the POTW from the processes.
  - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
  5. The location for monitoring all wastes covered by the permit;
  6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section II. (B)(3) (40 CFR 403.6(e)).
  7. Measurement of Pollutants.
    - f. The Categorical Pre-Treatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - g. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
    - h. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - i. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Section. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
    - j. Sampling must be performed in accordance with procedures set out in these regulations.
  8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge.

9. Any other information as may be deemed necessary by the Director to evaluate the permit application.

10. A certification statement as set out in Section V.(N) below.

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

#### **11. Signatories; Certifications.**

a. All wastewater discharge permit applications and the required certification statement must be signed by an Authorized Representative of the User.

b. If the designation of an Authorized Representative is no longer accurate because a different individual or position has been assigned responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

**E. Decision.** The Director shall review and evaluate any application for individual wastewater discharge permit; may require the submission of additional information needed for a full and complete evaluation of the application; and shall within sixty (60) days of receipt of a complete permit application determine whether to issue the permit. The Director may deny any application for a wastewater discharge permit.

**F. Duration.** A wastewater discharge permit shall be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than three (3) years, at the discretion of the Director. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

**G. Contents.** A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Individual wastewater discharge permits must contain:

a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the Village as required by these regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits, including Best Management Practices, based on applicable Pre-Treatment Standards;

d. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

- e. A reference to the process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with these regulations.
- f. A description of any compliance schedule; provided, any such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- g. A statement of applicable civil and criminal penalties for violation of Pre-Treatment Standards and Requirements, or of any applicable compliance schedule;
- h. Requirements to control Slug Discharge, if determined by the Director to be necessary.
- i. Any grant of a monitoring waiver must be specifically included as a condition in the User's permit.

2. Individual wastewater discharge permits may also contain any or all of the following additional conditions:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of Pre-Treatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- d. A requirement that any industrial user shall control production and/or all discharges to the extent necessary to maintain compliance with all applicable regulations in the event of any 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.
- e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- f. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- g. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- h. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pre-Treatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

- i. Other conditions as deemed appropriate by the Director to ensure compliance with these regulations, and State and Federal laws, rules, and regulations.

**H. Modification.** The Director may modify a 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 Pre-Treatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the Village's POTW, Village personnel, or the receiving waters;
5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from Categorical Pre-Treatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual wastewater discharge permit;  
or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

**I. Transfer**

1. Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director and the Director approves the individual wastewater discharge permit transfer.
2. The notice to the Director must include a written certification by the new owner or operator which:
  - a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
3. Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

## **J. Revocation**

1. The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  - a. Failure to notify the Director of significant changes to the wastewater prior to a change in discharge;
  - b. Failure to provide prior notification to the Director of changed conditions as required by these regulations;
  - c. Failure to notify the Director of any discharge of Hazardous Waste(s) as required by these regulations.
  - d. Failure to notify the Director of any accidental, non-routine, episodic, batch, or Slug Discharge, or any Slug Load, as required by these regulations.
  - e. Misrepresentation or failure to fully disclose all relevant facts in a wastewater discharge permit application;
  - f. Falsifying any self-monitoring report or certification statement;
  - g. Tampering with monitoring equipment;
  - h. Refusing to allow the Director timely access to the facility premises and records;
  - i. Failure to meet any applicable effluent limitation(s);
  - j. Failure to pay any fine;
  - k. Failure to pay any applicable sewer charge;
  - l. Failure to meet any pertinent compliance schedule;
  - m. Failure to complete a wastewater survey or the wastewater discharge permit application;
  - n. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  - o. Violation of any Pre-Treatment Standard or Requirement, or any terms or conditions of a permit, or these regulations.
2. Individual wastewater discharge permits shall be revocable upon cessation of operations or transfer of business ownership.
3. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

**K. Re-issuance.** A User shall not less than ninety (90) days prior to the expiration of the User's existing permit apply for re-issuance of such permit.

## **Section V - REPORTING REQUIREMENTS**

**A. Wastewater Analysis.** When requested by the Director, a User must within any time period specified in such request and, if no time is specified then within 30 days after the date of the request, submit a report of information on the nature and characteristics of its wastewater. The Director is authorized to prepare a form for this purpose and may periodically require Users to update the information called for on the form.

### **B. Baseline Monitoring Reports**

1. A Baseline Monitoring Report shall be due from each existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW. The report shall be due within one hundred eighty (180) days after either the effective date of an applicable Categorical Pre-Treatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later.

2. A Baseline Monitoring Report shall be due from any New Source, and from any source that becomes a Categorical Industrial User subsequent to the promulgation of an applicable Categorical Standard, not less than ninety (90) days prior to commencement of discharge.

3. Each Baseline Monitoring Report shall include the following information:

a. The name and address of the facility, including the name of the operator and owner.

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

c. Production Data. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section II(C) (40 CFR 403.6(e)).

e. Measurement of pollutants.

i. The Categorical Pre-Treatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.

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

iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in these regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.

v. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

vi. Samples should be taken immediately downstream from Pre-Treatment facilities if such exist or immediately downstream from the regulated process if no Pre-Treatment exists. If other wastewaters are mixed with the regulated wastewater prior to Pre-Treatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pre-Treatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

vii. Sampling and analysis shall be performed in accordance with these regulations;

viii. The Director 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 Pre-Treatment measures;

ix. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(6) Compliance Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pre-Treatment Standards are being met on a consistent basis, and, if not, whether additional operational and maintenance measures and/or additional Pre-Treatment measures are reasonably required to meet the Pre-Treatment Standards and Requirements.

(7) Compliance Schedule. If additional Pre-Treatment and/or Operations and maintenance measures will be required to meet the Pre-Treatment Standards, the shortest schedule by which the User will provide such additional Pre-Treatment and/or Operations and Maintenance measures shall be described. Provided, the completion date in such schedule shall not be later than the compliance date established for the applicable Pre-Treatment Standard; and any compliance schedule pursuant to this Section must meet the requirements set out in Section V. (C) of these regulations.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified by an Authorized Representative of the User.

4. In addition, any New Source shall report the method of Pre-Treatment it intends to use to meet applicable Categorical Standards, together with estimates of its anticipated flow and quantity of pollutants to be discharged.

**C. Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by these regulations:

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 Pre-Treatment required for the User to meet the applicable Pre-Treatment 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);

2. No increment referred to above shall exceed nine (9) months;

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

4. In no event shall more than nine (9) months elapse between such progress reports to the Director.

**D. Reports on Compliance with Categorical Pre-Treatment Standard Deadline.**

1. Within ninety (90) days following the date for final compliance with applicable Categorical Pre-Treatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pre-Treatment Standards and Requirements shall submit to the Director a report containing the information described in sub-sections (B)(3)(a)-(e) of this Section.

2. For any User subject to Categorical Pre-Treatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the User's actual production during the appropriate sampling period.

3. All compliance reports must be signed and certified by an Authorized Representative.

4. All sampling will be done in conformance with these regulations.

**E. Periodic Compliance Reports.**

1. All Significant Industrial Users are required to submit periodic compliance reports; in addition, any User which has been designated as a Non-Significant Categorical Industrial User shall also be required to submit periodic compliance reports in order to maintain such designation.

2. Except as otherwise specified below, all Significant Industrial Users must submit reports not less than twice per year (January and July) indicating the nature, concentration of pollutants in the discharge which are limited by Pre-Treatment Standards, and the measured or estimated average and maximum daily flows for the reporting period; provided, the Director may in his sole discretion require more frequent reporting from any permit holder.

3. In any case where the Pre-Treatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pre-Treatment Standard necessary to determine the compliance status of the User.

4. The Village may authorize an Industrial User subject to a Categorical Pre-Treatment Standard to forego sampling of a pollutant regulated by a Categorical Pre-Treatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User, 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 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 three (3) 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. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

d. The request for a monitoring waiver must be signed and certified by an Authorized Representative.

e. 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.

f. Any grant of the monitoring waiver by the Director 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 Director for 3 years after expiration of the waiver.

g. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

- h. 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 notify the Director of such condition, and thereafter comply with the monitoring requirements of this Section, or any other more frequent monitoring requirements imposed by the Director.
        - i. This provision does not supersede the certification processes and requirements established in any applicable Categorical Pre-Treatment Standards.
- 5. The Village may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pre-Treatment Standard or by the State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
  - a. POTW's value for 0.01 percent of the POTW's design dry-weather *hydraulic capacity* of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches
  - b. POTW's value for 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
  - c. POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable Categorical Pre-Treatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of these regulations.
- 6. Reduced reporting shall not apply to the following:
  - a. Any Industrial User that has in the last two (2) years been in Significant Non-compliance, as defined below.
  - b. Any Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the sole discretion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.
- 7. All periodic compliance reports must be signed and certified by an Authorized Representative.
- 8. All wastewater samples must be representative of the User's discharge, or the same may be rejected. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times; and, the failure of a User to keep its monitoring facilities in good working order shall not be grounds for the User to claim that sample results are not representative of its actual discharge.
- 9. If a User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director the results of this monitoring shall be included in any required report.

**F. Reports of Changed Conditions.** Not less than ninety (90) days prior to any significant change to the User's operations or system which may alter the nature, quality, or volume of its wastewater, each User shall in writing notify the Director of the prospective change. The Director may after such notice require the User to submit such information as he may in his sole discretion deem necessary to evaluate the changed condition.

**G. Reports of Discharge Problems**

1. In the case of any discharge, including but not limited to accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or a Slug Load that in each case might cause any potential treatment problem for the POTW, the User shall immediately by telephone and in writing notify the Director of the discharge. The notification shall include the location, type of waste, concentration and volume, if known, and corrective actions taken by the User in regard to the discharge.

2. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these regulations.

3. A notice, on a form to be supplied by the Village, shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of such a discharge; and furthermore, each User shall ensure that all employees, agents or servants whose activities could result in such a discharge are specifically advised of the emergency notification procedure.

4. Significant Industrial Users are required to notify the Director immediately of any changes at the User's facility which may affect the potential for a Slug Discharge

**H. Notice of Violation / Repeat Sampling and Reporting**

1. If any sampling performed by a User indicates any violation, the User shall notify the Director, both by telephone within twenty-four (24) hours of becoming aware of the violation, and in writing as soon as practicable.

2. The User shall also as directed by the Director thereafter both repeat the sampling and submit the results of the repeated sampling to the Director.

3. Repeated sampling by the User is not required if the Village otherwise performs sampling at the User's facility at least once a month; or if the Village performs sampling at the User's location between the time when the initial sampling was conducted and the time when the User or the Village receives the results of analysis of this sampling, or if the Village has performed the sampling and analysis in lieu of the Industrial User.

**I. Notification of Discharge of Hazardous Waste**

1. Any User who commences the discharge of any Hazardous Waste shall notify the Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if

otherwise disposed of, would be a Hazardous Waste under 40 CFR Part 261, subject to the following requirements:

- a. 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).
  - b. 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:
    - i. Identification of the hazardous constituents contained in the wastes,
    - ii. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and
    - iii. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
  - c. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences.
  - d. Any notification under this paragraph need be submitted only once for each hazardous waste discharged.
  - e. Notification of any changed condition must be filed as otherwise required under these regulations.
  - f. The notification requirement in this Section does not apply to pollutants reported by Users subject to Categorical Pre-Treatment Standards under the self-monitoring requirements of these regulations.
2. A discharge of not more than fifteen (15) kilograms of any Hazardous Waste or Wastes shall be exempt from the requirements of this sub-section, during a calendar month in which the discharge occurs, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). No additional notification shall be required for any subsequent month(s) during which the User discharges more than such quantities of any hazardous waste.
3. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. No additional notification shall be required for any subsequent month(s) during which the User discharges more than such quantities of any hazardous waste.
4. 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, a User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

5. In the case of any notification made under this Section, the User shall also certify that it has put in place a program to reduce the volume and toxicity of any such Hazardous Waste(s) generated by it or its operations to the degree it has determined such program to be economically practical.

6. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by either these regulations, a permit issued hereunder, or any applicable Federal or State law.

**J. Requirements for Sampling and Analyses.** All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pre-Treatment Standard. Provided, if 40 CFR Part 136 does not describe or specify sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

**K. Sample Collection**

1. All samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

2. Except as indicated in this sub-section, or unless time-proportional composite sampling or grab sampling is authorized by the Director, a User shall collect wastewater samples using 24-hour flow-proportional composite sampling techniques. Where time-proportional composite sampling or grab sampling is authorized by the Village the samples must be representative of the discharge.

3. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

a. for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;

b. for volatile organics and oil and grease, the samples may be composited in the laboratory.

c. for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies, other composite samples may be authorized by the Village, as appropriate.

4. Grab Samples may be required by the Director to show compliance with Instantaneous Limits.

5. Grab Samples must be obtained for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds.

6. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for any facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Director may authorize a lower minimum.

7. For reports required by paragraph sub-section E of this Section (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pre-Treatment Standards and Requirements

**L. Date of Receipt of Reports.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report at the Director's Office in the Village shall govern.

**M. Recordkeeping**

1. Any User subject to the reporting requirements of these regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under these regulations.

2. Such 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.

3. Such records shall remain available for a period of at least three (3) years; provided, such period shall be automatically extended for the duration of any litigation related to these regulations and concerning the User and/or the Village, or where the User has been specifically notified of a longer retention period by the Director.

**N. Certification Statements.** The following certification statement, signed by an Authorized Representative of the User, is required to be signed and included with any submission of any report due under this Article, as well as with any application submitted for a permit, as specified above: .

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 any knowing violation.

## **Section VI - COMPLIANCE MONITORING**

**A. Right of Entry.** The Director shall have the right to enter the premises of any User at any time to determine whether the User is complying with all requirements of these regulations or order issued hereunder.

1. A User shall allow the Director immediate and ready access to all parts of the User's premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
2. Where a User has security measures in place which require proper identification and clearance before entry into its premises, the User shall inform its security guards that, upon presentation of identification, the Director shall be permitted to enter User's premises without delay.
3. Any temporary or permanent obstruction to immediate and ready access to any pollution control, pre-treatment, discharge or other pertinent facility on User's premises shall be promptly removed by the User at the written or verbal request of the Director and shall not thereafter be replaced. The cost of removing any such obstruction to access shall be borne by the User.
4. Any delay in allowing the Director access to the User's premises shall be a violation of these regulations.

### **B. Sampling and Monitoring Equipment.**

1. The Director may require the User at its expense to install sampling and/or monitoring equipment as reasonably necessary to accomplish the purposes of this Article. Any such sampling and/or monitoring equipment shall be maintained at all times in a safe and proper operating condition, and free of any temporary or permanent obstruction to immediate and ready access to the Director, by the User at its own expense.
2. The Director shall, in the alternative, also have the right in his sole discretion to set up on the User's property such devices as are necessary to conduct sampling and/or monitoring, or metering, of the User's discharge.
3. All devices used to measure wastewater flow and quality shall be calibrated on not less than a bi-annual frequency (every two years) to ensure their accuracy.

**C. Search Warrants.** If the Director has been refused access to a building, structure, or property, or any part thereof by any User, or his immediate and ready access to any pollution control, pre-treatment, discharge or other pertinent facility on User's premises is temporarily or permanently obstructed, and the Director is able to demonstrate in accordance with law sufficient probable cause to believe that there may be occurring thereon or therein a violation of these regulations, or that there is a need to inspect and/or sample either as part of a routine inspection and sampling program of the Village designed to verify compliance with these regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, or any other basis sufficient under law, then the Director may petition a judge of the local circuit court for issuance of, and obtain, an appropriate search warrant.

## **Section VII - CONFIDENTIAL INFORMATION**

A. Information and data on any User, obtained from reports, surveys, permits, and monitoring programs, or from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically states, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or trade processes under applicable State law.

1. Any such statement must be asserted at the time of submission of the information or data.
2. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or any Pre-Treatment program, and in enforcement proceedings involving the User furnishing the report.
3. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.
4. In the event that the Director finds that any information submitted by a User is not to be deemed confidential, the User may within ten (10) days of such determination by the Director file a written appeal with the Village Manager.
  - a. The Village Manager may decide the appeal without a hearing, or may in the alternative, convene a hearing on the appeal, at which the User and the Director may present oral argument on the matter. Such hearing may be chaired by the Village Manager, or his designee.
  - b. The Village Manager shall render a decision on the appeal as soon as practicable.

## **Section VIII - USERS IN SIGNIFICANT NON-COMPLIANCE – PUBLICATION OF NOTICE**

A. The Director shall publish annually, in a newspaper of general circulation in the Village, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Non-compliance with applicable Pre-Treatment Standards and Requirements.

B. For purposes of this section, the term Significant Non-compliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section) and shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pre-Treatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pre-Treatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pre-Treatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a permit or an enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pre-Treatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pre-Treatment program.

## **Section IX - ADMINISTRATIVE ENFORCEMENT ACTIONS**

### **A. Notice of Violation**

1. When the Director finds that a User has violated, or continues to violate, any provision of these regulations, a permit or any order issued hereunder, or any other Pre-Treatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation.
2. Within seven (7) days of the receipt of such notice, the User shall submit to the Director a written explanation of the violation and a plan for the satisfactory correction and prevention thereof. Provided, submission of such an explanation and/or plan in no way relieves the User of liability for any violation occurring before or after receipt of the Notice of Violation.
3. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

**B. Consent Order.** The Director may enter into a Consent Order, an assurance of compliance agreement, or other similar document establishing an agreement with any User responsible for non-compliance. Any such document shall describe each specific action, and a time period for completion thereof, to be taken by the User to correct the non-compliance. Such documents shall expressly be made enforceable through the local Circuit Court.

**C. Show Cause Hearing.** The Director may order a User which has violated, or continues to violate, any provision of these regulations, a permit, or any order issued hereunder, or any other Pre-Treatment Standard or Requirement, to appear before the Director and show cause why an enforcement action should not be taken.

1. Notice of the Show Cause Order shall be served on the User specifying the time and place for the hearing, 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.
2. Notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing.
3. Such notice may be served on any Authorized Representative of the User.
4. A show cause hearing shall not be a prerequisite for, or a bar against, the Village taking any other action against the User.

**D. Compliance Order.** When the Director finds that a User has violated, or continues to violate, any provision of these regulations, a permit, or any order issued hereunder, or any other Pre-Treatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time.

1. If the User does not come into compliance within the time provided, sewer service for the User may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are or have been installed and properly operated by the User.
2. A compliance order also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW.
3. A compliance order may not extend the deadline for compliance established for a Pre-Treatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation, and the legal consequences thereof.
4. Issuance of a compliance order shall not be a prerequisite for, or a bar against, the Village taking any other action against the User.

**E. Cease and Desist Order.** When the Director finds that a User has violated, or continues to violate, any provision of these regulations, a permit, or any order issued hereunder, or any other Pre-Treatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations.

1. Any such cease and desist order may also order the User to:

- a. Immediately comply with all pertinent requirements of law; 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 discharge.
2. Issuance of a cease and desist order shall not be a prerequisite for, or a bar against, the Village taking any other action against the User.

#### **F. Emergency Suspensions**

1. The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or may cause, an imminent or substantial endangerment to the health or welfare of any person or persons.
2. The Director may also immediately, after notice and opportunity to respond, suspend a User's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
3. Any User notified of a suspension of its discharge shall immediately stop or eliminate such discharge.
4. In the event of a User's failure to immediately voluntarily comply with the suspension order, the Director may take such steps as he deems reasonably necessary, including immediate severance of the User's connection to the Village's sanitary sewer system, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals or the environment.
5. The Director may allow the User to re-commence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless formal termination proceedings are initiated against the User pursuant to this Section.
6. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment to any person or persons or the environment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing commenced under this Section.
7. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

#### **G. Administrative Fines**

1. When the Director finds that a User has violated, or continues to violate, any provision of these regulations, a permit or any order issued hereunder, or any other Pre-Treatment Standard or Requirement, the Director may impose a fine upon such User in an amount not to exceed \$1,000.00. Any such fine shall be assessed on a per-violation, per-day basis. In the case of a violation of a monthly or other long-term average discharge limit, a fine shall be assessed for each day during the period of violation.

2. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one and one-half percent (1.5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
3. A User desiring to dispute a fine shall within ten (10) days of being notified of the fine file a written appeal of the amount of said fine with the Village Manager. Provided, the User shall also make payment in full of the fine imposed either prior to or at the time of filing the written appeal.
  - a. The Village Manager may decide the appeal without a hearing, or in the alternative, may convene a hearing on the request, at which the User and the Director may present oral argument on the matter. Such hearing may be chaired by the Village Manager, or his designee.
  - b. The Village Manager shall decide upon the appeal as soon as practicable.
  - c. If after hearing, the Village Manager agrees to reduce the fine, any balance due from the payment made by the User shall be returned to the User.
4. The costs incurred in preparing any administrative enforcement action, such as notice and any orders, shall be added to any administrative fine imposed under this Section.
5. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, the Village taking any other enforcement action against the User.

#### **H. Termination of Discharge**

In addition to the provisions in Section IV. J. of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant 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 Section II. of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section IX C. of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

**I. Elimination of Discharge.** Any user notified of a disconnection of wastewater treatment service under this Section and/or revocation of its wastewater discharge permit shall immediately stop or eliminate the discharge.

1. In the event of a failure of the user to comply voluntarily with the disconnection or revocation order, the Village shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW and/or the wastewater conveyance system, or any danger to individuals.

2. The Director shall reinstate the wastewater discharge permit and/or the wastewater treatment service unless and until the User has submitted to him satisfactory proof of the elimination of the non-complying discharge.

## **Section X - JUDICIAL ENFORCEMENT ACTIONS**

### **A. Injunctive Relief**

1. Whenever the Director finds that a User has violated, or continues to violate, any provision of these regulations, any general or specific permit or order issued hereunder, or any other Pre-Treatment standard or requirement, the Village may petition the local Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which will restrain or compel the specific performance of the permit, order, or other requirement imposed by these regulations on the activities of the User.

2. The Village may also seek such other remedy as may be appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation.

3. A petition for injunctive relief shall not be a bar against, or a prerequisite for, the Village taking any other action against a User.

### **B. Civil Penalties**

1. A User who has violated, or continues to violate, any provision of these regulations, a permit or any order issued hereunder, or any other Pre-Treatment Standard or Requirement shall be liable to the Village for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of violation of a discharge limit expressed in monthly or other long-term average terms, a penalty shall accrue for each day during the period of the violation.

2. The Village may recover reasonable attorneys' fees, court costs, court reporter costs, other expenses of litigation, and any other expenses incurred in connection with, or associated with, enforcement activities under this Article, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village.

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

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

## **C. Criminal Prosecution**

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of \$1,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day.

D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1,000.00 per violation, per day.

## **D. Remedies Nonexclusive**

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

## **Section XI - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **A. Upset**

1. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pre-Treatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for non-compliance with Categorical Pre-Treatment Standards only as provided herein.

3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the User can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(c) The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is first provided orally, a written submission must be provided within five (5) days thereafter):

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5. A User shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pre-Treatment Standards.

6. A User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pre-Treatment 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.

## **B. Pass Through or Interference – Certain Conditions**

1. A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Section II. (A)(1) of these regulations, or the specific prohibitions in Sections II. (A)(2)(c) - (g) and (i) - (p) of these regulations, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference, and that either:

a. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

b. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Village was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

## **C. Allowable Bypass**

1. A User may allow any Bypass to occur which will not result in any violation of any Pre-Treatment Standard or Requirement, or of any condition of a permit issued pursuant to these regulations, but only if the Bypass also is reasonably necessary for essential

maintenance of User's facilities in order to assure efficient and complying operation. Such Bypass is not subject to the notification provisions of this Section.

2. Bypass is otherwise prohibited, and the Director may take an enforcement action against a User for a Bypass, unless

a. The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. Provided, this condition shall not be deemed 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 in this Section.

d. For purposes of this Section, "severe property damage" means substantial physical damage to property, damage to the POTW which causes it 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 to the User caused by delays in production.

3. The Director may approve an anticipated Bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in this sub-section.

4. Notice of Bypass.

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

b. A User shall submit oral notice to the Director of an unanticipated Bypass that exceeds applicable Pre-Treatment Standards within twenty-four (24) hours of the time it becomes aware of the Bypass; provided, the User shall also file written notice of said Bypass with the Director, within five (5) days of the time the User becomes aware of the Bypass.

c. The written notice 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.

d. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

## **Section XII - MISCELLANEOUS PROVISIONS**

## **A. Pre-Treatment Charges and Fees**

1. The Village may adopt reasonable fees for reimbursement of costs of setting up and operating the Village's Pre-Treatment Program, which may include:

- a. Fees for wastewater discharge permit applications including the cost of processing such applications;
- b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- c. Fees for reviewing and responding to accidental discharge procedures and construction;
- d. Fees for filing appeals;
- e. Fees to recover administrative and legal costs (not included in Section 13.1 (B) associated with the enforcement activity taken by the Director to address User non-compliance; and
- f. Other fees as the Village may deem necessary to carry out the requirements contained herein.

2. These fees shall relate solely to the matters covered by these regulations and shall be separate from all other fees, fines, and penalties charged by the Village.

**B. Costs.** Any and all costs for application, permitting, reporting, compliance, compliance equipment or facilities, sampling, analysis, remediation, and any other activities mandated by these regulations, required by the Director, imposed under any permit, or required by law, shall be borne by the User.

**C. Severability.** If any provision of these regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**D. Effective Date.** These regulations shall be in full force and effect as of the date of its passage.

## **§ 51.55 MANHOLE REQUIRED**

(A) Any manufacturing or industrial (as defined by the zoning code) user of the public sanitary sewer system of the Village may be required to install a control manhole together with such necessary meters and other appurtenances to facilitate the observation, sampling and measurement of the effluent at the discretion of the Village.

(B) Where more than one manufacturing or industrial user is located in one building, then each user is required to install a separate control manhole with such necessary meters and other appurtenances to facilitate observation, sampling and measurement of the effluent discharges of the user as provided in this subchapter.

(C) If any existing building is converted to a multi-use building and more than one manufacturing or industrial user is located in the that building, then each user is required to install a separate control manhole with such necessary meters and other appurtenances to facilitate the observation, sampling and measurement of the effluent discharges by the user as provided in this subchapter. The location and construction of the manhole shall be approved by the Village Engineer.

(D) The cost of the installation and construction of the manhole shall be paid by the user. The cost of sampling and testing of the effluent as well as any charge by the Village Engineer to establish and monitor the sampling program shall be paid by the user.

(E) No permit for the use of the Village public sanitary sewer system shall be issued and no connection to the public sanitary sewer system shall be allowed until the manhole has been constructed by the user and approved by the Village Engineer.

(F) Where an existing manufacturing or industrial user is required to install a control manhole, the installation shall be completed within 45 days of the notification.

(G) Failure to timely install the control manhole will result in termination of sanitary sewer service.

Penalty, see § 51.99

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 51.65 INSPECTION PROCEDURES**

(A) The Director and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Director or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Director or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.55.

## **§ 51.66 RIGHT OF ENTRY**

The Director and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair, and maintenance of any portion of the sewerage works lying within the easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **§ 51.98 VIOLATIONS**

(A) Any person found to be violating any provision of this chapter, except § 51.58 and any other section for which another penalty is set forth, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this chapter.

(B) Any person violating any of the provisions of this chapter for which no other penalty is set forth shall become liable to the Village by reason of such violation.  
Penalty, see § 51.99

## **§ 51.99 PENALTY**

(A) Any person who shall continue any violation of any section of this chapter except as it pertains to violations of the Village's General Pretreatment Regulations, for which no other penalty is set forth, beyond the time limit provided for in § 51.98, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not less than \$25 nor more than \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.